

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
JANUARY 17, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, January 17, 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, Rewa and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, Township Engineer Bortner, Fire Chief Cromer 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 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 December 20, 2010 and December 28, 2010 meetings of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

YORK COUNTY DEPT. OF EMERGENCY SERVICES PRESENTATION:

Eric Bistline, Executive Director of York County Emergency Services, Carl Linqvist, Public Information Officer for York County Emergency Service and Ryan Renninger, Deputy Director of the York County Emergency Services were present to discuss the York County radio system and the problems municipalities have been having. Mr. Bistline discussed the interoperability (interop) function of the radio system and how it works with surrounding municipalities and counties. He explained that in 2003 when the radio replacement project began a committee was set up to discuss the implementation and purchase of different types of radio systems. The safety committee felt that they needed to have not only good communications within the county but also with the surrounding counties. He stated, however, that the surrounding counties that established new radio systems did not take into account and he explained the problems this resulted in. He stated that the interop marriage between different systems is difficult because of the frequencies. He stated that the current problems began in early December 2010 with an

accident on Route 15 when the interop merge of the talk groups involved in this accident response caused the system to hang up. He stated that on December 22, 2010 when they tried to interop York County, Adams County, and Carroll County together on a call in West Manheim Township they had the same problem. He stated that the problem occurs when three or more different radio systems are merged together. York County has notified the radio supplier and the software program company about the situation. The computer programmer for the radio supplier has just been able to replicate the problem and send the information to the software company. He stated that emails were sent to all the chiefs in the western part of York County when the problem began. Mr. Bistline stated that a temporary fix to the problems would be to initiate the talk-around feature, which would require activating a manual switch on the radio by the firefighter. This is one of the two solutions suggested until the county gets the software company to fix the problem. The other suggestion is to have the firefighters carry a separate low-band radio as a back up.

Mr. Bistline stated that the new radios were not forced upon the users as there was a committee set up to establish which radios should be purchased. This information was then forwarded to the York County Commissioners for approval. Mr. Bistline stated that it was difficult to get parts for the old analog radio system. In addition, the Federal Communication Commission mandated several years ago that analog systems be replaced with newer digital technology. This is why the old system had to be replaced. At this time there is no estimated schedule for correction of the problem. The problem is not the interop application itself because the system will allow up to 200 interop's or "patches".

Mr. Bistline provided a sheet of statistics regarding calls received by York County 911 in 2010. The report indicated that the radio system now has a total of 24 towers countywide as opposed to the legacy system (old system) which only had 13 countywide. The report also noted that the legacy system reached 75% of the mobiles and 40% of the portables on the street without vehicle repeaters. There were no statistics for portables in buildings without vehicle repeaters for the old system. The new system will cover 99.6% of the mobile radios, 97.6% of the portable radios on the street without vehicle repeaters, and 96.4% in building in defined bounded areas. It noted that the total number of push-to-talks from December 9, 2010 to January 10, 2011 was 2,843,490. The number of users at any given time averaged 182.85. The total number of digital text pages sent in 2010 was 445,000. It was noted by Mr. Bistline that the new tower sites in Hanover and West Manheim have nothing do with the patching problem. These towers were installed to improve coverage for the area due to the number of dropped calls.

Comments and questions from the Board were directed to Mr. Bistline. Mr. Bistline stated that the firefighters needed to be trained on the radio system the same as they are trained for any other equipment. He stated that the radio system couldn't be counted on 100% of the time. Commissioner Heilman stated that the software company needed to be aware that they are dealing with people and that this needs to be fixed immediately. Commissioner Felix discussed the use of "ten" codes along with a letter that had been circulated from Mr. Bistline. This letter stated that York County is not responsible for providing emergency services but rather it is the responsibility of the municipalities. Commissioner Felix noted that on occasions when the 911 system goes down the companies are not being notified of the outage. Mr. Bistline stated both the radio and pager systems have back up systems when the primary system fails. He stated the systems are fully redundant. He stated that there is telephone contact information to notify the stations when the 911 system is down. He stated that they would be installing a

Minutes

triple redundancy program to make sure that none of the systems are entirely down. Mr. Bistline could not give a guarantee that there would not be any additional problems. The software fix would solve the known patching problems but not the difficulties with the paging system. For the Township to be tied into YC911 it has to use the existing system provided by the county. The only other option would be to create its own radio communication system. Mr. Bistline is not aware if York County has developed a policy for a line of duty injury or death should a communication failure result in the lost of life or other serious problem.

At this point President Prieber turned the discussion over to Township Fire Chief Jan Cromer who stated that he and the fire fighters are appalled at the comments that were made in the York newspaper by Mr. Bistline and County Commissioner Riley. After questioning by Chief Cromer, Mr. Bistline noted that the Committee that recommended the radios consisted of 13 members and none of the fire companies or police departments were asked for input or voted for the new radios prior to the recommendation being sent to the York County Commissioners. Chief Cromer then requested that those individuals involved in the incident of December 22nd explain to the Board what incurred that day. According to the incident commander that day, Ted Clouser (Chief 52), all communication was lost between the responders and YC911. In the end, communications had to be handled by a cell phone. Chief Clouser pulled his firemen out of the building and fought the fire from the outside because they were not sure if the emergency button would work on the radio if the radios did not work. Mr. Bistline stated that the emergency button does work if the radio does not work. Chief Cromer gave a demonstration of the talk around feature and the enabling of the emergency call button on the radio. The demonstration included having someone from the audience attempt to activate the emergency button while wearing the standard issue fire gloves.

Chief Cromer expressed concerned because every time there is a new problem the solution proposed requires training the volunteers. He also stated that as incident commander he would not be able to listen to three different radios at one time and communicate with those involved. This was a solution suggested by Mr. Bistline so that the incident commander would hear all the radio communications during an incident. Chief Cromer had Penn Township Firefighter Erik Brown explain how he contacted 911 to have the supervisor notified that the paging system was down at 11:30 PM in the early part of December and to contact the other emergency agencies about the problem. At that point no one from York County had contacted the fire station to let them know that the system was down. To this date, no one is sure how long the system was down. Chief Cromer then had Jeremy Sparks, Township EMA Director and former YC911 dispatcher, explain the problems he encountered at the agency. Mr. Sparks stated that he expressed all the concerns he had to the agency prior to his leaving and nothing had been done to resolve the problems. Chief Cromer stated that his concern is to send his firefighter's home alive and well.

Dan Brady, 931 East Walnut Street, expressed his frustration with York County and their responses to the situations.

William Butts, 107 Littleton Drive, stated that he is concerned about the fire police responding to situations and not being able to communicate to YC911.

Bernard "Sonny" Eline, Hanover Borough Councilman, questioned Mr. Bistline if there is enough coverage with the new towers. Police Chief Rhodes stated that it coverage now is better than with the old low band radio system but he is still having

problems and with the County's CAD system. Chief Cromer stated that they have better communication but there are still problems in such places as Hanover General Hospital, which had to install an internal antenna for the radios to be useable in the building. Chief Cromer stated his concern is to make sure that the system stays operational. He also noted that some new buildings may have to install internal antennas to be able to use the radio system within their buildings.

Tony Clouser, Penn Township Volunteer Emergency Services, asked if the talk around could be put somewhere else in the radio bank. Mr. Bistline stated that he would have to look into that. Erik Brown, who serves on one of the York County radio committees, stated that it could not be but in the primary bank but would have to be located in another bank.

Terry Smith, Hanover Borough Fire Department, stated that they are receiving many misdirected dispatched calls. As an example, the emergency responders sitting in the audience this evening received a page, but it was also a misdirected call. Mr. Bistline stated that does occur when the person calling YC911 may not know where they are. Also he informed the group that if they have these problems they should file a formal complaint with York County Emergency Services. Mr. Bistline stated that this the only way he knows if there is a problem.

Dave Milliken, Penn Township Firefighter, questioned the history of the equipment because when they received their "new" radios it had other people's names on it. Mr. Bistline stated they should have informed him of that when they received it.

Jason Cromer, Penn Township Deputy Fire Chief, stated that he works in Baltimore County and their radio system is twenty-two years old and it is a better system than the brand new communications system York County is using. He stated that the system has been forced to work the way York County wants it to work. He stated that as an incident commander he is not pleased with the system they have been forced to use.

Loren Reibling, Manheim Township Manager, stated that testing was to be completed on the new towers and reported back to them. He stated he never heard anything and wants to be kept informed. He noted when radios and portables are in the same area they are cancelling each other out. Chief Cromer stated they are still experiencing the same problems.

Susan Kolmer, Manheim Township EMA Director, asked if they would correct the system for more than three users to be patched together because if there was a major incident in the area there could be many organizations involved. Mr. Bistline stated that he believes it will be tested for about 25 users.

Joseph Klunk, former Penn Township Commissioner, expressed concern about the failed systems that York County has installed in the past. He also expressed concern about the pagers, which are hard to read. He wanted to make sure the York County Commissioners know that Hanover, Penn, Manheim and West Manheim are still part of York County.

Michael Brown, 75 Oakhill Drive, expressed concern about the testing of the system prior to implementation. He asked if they were having the same problems in other areas and why would radios that are in close proximity to each other not work. Mr. Bistline explained why radios that are in close proximity to each other may or may not work and that they did not have the problem with the interops until the occurrences on the west side of the county. Also, he stated the interops problem might have been present the entire time but they were just unaware of it. Mr. Bistline also made clarification on the cost of the

project which was \$68 million including the new building.

Ted Clouser, Pleasant Hill Fire Chief, expressed concern about other problems they were having including hearing the radios of helicopters directly overhead. Mr. Bistline stated that some of these problems have been corrected but not all; it would depend on the agency responding. Mr. Bistline also indicated that not every out-of-county responder unit has given their permission to "interop" with the York County system. If these units do not grant permission, then YC911 cannot patch them in with the other units.

Dale Crabbs, Penn Township Volunteer Emergency Service, expressed concern about the new pager system and the difficulty the responders are having using it.

Commissioner Felix thanked the York County Emergency Services representatives for their time at the meeting and for answering the public's questions.

At this point the meeting was recessed for ten minutes and readjourned at 8:50.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix: Commissioner Felix had nothing to report.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to appoint Thomas E. Wheeler to an unexpired term on the Penn Township Civil Service Commission, said term to expire August 2014. They further moved to appoint Gary E. Waltman to a term as an alternate member of the Civil Service Commission, said term to expire January 2017. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 719 authorizing intergovernmental cooperation by agreement between Penn Township and Hanover Borough to provide fire chief services. Motion carried on 5-0 roll call vote.

Commissioners Heilman/Felix moved to adopt Ordinance No. 720, amending Ordinance No. 691, which establishes and regulates the firefighter's pension fund. Motion carried on 5-0 roll call vote.

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

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$3,280,661.77. Motion carried.

Commissioners Heilman/Goldsmith moved to award the police cruiser bid to Gene Latta Ford, Hanover, PA for a bid price for three vehicles, including trade ins, of \$77,262.44. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 751 approving the issuance of a Tax and Revenue Anticipation Note. They further moved that the President and Secretary be authorized to execute the appropriate documents. Motion carried.

Public Works Committee – Commissioner Goldsmith:

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

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Heilman moved to approve a request dated January 4, 2011 from Burkentine and Sons for a temporary waiver of the sidewalk requirements for a portion of the South West Crossing Plan. Motion carried.

Commissioners Felix/Heilman moved to deny a request from James Quinn for a waiver of the land development requirements at 916 Baltimore Street.

Commissioners Felix/Heilman moved to approve a request dated December 14, 2010 from GHI Engineering for waivers of the Township's Subdivision and Land Development Ordinance for North Point Plaza with the stipulation that the sidewalk waiver is a temporary waiver. Motion carried.

Commissioners Felix/Heilman moved to approve a request dated December 13, 2010 from Site Enhancement Services for a variance to the sign ordinance for the Olive Garden Restaurant at the Gateway Shopping Center. Motion carried.

Commissioners Felix/Heilman moved to deny a request dated January 4, 2011 from Community Aid Thrift Store for a variance to the sign ordinance for their store at the South Hanover Shopping Center. They further moved that the signage for the Thrift Store be as previously approved, at 268 square feet by a request dated June 5, 2009 from McNees Wallace & Nurick representing South Hanover Partners, LP. Motion carried.

Commissioners Felix/Heilman moved to approve a request dated October 19, 2010 from Bohler Engineering for a waiver of the storm water management requirements for Susquehanna bank. Motion carried.

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

The following subdivision and land development plans were formally filed: None

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

P10-15 – North Point Plaza
Motion carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on April 18, 2011:

- P03-03 – Bowman Tract Apartment
 - P04-25 – South Heights
 - P04-26 – Stonewicke
 - P06-23 – Brookside Avenue Townhouses
 - P07-27 – Sterling Brown
 - P08-20 – Park Hills Manor
 - P10-12 – York Village Apartments, LCL
- Motion carried.

Health & Sanitation – Commissioner Rewa: Commissioner Rewa had nothing to report.

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

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 Rewa/Felix moved for adjournment at approximately 9:03 P.M. Motion carried.

Respectively submitted,


Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
FEBRUARY 1, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a special session on Tuesday, February 1, 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, Rewa and Felix. Also present were Manager Garvick, Township Engineer Bortner, WWTP Superintendent Mahone, and Highway Foreman Mahan.

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: None.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

PUBLIC HEARING TO CONSIDER GMR OF PENNSYLVANIA, LLC LIQUOR LICENSE TRANSFER:

Township Manager Garvick stated that the purpose of the public hearing is to consider the transfer of a Restaurant Liquor License owned by the Ruby Tuesday Restaurant in Springettsbury Township to the Olive Garden Restaurant in the Township of Penn. The hearing has been publicly advertised in the Hanover Evening Sun.

He reported that the Township received a request dated January 3, 2011 from Attorney Mark Kozar, Flaherty, & O'Hara representing GMR of PA, LLC, representing Darden Restaurants, owner of the Olive Garden Restaurant chain.

Darden Restaurants is constructing an Olive Garden Restaurant in the Gateway Hanover Shopping Center and is seeking to secure a restaurant liquor license. There are no licenses available at this time within Penn Township. Penn Township has a total of 12 liquor licenses at this time – 2 distributors, 2 clubs, 1 special occasion, and 7 restaurants.

Manager Garvick informed the Board that licenses are provided to municipalities by the Pennsylvania Liquor Control Board according to a quota system based upon population. If no licenses are currently available, then a license could be transferred from another municipality within York County. As an example, Penn's population qualifies for 4 restaurant licenses. However, there are 7 businesses in Penn with restaurant licenses. The license being requested for transfer in this case would be coming from Springettsbury Township.

Before a license can be transferred from one municipality to another, the PA Liquor Code requires that the receiving municipality seek public input by conducting a hearing and adopting a Resolution approving the transfer. This evening's hearing has been publicly advertised in the Hanover Evening Sun in accordance with the parameters of the PA liquor code.

Upon completion of the public hearing, should the Board of Commissioners decide favorably on the request, we have prepared Resolution No. 752, authorizing the transfer.

Mark Kozar, Flaherty & O'Hara, representing GMR of Pennsylvania, made the presentation on behalf of the petitioners. He briefly reviewed the PA liquor law. He reviewed the Darden Brand and the types of restaurants they own including the Olive Garden, which is where the liquor license will be transferred. He reviewed the exterior and interior features of the proposed restaurant and noted it would be 7, 441 square feet with seating for 206 and will employ 100 people. He reviewed the hours of operation. He indicated that their employees are involved in an extensive alcohol awareness-training program. He reviewed the menu and emphasized that alcohol is served as a compliment to the food, and represents only 9% of the total sales. The Olive Garden will be located at the Gateway Shopping Center. He is requesting that a resolution be passed for the transfer of the license.

There were no public officials or general public comment.

Commissioner Goldsmith/Heilman moved to adopt Resolution No. 752 approving the transfer of restaurant liquor license R-18973 into the Township of Penn from the Township of Springettsbury for use by the Olive Garden Restaurant facility to be located in Gateway Hanover. Motion carried.

OLD BUSINESS: None.

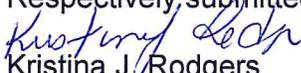
NEW BUSINESS: None.

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

Respectively submitted,

Kristina J. Rodgers
Township Secretary

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

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, February 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, Rewa and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, Township 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 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. Commissioner Felix announced a personnel session was held following the Finance meeting on February 7, 2011.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the January 17, 2011 and February 1, 2011 meetings of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated January 16, 2011 from the Hanover Allied Veterans Council to conduct the Memorial Day parade on Monday, May 30, 2011. They further moved that all Penn Township street closings and public safety considerations be coordinated through the Penn Township Chief of Police. Motion carried.

Personnel Committee - Commissioner Heilman: Commissioner Heilman had nothing to report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,036,242.44. Motion carried.

Minutes

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 753 amending the schedule of fees for permits and services. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 754 adopting written procedures for compliance with Act 44 of 2009 and the Auditor's General's recommendation. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated February 3, 2011 from the Mason Dixon Credo for a waiver of the sign permit fees to advertise a retreat at the Penn Grove Retreat Center on April 7-10. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated February 1, 2011 from the Hanover Area Chamber of Commerce for a waiver of the sign permit fee to advertise the shuttle service for the Hanover Dutch Days on July 30, 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated January 3, 2011 from the Hanover Exchange Club for a waiver of the sign permit fees to advertise the Home Builder's and Garden Show being held March 9 through March 12. Motion carried.

Public Works Committee – Commissioner Goldsmith:

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

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Rewa moved to approve a request dated January 27, 2011 from GHI, Inc. on behalf of the Hanover School District for a variance of the landscape and bufferyard requirements for the proposed Sheppard & Myers stadium improvements. Motion carried.

Commissioners Felix/Rewa moved to deny a request dated January 28, 2011 from Jack Powell, P.E. for a waiver of the land development requirements for an expansion of the Hickory Falls Entertainment Center. Motion carried.

Commissioners Felix/Rewa moved to approve an agreement with the York County Planning Commission authorizing them to participate on behalf of Penn Township in future U.S. Census Boundary Annexation surveys. Motion carried.

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

The following subdivision and land development plans were formally filed:

- P11-01-Gateway Hanover- Revised Lot 1
- P11-02-Fulton Bank (Gateway Hanover – Lots 4 and 5)
- P11 -03-Hickory Falls Family Entertainment Center
- P11-04-Sheppard & Myers Stadium

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

P11-01-Gateway Hanover – Revised Lot 1
Motion carried.

Commissioners Felix/Rewa moved to approve the following extension requests that will expire on May 16, 2011:

P01-28-High Point @ Rojen Farms
P03-30-Mustang Pointe
P08-14-National barn
P10-09-Wallen Tract Apartments/South West Crossing, LLC
P10-17-South Western School District Breezewood Drive Subdivision
Motion carried.

Health & Sanitation – Commissioner Rewa: Commissioner Rewa had nothing to report.

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

OLD BUSINESS: None.

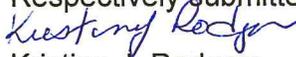
NEW BUSINESS: None.

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

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 7:09 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

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

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, March 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, Rewa and Felix. Also present were Solicitor Fazzini, Manager Garvick, Police Chief Rhodes, Township 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 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 February 21, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

LERTA PUBLIC HEARING:

At this time Commissioner Prieber opened the hearing to consider Local Economic Revitalization Tax Act (LERTA) designation for 17 Industrial Drive. The hearing began with staff review and comments. Manager Garvick stated that the Purpose of this Hearing was to elicit testimony regarding the establishment of a boundary within which industrial development would occur and could result in the assessment of a property tax rate divergent of the rate assigned to all other properties within the taxing district. The option to adjust the tax rate is allowed by the Local Economic Revitalization Tax Act, known as LERTA. This Public Hearing, required by the LERTA legislation, has been properly advertised in the Hanover Evening Sun.

In 2005 a land development plan was approved for the construction of a spec building and warehouse at Lot #21 on Industrial Drive, which was comprised of two separate parcels: parcel 1 being 23.3 acres and parcel 2 being 6.7 acres. Subsequently, the parcels were provided with separate addresses. The larger lot now being designated as 17 Industrial Drive and the smaller lot being designated 21 Industrial Drive. In 2009 a land development plan was approved for the construction of a Verizon Wireless communications tower on 17 Industrial Drive. The tower was constructed shortly thereafter.

On February 4, 2011 the Township received a request from Conewago Contractors, Inc., owner of 17 Industrial Drive for consideration of establishment of a LERTA boundary comprising 17 Industrial Drive. The request is for consideration of a 10-year tax relief schedule for improvements only. In other words, any relief granted would not include the current property taxes being paid on the land itself. The proposed taxing schedule would have the property owner contributing 0% property taxes in the first year of the LERTA schedule incrementally increasing by 10% per year until by year 11 the tax rate would be the full 100%.

All three taxing authorities, the Township, the SWSD, and the County of York, must agree to participate in a LERTA schedule. However, the schedule need not be the same for all three taxing entities. The Township is solely responsible for establishing by Ordinance the LERTA boundary itself.

David M. Moore, Knorr Brake Corporation, Director of Finance, made a presentation to the commissioners. He explained that the company builds brakes, doors, air conditioning systems, and electronic components for mass transit systems. They are headquartered in Munich, Germany and are a privately held corporation. The company is divided into two divisions - mass transit and commercial vehicles. They have about fifty locations throughout the world, which all have different charters and therefore have a local presence in the countries in which they operate. They have sales of \$4 billion worldwide. He explained the different divisions and locations throughout North America. The Westminster office does applied engineering and accepted engineering and he explained some of the work that is done there and showed pictures of the products constructed there. He explained the current configuration of the Westminster facility. He referenced the customers that purchase their product and the employee composition. He referenced several pending projects, which will require the company to acquire additional space. They also have other projects they are bidding on. They are looking for about 200K square feet of space with 160K for manufacturing and 40K for offices. The new facility will be constructed as a green building. They have explored both the option of purchasing an existing building as well as building a new structure. After visiting several existing buildings in Pennsylvania, Maryland, North Carolina and South Carolina, they have decided to build in either Northern Maryland or Southern Pennsylvania. Mr. Moore reviewed some of the buildings that the company had considered. Most of building were not configured or sized to Knorr's specification. Many were located too far from the homes of Knorr's current staff. The workforce they have is highly technical and they do not want to have to start over with a new workforce. They are preparing to hire additional employees in future years with the average wage being higher than the current average in the southern Pennsylvania. There is very little hazardous material used or created by this company. Knorr Corporation currently operates one shift per day and may be up to two shifts a day when they relocate.

They have reviewed raw land and shovel ready projects. They project that if they begin with a raw piece of land it would take about three years to be in the facility. However, if they start with a shovel-ready site they can be up and running in only fifteen to sixteen months. The two properties they have decided upon have some improvements in place and would not take as long to construct. The Westminster property is located on Rt 97 near the airport and the property in PA is located in the Hanover Area Industrial Park at 17 Industrial Drive. He expects about 95% of the workforce to stay if they relocate to Penn Township. They expect a growth in business, which will result in a growth of all taxes. The cost of the project is expected to be about \$15 to \$16 million, which includes the new building, the

purchase of the property and some additional new assets. He reviewed the features of both sites being considered. There is approval for 220K square foot building on the Penn Township property. He reviewed the current tax structure of the Corporation along with the charity contributions and the involvement of the employees. They would like to build a new building but they will be considering what is most beneficial for them as a company.

Dale Myers, President of South Western School District Board of Directors spoke on the Board's behalf and with their authorization. He introduced those in attendance from the District and then read a prepared statement as follows:

"We have previously had a presentation regarding the possible Knorr Brake relocation and the LERTA considerations. We have, as a board, voted unanimously in favor of the LERTA designation and the 10-year plan for tax reductions.

We believe the LERTA designation would be proper application based primarily on Items #2 and #5 of the applicable criteria. Specifically that the land in question is undeveloped or under-developed for its intended industrial designation, and has been so for an extended period of time.

We favor the ten-year tax leniency plan, as we firmly believe that this offers the best chance of attracting Knorr Brake to relocate to Penn Township. We additionally believe the tax revenue over the ten-year period, though reduced, will far exceed the tax revenue otherwise generated by the undeveloped parcel. We have no reason to believe another entity, of equal value is likely to locate or relocate to this parcel in the near future and generate equal or greater tax revenue.

We believe there are other, very significant reasons to encourage this development. Although Knorr Brake intends to employ approximately 230 employees, most of these employees are expected to travel from their current Maryland homes. Thus, the initial impact on school and municipal resources is expected to be minimal; that is a favorable item.

In time we would expect the natural turnover of employees and/or any expansion will result in quality employment opportunities for this community. Significant secondary employment opportunities are expected to be available as soon as ground is broken.

These include initially the jobs created for construction of the facility as well as sales from local construction supply companies. Once complete, we would expect lawn services, landscaping, cleaning, local restaurants and plethora of other companies would also benefit from the facility and the facility's employees.

It is our understanding that Knorr Brake is a significant contributor to local charities and organizations in Carroll County and we would expect them to continue their philanthropic leadership in this community.

Finally, we have been assured that a student shadowing or school-to-work program will be an opportunity presented to local students.

In closing, the revenue generated from new sources has always been preferred to tax revenue from an increase in the millage rate to those business or residents already within

our boundaries. Never has that been truer than it is today.

We believe this is an opportunity that should not be ignored and we would respectfully request that the Penn Township Board of Commissioners approve the LERTA designation and join the School District in offering as much tax relief as their members can agree upon as an incentive for the relocation of Knorr Brake to the Penn Township location. Thank you for your kind attention.”

The York County Commissioners did not have anyone present to comment on this request.

Ray Van de Castle, Chairman of the Penn Township Planning Commission, reiterated the positive recommendation that was made by the Planners at their last meeting.

Paul Wojciechowski, York County Economic Development Corporation, stated that part of his job is to help maintain the current businesses within the Hanover/Penn area and to attract new businesses to the area. He has had several meetings with Knorr Brake Corporation and has had the Governor’s Action Committee involved in those meetings. They view this as a very attractive project for the Commonwealth of Pennsylvania.

Gary Laird, President of Hanover of Chamber of Commerce, presented a prepared statement as follows:

“The Hanover Area Chamber of Commerce is a business advocacy organization that supports business growth and development and has over 600 members in the greater Hanover Area. The Chamber supports the location of Knorr Brake Corporation at the Penn Township Industrial Park. In addition, the Chamber respectfully requests that the Penn Township Board of Commissioners give consideration to allow Knorr Brake Corporation to enter the Local Economic Tax Assistance Act (LERTA) Program.

For the past 100 years the economic strength and vitality of this area has been based on business growth, particularly in the manufacturing sector. As our economy has changed, the opportunities to recruit and attract world-class companies like Knorr Brake Corporation have been limited. The Chamber supports this action for the following reasons:

- As a community we have the opportunity to bring approximately 250 skilled jobs to the Hanover Area.
- These employees will support local restaurants and retailers.
- Most of these employees will be commuting from Maryland so there will not be an immediate increase in enrollment at local school districts.
- Local residents will have the opportunity to apply for new positions or positions created by attrition.
- Knorr Brake Corporation is a world-class company with a history of investing in the community-from supporting local organizations and initiatives to working with local school districts on career pathway opportunities for high school students.
- Having Knorr as an established business may benefit existing local businesses and has the potential to attract other companies and suppliers that may fit within the Knorr supply chain.
- The development of the property in the industrial park will not significantly impact

existing highway and utility infrastructure.

- Permitting access to the LERTA program will not negatively impact the current tax revenue of the Township or School District, but as taxes are phased in on the improved property, tax revenue will increase for both the Township and School District.

Again, thank you for your time and consideration. If you have any questions I would be happy to answer them now. "

Commissioner Prieber thanked everyone for his or her presentations. The Commissioners then posed questions to the applicants.

Commissioner Heilman stated that he is in favor of the LERTA but there are other issues that the Commissioners need to consider before making the decision including how this impacts our real estate property owners.

Commissioner Goldsmith expressed concern about the truck traffic that would be created at this location. Mr. Moore stated that the product is built, staged and picked up by the customer at the Knorr location. Mr. Moore provided more explanation on the green building.

Mr. Moore indicated that property taxes are about thirty percent higher in Pennsylvania than in Maryland for the same size property and building and that is why they are requesting the LERTA.

Commissioner Felix stated that not only are there going to be jobs created by the construction and the actual opening of the building but there will also be increases in the sewer revenue and the local services tax.

Solicitor Fazzini stated that most items have been properly addressed. He stated that the LERTA is only on the improvements and that each taxing authority can designate a different tax schedule. He clarified that the Board has to decide if they want the LERTA and if so what schedule they would be willing to accept. They will also have to designate the actual LERTA area.

There was no one from the general public present for comment.

The Commissioners agreed in principal to adopt an ordinance approving a LERTA for ten years for 17 Industrial Drive at a special board meeting on April 4, 2011.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix: Commissioner Felix had nothing to report.

Personnel Committee - Commissioner Heilman: Commissioner Heilman had nothing to report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the

amount of \$6,092,534.34. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated February 3, 2011 from St. Joseph's Parish for a waiver of the permit fees associated with a yard sale being held on March 26, 2011. Motion carried.

Public Works Committee – Commissioner Goldsmith:

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

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated January 27, 2011 from Group Hanover, Inc. for a waiver of the sign ordinance for the Hanover School District Stadium Project. Motion carried.

Commissioners Felix/Goldsmith moved to deny a request dated January 27, 2011 from Group Hanover, Inc. on behalf of York/Adams Community Tennis Association for a waiver of a land development plan to enclose the existing tennis courts located behind the Emory H. Markle Intermediate School. Motion carried.

Commissioners Felix/Goldsmith moved to adopt Resolution No. 756 authorizing the DCNR grant agreement signature. Motion carried.

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

The following subdivision and land development plans were formally filed:

P11-05 – Lot 108 – High Point North, High Pointe LLC.

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

P10-09 – Wallen Tract/South West Crossing, LLC.

P10-18 – Susquehanna Bank Addition

P11-02 – Fulton Bank (Gateway Hanover – Lots 4 and 5)

Motion carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on June 20, 2011:

P09-10 – American Home Contractors, LLC

P10-18 – Susquehanna Bank Addition

Motion carried.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Goldsmith moved to adopt Ordinance No. 721 amending Ordinance No. 192 providing for the renewal of Plumber's licenses. Motion carried 5-0 on a roll call vote.

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 755 adopting local

Minutes

pretreatment discharge limits for dischargers to the Penn Township Wastewater Treatment Facility. Motion carried.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

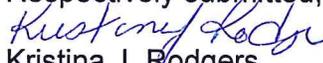
CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS: None.

QUESTIONS FROM PRESS: Questions from the press were received and answered.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Heilman/Rewa moved for adjournment at approximately 7:50 P.M. Motion carried.

Respectively submitted,



Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
APRIL 4, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a special session on Monday, April 4, 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, Rewa and Felix. Also present were Manager Garvick, Police Chief Rhodes, and Fire Chief Cromer.

ANNOUNCEMENTS: President Prieber announced that an executive session was held following the March 21, 2011 Board of Commissioners meeting.

PERSONS TO BE HEARD/CITIZENS COMMENTS: None

TOWNSHIP REPORTS AND STANDING COMMITTEES:

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

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 722 adopting the Local Economic Revitalization Tax Assistance Program (LERTA). Motion carried 5-0 on a roll call vote.

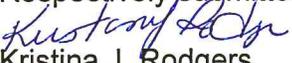
Commissioners Heilman/Goldsmith moved to adopt Resolution No. 757 authorizing participation in the PA DCED shared municipal services program. Motion carried.

OTHER BUSINESS: None.

QUESTIONS FROM PRESS: None.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Heilman/Goldsmith moved for adjournment at approximately 7:06 P.M. Motion carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
APRIL 18, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, April 18, 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, Rewa and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, Township 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 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 March 21, 2011 and April 4, 2011 meetings of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD/CITIZENS COMMENTS:

Bob Garrett, 18 Rosewood Circle, stated that he made a written complaint about two trailers parked at 116 and 120 Timber Lane. One of the trailers has been moved and the other has not. Mr. Garrett wanted to know why the property owner has not been required to move the other trailer. Manager Garvick informed the Board that he had spoken with Mr. Garrett on several occasions about the situation. He informed Mr. Garrett that the Board was considering an amendment to the zoning ordinance that would allow corner lots to more easily store campers, R.V.'s and other vehicles. The Board will take up the issue at the next Public Works Committee meeting on May 3rd. The public is invited to the meeting.

PRESENTATION OF DONATION FROM FRATERNAL ORDER OF EAGLES #1406:

On behalf of the Penn Township Board of Commissioners, President Prieber accepted a \$5,000 donation from Nevin Baumgardner, representing the Hanover Eagles Aerie 1406. President Prieber also accepted a \$500 donation from the Eagle Riders of Hanover and Penn Township. The funds are to be used for the Penn Township Child Abuse Prevention program.

PUBLIC HEARING FOR LIQUOR LICENSE TRANSFER:

Commissioner Prieber stated that the purpose of the public hearing is to consider the transfer of a restaurant liquor license owned by Kostas, Inc. d/b/a Gus' Place from York City to RARE Hospitality International, Inc. d/b/a LongHorn Steakhouse in the Township of Penn. The hearing has been publicly advertised in the Hanover Evening Sun.

Manager Garvick stated that The Township received a request dated April 1, 2011 from attorney Mark Kozar, Flaherty & O'Hara, representing Rare Hospitality International, Inc., whose parent corporation, Darden Restaurants, is the owner of the LongHorn Steakhouse Restaurant chain.

Darden Restaurants will be constructing a LongHorn Steakhouse Restaurant in the Gateway Hanover Shopping Center and is seeking to secure a restaurant liquor license. There are no licenses available at this time within Penn Township.

Licenses are provided to municipalities by the PLCB according to a quota system based upon population. If no licenses are currently available, then a license could be transferred from another municipality within York County. The license being requested for transfer in this case would be coming from the City of York.

Before a license can be transferred from one municipality to another, the PA Liquor Code requires that the receiving municipality seek public input by conducting a hearing and adopting a Resolution approving the transfer. This evening's hearing has been publicly advertised in the Hanover Evening Sun in accordance with the parameters of the PA Liquor Code.

Upon completion of the public hearing, should the Board of Commissioners decide favorably on the request, Manager Garvick indicated that a Resolution has been prepared for adoption that authorizes the transfer.

Mark Kozar, Flaherty & O'Hara, and Cindy Yi, Rare Hospitality, represented the request for the transfer of a liquor license for use at 20 Wilson Avenue in Penn Township. Mr. Kozar stated that RARE Hospitality is part of Darden Restaurants whose stock is publicly traded on the New York Stock Exchange, the restaurant will seat 242 customers, will be 6,225 square feet, employ about 100 people, will operate 11 a.m. to 10 p.m. Sunday thru Thursday, and 11 a.m. to 11 p.m. on Friday and Saturday. Alcohol sales will compliment the food sales, and Longhorn Steakhouse has an extensive alcohol awareness training program for its employees. Mr. Kozar also presented pictures of the proposed restaurant's interior and exterior.

There were no public officials or general public comment.

Commissioners Felix/Goldsmith moved to adopt Resolution No. 759 approving transfer of a restaurant liquor license into the Township of Penn from the City of York. Motion carried.

YORK COUNTY CONVENTION CENTER

Anne Druck, from the York County Convention and Visitors Bureau, made a presentation

about the convention center and what the visitor's bureau does within York County. She stated they provide support to the Hanover Chamber of Commerce promoting tourism in the area and also works with local groups such as the YMCA and Hanover Bowling Center to bring sporting events to the area. They are working with Hanover Fire Commissioner Roth to bring the Can AM Fire and Police games to York County in 2014. Ms. Druck left the Commissioners with additional information about the bureau and upcoming events they are sponsoring.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioner Felix had nothing to report.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to appoint Andrew Zimmerman as a student intern for the police department for the summer of 2011. Motion carried.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,102,711.89. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 758 setting the rate of pay and benefits for the Fire Chief for the remainder of 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 8, 2011 from the South Western Dollars for Scholars program for a waiver of the sign permit fee to advertise their Make A Difference week from April 10 through April 16. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 10, 2011 from the Hanover Lions Club for a waiver of the sign permit fee to advertise their chicken barbeque on May 21, 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 17, 2011 from the Jefferson Carnival, Inc. for a waiver of the sign permit fee to advertise their annual carnival being held July 11 through July 16. Motion carried.

Commissioners Heilman/Goldsmith moved to approve a request dated March 23, 2011 from the Hanover Moose Lodge for a waiver of the sign permit fee to advertise their annual car show being held June 11, 2011. Motion carried with Commissioner Prieber abstaining.

Commissioners Heilman/Goldsmith moved to approve a request dated April 1, 2011 from the South Western Band Boosters for a waiver of the sign permit fee to advertise a chicken barbeque on April 30, 2011. Motion carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 760 re-approving the liquor license transfer for the Olive Garden Restaurant. Motion carried.

Public Works Committee – Commissioner Goldsmith:

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

Commissioners Goldsmith/Rewa moved to appoint Interstate Acquisition Services as the Township's right of way consultants for the Center Street Project. Motion carried.

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated March 11, 2011 from GHI Engineering for a variance to the subdivision and land development ordinance for two lots in the High Pointe subdivision that do not meet the lot depth/width ratio. Motion carried.

Commissioners Felix/Goldsmith moved to approve a request dated April 11, 2011 from Community Aid for a variance to the temporary sign ordinance to allow the placement of two temporary signs for a period of 60 days. Motion carried.

Commissioners Felix/Goldsmith moved to deny a request dated April 6, 2011 from Hanover Land Services for a waiver of the land development requirements for the Hanover Fraternal Order of Eagles. Motion carried.

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

The following subdivision and land development plans were formally filed:

P11-06 – Hanover Fraternal Order of the Eagles Parking Lot Addition

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

P11-04 – Sheppard & Myers Stadium
Motion carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on July 18, 2011:

P03-03 – Bowman Tract Apartments
P04-25 – South Heights
P04-26 – Stonewicke
P06-23 – Brookside Avenue Townhouses
P07-27 – Sterling Brown
P08-20 – Park Hills Manor
P10-12 – York Village Apartments, LCL
Motion carried.

Health & Sanitation – Commissioner Rewa: Commissioner Rewa had nothing to report.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

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

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 7:24 P.M. Motion carried.

Respectively submitted,


Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
MAY 16, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, May 16, 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, Rewa and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, 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 April 18, 2011 meeting of the Board of Commissioners were approved as submitted.

PRESENTATION OF 2010 POLICE DEPARTMENT AWARDS:

Chief Rhodes, President Commissioner Prieber and Public Safety Chairman Felix presented the Police Department's 2010 awards.

Safe Driving awards were presented to Officer Bryant McCusker and Officer John Carbaugh for five years without an accident, and Sergeant Corey Merewede for ten years without an accident.

Officers Bryant McCusker and Joseph O'Brien received the Traffic Safety Achievement award.

Officer Joshua Bowers from the West Manheim Police Department received the Meritorious Service award, which is given to someone who aids a Penn Township Police Officer or the department.

Officers John Carbaugh and Steve Gebhart received the award for Achievement.

Officer Eric Zumbrum received the Chief's Commendation award.

Officer Eric Zumburum was presented the Officer Of The Year award for 2010, which is voted on by the members of the department.

Police Chief Rhodes was presented a thirty-five year service pin from President Commissioner Prieber.

PERSONS TO BE HEARD CITIZENS COMMENTS: None.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to authorize a \$500 donation to the York County Children's Advocacy Center. Motion unanimously carried.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to appoint Steven Kimmey, II as a student intern for the police department for the summer of 2011. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to dismiss John Beil as a member of the Penn Township Zoning Hearing Board, and declare a vacancy. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to appoint Robert Garrett to the Penn Township Planning Commission, said term to expire May 2015. Motion carried on a 4-1 vote with Commissioner Heilman casting the dissenting vote.

Commissioners Heilman/Goldsmith moved to appoint I. David Colgan to the Penn Township Zoning Hearing Board, said term to expire January 2013. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to accept the resignation of William Russell from the Penn Township Civil Service Commission effective immediately. Motion unanimously carried.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,373,045.39. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to adopt Ordinance No. 723 rescinding Ordinance No. 722 the Local Economic Revitalization Tax Assistance program providing for tax exemption at 17 Industrial Drive. Motion carried 5-0 on a roll call vote.

Commissioners Heilman/Goldsmith moved to rescind the joint materials chemical bid awarded on March 23, 2011 to Coyne Chemical as the product bid does not meet the bid specifications. They further moved to award the bid, effective April 1, 2011, for potassium permanganate to the lowest bidder capable of supplying the specified material, Brenntag Northeast, Inc. at a bid price of \$285.75 per cwt. They further moved to authorize the Manager to proceed against both Coyne Chemical and North Industrial Chemical by drawing

upon the performance bonds provided by each company in an amount equal to the additional cost of utilizing the material supplied by Brenntag Northeast, Inc. Motion unanimously carried.

Public Works Committee – Commissioner Goldsmith:

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

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated April 6, 2011 from Hanover Land Services requesting a waiver of the landscape and bufferyard requirements for the Hanover Fraternal Order of Eagles land development plan. Motion unanimously carried.

Commissioners Felix/Goldsmith moved to adopt Ordinance No. 724 accepting land for recreation area in the Whispering Run Subdivision. Motion carried 5-0 on a roll call vote.

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

The following subdivision and land development plans were formally filed:

P11-07 – Snyder's-Lance, Inc. Research and Development Center

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

P11-03 – Hickory Falls Family Entertainment Center

P11-06 – Hanover Fraternal Order of the Eagles parking lot addition

Motion unanimously carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on August 15, 2011:

P01-28 – High Point @ Rojen Farms

P03-30 – Mustang Pointe

P08-14 – National Barn

P10-17 – South Western School District Breezewood Drive Subdivision

Motion unanimously carried.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Goldsmith moved to adopt the Water Shut Off/Sewer Invoice Adjustment Policy. Motion carried on a 4-1 vote with Commissioner Heilman casting the dissenting vote.

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 761, revising the official sewage facilities plan to include Lot 108 in the High Point North Subdivision Plan. Motion unanimously carried.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

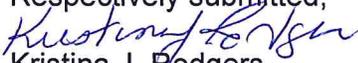
CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS: None.

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 7:20 P.M. Motion unanimously carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
JUNE 20, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, June 20, 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, Rewa and Felix. Also present were Solicitor Tilley, Manager Garvick, Police Chief Rhodes, Township 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 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 May 16, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD CITIZENS COMMENTS: None.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated May 9, 2011 from the West Manheim Township Supervisors for the use of Penn Township's Fire Police for the Pleasant Hill Carnival. Motion unanimously carried.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 762 confirming the appointment of I. David Colgan to the Penn Township Zoning Hearing Board effective May 16, 2011. Motion unanimously carried.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,547,107.91. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve a request dated May 16, 2011 from the Penn Township Lions Club for a waiver of the sign permit fee to advertise their chicken barbeque on June 11, 2011. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to adopt Resolution No. 763 appointing Rager, Lehman and Houck, P.C. as the Township Auditor for 2011. Motion unanimously carried.

Public Works Committee – Commissioner Goldsmith:

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

Commissioners Goldsmith/Rewa moved to approve the proposal from C.S. Davidson, Inc. dated May 12, 2011 authorizing design of repairs to the Karen Lane Bridge for a cost not to exceed \$3,250. Motion unanimously carried.

Planning & Recreation Committee – Commissioner Felix:

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

The following subdivision and land development plans were formally filed:

P11-08 – Walter J. & Mary Lois Danner

P11-09 – Aquaphoenix Scientific

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on September 19, 2011:

P09 -10 - American Home Contractors LLC

P11 -05 - Lot 108-High Pointe North

Motion unanimously carried.

Commissioners Felix/Goldsmith moved to withdraw the following plan at the request of the applicant:

P10-17 – South Western School District Breezewood Drive Subdivision

Motion unanimously carried.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 764 revising the official sewage facilities plan by including the Walter J. & Mary Lois Danner Plan. Motion unanimously carried.

On Thursday, June 2, 2011, the following bids were opened and publicly read aloud for the main interceptor replacement project:

Bidder	Bid Amount
J. A Myers Inc.	\$2,983,169.50
Marks Contracting, Inc.	\$2,345,669.00
Mazzuca Enterprises, Inc.	\$2,867,041.50
Michael F. Ronca & Sons, Inc.	\$3,773,000.00
Rogele, Inc.	\$2,884,810.00

Commissioners Rewa/Goldsmith moved to award the sanitary sewer interceptor replacement project bid to Marks Contracting, LTD for a bid price of \$2,345,669. Motion unanimously carried.

Commissioners Rewa/Goldsmith moved to approve the WWTP upgrade change orders recommended by CET, Inc. in the amount of \$49,001. Motion carried with Commissioners Heilman casting a dissenting vote.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS:

Mr. Barry Hamed addressed the commissioners regarding his business, A2Z Auto Sales, 966 York St. Mr. Hamed submitted a sign permit application in order to construct pole flag signs at his business. The zoning officer denied the request as the square footage of the flags exceeded the allowable limit.

Mr. Hamed believes he is the victim of targeted enforcement and presented the commissioners with photographs of other locations that, in his opinion, constitute violations. The photographs were inspected and discussion ensued regarding several of them. Mr. Hamed indicated he is contemplating legal action against the Township. He further indicated that he will certainly win any lawsuit brought against Penn Township as the township staff is harassing and discriminating against him with things like fire code inspections, building code inspections and zoning regulations.

The Commissioners informed Mr. Hamed that the code officers are expected to pursue violations whenever they are made aware of them but they don't always find every violation.

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 7:35 P.M. Motion unanimously carried.

Respectively submitted,

Jeffrey R. Garvick
Township Manager

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
JULY 18, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, July 18, 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 June 20, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD CITIZENS COMMENTS:

Linda and Stephen Schatz, 224 Hall Drive, requested a change to Section 305 of the Penn Township Zoning Ordinance regarding satellite dish antennas. The Schatz's applied for and were denied a variance to the Ordinance that prohibits having a satellite dish in the front yard. According to the Schatz's, the installers were unable to locate a spot in the backyard or on the roof that allowed for reception of the satellite dish. They were told that reception was possible from the front yard area. They had the dish installed and were notified by the Township that they could not have the dish in the front yard. They would like the Commissioners to consider a change to the Ordinance that would allow for the satellite dishes to be located in the front yard. The Commissioners asked for the request to be made in writing and would consider it the next time they reviewed the zoning ordinance.

Jeremy Brauning, 31 Meadowview Drive, expressed concern about the eight unlicensed dogs on the neighbor's property. He has called York County and the dogs are not licensed. Mr. Brauning stated that he has talked to the Township's Animal Control Officer, Terry Hemler, about the situation and was informed that it was the Township's responsibility to enforce the number of dogs owned by an individual. Manager Garvick explained that Mr. Hemler should notify the Township once he is aware that there are unlicensed animals being kept by a resident and then the Township will contact the property owner about the violation. Manager Garvick stated that he would contact Mr. Hemler about the situation. Manager Garvick stated that once the violation is confirmed the Township could pursue legal action but he could not

Minutes

guarantee the Township would win a case in York County court because they have lost previous cases with regards to the number of dogs a resident could own.

Barry Ahmed, A2Z Motors, 966 Baltimore Street, expressed concern about the flags located at South Hanover Automotive and why they were able to secure a sign permit since he believed they had more than a 100 square feet of signage. Zoning Officer Menges stated that the permit application submitted by South Hanover Automotive conformed to the Township requirements and therefore was approved. Mr. Ahmed insisted that South Hanover Automotive had more signage than he was allowed. Zoning Officer Menges will inspect the South Hanover Automotive property.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated May 17, 2011 from the Hanover Council of Churches to conduct the annual CROP Walk on October 16, 2011. Motion unanimously carried.

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to appoint Gary M. Mummert to an unexpired term on the Penn Township Civil Service Commission, said term to expire August 2012. Motion unanimously carried.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$2,952,092.23. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to authorize the advertisement of a public hearing on August 15, 2011 to consider a LERTA request. Motion unanimously carried.

Public Works Committee – Commissioner Goldsmith:

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

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated June 2, 2011 from Hanover Land Services for a waiver to Sections 505 (k) curbs, 505(k) (1) sidewalks and 605 landscaping and bufferyards of the Penn Township Subdivision and Land Development Ordinance for the Walter J. and Mary Lois Danner land development plan. Motion unanimously carried.

Commissioners Felix/Goldsmith moved to approve a request dated May 6, 2011 from Group Hanover, Inc., for a waiver of Section 605 Landscaping and Bufferyards and Section 404 Environmental Impact Studies of the Subdivision and Land Development Ordinance for the Snyder’s Lance, Inc., land development plan. Motion unanimously carried.

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

The following subdivision and land development plans were formally filed:

P11-10 – South Western School District

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

P11-09 – Aquaphoenix Scientific (9 Barnhart Drive)
P11-10 – South Western School District Breezewood Drive Subdivision
Motion unanimously carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on October 17, 2011:

P03-03 – Bowman Tract Apartments
P04-25 – South Heights
P04-26 – Stonewicke
P06-23 – Brookside Avenue Townhouses
P07-27 – Sterling Brown
P08-20 – Park Hills Manor
P10-12 – York Village Apartments
Motion unanimously carried.

Health & Sanitation – Commissioner Goldsmith:

On Monday, June 27, 2011, the following bids were opened and publicly read aloud by Township Manager Jeffrey Garvick for refuse units:

<u>Bidder</u>	<u>Bid Amount</u>
Central Poly Corporation 18 Donaldson Place Linden, NJ 07036	1000 units - \$240
All American Poly 2 Perlman Drive, Suite 306 Spring Valley, NY 10977	1000 units - \$255.51
Interboro Packaging Corporation 114 Bracken Road Montgomery, NY 12549-2600	1a 1000 units - \$279.80 1b 1000 units - \$249.80 1c 1000 units - \$214.80 1d 1000 units - \$174.80 1e 1000 units - \$148.40
Uni Pak P.O. Box 300027 Brooklyn, NY 11230	No Bid

Commissioners Goldsmith/Heilman moved to award the refuse unit bid to Central Poly Corporation, Linden NJ for a bid price of \$240 per 1000 units. Motion unanimously carried.

On Monday, June 27, 2011, the following bids were opened and publicly read aloud by

Township Manager Jeffrey Garvick for refuse and recycling collection:

<u>Bidder</u>	<u>Option</u>	<u>Bid Amount</u>
Penn Waste	2012	\$2.25 per bag
1770 East Market Street	2013	\$2.25 per bag
York, PA 17402	2014	\$2.25 per bag
Republic Services, Inc.	2012	\$2.15 per bag
3730 Sandhurst Drive	2013	\$2.20 per bag
York, PA 17406	2014	\$2.25 per bag

Commissioners Goldsmith/Heilman moved to award the refuse/recycling bid to Republic Services, Inc., York PA 17406, for a bid price of \$2.15 a bag in 2012, \$2.20 per bag in 2013, and \$2.25 per bag in 2014 with the option of two additional years. Motion unanimously carried.

Commissioners Goldsmith/Heilman moved to approve requests from Wickersham Construction dated May 17, 2011 and PSI Pumping Solutions dated May 17, 2011 for a thirty-day contract extension for completion of the improvements to the Waste Water Treatment Plant. They further moved to authorize the Township Manger to execute all appropriate documents. Motion unanimously carried.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZEN'S QUESTIONS TO THE BOARD REGARDING DISCUSSION ITEMS:

Page Wingert, Legacy Athletic, asked what he needed to do for the LERTA Public Hearing. Manager Garvick stated that the Mr. Wingert would need to make a presentation to the Board that evening and the Township will notify the other taxing authorities and organizations about the public hearing. The Board could do several things that evening from adopting an ordinance, to authorizing the advertisement of an ordinance, to denying the request.

QUESTIONS FROM PRESS: None.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Goldsmith/Felix moved for adjournment at approximately 7:24 P.M. Motion unanimously carried.

Respectively submitted,
Kristina J. Rodgers
Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
AUGUST 15, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, August 15, 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, Rewa and Felix. 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 July 18, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD CITIZENS COMMENTS:

Gerry Funke, Group Hanover Inc., requested that the Board of Commissioners consider adopting the Resolution for the sewer module for the Snyder's – Lance project even though he only submitted it this morning, which was after the deadline for tonight's meeting. Manager Garvick stated that he had no problem with approving the resolution for the module this evening. The Commissioners will consider the request under the Health and Sanitation portion of the meeting.

LERTA PUBLIC HEARING – TO CONSIDER ESTABLISHING A LERTA BOUNDARY:

Manager Garvick stated that the Purpose of the Hearing is to elicit testimony to determine the desirability of establishing of a boundary within which industrial development would occur and could result in the assessment of a property tax rate divergent of the rate assigned to all other properties within the taxing district. The option to adjust the tax rate is allowed by the Local Economic Revitalization Tax Act, also known as LERTA. This Hearing, required by the LERTA legislation, has been properly advertised in the Hanover Evening Sun.

On September 14, 2010 Legacy 92, LLC purchased from the entity known as B & F Tool and Gear, Inc, the land and 43,141 sq. ft. building at 300 Fame Avenue, Hanover, PA. On September 30, 2010 the Township received a land development plan from Legacy Athletics

proposing a 3,141 sq. ft. office addition and a 20,000 sq. ft. factory addition to the existing structure. The plan was approved on November 15, 2010 and construction permits were issued on April 1, 2011.

On May 12, 2011 the Township received correspondence from Attorney Jeremy Frey of Barley Snyder, representing Paige Wingert and Legacy 92, LLC, requesting consideration of a LERTA boundary comprising 300 Fame Ave. The request is for consideration of a 10-year tax relief schedule for new improvements only. In other words, any relief granted would not include the current property taxes being paid on the land and the original structure. The proposed taxing schedule would have the property owner contributing 0% property taxes in the first year of the LERTA schedule incrementally increasing by 10% per year until by year 11 the tax rate would be the full 100%.

All three taxing authorities, the Township, the SWSD, and the County of York, must agree to participate in a LERTA schedule. However, the schedule need not be the same for all three taxing entities. The Township is solely responsible for establishing by Ordinance the LERTA boundary itself.

The Penn Township Planning Commission was invited to put forth a recommendation on the request. However, following discussion at its meeting on August 4, 2011, the Planners voted to withhold any recommendation.

Manager Garvick indicated that this completed the staff review. He also informed the Board that he would respond to any questions that the commissioners may have now or at any time during this hearing.

Page Wingert, owner of Legacy Athletic, made a presentation on why they were requesting the LERTA. Mr. Wingert stated that Legacy Athletic is being relocated to Fame Avenue from Barnhart Drive. He first requested the LERTA at the May Board of Commissioners meeting due to the fact that he was made aware of the LERTA because of articles in the Evening Sun regarding the Knorr Brake Corporation. Legacy formally filed its request on May 11, 2011. He reviewed the criteria that the Commissioners used in considering the Knorr Brake request and he stated he would use the same criteria for his request. He reviewed the history of his company and stated they embroider and sell hats and other items, including jewelry, for colleges and resorts. They compete with larger companies and buy their blank products from China and then customize the products for about 5000 vendors. They provide jobs for skilled laborers including embroiders, jewelry assemblers, and graphic artists. They have over sixty employees and the new facility will allow for continued growth. More than half of the employees are graduates of South Western School District and about half reside in Penn Township. He introduced two employees who work at the facility and live in Penn Township. He explained he recruited an individual to help in the manufacturing of jewelry. He stated he has little turnover and tries to create a family atmosphere at the facility. He talked about the commitment to the Community and the school district. He explained why he purchased the building and had no intention of leaving the Hanover area.

Jeremy Frye, attorney for Legacy Athletic, explained the implications of the tax reduction. He wanted to make sure that the Commissioners understood it would not result in the loss of existing tax revenue. The abatement would be phased in over ten years on the new construction and additions made to the facility. He stated he knows that the concern of the

Commissioners is for the residents of the area but any tax increase would be passed on to Legacy for the existing structures.

Mr. Wingert referenced the letter that was submitted to the Commissioners from the Junior Achievement Program about the support that Legacy has provided them.

Michael Smith, Campaign Director of the York County United Way, stated that over the past four years Legacy and its employees have donated over \$50,000 to the United Way campaign. They are one of only eight companies that match the dollar-for-dollar employee contributions. The average employee and corporate per capita giving is \$160 per employee. Mr. Wingert has served as a volunteer for the United Way and encourages others to participate.

Dale Myers, President of the South Western School District Board of Education, stated that the district has made no recommendation on what they would do if the LERTA were approved. They did not want to sway the vote of the Commissioners. He stated that the Township Commissioners should be concerned about bringing jobs to the Township and could set a LERTA boundary designation to encourage growth in the area. The Commissioners could give secondary consideration to this request when preparing that area. The School Board feels that the Commissioners should consider all aspects of this request but they do have one legal concern.

Keith Nonemaker, Solicitor for the School District, stated that he has some concerns about the LERTA designation and felt that this application does not meet the requirements for a LERTA. The concern is that the request is being made too late because the application was not made at the time the building permits were secured. Attorney Nonemaker referenced the section of state law that requires that the LERTA request be made at the time of application for the building permit.

Mr. Myers concluded his remarks by complementing Legacy Athletics and recognizing them as an outstanding business.

There was no one present from the County of York to discuss the request.

Kentha Hanson, York County Economic Development Corporation, informed the Commissioners that she works on retaining and attracting economic development projects to the York Area. LERTA is the only economic tool that local areas have to attract and retain businesses in the area. She stated that there are precedents in York County where the LERTA was applied for and granted after the building permits had been secured and approved.

Gary Laird, Hanover Chamber of Commerce, is supportive of the endeavor on 300 Fame Avenue. The U.S. Chamber of Commerce states that ninety percent of the businesses in our area are considered small businesses. They supported the LERTA for Legacy due to the economy. Legacy Athletic has been a member of the Chamber since 2003. Mr. Laird stated that Legacy hires from our local workforce and additional employees will contribute to local tax revenue and will help with other businesses in the area and will not have an impact on the infrastructure in the area. The LERTA will not affect the current tax base and Legacy supports numerous non-profit organizations in the area as well as the school district.

Commissioner Felix stated several concerns about the LERTA program and its intent to be used for barren land for development and not for revitalization. He has concerns about the

point brought forth by Attorney Nonemaker and the timing of the request for LERTA since it was after the building permit was issued. Attorney Frey then cited case law supporting a LERTA designation in Philadelphia subsequent to issuance of building permits.

Commissioner Heilman had no comments at this time.

Commissioner Goldsmith expressed concern about the timing of the request.

Commissioners Prieber and Rewa had no comments at this time.

Solicitor Tilley provided comments regarding the consideration of the request. Mr. Wingert stated that he is looking to get into new products with the movement into the new building, which would require reinvestment into the business for inventory and machines for different products. He stated that sales are increasing. Mr. Wingert stated that he is trying to change the paradigm of the LERTA so that people are aware it is available. He is concerned about being held to standards that are non-existent.

Solicitor Tilley stated that LERTA is a state law which is implemented at the local level and the Township is not responsible for promoting it. The law was implemented to develop real estate that is barren. He also referenced the Philadelphia case that Attorney Frey mentioned. He stated that the Commissioners could look at an area rather than one property or one request at a time. They could then market the area as a LERTA area. As a policy making body this is how the Board may want to consider the LERTA.

Commissioner Felix indicated opposition to the LERTA request.

Commissioner Heilman stated support for the LERTA request and said rules and regulations should have been established prior to Legcy's application and the Township should promote the LERTA process. He also said that establishment of a LERTA zone is not necessarily a commitment to a tax break.

Commissioner Rewa stated he supported the request.

Commissioner Goldsmith has concerns about establishing a LERTA area with regards to future business.

Commissioner Prieber stated he was in favor of establishing a boundary.

Action on the LERTA request was tabled to the next meeting.

The public hearing concluded at 8:00 p.m. President Prieber then moved into the regular meeting.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated July 24, 2011 from the South Western Band Boosters for the use of barricades and fire police at the Cavalcade of Bands competition on Saturday, October 29, 2011. Motion unanimously carried.

Personnel Committee - Commissioner Heilman: No Report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount of \$863,581.62. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve a request dated July 12, 2011 from the Hanover Eagles Auxiliary for a waiver of the permit fee for a yard sale held on July 16, 2011. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve a request dated August 3, 2011 from the Penn Township Lions Club for a waiver of the sign permit fee to advertise a chicken barbeque on September 10, 2011. Motion unanimously carried.

Public Works Committee – Commissioner Goldsmith:

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

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Goldsmith moved to approve a request dated June 30, 2011 from Hanover Land Services for a waiver of the environmental impact study for the Walter J. and Mary Lois Danner Final Land Development Plan. Motion unanimously carried.

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

The following subdivision and land development plans were formally filed:

P11-11 – Yazoo Mills, Inc.

Commissioners Felix/Goldsmith moved to approve the following subdivision and land development plans: None.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on November 21, 2011:

P01-28 – High Point @ Rojen Farms

P03-30 – Mustang Pointe

P11-07 – Snyder's-Lance, Inc.

Motion unanimously carried.

Commissioners Felix/Goldsmith moved to approve the following extension request that will expire on September 19, 2011:

P08-14 – National Barn

Motion unanimously carried.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 765, revising the official sewage facilities plan by including the Cherrytree – Phase 3 development. Motion unanimously carried.

Commissioners Rewa/Goldsmith moved to adopt Resolution No. 766, revising the official sewage facilities plan by including the Snyder's – Lance Research and Development Building. Motion carried on a 4-1 vote with Commissioner Felix casting the dissenting vote.

Commissioner Rewa acknowledged that it was the twentieth anniversary of the Township's pay-as-you-throw refuse program and he thanked all the vendors who sell the refuse bags, including some who have done so for the last twenty years. Letters of Appreciation will be sent to all vendors.

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

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 Rewa/Goldsmith moved for adjournment at approximately 8:11 P.M. Motion unanimously carried.

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
SEPTEMBER 19, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, September 19, 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, Rewa and Felix. 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 August 15, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD CITIZENS COMMENTS: None.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Rewa moved to approve an agreement with PA State Police to continue using the CLEAN/JNET program. Motion unanimously carried.

Commissioners Felix/Rewa moved to approve a request dated August 1, 2011 from the Hanover Area Jaycees requesting permission to hold the annual Halloween parade on October 27, 2011, with a rain date of Monday, October 31, 2011. Motion unanimously carried.

Commissioners Felix/Rewa moved to set trick or treat night for Tuesday, October 25, 2011 from 6:00 p.m. to 8:00 p.m. Motion unanimously carried.

Personnel Committee - Commissioner Heilman: No Report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Goldsmith moved to approve Township warrants in the amount

of \$2,951,124.16. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve the 2012 minimum municipal obligations for the fire fighter's, uniformed, and non uniformed pension plans. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve a request dated August 1, 2011 from the Hanover Area Jaycees for a waiver of the sign permit fee to place five temporary signs advertising the Halloween Parade. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve a request dated August 8, 2011 from the Mason – Dixon Credo requesting a waiver of the sign permit fees to advertise two retreats. Motion unanimously carried.

Commissioners Heilman/Goldsmith moved to approve Ordinance No. 725 the Fire Insurance Escrow Ordinance. Motion carried 5-0 on a roll call vote.

Commissioners Heilman/Goldsmith moved to approve Ordinance No. 726 adopting the Local Economic Revitalization Tax Assistance Program (LERTA) for Legacy Athletic. Motion failed 2-3 on a roll call vote with Commissioners Felix, Goldsmith, and Prieber casting the dissenting votes.

Commissioners Heilman/Goldsmith moved to accept a proposal from PNC Bank for a refinance of a bank qualified tax exempt general obligation debt. Motion unanimously carried.

Public Works Committee – Commissioner Goldsmith:

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

Commissioners Goldsmith/Rewa moved to adopt Resolution No. 767 authorizing the award of a contract for emergency repairs to the Karen Lane Bridge. Motion unanimously carried.

Planning & Recreation Committee – Commissioner Felix:

Commissioners Felix/Rewa moved to approve a request dated August 5, 2011 from Group Hanover for a partial waiver of the landscaping requirements for the Yazoo Mills land development plan. Motion unanimously carried.

Commissioners Felix/Rewa moved to approve a request dated August 18, 2011 from Group Hanover for a waiver of the environmental impact study for the Yazoo Mills land development plan. Motion unanimously carried.

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

The following subdivision and land development plans were formally filed:

P11-12 – James D. Plank

Commissioners Felix/Goldsmith moved to approve the following subdivision and land

development plans:

P11-05 – Lot 108 – High Pointe North
P11-08 – Walter J. & Mary Lois Danner
Motion unanimously carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on October 17, 2011:

P08-14 – National Barn
Motion unanimously carried.

Commissioners Felix/Goldsmith moved to approve the following extension requests that will expire on December 19, 2011:

P09-10 – American Home Contractors LLC
Motion unanimously carried.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Goldsmith moved to award the Timber Lane Interceptor bid to Rogele, Inc. for a bid price of \$248,953.75. Motion unanimously carried.

Commissioners Rewa/Goldsmith moved to approve requests from PSI Pumping Solutions dated September 14, 2011 to increase the contract amount by \$25,735.04 and from Wickersham Construction and Engineering, Inc. to increase the contract amount by \$42,109.00 for the improvements to the Waste Water Treatment Plant. They further moved to authorize the Township Manager to execute all appropriate documents. Motion unanimously carried.

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

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

Respectively submitted,
Kristina J. Rodgers
Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
OCTOBER 17, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, October 17, 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, Rewa and Felix. Commissioner Goldsmith 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 September 19, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD CITIZENS COMMENTS:

Jeremy Flores, Athletic Director for Hanover School District, requested permission for Hanover School District to conduct a homecoming parade on November 4, 2011 prior to the Hanover-Delone football game. The District previously held the parade at the stadium allowing the floats to circle the stadium on the old track. However, since the track has been replaced it can no longer hold the floats without causing damage. They are proposing having the parade start at 5:00 p.m. at the Hanover Street Elementary School and travel on McAllister Street, then onto Wirt Avenue, and then onto John Street and conclude at the entrance of the Hanover football field at John Street. The commissioners expressed concern about shutting down Wirt Avenue and John Street during a heavy traffic period. Chief Rhodes stated that with the help of Borough of Hanover Police Department they would be able to handle the closing of McAllister Street for the parade. The Commissioners suggested that the parade would be approved if it were contained to only McAllister Street. Mr. Flores indicated that would not be a problem.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix:

Commissioners Felix/Rewa moved to approve the York County SPCA municipal contract for 2012. Motion carried unanimously.

Commissioners Felix/Rewa moved to approve the Hemler/ACS agreement for 2012. Motion carried unanimously.

Commissioners Felix/Rewa moved to approve a request received on October 11, 2011 from Hanover School District to conduct a homecoming parade on November 4, 2011 as long as the parade route is maintained on McAllister Street. Motion carried unanimously.

Personnel Committee - Commissioner Heilman: No Report.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Rewa moved to approve Township warrants in the amount of \$2,043,144.60. Motion carried unanimously.

Commissioners Heilman/Rewa moved to approve a request dated September 9, 2011 from St. Joseph Parish for a waiver of permit fees to advertise their holiday bazaar being held on November 12th and 13th. Motion carried unanimously.

Commissioners Heilman/Rewa moved to adopt Ordinance No. 726, the Penn Township Earned Income and Net Profits Tax Ordinance. Motion carried unanimously on a roll call vote.

Public Works Committee – Commissioner Rewa:

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.

The following subdivision and land development plans were formally filed:

P11-13 Giovanni's Pizza & Italian Restaurant

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

P03-03 Bowman Tract Apartments

P11-12 James D. Plank

Motion carried unanimously.

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

P04-25 – South Heights

P04-26 - Stonewicke

P06-23 – Brookside Avenue Townhouses

Minutes

P07-27 – Sterling Brown
P08-14 – National Barn
P08-20 – Park Hills Manor
P10-12 – York Village Apartments
Motion carried unanimously.

Commissioners Felix/Rewa moved to deny a request dated October 1, 2011 from Community Aid Thrift Store for a waiver of the sign ordinance. Motion carried unanimously.

Health & Sanitation – Commissioner Rewa:

Commissioners Rewa/Heilman moved to approve an amendment to the Department of Environmental Protection Consent Order and Agreement allowing an extension of the construction contract for the main sewer interceptor. Motion carried unanimously.

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

OLD BUSINESS: None.

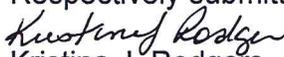
NEW BUSINESS: None.

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

Respectively submitted,

Kristina J. Rodgers
Township Secretary

**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
Kristina J. Rodgers
Township Secretary

**MINUTES
BOARD OF COMMISSIONERS' PUBLIC MEETING
DECEMBER 19, 2011**

CALL TO ORDER - ROLL CALL - DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, December 19, 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, Felix and Rewa. 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, personnel, and other issues involving attorney/client privilege.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING:

The minutes of the November 21, 2011 meeting of the Board of Commissioners were approved as submitted.

PERSONS TO BE HEARD CITIZENS COMMENTS:

Edwin Jenkins, 316 Azalea Drive, expressed concern about open-air fires within the Township which result in smoke damage to his home. He also complained about the noise associated with the fires and the closeness of the fires to his house. He stated that he has spoken to the police department, the fire department and the township manager about the situation. President Prieber stated that he would contact the Chief Cromer about the situation to see what can be done. Mr. Jenkins also expressed concern about the lack of a discount on the real estate taxes for disabled and retired citizens. President Prieber informed Mr. Jenkins that he would need to contact the state legislators about a reduction in taxes.

RECOGNITION OF TOWNSHIP EMPLOYEES:

President Prieber and the Commissioners presented certificates to Douglas C. Wantz and William H. Mahone in recognition of their quick response and performance in administering emergency medical assistance which saved the life of an employee of Delta Excavation and Demolition on November 21, 2011 at the Penn Township Wastewater Treatment Facility.

President Prieber presented a plaque of appreciation for outgoing Commissioner Walter Rewa for his four years of service on the Board of Commissioners.

PUBLIC HEARING – 2012 BUDGET

Manager Garvick provided a synopsis of the 2012 budget. He stated that the general fund budget shows projected receipts and cash carry over of \$9,963,038 and expenses of \$9,963,038. The highway aid fund shows projected receipts and cash carry over of \$425,194 and expenses of \$425,194. The sewer fund shows projected receipts and cash carry over of \$6,966,000 and expenses of \$6,966,000.

There were no Penn Township residents at the meeting who wished to comment on the 2012 Budget and the public hearing was closed.

Commissioners Heilman/Rewa moved to adopt Ordinance No. 731, the 2012 budget. Motion carried 4-1 on a roll call vote with Commissioner Felix casting the dissenting vote.

Commissioners Heilman/Rewa moved to adopt Ordinance No. 732, setting the real estate tax rate for 2012 at 3.2 mills. Motion carried 3-2 on a roll call vote with Commissioners Felix and Heilman casting the dissenting votes.

Commissioners Heilman/Rewa moved that the Manager be authorized to balance all 2011 funds by transferring surplus funds to those accounts showing deficits. Motion carried unanimously.

TOWNSHIP REPORTS - STANDING COMMITTEES:

Public Safety Committee - Commissioner Felix had nothing to report

Personnel Committee - Commissioner Heilman:

Commissioners Heilman/Rewa moved to adopt Resolution No. 755 appointing Frederick Stine to the Zoning Hearing Board. Motion carried unanimously.

Commissioners Heilman/Rewa moved to accept Joseph Klunk's resignation from the Penn Township Zoning Hearing Board effective immediately. Motion carried unanimously.

Commissioners Heilman/Rewa moved to appoint Douglas Stambaugh, GHI Inc., as the Township's Sewage Enforcement Officer. They further moved that Douglas Barmoy and Reginald Baugher, Hanover Land Services Inc., be appointed as the Township's alternate Sewage Enforcement Officers. Motion carried unanimously.

Finance Committee – Commissioner Heilman:

Commissioners Heilman/Rewa moved to approve Township warrants in the amount of \$1,211,646.35. Motion carried unanimously.

Commissioners Heilman/Rewa moved to adopt Resolution No. 772 setting rates of pay and benefits for 2012. Motion carried unanimously.

Commissioners Heilman/Rewa moved to adopt Resolution No. 773, the permit and fee schedule for 2012. Motion carried unanimously.

Commissioners Heilman/Rewa moved to adopt Resolution No 774 authorizing the establishment of the Fire Prevention Activities account with PNC bank. Motion carried unanimously.

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.

The following subdivision and land development plans were formally filed: None.

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

P11-11 - Yazoo Mills, Inc.
P11-14 - York Street Beverage
Motion carried unanimously

Commissioners Felix/Rewa moved to approve the following extension requests that will expire on March 19, 2012:

P09-10 - American Home Contractors LLC
Motion carried unanimously.

Health & Sanitation – Commissioner Rewa had nothing to report

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

OLD BUSINESS: None.

NEW BUSINESS:

Commissioner Rewa stated that he had been thanked by several residents for the Township having the property cleaned up on Bowman Road.

Commissioners Goldsmith/Rewa moved to adopt Ordinance No. 733 establishing the time and place of the regular meeting of the Board of Commissioners. Motion carried

unanimously on a roll call vote.

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 Rewa/Goldsmith moved for adjournment at approximately 7:15 P.M. Motion unanimously carried.

Respectively submitted,

Kristina J. Rodgers
Kristina J. Rodgers
Township Secretary