

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
JULY 18, 2005**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, July 18, 2005 at the Penn Township Municipal Building. President Rishel called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Rishel, Stauffer, Klunk, Johnson and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Gilbert, Engineer Bortner and Zoning Officer Menges.

PLEDGE OF ALLEGIANCE TO THE FLAG FOLLOWED BY A PERIOD OF SILENT MEDITATION:

All in attendance stood for the Pledge of Allegiance to the flag, which was followed by a period of silent meditation.

ANNOUNCEMENTS:

President Rishel announced that following the public meeting this evening, the Board of Commissioners would convene in an executive session with the Solicitor for the purpose of discussing legal and/or personnel issues.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Charles Bemiller, 56 Little Knoll Drive, requested the Board to provide the procedure that the Township utilizes for eminent domain; if the Township has used eminent domain to take entire properties; and if compensation is given to the property owner. Solicitor Tilley explained the procedure the Township uses and that compensation is based on the appraised value of the land before and after the taking and consideration is given if there are assessments for improvements. If the property owner wants to appeal the amount of compensation offered for the condemnation they can file for a Board of View, which is an appeal before the Court of Common Pleas. Mr. Bemiller would like a complete list of properties that have been taken by eminent domain by the Township in the last ten years. Solicitor Tilley stated that a list can be provided but there are very few properties where the entire property was taken but rather most eminent domains have been for smaller portions of tracts for the construction of streets and other improvements.

Dan Bielawa, Herbert, Rowland, and Grubic, addressed the Board, requesting an update regarding the developer's agreement for the construction of the York Street interceptor. Manager Garvick stated that he sent Mr. Bielawa a letter indicating the status of the negotiations. Manager Garvick reported that he has received a draft agreement from the developers and he will be meeting with the Township's sanitary engineer on Wednesday. Once the agreement is in place and ratified by the Board, then

DEP may be inclined to modify the corrective action plan to allow more connections. According to Manager Garvick the Township received sixty-nine interim connections and the Board has agreed to give them to individuals who have approved building lots. Mr. Biewla also wondered if they could put a note on the plan that sewer is not yet available and still have the plan recorded. Manager Garvick stated that the Columbia Cottages plan is not the only plan being held up because of the sewer problem and that there are other plans waiting for a resolution to the situation for approval.

Mike Ryan, representing B-Street Auto Sales, asked the Commissioners if he would be able to get a temporary solution approved for display parking at the auto sales lot at 916 Baltimore Street, until they can get a land development plan approved. They are requesting a waiver of the LD requirements but if one were needed they would like to be allowed to immediately construct a 20'x 17' area in front of the property to display two cars. This would allow customers to know that there are cars available for purchase. Commissioner Rishel told them they would have to submit a formal request.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the Board of Commissioners June 20, 2005 meeting were approved as submitted.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Klunk

Commissioners Klunk/Stauffer moved to approve Township warrants in the amount of \$926,111.83. Commissioner Klunk abstained for all warrants for vendor number 60 and Commissioner Rishel abstained for all warrants for vendor number 162. Motion carried.

Commissioners Klunk/Stauffer moved to adopt Ordinance No, 630, adopting a new pension plan document for the Penn Township Firefighters. Motion carried 5-0 on a roll call vote.

Commissioners Klunk/Stauffer moved to adopt Resolution No. 611, authorizing the disposition of municipal records in accordance with the Historical and Museum Commission Act 428 of 1968. Motion carried.

Commissioners Klunk/Stauffer moved to deny a request dated June 23, 2005 from Freedom Valley Hanover for a waiver of the sign permit fee. Motion carried.

Public Works Committee - Commissioner Klunk

There were no additions or changes to the Engineer's Report.

Commissioners Klunk/Felix moved to adopt Resolution No. 612 authorizing an Agility Agreement with the Pennsylvania Department of Transportation. Motion carried.

Planning & Recreation Committee – Commissioner Felix

There were no additions or changes to the Zoning Officers report.

The following subdivision and land development plans were formally filed:

- P05 – 11 – Unit 14 Grandview Plaza
- P05 – 12 – Baxter Investment Group, Inc.
- P05 – 13 – La Cucina Restaurant
- P05 – 14 – Hanover Brands, Inc., Slurry Storage Tank Facility

Commissioners Felix/Klunk moved to approve the following land development plan:

- P04 – 06 – Pine Creek Structures
- Motion carried.

Commissioners Felix/Johnson moved to approve the following land development plan:

- P04 – 21 – Isaacs Restaurant
- Motion carried.

Commissioners Felix/Johnson moved to approve the following extension requests that will expire on October 17, 2005:

- P03 – 03 – Bowman Tract Apartments
 - P03 – 15 – Pine Brook Development
 - P03 – 23 – John and Martha Halter
 - P03 – 29 – Bon Ton Builders
 - P04 – 04 – Dave Humbert and Jack Cook
 - P04 – 25 – South Heights
 - P04 – 26 – Stonewicke
- Motion carried.

Commissioners Felix/Johnson moved to approve the following extension request that will expire on August 15, 2005:

- P03 – 21 – Columbia Cottage
- Motion carried.

Commissioners Felix/Klunk moved to approve a request dated June 7, 2005 from Group Hanover, Inc., for waiver of the traffic impact study for 21 Industrial Drive with the stipulation that the impact study be completed prior to the issuance of any Township permits for said location. Motion carried.

Commissioners Felix/Johnson moved to approve a request dated May 16, 2005 from McClarin Plastics for a waiver of the land development requirement for their facility at 15 Industrial Drive. Motion carried.

Commissioners Felix/Klunk moved to deny a request dated July 6, 2005 from B-Street Auto Sales for a waiver of the land development requirement to pave an additional parking area at 916 Baltimore Street. Motion carried.

Personnel Committee - Commissioner Felix

Commissioner Felix stated that the Board is still looking for someone to serve on the Recreation Board and that an application can be picked up at the Township office.

Health & Sanitation – Commissioner Johnson

Commissioners Johnson/Klunk moved to adopt Resolution No. 613 revising the official sewage facilities plan by including the South Western High School Ballfields project. Motion carried.

Commissioners Johnson/Klunk moved to award the centrifuge installation bid to PSI, Pumping Solutions, Inc., York Springs, PA for a bid price of \$28,500.00. Motion carried.

Commissioners Johnson/Klunk moved to award the sludge screw conveyor and sludge/lime mixing screw conveyor bid to Custom Conveyor, Elk River, Minnesota, for a bid price of \$63,375. Motion carried.

Public Safety Committee - Commissioner Stauffer

Commissioners Stauffer/Johnson moved to adopt Ordinance No. 631, amending Section 127-17 of the Penn Township Code pertaining to closing of certain highways to certain vehicles of the Penn Township Code. Motion carried 5-0 on a roll call vote.

Commissioner Stauffer stated that this is for Locust Street from York Street to the Hanover Borough line.

MANAGERS REPORT: There were no additions/corrections to his report.

OLD BUSINESS: None

NEW BUSINESS: None

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

Questions from the press were received and answered.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Klunk/Felix moved for adjournment at approximately 7:19 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary