

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
SEPTEMBER 17, 2007**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, September 17, 2007 at the Penn Township Municipal Building. President Klunk called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Klunk, Stauffer, Felix, Johnson and Heilman. 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 Klunk announced that the public hearing scheduled for this evening to discuss the rezoning of 1403 Baltimore Street had been postponed until November at the request of the applicant, Burkentine and Sons Builders. Anyone that is present for the hearing can present their concerns under the public comment portion of the meeting. President Klunk 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.

RECOGNITION OF EAGLE SCOUT PROJECT:

At this time Commissioner Klunk recognized Steven A. Kimmey, II for the work he did in getting fire hydrants painted in the Township. Mr. Klunk presented Mr. Kimmey a certificate as he read the following: "certificate of recognition, this honor is bestowed upon Steven A. Kimmey, II in recognition of his volunteer service to the residents of Penn Township by organizing volunteers for the painting of the fire hydrants in box area 12, and is awarded this certificate by the Penn Township Board of Commissioners this 17th day of September 2007." Mr. Klunk thanked Mr. Kimmey for the work that he did. Mr. Kimmey thanked those that helped him to achieve this accomplishment, which will help him attain the eagle scout award.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

George Strucco, 33 Sara Lane, Hanover, PA requested that the Commissioners consider conditional approval of the Martin's Ridge Subdivision plan so that the developer can begin construction on his home. Mr. Strucco stated that he put a contract on a lot in the development in March 2003 with construction to begin in the fall of 2003.

He rented a house in 2004 with the intention of only being there a short time while his new home was being constructed. That was one week prior to DEP imposing a sewer moratorium on the Township. The project was put on hold because of the moratorium and in the spring of this year a project was undertaken that would help alleviate the moratorium. Bon Ton Builders has completed the preliminary work on the site for the plan. According to Mr. Strucco, the plan has been ready for approval since July but has been continually not approved because of one problem or another with the new sewer line. Mr. Strucco stated he is still in his temporary housing and has been informed he will need to vacate the home sixty days after it is sold. Mr. Strucco would like conditional approval of the project so that he can move into his new house before the house he is renting is sold.

Tom McVey, 1411 Baltimore Street, wanted the Commissioners to consider rezoning the whole block along Baltimore Street to shopping commercial if they were going to consider rezoning 1403 Baltimore Street. He stated that there is a problem with traffic for the residential homes located along this street and the rezoning of the entire block would be fairer to the current property owners.

Tony Thomas, 1413 Baltimore Street, stated that he was in favor of rezoning the whole block to shopping commercial since as soon as you cross into West Manheim Township it is shopping commercial. He also agreed that the traffic is a problem.

Mike Dewald, 3 East Court, would not like to see 1403 Baltimore Street rezoned to shopping commercial because it abuts the rear of his property. He would have no buffer from the commercial area. Currently he is buffered by the existing homes and Baltimore Street from the shopping commercial zone. When he moved in 19 years ago the entire area was zoned residential. He does empathize with the neighbors that front Baltimore Street.

James Sheehan, property owner of 60 Bowman Road, would like the Board to consider not awarding the demolition bid of his property. He stated that he purchased the property a year ago at a tax sale and has had some problems, which have prevented him from repairing the structure. He would like more time to be able to correct the problems. He stated that the building is structurally sound and is willing to have some one inspect the property to make sure that it is sound.

Michael Mummert, owner of 40 Bowman Road, stated that the property at 60 Bowman Road has been in disarray for seven years. He would not mind a little time be given to the property owner to repair the structure but not the years they have already had. He stated that he is not able to sell his property because of the condition of the neighboring structure. He stated that there have been rats coming from the structure, children seen smoking marijuana along with trash littering the property. He stated that part of the house fell down onto his property at 40 Bowman Road and because no one was able to contact Mr. Sheehan, Mr. Mummert had to collect funds from the insurance company to remove the structure. He stated that the property looks horrible.

Lillian Jarvis, 5 Orion Court, expressed concern about the neighbors riding four wheelers (ATV's) at all hours of the day and any day of the week on the property next to hers. She stated that she is a nervous wreck and cannot sit outside and enjoy her deck. Commissioner Klunk asked that she speak with Police Chief Gilbert following the meeting to see if he can help address her concerns.

David Shearer, 4052 Grandview Road, stated he felt that the Township needed a nuisance noise ordinance if the Township did not have one already because other townships and boroughs have them.

Janice Sheehan, 60 Bowman Road, refuted some of the statements made by the neighbors at 40 Bowman Road.

Doris Myers, 5157 Grandview Road, was concerned about the water coming of the St. Joseph's School property on to her property. She stated that water has run into her basement and ruined the carpet. She may not be able to sell her property because of the problem. She stated that Conewago Contractors has told her that there is not a problem.

Michael Swartz, 5167 Grandview Road, explained that he also gets water in his basement from the school property and that he did not when he purchased his property in 1969. He stated there were no water issues when the property was farmed, and, later, when the church was built. He stated that when they built the addition to the school it created a lot of water run off and that is when the water problem started. He stated that the school was built about 1988.

Dan Goldsmith, 51 Little Knoll Drive, thanked the Commissioners for having the excessive growth in the retention pond located behind his house taken care of.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

Commissioner Johnson noted that the August 20, 2007 minutes under the announcements section on page one should read "Burkentine and Sons" and not "Burkentine and Son". The minutes of August 20, 2007 meeting of the Board of Commissioners were approved as corrected.

PUBLIC HEARING

Commissioner Klunk announced that the purpose of the public hearing is to consider guaranteeing the Penn Township Volunteer Emergency Services loan for a new fire station. The public hearing was properly advertised in the Hanover Evening Sun.

Jeremy Sparks, Captain of the Penn Township Volunteer Emergency Services Association, the newly created volunteer association created from the two former fire companies, the ambulance club and the SCUBA team addressed the Commissioners.

The P.T.V.E.S Association opened bids for the construction of a new fire station. Mr. Sparks did bring along a copy of the plan. The lowest bid for the general contract work was \$3,370,370, the plumbing was \$444,500, and the electrical was \$523,000 for a total of \$4.3 million. There are some other items that include security systems and telephones, which will make the total of the project \$4.9 million. The bids have not been awarded but will be within the month. The station will be located along Clover Lane adjacent to Dr. Lunsford's office and to the rear of Ollie's. It is a four-acre lot with a 30,000 square foot building being proposed. There will be a large engine bay with a tower, office space, bunkrooms and a kitchen. There will be a small piece of undeveloped land to the rear of the property. The building will be residential in appearance.

Manager Garvick stated that the land development plan as been approved and the building is under the commercial review by the Township. Mr. Sparks stated that the contractor should be able to begin within the month.

Mr. Sparks, when questioned by the Board, stated that the original project estimate was \$5.5 million to \$6 million.

Commissioner Heilman stated that the reason the Township is guaranteeing the loan is because the Township is ultimately responsible for fire service to the Township and this will help the fire company stay viable. He does not expect that this ambitious group would have problems paying the loan back.

Mr. Sparks stated that there are no contracts on the current properties but they have sold a small piece of land located near the Frederick Street station. Commissioner Felix noted that it is difficult for the fire company to advertise for the sale of properties since they are not sure when they can vacate them. The proceeds of those sales will be applied to the construction of the new facility. Mr. Sparks noted that none of the current facilities could house all the equipment owned by the association and the Township.

Commissioner Klunk thanked Commissioner Felix for serving as a liaison between the Commissioners and the volunteer association on the building committee. Commissioner Felix thanked the building committee of the fire company for their hard work.

Tony Thomas, 1413 Baltimore Street, stated that Penn Township has a first class fire company and he supports the fire company in the construction of the new fire station.

At this time Commissioner Klunk adjourned the hearing.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the

amount of \$833,556.05. Commissioner Klunk abstained from warrants for vendor #A0060. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated August 1, 2007 from the Hanover Area Jaycees for a waiver of the sign permit fee to place five temporary signs advertising the Halloween Parade. Motion carried.

Manager Garvick explained how the Minimum Municipal Obligations are determined for the following year. Commissioners Heilman/Johnson moved to adopt the uniformed and non-uniformed Pension Plan Minimum Municipal Obligations for 2008. Motion carried.

Commissioners Heilman/Johnson moved to adopt Ordinance No. 667, approving an agreement of guaranty, for the Penn Township Volunteer Emergency Services Inc. term note series of 2007. Motion carried 5-0 on a roll call vote.

Personnel Committee - Commissioner Heilman

Commissioner Heilman had nothing to report.

Public Works Committee -Commissioner Johnson

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

Planning & Recreation Committee – Commissioner Johnson

Zoning Officer Menges noted that his report had been revised to include P07-12 Phase I – Avion subdivision plan for approval.

Commissioners Johnson/Felix moved to deny a request dated July 31, 2007 from Hanover Land Services for a waiver of the sidewalk requirements on Westminster and Cooper roads. Motion carried.

Commissioners Johnson/Felix moved to deny a request dated August 23, 2007 from Bon Ton Builders for a waiver of the sidewalk requirements at 130 Sherman Street. Motion carried.

The following subdivision and land development plans were formally filed:

- P07-23 – Final Subdivision Plan for Walter J. & Mary Lois Danner
- P07-24 – R & R Fitness Real Estate LLC

Commissioners Johnson/Felix moved to approve the following subdivision and land development plans:

- P07-11 – South Heights Manor, L.P.

P07-12 – Phase I – Avion
P07-19 – Victory Freewill Baptist Church
P07-21 – William Trump Subdivision
P07-22 – J.F. Rohrbaugh & Co.
Motion Carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on December 17, 2007:

P03-05 – Breezewood Drive Project
P03-11 – Thornbury Hunt
P06-01 – Burkentine South
P06-20 – Proposed Rutter's Farm Store #6
Motion carried.

Health & Sanitation – Commissioner Felix

Commissioners Felix/Stauffer moved to adopt Resolution No. 663, revising the official sewage facilities plan by including the Hillside Medical Center plan. Motion carried.

Public Safety Committee - Commissioner Stauffer:

Commissioners Stauffer/Heilman moved to approve a request dated August 1, 2007 from the Hanover Area Jaycees requesting permission to hold the annual Halloween parade on October 25, 2007 with a rain date of Monday, October 29, 2007. Motion carried.

Commissioners Stauffer/Heilman moved to deny a request dated August 8, 2007 from Robert F. Hemler for a waiver of the residential street lighting requirements at 440 Park Heights Boulevard. Motion carried.

Commissioners Stauffer/Heilman moved to approve a request dated July 12, 2007 from the Nashville Fire Company for the Hanover/Penn Township Rapid Intervention Team (RIT) to be available to respond on 1st alarm into Station 11. Motion carried.

Commissioners Stauffer/Heilman moved to deny a request dated August 15, 2007 from Romaine Troutman for a waiver of the residential street lighting requirements at 537 Meade Avenue. Motion carried.

Commissioners Stauffer/Heilman moved to set Trick or Treat for Tuesday, October 23, 2007 from 6:00 p.m. to 8:00 p.m. rain or shine. Motion carried.

Commissioners Stauffer/Heilman moved to award the 60 Bowman Road demolition bid to Crouse and Crouse, Littlestown, PA for a bid price of \$12,475. Motion carried.

Commissioner Stauffer/Heilman moved to appoint William Flannery as the Township's interest arbitrator with regard to negotiations with the Police and Fire Unions. After some discussion the motion carried.

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

OLD BUSINESS: None.

NEW BUSINESS:

Commissioners Johnson/Felix moved to adopt a revised open records policy, in conjunction with Act 100 of 2002 to become effective immediately. Motion carried.

Commissioners Johnson/Felix moved that the rezoning hearing for 1403 Baltimore Street be rescheduled for November 19, 2007 as per the request of the applicant Burkentine and Sons Builders. Motion carried.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Tom McVey, 1411 Baltimore Street, questioned where he could research a utility easement. He said he cannot do anything on his property because of this. York County does not have any documentation of this easement. Solicitor Tilley suggested that Mr. McVey contact those individuals that handled his property settlement that they would have a copy of the title search.

George Strucco, 3 Sara Lane, questioned why the web site no longer contained the minutes from the Board of Commissioners meetings.

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

There were no questions from the press.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Stauffer/Johnson moved for adjournment at approximately 7:55 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary