

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
NOVEMBER 21, 2011**

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

The Penn Township Board of Commissioners met in a regular session on Monday, November 21, 2011 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 Prieber, Heilman, Goldsmith and Felix. Commissioner Rewa was absent with notice. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, Zoning Officer Menges and Township 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.

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

The minutes of the October 17, 2011 meeting of the Board of Commissioners were approved as submitted.

**PERSONS TO BE HEARD CITIZENS COMMENTS:**

Byron Bankert, 111 Hirtland Avenue, stated that he has lived at his home in Penn Township for twenty-three years. He is having problems with cats in his neighborhood and he set a live trap and caught one. He contacted the Township about getting rid of the trapped cat and was told to contact the animal control officer who told him that he can't pick up the cat. He was advised to take the cat to the SPCA. The ACO advised him there are no laws in PA regarding registration and ownership of cats. He then contacted Senator Waugh's office who provided him with the same information. He is concerned because he was charged by the SPCA for dropping off the animal. He would also be responsible for expenses if he were to be scratched or injured trying to get rid of the cat. Manager Garvick stated that cat control and identification would be at the expense of the municipality as there are no laws in PA that restricts or requires licensing of cats. He explained the animal control officer could trap the animals and take them to the SPCA but it would cost the Township to have the animals trapped, transported and accepted by the SPCA. The Township could not recover return-to-owner fees since there technically is no ownership of a cat, unless someone voluntarily has their cat micro-chipped or tagged.

Solicitor Tilley stated that the Township has no authority to collect funds from cat owners or control cats in the Township. Mr. Bankert was told that he could prosecute for trespassing on

his property if the neighbor comes and lets the cat out of the trap. The Commissioners will contact Representative Tallman and Senator Waugh about why dogs are controlled and cats are not, and what can be done to help alleviate the situation. We will also check with other municipalities in York County to see if anyone else may have legislation controlling cats.

**TOWNSHIP REPORTS - STANDING COMMITTEES:**

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to adopt Resolution No. 769 adopting an Emergency Operations Plan. Motion carried unanimously.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to accept the resignation of Robert Garrett from the Penn Township Planning Commission effective November 3, 2011. Motion carried unanimously.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$1,819,028.15. Motion carried unanimously.

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 729 amending and modifying the General Obligation Note, series 2006. Motion carried unanimously on a roll call vote.

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 730, Penalties for Violations of Township Ordinances. Motion carried unanimously on a roll call vote.

Commissioners Heilman/Goldsmith moved to award the sale of the 1986 International 10 Wheel Dump truck bid to Troy Miller, Spring Grove, PA for a bid price of \$3,000. Motion carried unanimously.

Commissioners Heilman/Goldsmith moved to award the sale of the emergency generator bid to Elvin Sensenig, East Earl, PA for a bid price of \$10,200. Motion carried unanimously.

Commissioners Heilman/Goldsmith moved to award the Lakeside fine screen bid to Earl E. Weaver, Lewistown, PA for a bid price of \$1,500.00. Motion carried unanimously.

Manager Garvick gave the first reading of the 2012 budget. He stated that projected General Fund revenue is \$9,606,021 with projected expenses being \$10,145,353. Manager Garvick reported that Highway Aid Fund is balanced with \$425,194 in revenues and expenditures and the Sewer Revenue Fund is balanced with \$6,966,000 in revenues and expenditures. The budget will be on public display on December 6, 2011.

Public Works Committee – Commissioner Goldsmith:

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

Commissioners Goldsmith/Heilman moved to adopt Ordinance No. 727, the Ordinance of Definitions. Motion carried unanimously on a roll call vote.

Commissioners Goldsmith/Heilman moved to adopt Ordinance No. 728, the Stormwater Management Ordinance. Motion carried unanimously on a roll call vote.

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to adopt Resolution No. 768 authorizing the implementation of an Intermunicipal Comprehensive Plan between the Township of Penn and the Borough of Hanover. Motion carried unanimously.

Commissioners Felix/Goldsmith moved to approve a request dated October 6, 2011 from Hanover Land Services for a temporary waiver of the curb, sidewalk, bufferyard and street width requirements for Giovanni's Pizza. Motion carried unanimously.

Commissioners Felix/Goldsmith moved to approve a request dated October 6, 2011 from Johnston and Associates for a temporary waiver of the sidewalk requirements for York Street Beverage. Motion carried unanimously.

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

The following subdivision and land development plans were formally filed:

P11-14 - York Street Beverage  
P11-15 - Jackie A. & Mary L. Hoffman

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on January 16, 2012:

P11-07 - Snyder's - Lance, Inc. Research and Development Center  
Motion carried unanimously.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on February 20, 2012:

P01-28 - High Point @ Rojen Farms  
P03-30 - Mustang Pointe  
P11-11 - Yazoo Mills, Inc.  
Motion carried unanimously.

Health & Sanitation – Commissioner Goldsmith:

Commissioners Goldsmith/Heilman moved to adopt Resolution No. 770 revising the official sewage facilities plan by including the York Village Apartment plan. Motion carried unanimously.

Commissioners Goldsmith/Heilman moved to adopt Resolution No. 771 revising the

official sewage facilities plan by including the Yazoo Mills Plan. Motion carried unanimously.

**MANAGERS REPORT:**

Manager Garvick informed the Commissioners about an emergency situation that occurred at the Waste Water Treatment Plant when one of the construction employees went into cardiac arrest. Employees Bill Mahone, Doug Wantz and Steve Shaffer performed CPR on the individual until emergency responders arrived. The gentleman was flown to Hershey Medical Center for surgery.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS:** None.

**QUESTIONS FROM PRESS:** None.

**ADJOURNMENT:**

There being no further business to come before the Board, Commissioners Heilman/Goldsmith moved for adjournment at approximately 7:29 P.M. Motion unanimously carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary