

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
DECEMBER 18, 2006**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, December 18, 2006 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, Johnson, Felix and Heilman. Also present were Solicitor Jones, 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 a meeting of the personnel committee was held on December 13, 2006 for the purpose of discussing performance evaluations. Also, 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.

STATEMENT OF CENTER STREET IMPROVEMENTS:

Commissioner Klunk read aloud the following press release: "Penn Township has not exercised its eminent domain authority regarding the Heston property located at the intersection of Center Street and York Street (Rt. 116) for intersection improvements. If the Township considers eminent domain, it must do so at a public meeting. The Township has not even begun such discussions, and certainly has not decided to use eminent domain powers to acquire the Heston property. Recent publicity regarding the possible use of eminent domain in this matter seems to be related to grandstanding than to the reality of events in Penn Township. The Penn Township Board of Commissioners is concerned that the persistence of rumors regarding eminent domain issues might confuse the public. Penn Township is asking the press to publicize that Penn Township has not taken any steps to exercise eminent domain, and the rumors to the contrary are incorrect." Copies were provided to the press.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

William Heston, 823 Center Street, stated he was informed by the Township that his property would be taken by eminent domain and that York County Commissioner

Steve Chronister was here to speak on his behalf.

Steve Chronister, 2310 Fairview Drive, York, York County Commissioner, stated that he was here as an individual and was not representing the views of the York County Commissioners. He is representing the Hestons and their children. He has a background in developing real estate and served as a Township Supervisor for twelve years before becoming a County Commissioner. He is here to ask that the Heston property not be taken by eminent domain but rather to request that the developer be made to negotiate with the Hestons. He stated that eminent domain will be a long drawn out process like it has been in York County with the Lauxmont Farm. The Hestons are seeking legal advice from the same law firm representing the Kohr's. He stated that the land development plan is worth five to ten million dollars to the developer. He also stated that "these people (Hestons) were willing to sell for fair market value, for appraised value, when it goes to a jury its going to be just compensation, it going to be replacement value, they are going to be compensated their attorney's fees" The responsibility needs to be put back on the developer. He felt that the Board of Commissioners should tell the Hestons that they would not be taking their house by eminent domain.

Ron Kohr then informed the Board that his family owns Lauxmont Farms and that the Commissioners should tell the Hestons they are not considering taking their property by eminent domain. He mentioned other eminent domain cases through York County and the unsuccessful reelection of those officials who approved it.

Linda Madison, 2112 Smith Station Road, formerly, 10 South Center Street, stated that she owned the house opposite the Heston's and was told by Mr. Burkentine that if she did not sell the property he would pursue eminent domain. She sold her house and since then Mr. Burkentine has been renting the home.

Laura Kohr, Lauxmont Farms, requested that the Commissioners not take the Heston's property through eminent domain.

Greg Smith, 721 Bankert Road, owns property in front of Burkentine and Sons on Bankert Road. He is concerned about what would happen if Burkentine needs right-of-way to that property. Would he lose his house?

There were no further comments from any citizen.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the November 20, 2006 meeting of the Board of Commissioners were approved as submitted.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to approve Township Warrants in the amount of \$1,623,639.53. Commissioner Klunk abstained for warrants for vendor #60. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated October 18, 2006 from South Hanover Little League for a waiver of the building permit fees for a storage building. Motion carried.

Commissioners Heilman/Johnson moved to approve a request received November 6, 2006 from the West Manheim Lions Club for a waiver of the sign permit fee to advertise their Christmas tree sale at Grandview Plaza. Motion carried.

Commissioners Heilman/Johnson moved to approve a request dated November 13, 2006 from Buckley Chiropractic for a waiver of the sign permit fee to advertise collections for God's Meal Barrel. Motion carried.

Commissioners Heilman/Johnson moved to adopt Resolution No. 647, a resolution authorizing the participation in the PA Capital City automotive and equipment contract that is administered by the City of Harrisburg. Motion carried.

Commissioner Heilman stated that the real estate tax and all other taxes in Penn Township will remain the same for 2007 but there is an eight percent increase in revenues and expenditures over 2006. There is an increase in debt service for the new public works building, which increased the amount for 2007 to \$187,323. He further stated that the sewer budget decreased by 12% in revenues and expenditures. He stated that there was already a nice article published in the Evening Sun regarding the Township's 2007 budget.

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

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

Commissioners Johnson/Felix moved to deny a request dated November 13, 2006 from Bruce L. Jones Contractor for a waiver of the land development requirements for a new building. Motion carried.

Commissioners Johnson/Felix moved to deny a request dated November 21, 2006 from Staff Music and Amusements for a waiver of the land development requirements for additional paving at 581 West Chestnut Street. Motion carried.

Commissioners Johnson/Felix moved to approve a request dated November 22, 2006 from the South Western School District for a waiver of Article VII Storm Water Management Requirements and Article IV Environmental Impact Study for their final land development plan submission. Motion carried.

Commissioners Johnson/Felix moved to approve a request dated October 18, 2006 from South Hanover Little League for a waiver of land development requirements for a storage building. Motion carried.

The following subdivision and land development plans were formally filed:

P06 – 27 – South Western School District Stadium Improvements.

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

P06 – 24 – Homewood Retirement Center at Plum Creek – Phase D

P06 – 27 – South Western School District Stadium Improvements

Motion carried.

Commissioners Johnson/Felix moved to approve the following extension requests that will expire on March 19, 2007:

P03 – 05 – Breezewood Drive Project

P03 – 11 – Thornbury Hunt

P06 – 19 – Boyd W. Arnold (Deceased) & Rolda E. Arnold aka Rolda E. Becker

P06 – 20 – Proposed Rutter's Farm Store #6

Motion carried.

Health & Sanitation – Commissioner Felix

Commissioners Felix/Stauffer moved to adopt Resolution No. 646, revising the official sewage facilities plan by including the Rolda E. Becker subdivision plan. Motion carried.

Commissioner Felix stated that the Township would begin using York Waste as its trash hauler on January 1, 2007. The Township will be having Christmas wrap recycling at the Waste Water Treatment Plant on December 27, 28, 29, 2006 from 8:00 a.m. to 4:00 p.m. and on December 30, 2006 from 8:00 a.m. to noon. The recycling drop-off center will be closed from December 22, 2006 at 4:30 p.m. to Wednesday, December 27, 2006 at 8:00 a.m. for the Christmas holiday. It will be closed on Saturday, December 30, 2006 at 3:00 p.m. and reopen January 3, 2007 at 8:00 a.m. in

observance of the New Year's holiday.

Public Safety Committee - Commissioner Stauffer

On Wednesday, December 13, 2006 bids were publicly opened and read aloud by the Hanover Borough Council for police cruisers, including two for Penn Township. The following bids were received:

Bidder	Bid Amount
Winner Ford Cherry Hill, NJ	\$40,067 including trade in
Gene Latta Ford Hanover, PA	\$38,908 including trade in

Commissioners Stauffer/Heilman moved to award the police vehicle bids to Gene Latta Ford, Hanover, PA for a bid price, including trade in, of \$38,908. Motion carried.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Bruce Jones, Bruce Jones Contractor, requested an explanation of why his request was denied for a waiver of a land development plan. The Commissioners stated they wanted to see a land development plan of the proposed improvements.

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 7:23 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
DECEMBER 28, 2006**

CALL TO ORDER-ROLL CALL-DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Thursday, December 28, 2006, 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, Felix, Johnson and Heilman. Commissioner Stauffer was absent with notice. 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 Klunk read the announcement of the executive session held following the Board of Commissioners meeting on December 18, 2006. He announced that a personnel session was held prior to this meeting to interview Civil Service candidates and a brief executive session would be held following this meeting to discuss pending legal issues.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

PUBLIC HEARING 2007 BUDGET:

Commissioner Heilman conducted the public hearing for the 2007 budget. He stated that the 2007 budget is balanced. He noted that the price of the refuse bag would increase from \$2.75 to \$3.25, effective January 1, 2007, because the Township's hauling fees will almost double beginning then. Bulk item pick up will continue as a part of refuse pickup.

There were no Penn Township residents at the meeting who wished to comment on the 2007 Budget.

Commissioners Heilman/Johnson moved to adopt Ordinance No. 651, the 2007 Budget. Motion carried on 4-0 roll call vote.

Commissioners Heilman/Johnson moved to adopt Ordinance No. 652 setting the Real Estate Tax rate for 2007 at 1.99 mills. Motion carried on a 4-0 roll call vote.

Commissioners Heilman/Johnson moved that the Manager be authorized to balance all 2006 funds by transferring surplus funds to those accounts showing deficits.

Motion carried.

Commissioners Heilman/Johnson moved to adopt Resolution No. 648 setting the rates of pay and various benefits for Management and compensation for other non-contracted personnel for the calendar year 2007. Motion carried.

Commissioners Heilman/Johnson moved to adopt Resolution No. 649 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/Johnson moved to approve Township Warrants in the amount of \$1,715,879.48. Motion carried.

Commissioners Heilman/Johnson moved to adopt Resolution No. 650 appointing Beard Miller Company as Township Auditor and setting compensation for services rendered. Motion carried.

Personnel Committee - Commissioner Heilman

Commissioners Heilman/Johnson moved to appoint Fred Stine to the Penn Township Zoning Hearing Board, said term to expire in January 2012. Motion carried.

Public Works Committee - Commissioner Johnson

Commissioner Johnson had nothing to report.

Planning & Recreation Committee - Commissioner Johnson

Commissioner Johnson had nothing to report.

Health & Sanitation - Commissioner Felix

Commissioners Felix/Johnson moved to adopt Resolution No. 651, revising the official sewage facilities plan by including the 21 Industrial Drive subdivision plan. Motion carried.

Public Safety Committee – Commissioner Heilman

Commissioner Heilman had nothing to report.

OLD BUSINESS: None

NEW BUSINESS:

Commissioners Heilman/Johnson moved for the adoption of Ordinance No. 653 Setting the Time and Place of the Regular Meeting of the Penn Township Board of Commissioners for 2007. Motion carried on 4-0 roll call vote.

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 Heilman/Johnson moved for adjournment at approximately 7:12 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary