

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
OCTOBER 15, 2007**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, October 15, 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, 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:

Lillian Jarvis, 5 Orion Court, expressed concern about the neighbor's children that ride all terrain vehicles (ATV's) in their yard. She is concerned about the resulting dust and noise that is disrupting the enjoyment of her property. She stated that many of her neighbors have expressed concern about the use of the vehicles and the children's behavior. Commissioner Klunk stated that Township staff is reviewing other municipalities' noise and nuisance ordinances in order to possibly draft regulations to help alleviate similar problems around the Township. Solicitor Tilley stated that noise ordinances are difficult to enact and are hard to regulate and enforce. There are constitutional issues that make the process difficult. Solicitor Tilley also stated that the neighbors should document the problem using a video camera or other recording technology. He stated that the courts have tried to reach a balance on the reasonable use and enjoyment of a person's property versus the neighbor's reasonable use and enjoyment of their property. He felt that they might want to exercise a remedy among themselves to exercise their rights for their property because it may be more successful than the Township pursuing a noise ordinance. He noted that there are neighbor mediation services in York that they may try which could help resolve the issues. Commissioner Klunk stated that it would be difficult for the Board to devise an ordinance but they will review all the options available to them.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of September 17, 2007 and October 1, 2007 meetings of the Board of Commissioners were approved as presented.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the amount of \$1,093,086.59. Commissioner Klunk abstained from warrants for vendor #A0060. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated September 5, 2007 from the Hanover Area Lions Club for a waiver of a sign permit fee. Motion carried.

Personnel Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to accept Christopher Wolf into the Non Uniformed Pension Plan effective October 9, 2007. Motion carried.

Commissioners Heilman/Johnson moved to accept Joseph Wysocki into the Fire Fighters Pension Plan effective October 8, 2007. Motion carried.

Commissioners Heilman/Johnson moved to accept the immediate resignation of Paul McAndrew from the Civil Service Commission. Motion carried.

Commissioners Heilman/Johnson moved to remove William Bruck as the Township's alternate sewage enforcement officer. They further moved to appoint W. Keith Fralic as the Township's alternate sewage enforcement officer. Motion carried.

Public Works Committee -Commissioner Johnson

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

Planning & Recreation Committee – Commissioner Johnson

The following subdivision and land development plans were formally filed:

- P07-25 – Harold H. & Darthea L. Dusman
- P07-26 – Hostetter Subdivision
- P07-27 – Sterling Brown

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

P07-23 – Final Subdivision Plan for Walter J. and Mary Lois Danner
Motion Carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on January 21, 2008:

P03-03 – Bowman Tract Apartments
P03-15 – Pine Brook Development
P03-23 – John & Martha Halter
P04-25 – South Heights
P04-26 – Stonewicke
P05-21 – Hillside Medical Center
P06-23 – Brookside Avenue Townhouses
P07-10 – 735 Frederick Street Land Development Plan.
Motion carried.

Commissioners Johnson/Felix moved to approve a request dated September 4, 2007 from Hanover Land Services for temporary waiver of the curb and sidewalk requirements for Walter and Mary Lois Danner Subdivision. Motion carried.

Commissioners Johnson/Felix moved to deny a request dated September 6, 2007 from Shultz Foods for a waiver of land development requirements to alter their existing unloading area. Motion carried.

Commissioners Johnson/Felix moved to deny a request dated September 14, 2007 from Harold and Darthea Dusman for a waiver of the curb, sidewalk and road widening requirements for their final subdivision. Motion carried.

Commissioners Johnson/Felix moved to approve a request dated September 12, 2007 from Kenneth Martz for a temporary waiver of the curb and sidewalk requirements at 783 Blooming Grove Road. Motion carried.

Commissioners Johnson/Felix moved to deny a request dated September 26, 2007 from Group Hanover, Inc for a waiver of land development requirements for Hawk Creek Labs. Motion carried.

Health & Sanitation – Commissioner Felix

Commissioner Felix had nothing to report.

Public Safety Committee - Commissioner Stauffer:

Commissioners Stauffer/Heilman moved to approve the 2008 Hemler/ACS Animal Control Service Agreement. Motion carried.

Commissioners Stauffer/Heilman moved to approve the 2008 shelter agreement with Susquehanna Stray Animal Shelter. Motion carried.

Commissioners Stauffer/Heilman moved to adopt Ordinance No. 668 amending Section 307 of the International Fire Code. Motion carried on a 5-0 roll call vote.

Commissioners Stauffer/Heilman moved to adopt Ordinance No. 669 amending Section 127-25, Parking Prohibited At All Times, of the Penn Township Code. Motion carried on a 5-0 roll call vote.

Commissioners Stauffer/Heilman moved to adopt amendments to the Penn Township Civil Service Rules and Regulations. Motion carried.

Commissioners Stauffer/Heilman moved to adopt Resolution No. 664 for streetlights in the Oaks Development. Motion carried.

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:

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 7:19 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary