

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

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, December 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, Police Chief Rhodes, 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 a personnel session was held on December 14, 2009. 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:

John Bittinger, 900 Cooper Road, wanted to know how the Commissioners could raise property taxes by twenty-eight percent without cutting services or personnel. He feels that the Commissioners are not thinking about the residents when raising taxes.

Ray Millhimes, 550 Locust Street, addressed Mr. Heilman's comments in the Evening Sun about comments falling on "deaf ears". Mr. Heilman stated that he has been trying to get residents to become involved since August before something drastic had to be done. He also said he wanted everyone to contact their elected state and federal representatives but it was not done. Mr. Heilman stated all the mandates come from them and we have no option but to comply with them. The Township's sewer rates have to be increased by 66% to meet the requirements of the Chesapeake Bay Initiative Strategy. Mr. Heilman stated that he is also upset because he has to pay the higher taxes and he is on a fixed income.

Mr. Bittinger asked if the Township could get some consideration for holding off on the Chesapeake Bay initiative. Manager Garvick stated that we have only twenty months to meet the federal mandate on our NPDES Discharge Permit. Solicitor Tilley stated that we now have to treat for things that we never treated for in the past. The Township has sought legal counsel and assistance through a consortium of other treatment plants but the PADEP has been unrelenting. The Federal government has stated that they are going to pursue the provisions of the strategy if the states do not comply at a reasonable pace.

Theodore Hafenmair, 31 Magnolia Lane, wants to know where the revenue is going for the Township. The tax rate is not going to affect him but everybody else. He only uses the

snow plowing service. The well is going to dry up, according to Mr. Hafenmair.

Steve Little, 84 Flickinger Road, wants an answer as to where the money goes. Commissioner Goldsmith explained that the budget is on display. Mr. Little wants to know what is wrong with impact fees. He stated that sooner or later no one is going to have money to pay his or her taxes. The people are tired of it.

Robert Vancampen, 1252 Brian Lane, stated that he knows people that are taking pay cuts, receiving increases in their health insurance costs, etc. and the Commissioners should be the voice of the taxpayers when taking things to the elected (state) officials.

Solicitor Tilley stated they have taken this to the legislatures but they need a crowd or they think that we are crying wolf.

Commissioner Goldsmith stated that their voice counts and we need this display at all the meetings to be able to do anything. Manager Garvick explained that with the tax increase the Township would receive an additional \$500,000 in revenue. This will be used to help fund new employees in the police and fire departments as well as help pay for increased pension and health care costs. Solicitor Tilley explained the state mandated pension requirement that stipulates that pensions must remain solvent so municipalities must contribute a certain dollar amount each year. It is like a tax the Township has to pay. The Township has collective bargaining agreements for health care coverage, which have to be met.

Mr. Bittinger asked if the Township looked ahead for services along with employees prior to setting a new tax rate.

Manager Garvick stated the budget shortfall was anticipated last year this time. The Township has removed everything from the budget that can be removed, which includes vehicles, the roof replacement on the municipal building and all road projects.

Commissioner Goldsmith stated that he only recognizes several of the residents because they have attended meetings regularly and would like everyone to attend on a regular basis.

Ben Fuhrman, 126 Center Street, stated that he served as a Commissioner in the 1970's, and is upset that the Commissioners have not pursued the Community Block grants that are available. He also concerned because Baltimore City is polluting the bay and not cleaning up their waste. He stated he has not heard of a twenty-month plan. Commissioner Heilman stated that he was concerned about the Chesapeake Bay time line because everyone will be bidding on the projects at the same time, which will result in the contractors having the upper hand in the process. If all the wastewater treatment plants along the Susquehanna Bay follow the clean up recommendations this will only solve 14% of the Chesapeake Bay pollution problem.

Bob Williams, 230 Bankert Road, questioned what are the main factors driving the large increase of the budget. The Commissioners responded by stating the health care issues and pension issues and the lack of revenues, which have been flat. Mr. Williams asked that it would be fair that in future that there would be a reduction in taxes if the economy turns around. Commissioner Heilman stated that he does not see housing turning around

anytime soon. The economy is not going to recovery quickly. Commissioner Heilman stated that when times are bad the mandates seem to increase.

Jim Lane, 1686 Taylor Lane, stated that he sat in a similar situation thirty-six years ago with inflation and the Board has done everything they could do. He stated that the Township should plan for the recession's long haul. He felt the Board is doing what they can and wishes there was more they could do.

David Sheerer, 5042 Grandview Road, stated that he did not attend meetings because he did not know that there was a twenty-eight percent tax increase or he would have been at the meeting. Commissioner Heilman stated that it has been in the paper for six months that the sewer rate was increasing by sixty -six percent and no one showed up to complain.

Jeff Peter, 1212 Brian Lane, asked why the biggest increase was in health care and pension costs. Manager Garvick stated that the health care costs was a cumulative effect of all employees. He further explained that the pension plans have lost money, about thirty to forty percent, but the state mandates that the plan must be kept solvent. The state requires the Township to make up the losses to the plan. The Township has seventy-two employees and the biggest strain on pension is by the police department. Solicitor Tilley explained that the state passed a smoothing technique, which allowed a slight reduction in the calculation of the pension plan costs, which reduced the Township's 2010 contribution slightly. Manager Garvick stated that the police contract would be renegotiated in 2011. Act 600 mandates police pension requirements and is almost like a tax to the Township.

Robert Renz, 421 South High Street, asked if there was some other way the Township could receive funding for services. Solicitor Tilley stated that there are other avenues for funding which include the recycling program, which pays for itself. Solicitor Tilley stated that state law regulates revenue for such items as issuing permits and responding to open records requests, but if people want to volunteer have events to raise funds the Township can accept those funds. Manager Garvick also explained the Township has to publicly bid all projects over \$10,000 and pay prevailing wages for any project over \$25,000. Solicitor Tilley also stated that the Township has required developers to pay for improvements for streets, sewer lines, etc at their cost for new developments, which has saved the taxpayers money. Mr. Renz wanted to know if this would decrease property values. Solicitor Tilley stated "no" because all municipalities are raising taxes. Commissioner Heilman stated that the Township would be borrowing some of the money instead of raising taxes fifty-eight percent. Solicitor Tilley stated to look for a Tax Anticipation Notice when it is advertised in the newspaper. Mr. Renz asked if the Township saves for a rainy day. The Township has been putting money in reserve accounts but will be using its reserve accounts to pay for items that were removed from the budget.

Ed Jenkins, 316 Azalea Drive, wanted to know about his due process for taxes and sewer rates. Mr. Jenkins stated he wanted a hearing because he would not be here when the taxes were increased. Solicitor Tilley stated that Mr. Jenkins would have to contact his attorney about filing something in court. Mr. Jenkins wanted to know why the tax increase was twenty-eight percent. He wanted to know why there are not special rates for elderly and fixed income residents. Commissioner Prieber reported that State Representative William Tallman stated that it is unconstitutional to adopt special rates. Commissioner Prieber stated again that the Township is not putting in a ballpark at Young's Woods.

Ronald Alwine, 824 Black Rock Road, stated that the Township purchased land for the benefit of developers, especially the Levitt property on Grandview Road. His concern was that the Township purchased land in order to smooth the curve in front of the former Boris Leavitt property. Mr. Alwine was informed that the Township did not purchase any property on Grandview Road and, to the best of our knowledge, the former Leavitt home is coming down. The Township did purchase the property at 823 York St. because the potential improvements to the intersection have been recommended in the Township's comprehensive plan since the 1970's. Mr. Alwine felt the Township should not have purchased the property. He also expressed concern about the radios purchased by the emergency services and the replacement of the antennas. The Commissioners stated they did not want the new radio system but the York County Commissioners approved it. The Township has to look out for the safety of its responders and that is why they are purchasing the additional antennas. The Township is continuing to discuss the radio situation with the county commissioners. We have refused to pay the county for any radios until the system is corrected. Commissioner Goldsmith explained how the new system should work while Commissioner Felix stated that the fire department is operating on both the old analog and new digital systems and the police department is also operating on the new system. Commissioner Felix also stated that York County would be installing additional antennas for the Hanover and Penn Township areas to improve the reception. There is a lawsuit pending between York County Fraternal Order of Police, York City Fraternal Order of Police and the York County Police Chief's Association and the York County Commissioners. The Hanover Fraternal Order of Police withdrew their petition. Commissioner Goldsmith stated that Mayor Shelia Dixon in Baltimore furloughed firefighters and there was a loss of life next to one of the fire stations. Commissioner Goldsmith stated it takes all of us to make this work and maybe it would help if there were list of all the services that the taxes are being used for.

Dave Rambol, 23 Ivy Circle, expressed concern about the pension issue and wants the Commissioners to contact Senator Waugh and have the pension law rescinded. He also wanted to know about the 7,000 gallon minimum sewer rate issue. Commissioner Prieber stated that once the construction bids are received the Township would revisit the sewer rates.

Ed Clapsaddle, 109 Littleton Drive, stated that he took a pension loss and now he has to pay the tab for township employees that lost pension funds. Commissioner Felix attempted to explain how the pension plan works and the funding requirements of the Township. Mr. Clapsaddle was also concerned about the increase in the sewer rates. Manager Garvick stated that the Township has put funds in a reserve account over several years and those reserves will be used to help offset some of the costs of the project. There was a question about the wastewater treatment plant at Hanover Foods and Manager Garvick stated that they pre-treat their waste and then send it to the Township. There will be discussions between Penn Township and Hanover Foods about their contribution of wastes to the Township plant. Commissioner Prieber also stated that the Township received \$900,000 in grants from the state but we were asking for \$9,000,000. Commissioner Heilman stated that the Township was originally told that those municipalities applying for grants would receive half of the funds but we did not receive it.

Mike Myers, 1222 Baer Avenue, informed the audience that they lived in the best Township and the increase in both the taxes and the sewer rates was not too much to pay

for the services they receive.

One of the residents brought up about the new fire station on Clover Lane. Commissioner Heilman informed the group that the fire station was both constructed and maintained by the volunteers. It was through the efforts of the current fire company members and past members of Pennville, Parkville, and Grangeville that the station could be built.

Commissioner Heilman also informed the audience that Board meets three times a month and he would like continued participation at all meetings.

Anita Gates, 30 Arlene Court, stated that she has noticed that there are a lot of properties for sale in her area and there are a lot of people not paying their taxes. Eventually she feels they will not be paying their water and sewer bills either. She was concerned about what happens when things get worse.

Clark Miller, 211 Hall Drive, wanted to know if his taxes would be reduced if the economy recovered.

Commissioner Heilman informed the group that the main problem is that the State of Pennsylvania has not provided any needed tax reform, which requires municipalities and school districts to have to rely heavily on property taxes.

Commissioner Goldsmith stated that if the Township were to cut services, it would be difficult to decide which ones to cut. You may not use one of the township's services but one of your neighbors may use it all the time.

Solicitor Tilley thanked the audience for being polite and courteous.

At this time the Commissioners took a fifteen-minute break and reconvened the meeting at 8:50 p.m.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the November 16, 2009 meeting of the Board of Commissioners were approved as submitted.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Rewa moved to adopt Resolution No. 719 for a replacement streetlight at 333 Clover Lane. Motion carried.

Commissioners Felix/Rewa moved to approve the Hemler/ACS agreement for 2010.

Commissioners Felix/Rewa moved to approve the York County SPCA municipal contract for 2010.

Personnel Committee - Commissioner Heilman:

Commissioner Heilman had nothing to report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Rewa moved to approve Township warrants in the amount of \$1,150,899.49. Motion carried.

Commissioners Heilman/Rewa moved to approve a request dated November 19, 2009 from the West Manheim Lions Club for a waiver of the sign permit fee to advertise their Christmas Tree Sale. Motion carried.

Commissioners Heilman/Rewa moved to adopt Resolution No. 720 authorizing the renaming of the Penn Township Public Works Account and the establishment of the WWTP Construction and Improvement account with PNC bank. Motion carried.

Commissioners Heilman/Rewa moved to adopt Resolution No. 721 entering into an agreement with PennDOT for the use of dotgrants for the submission of liquid fuels reports. Motion carried.

Commissioners Heilman/Rewa moved to adopt a new commercial lease agreement with the County of York for the District Justice Offices of James Miner. Motion carried.

Public Works Committee - Commissioner Goldsmith

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

Planning & Recreation Committee – Commissioner Felix:

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

There were no plans submitted for formal filing or to be approved or disapproved.

Commissioners Felix/Rewa moved to approve the following extension requests that will expire on March 15, 2010:

P03-05 – Breezewood Drive Project
P09-10 – American Home Contractors LLC
Motion carried.

Health & Sanitation – Commissioner Rewa

Commissioners Rewa/Heilman moved to authorize the Township Manager to execute a developer's agreement for the York Street sanitary sewer interceptor. Motion carried.

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

OLD BUSINESS: None

NEW BUSINESS:

Commissioner Felix thanked the Highway Department and the Emergency Services organizations for the work they did during the recent snowstorm.

CITIZEN'S QUESTIONS TO THE COMMISSIONERS REGARDING DISCUSSION ITEMS:

Ray Millhiems, 550 Locust Street, questioned if the increase in taxes could be used to maintain alleys in the Township. He also questioned the improvements to Park St. Commissioner Prieber stated that the Township couldn't maintain alleys because they do not own them. The Hanover Eagles paid for all the improvements to Park Street. Mr. Millhiems thanked the Board for listening.

QUESTIONS FROM PRESS:

Questions from the press were received and answered.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Rewa/Goldsmith moved for adjournment at approximately 9:10 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
DECEMBER 29, 2009**

CALL TO ORDER-ROLL CALL-DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular year-end session on Tuesday, December 29, 2009, at the Penn Township Municipal Building. Vice President Heilman called the meeting to order at 6:30 P.M. with a roll call of members. Present were Commissioners Heilman, Felix, and Rewa. Commissioners Prieber and Goldsmith were 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 Heilman announced an executive session was held prior to this meeting and one will be held following the meeting to discuss personnel issues. The Commissioners met in executive session following the Board of Commissioners meeting on December 21, 2009 to discuss legal and personnel issues.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None.

PUBLIC HEARING 2010 BUDGET:

Commissioner Heilman conducted the public hearing for the 2010 budget.

Commissioner Heilman stated that the Commissioners had previously made their comments public about the specific issues pertaining to the proposed budget.

There were no Penn Township residents at the meeting who wished to comment on the 2010 Budget and the public hearing was closed.

Commissioners Rewa/Felix moved to adopt Ordinance No. 708, the 2010 Budget. Motion carried on a roll call vote.

Commissioners Felix/Rewa moved to adopt Ordinance No. 709 setting the Real Estate Tax rate for 2010 at 2.95 mills. Motion carried on a roll call vote.

Commissioners Rewa/Felix moved that the Manager be authorized to balance all 2009 funds by transferring surplus funds to those accounts showing deficits. Motion carried.

Commissioners Felix/Rewa moved to adopt Resolution No. 722 setting the rates of pay and various benefits for Management and compensation for other non-contracted personnel for the calendar year 2010. Motion carried.

Commissioners Rewa/Felix moved to adopt Resolution No. 723 providing a schedule of fees for permits and services provided by Penn Township. Motion carried.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Finance Committee

Commissioners Felix/Rewa moved to approve Township Warrants in the amount of \$289,223.62. Motion carried.

Commissioners Rewa/Felix moved to adopt Resolution No. 724 appointing ParenteBeard, LLC as Township Auditor and setting compensation for services rendered. Motion carried.

Other Committees

The Commissioners had nothing to report for the Personnel Committee, the Public Works Committee, the Planning and Recreation Committee, the Health and Sanitation Committee and the Public Safety Committee.

OLD BUSINESS: None.

NEW BUSINESS:

Commissioners Felix/Rewa moved for the adoption of Ordinance No. 710 setting the time and place of the regular meetings of the Penn Township Board of Commissioners for 2010. Motion carried on 3-0 roll call vote.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

QUESTIONS FROM THE PRESS FOR THE COMMISSIONERS:

Questions from the press were received and answered.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Rewa/Felix moved for adjournment at approximately 6:43 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary