

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
SEPTEMBER 21, 2009**

**CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:**

The Penn Township Board of Commissioners met in a regular session on Monday, September 21, 2009 at the Penn Township Municipal Building. President Prieber called the meeting to order at 7:00 P.M., with a roll call of members. Present were Commissioners Preiber, Heilman, Goldsmith, Rewa, and Felix. Also present were Solicitor Tilley, Manager Garvick, Deputy Police Chief Laughlin, Zoning Officer Menges and Engineer Bortner.

**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 Prieber 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. Commissioner Prieber announced that the Commissioners received an invitation from the York County Commissioners to meet with them on Wednesday with regards to the problems occurring in Penn Township with the countywide radio system.

**PERSONS TO BE HEARD/CITIZENS COMMENTS:** None.

**PUBLIC HEARING:**

At this time President Prieber called to order a public hearing for the purpose of receiving public comment on a flood plain management ordinance and an ordinance of definitions.

Manager Garvick provided the Township staff review and comments. He reported that Penn Township is one of about 20,000 communities nationwide who participates in the National Flood Insurance Program (NFIP) by adopting and enforcing a floodplain management ordinance to reduce flood damage. The NFIP, which is managed by the Federal Emergency Management Agency (FEMA), in return makes federally backed flood insurance available to homeowners, renters, and business owners in the community on a voluntary basis.

The flood insurance is designed to provide an alternative to disaster assistance by reducing the escalating costs of repairing damage to buildings and their contents caused by floods. Flood damage is reduced by nearly \$1 billion a year through communities like Penn Township who implement sound floodplain management requirements along with property owners who purchase the insurance.

In addition to providing flood insurance and reducing flood damages through floodplain management regulations, the NFIP identifies and maps the Nation's floodplains. Mapping flood hazards provides the data needed for floodplain management programs and also to provide updated rates for flood insurance for new construction.

The Township was notified by FEMA in August 2008 that new Flood Insurance Rate Maps and a new Flood Insurance Study were being considered and the Township was provided with these documents. The Study and Rate Maps were subsequently approved by FEMA. In order for Penn and its residents and businesses to remain eligible for the program, it became necessary to create and adopt a flood plain management ordinance consistent with the new regulations, as the current ordinance is outdated and inconsistent in many respects.

The new ordinance was reviewed by the York County Planning Commission on September 1, 2009 and recommended for approval. The ordinance has been properly advertised and is scheduled for adoption later during this meeting. The ordinance specifically requires permitting and inspection by the Township Code Official for any property identified within the floodplain area. Permits shall be issued under the auspices of the Uniform Construction Code. The permit application requires a list of pertinent geographic information as well as professional certification confirming the validity and accuracy of the information.

A review of the application is also required by the Conservation District in which the parcel lies. The ordinance contains special requirements for constructing within the floodway area, special floodplain area, and the general floodplain area. The regulations shall apply to both residential and non-residential uses, as well as accessory structures. It shall also govern placement of utility installations, streets, dangerous chemicals, manufactured housing, hospitals, nursing homes and jails/prisons.

In conjunction with the adoption of the Floodplain Management Ordinance we will also be adopting a revised Ordinance of Definitions, which has been prepared, reviewed and advertised, along with the Floodplain Management Ordinance, in accordance with the PA Municipalities Code. The Ordinance of Definitions contains meanings, references and descriptions of terms dealing not only with the Floodplain Management Ordinance but also many other township ordinances.

Staff recommends proceeding with the adoption of the Ordinance and we are available to answer any questions or concerns you might have regarding the document. Our thanks to the solicitor for his work in preparing the ordinance.

Commissioner Heilman noted that one municipality near Lake Meade adopted a flood plain ordinance which will require residents to buy insurance for a couple thousand dollars a year if required by the bank for mortgage purposes. There have been minimal changes to the Township's maps but there are some areas within the Township that are prone to flooding.

With no public comment the public hearing portion of the meeting was adjourned at 7:09.

## **APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:**

The minutes of the August 17, 2009 meeting of the Board of Commissioners were approved as submitted.

## **TOWNSHIP REPORTS - STANDING COMMITTEES:**

### **Public Safety Committee - Commissioner Felix:**

Commissioners Felix/Heilman moved to approve a request dated August 1, 2009 from the Hanover Area Jaycees requesting permission to hold the annual Halloween parade on October 29, 2009, with a rain date of Monday, November 2, 2009. Motion carried.

Commissioners Felix/Heilman moved to set trick or treat night for Tuesday, October 27, 2009 from 6:00 p.m. to 8:00 p.m. Motion carried.

Commissioners Felix/Heilman moved to approve a request dated July 13, 2009 from the South Western Band Boosters for the use of barricades and fire police at their Cavalcade of Bands competition on Saturday, October 31, 2009. Motion carried.

### **Personnel Committee - Commissioner Heilman:**

Commissioner Heilman had nothing to report.

### **Finance Committee – Commissioner Heilman:**

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$1,886,114.42. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated August 17, 2009 from the Penn Township Lions Club for a waiver of the sign permit fee to advertise a chicken barbeque on September 12, 2009. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated August 1, 2009 from the Hanover Area Jaycees for a waiver of the sign permit fee to place five temporary signs advertising the Halloween Parade. Motion carried.

Commissioners Heilman/Felix moved to adopt Resolution No. 712 appointing delegates to the York Adams Tax Collection Committee. Motion carried.

Commissioners Heilman/Goldsmith moved to approve the 2010 Minimum Municipal Obligations for the Fire Fighter's, Uniformed, and Non Uniformed Pension Plans. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated September 3, 2009 from the Hanover Area Jaycees for a waiver of the sign permit fee to advertise a chicken barbeque on September 12, 2009. Motion carried.

Public Works Committee - Commissioner Goldsmith

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

Commissioners Goldsmith/Rewa moved to adopt Resolution Numbers 714, 715, and 716 approving the traffic signal plan for the Gateway Hanover Plan. Motion carried.

Planning & Recreation Committee – Commissioner Felix:

There were no additions to the Zoning Officers Report.

The following subdivision plans were formally filed:

P09-18 – Gary E. and Nancy A. Martin

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

P09 -14 – 670 Baer Avenue Townhouses

P09 -16 – Verizon Wireless – Blooming Grove Road

Motion carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on December 21, 2009:

P03 - 05 – Breezewood Drive Project

P09 - 10 – American Home Contractors, LLC.

Motion carried.

Commissioners Felix/Goldsmith moved to approve a request dated August 18, 2009 from High Pointe LLC requesting a waiver of Article 5, section 509 (a) double frontage lot for the High Pointe at Rojen North amended plan. Motion carried.

Commissioners Felix/Goldsmith moved to adopt Ordinance No. 704 Ordinance of Definitions. Motion carried on 5-0 roll call vote.

Commissioners Felix/Goldsmith moved to adopt Ordinance No. 705, Flood Plain Ordinance. Motion carried on a 5-0 roll call vote.

Health & Sanitation – Commissioner Rewa

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 713, revising the official sewage facilities plan by including the Promise Land Investments (670 Baer Avenue Townhouses) subdivision plan. Motion carried.

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

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CITIZEN'S QUESTIONS TO THE COMMISSIONERS REGARDING DISCUSSION ITEMS:**

Janice Farley, 6 Newberry Street, wanted clarification on the requirements to install residential streetlights. The Commissioners explained that a residential street light ordinance has been in effect for many years for all newly constructed homes, but they were not requiring homes built prior to the ordinance to install lights.

Jedediah Lurz, 554 Baltimore Street, requested an explanation on why trick or treat night was not held on Halloween. It was explained that it was traditionally held the Tuesday prior to the Halloween parade in order to coordinate with neighboring municipalities the local Halloween activities into one week. In addition, it allows increased coverage and visibility by Penn Township police and fire if it is on a scheduled night and time. Mr. Lurz also expressed concern that he was charged with a crime by a Penn Township police officer for something he feels was unjustified. Mr. Lurz wants the officer disciplined but Solicitor Tilley informed the resident that since there are pending charges against him by the Penn Township Police Department he should consult his attorney about his legal rights on how to pursue litigation against the officer and or the department.

**QUESTIONS FROM PRESS:** Questions from the press were received and answered.

**ADJOURNMENT:**

There being no further business to come before the Board, Commissioners Heilman/Goldsmith moved for adjournment at approximately 7:24 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary