

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
DECEMBER 15, 2008**

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

The Penn Township Board of Commissioners met in a regular session on Monday, December 15, 2008 at the Penn Township Municipal Building. Vice 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 Rewa. Commissioner Johnson was absent without notice. Also present were Solicitor Tilley, Manager Garvick, Acting Police Chief Rhodes, 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.

**REORGANIZATION:**

Commissioners Heilman/Goldsmith moved to nominate Craig Prieber to the office of President of the Penn Township Board of Commissioners. Motion carried.

Commissioners Rewa/Goldsmith moved to nominate Phillip Heilman to the office of the Vice President of the Penn Township Board of Commissioners. Motion carried.

**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.

**PERSONS TO BE HEARD/CITIZENS COMMENTS:**

Edward Jenkins, 216 Azalea Drive expressed concern about the reorganization of the Board, the replacement of Commissioner Johnson, the increase of real estate taxes and sewer rates, and the proposed ball field located behind his house. Solicitor Tilley informed Mr. Jenkins about the procedure for choosing a president of the Board. President Prieber stated that his other concerns could be addressed at the appropriate Committee meetings.

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

The minutes of the November 17, 2008 meeting of the Board of Commissioners were approved as submitted.

**TOWNSHIP REPORTS - STANDING COMMITTEES:**

Public Safety Committee - Commissioner Heilman:

Commissioner Heilman had nothing to report.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to accept the resignation of David Spector from the Penn Township Zoning Hearing Board effective immediately. Motion carried.

Planning & Recreation Committee – Commissioner Goldsmith:

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

The following subdivision plans were formally filed:

P08-18 – Marie Klunk/Robert and Joann Dickerson  
P08-19 – Aquaphoenix Scientific

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

P08 -13 – Hanover Orthopedic  
Motion carried.

Commissioners Goldsmith/Heilman moved to approve the following extension requests that will expire on March 16, 2009:

P03-05 – Breezewood Drive Project  
P07-24 – R & R Fitness Real Estate LLC  
P08-08 – Arby's and Toms Convenience Store  
Motion carried.

Commissioners Goldsmith/Heilman moved to approve a request dated October 16, 2008 from Homewood at Plum Creek for a waiver of the land development requirements for an addition to an existing structure. Motion carried.

Commissioners Goldsmith/Heilman moved to deny the request to rezone thirteen parcels located at 1403 Baltimore Street to 1453 Baltimore Pike from R-15 Residential to S-C Shopping Commercial for the following reasons:

- (1) The properties are designated as Medium Density Residential on the Future Land Use Map in the Township's 2001 Comprehensive Plan. To rezone these parcels now would not be generally consistent with the Comprehensive Plan as

required by Section 603.(j) of the PA Municipalities Planning Code.

- (2) The minimum lot area required in the S-C Zone is 20,000 square feet. The majority of the lots do not comply with this requirement. Consequently, the required minimum building setbacks (50 ft. – Front; 20 ft. – Side; and 35 ft. – Rear), along with the required landscaping, bufferyards, and parking, will hinder the commercial development of an individual lot within this proposed rezoning site. Further, the lots and the dwellings on them would become non-conformities.
- (3) There is an adequate amount of S-C Shopping Commercial land already zoned appropriately. There are two large shopping centers already located on the south side of the township so there is no apparent need to add these thirteen existing residential properties to the S-C Zone.
- (4) Because of the size of the lots and the relative closeness to the adjacent residential properties located behind them, development of these thirteen lots as Commercial could create a proximity conflict regardless of screening and buffering.
- (5) The basis for the rezoning request is not for an alternative land use but rather for economic gain, as the testimony of the applicants indicated, that is, to provide options to sell the land as commercial and not residential.

Motion carried.

#### Finance Committee - Commissioner Heilman

Commissioners Heilman/Rewa moved to approve Township warrants in the amount of \$862,048.85. Motion carried.

Commissioners Heilman/Rewa moved to approve a request dated December 1, 2008 from the West Manheim Lions Club for a waiver of the sign permit fees to advertise their Christmas tree sale. Motion carried.

Commissioners Heilman/Rewa moved to approve a request dated October 31, 2008 from South Western School District for a waiver of the sign permit fees to place banners for a Student Council conference. Motion carried.

Commissioners Heilman/Rewa moved to approve a request dated October 16, 2008 from the Hanover Soccer Club for a waiver of the sign permit fees to advertise their registration night. Motion carried.

Commissioners Heilman/Rewa moved to approve a request dated November 16, 2008 from Exit Realty for a waiver of the sign permit fees to advertise their charitable food drive. Motion carried.

Public Works Committee - Commissioner Goldsmith

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

Health & Sanitation – Commissioner Rewa

Commissioner Rewa announced that Christmas Wrap Recycling would be held on December 26, 27, 29, and 30 at the Waste Water Treatment Plant.

He also announced that Christmas tree pick up would be held the week of January 19.

**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 Goldsmith/Rewa moved for adjournment at approximately 7:11 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary

**MINUTES  
BOARD OF COMMISSIONERS' PUBLIC MEETING  
DECEMBER 29, 2008**

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

The Penn Township Board of Commissioners met in a regular session on Monday, December 29, 2008, at the Penn Township Municipal Building. President Prieber called the meeting to order at 6:00 P.M. with a roll call of members. Present were Commissioners Prieber, Heilman, Goldsmith and Rewa. Also present was Manager Garvick.

**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:**

Commissioner Prieber read the announcement of the executive session held following the Board of Commissioners meeting on December 15, 2008.

**PERSONS TO BE HEARD/CITIZENS COMMENTS:**

Zachary Koble, 5217 Calverton Drive, Raleigh, North Carolina, stated that he was attending the meeting in order to satisfy one of the requirements to earn his Cub Scout badge. He is a member of Cub Scout Pack 350.

**PUBLIC HEARING 2009 BUDGET:**

Commissioner Heilman conducted the public hearing for the 2009 budget.

The Commissioners all commented that this was a difficult budget year due to the strained economy. It was indicated that they made budget cuts and sacrifices where they could. They did not want to raise the real estate tax because of the economy but noted that the rate is actually the same as it was three years ago. Manager Garvick reported that the property tax was decreased three years ago from 2.3 mills to 1.99 mills because of anticipated revenue from the Emergency Municipal Services Tax but that revenue has dwindled due to both the economy and regulations from the state amending how the tax is applied and collected.

Commissioner Heilman noted that the Board conducted several meetings with regards to the budget and cut back were appropriate and practical without cutting the current level of service. The Township had a decrease in projected revenue in 2008

because of the economy.

There were no Penn Township residents at the meeting who wished to comment on the 2009 Budget.

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 694, the 2009 Budget. Motion carried on a roll call vote.

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 695 setting the Real Estate Tax rate for 2009 at 2.30 mills. Motion carried.

Commissioners Heilman/Goldsmith moved that the Manager be authorized to balance all 2008 funds by transferring surplus funds to those accounts showing deficits. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 694 setting the rates of pay and various benefits for Management and compensation for other non-contracted personnel for the calendar year 2009. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 695 providing a schedule of fees for permits and services provided by Penn Township. Motion carried.

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

##### Finance Committee - Commissioner Heilman

Commissioners Heilman/Goldsmith moved to approve Township Warrants in the amount of \$479,508. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 696 appointing Beard Miller Company as Township Auditor and setting compensation for services rendered. Motion carried.

##### Personnel Committee - Commissioner Heilman

Commissioners Heilman/Goldsmith moved for the reappointment of Albert D. Sterner to a one-year term on the Penn Township Vacancy Board. Motion carried.

##### Public Works Committee - Commissioner Goldsmith

Commissioner Goldsmith had nothing to report.

##### Planning & Recreation Committee - Commissioner Goldsmith

Commissioner Goldsmith had nothing to report.

Health & Sanitation - Commissioner Rewa

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 697 approving the York County Hazard Mitigation Plan. Motion carried.

Public Safety Committee – Commissioner Heilman

Commissioner Heilman had nothing to report.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Commissioners Rewa/Goldsmith moved for the adoption of Ordinance No. 696 Setting the Time and Place of the Regular Meetings of the Penn Township Board of Commissioners for 2009. Motion carried on 4-0 roll call vote.

The Board of Commissioners announced that they would be holding a public meeting for the purpose of conducting interviews for the vacant commissioner position during the week of January 12, 2009 beginning at 6:30 PM.

**PERSONS TO BE HEARD/CITIZENS COMMENTS:**

None

**QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:**

There was no press present for the meeting.

**ADJOURNMENT:**

There being no further business to come before the Board, Commissioners Rewa/Goldsmith moved for adjournment at approximately 6:13 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers  
Township Secretary