

**MINUTES
BOARD OF COMMISSIONERS PUBLIC MEETING
OCTOBER 21, 2019**

CALL TO ORDER – ROLL CALL – DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, October 21, 2019 at the Penn Township Municipal Building. President Van de Castle called the meeting to order at 7:00 p.m. with a roll call of members. Present were Commissioners Brown, Felix, Heiland, and Van de Castle. Also present were Solicitor Hovis, Township Manager Rodgers, Police Chief Hettinger, Fire Chief Clouser, Township Engineer Bortner, Zoning Officer Smith, and Secretary Sweeney.

PLEDGE OF ALLEGIANCE TO THE FLAG FOLLOWED BY A PERIOD OF SILENT MEDITATION:

All in attendance stood for the Pledge of Allegiance to the flag, which was followed by a period of silent meditation.

ANNOUNCEMENTS:

Commissioner Van de Castle announced an executive session was held following the Health & Sanitation meeting on September 3, 2019.

Commissioner Van de Castle announced that after 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:

The minutes of the September 16, 2019 Board of Commissioners meeting were approved as submitted.

PERSONS TO BE HEARD – CITIZEN’S COMMENTS:

Ronald L. Carter, 416 Glenville Rd, Hanover, questioned why he did not see his Subdivision plan on the agenda. Manager Rodgers stated that he is on the agenda, and will be covered under the Zoning Officer’s Report.

PUBLIC HEARING – RENEWAL OF CABLE FRANCHISE AGREEMENT:

Solicitor Hovis stated that the purpose of this public hearing is to give the residents along with the Commissioners the opportunity to comment on the Township’s current cable provider in accordance with the Cable Franchise Agreement along with the Act that regulates cable franchises.

Solicitor Hovis opened the floor to Mr. Todd Eachus, Senior Director, Government & External Affairs, Comcast Cable to answer questions.

Commissioner Van de Castle commented he just lost another channel.

Commissioner Heiland stated that he recently received an email stating he has received 50 more megabits in download speed.

Mr. Eachus addressed Commissioner Van de Castle's comment stating that Comcast is in the business of buying programming to provide to the consumer, and time to time issues arise with renegotiations. The channel in question, the owner of the channel sought a price per subscriber per month that was above the price that Comcast could provide, so the channel was moved to a higher tier of subscription offering to cover the cost of service.

Mr. Eachus stated that franchise agreement runs through and will renew in 2022. He also wanted to inform the Township that the FCC announced rules for governing of the cable franchising authorities that are effective as of September 26, 2019. Section 621 clarifies that the 5% cap on the franchise fees are defined as a hard cap, which means the cap is the inclusion of cash and/or of in-kind services. This ruling has been appealed, and a request for stay has been issued. He stated that he is unsure of the status, and the ruling includes an exemption of certain fees for public education and government channels. The franchise fees cover cable services, which does not include internet, home security, or phone moving over the network. The ruling adds a prohibition of franchise authorities of adding additional taxes or fees for carriage of internet over the same lines one is already paying a franchise fee to the municipality.

Mr. Eachus added that Comcast as an enterprise continues to invest and update its product and customer service.

Solicitor Hovis asked if a value has been placed on the "in-kind" services. Mr. Eachus stated that they are currently working on it, and it calls for a fair market value. Discussions are currently underway to have some sort of a public rate.

Manager Rodgers stated that her predecessor had the Penn Township address removed from the bill, and it seems that it has been starting to reappear. The Township has received numerous phone calls in regard to cable issues. She requested that the address be removed so the Comcast subscribers do not contact the Township. Mr. Eachus stated that they are obligated to provide the information one time a year, and that he will check into the matter and make sure that the address is removed.

Mr. Michael Myers, 1015 Pearl Drive, asked if the Township received any inquiries from other providers beside Comcast. Manager Rodgers stated that there have been no other inquires, however the agreement is written so other providers can enter under the same agreement. Solicitor Hovis added that the agreement is not exclusive.

Commissioner Brown asked about the home security business. Mr. Eachus stated that it has evolved as a smart home space platform, with a security component, including window sensors, door locks which also includes a suite of other components such as smart lighting, and connecting to the thermostat. This is evolving at both the residential and business level of service. Comcast is currently working with the emerging smart-cities technologies, working in that space with local governments, currently in the larger cities to provide such services as ultrasound sensors placed in trash receptacles to route trash collectors when full, smart lighting, managing water grids and stormwater valves. They are also working on putting sensors on manhole covers to alert municipalities if the cover is removed, reporting as a homeland security issue.

Commissioner Heiland stated that he is aware that there are efforts to improve and increase the download speed but asked if there are any plans to improve the upload speed. Mr. Eachus replied there is nothing that has been announced, but yes, they are continually evolving. Commissioner Heiland stated that they are currently looking at getting the Police Department more upload speed in order to send video footage to the York DA, and that the current upload cost is quite high.

Ronald L Carter inquired if the emphasis has been placed on download speeds rather than upload speeds is because more people are downloading movies and videos than uploading information, and Mr. Eachus confirm that is the correct reasoning.

TOWNSHIP REPORTS – STANDING COMMITTEES:

Public Safety – Commissioner Brown:

Commissioners Brown/Felix moved to adopt Ordinance 826, to amend sections 300-17 stop intersections and 300-29 parking prohibited at all times of the Penn Township Code. Motion carried on a 4-0 roll call vote.

Commissioners Brown/Felix to approve the 2020 York County SPCA Care and Housing agreement. Motion carried unanimously.

Commissioners Brown/Felix moved to approve Resolution No. 945, Authorizing and Directing the Manager to submit the documents to apply for the Multimodal Grant on behalf of Penn Township. Motion carried unanimously.

Public Works & Recreation – Commissioner Heiland:

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

The MS4 Coordinator is available Monday through Friday from 8:00 a.m. to 4:30 p.m. to answer any questions.

Commissioners Heiland/Felix moved to approve the GHI agreement for Little Knoll Estates, Lot #126, for revising and rehabilitating the existing stormwater management pond. Motion carried unanimously.

Planning – Commissioner Heiland:

Commissioners Heiland/Brown moved to accept the final inspection of the Breezewood Drive Project, thus releasing the bond. Motion carried unanimously.

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

There were no Subdivision and Land Development plans submitted for formal filing.

Commissioners Heiland/Felix moved to approve the following sub division and land development plans:

SL19-09-High Pointe at Rojen-South-Phase S1
SL19-14-Gitts Run Road, LLC.
SL19-16-Ronald L. Carter
Motion carried unanimously.

Commissioners Heiland/Felix moved to approve the following extension requests that will expire on January 20, 2020:

P04-25-South Heights
SL18-20-Stonewicke V
SL19-08-Mavis Tire-North Hanover
SL19-10-Carter Lumber Company
Motion carried unanimously.

Finance – Commissioner Felix:

Commissioners Felix/Brown moved to approve Township warrants in the amount of \$2,847,312.18. Motion carried unanimously.

Commissioners Felix/Heiland moved to adopt Resolution No. 943 to request funds from the H2O PA Act to assist in constructing public sewer. Motion carried unanimously.

Commissioners Felix/Brown moved to award the 2006 F350 4x4 bid to Frank Wunder, 5 Dogleg Drive, Reading, PA, for a bid price of \$11,955.00. Motion carried unanimously.

Commissioners Felix/Brown moved to approve a request dated September 23, 2019 from Juvenile Probation Department for a waiver of the Community Room fee for the Youth Aid Panel meetings. Motion carried unanimously.

Commissioners Felix/Brown moved to approve a request dated October 3, 2019 from the Hanover West Manheim Township Lions Club requesting a waiver of the sign permit fees to advertise their annual Christmas tree fundraiser. Motion carried unanimously.

Commissioners Felix/Brown moved to approve a request dated October 15, 2019 from the Knights of Columbus requesting a waiver for the sign permit fees for a holiday banner. Motion carried unanimously.

Personnel – Commissioner Felix:

Commissioner Felix/Brown moved to adopt Resolution No 944, setting the rate of pay for the MS4 Coordinator for the remainder of 2019. Motion carried unanimously.

Commissioner Felix/Brown moved for the appointment of Wendell S. Felix to the Penn Township Planning Commission, said term to expire December 31, 2019. Motion carried unanimously.

Commissioner Felix/Brown moved to appoint Chad Yiengst to the unexpired term of the Planning Commission, said term to expire May 2023. Motion carried unanimously.

Health & Sanitation – Commissioner Heiland:

Commissioner Heiland/Brown moved to approve the Ultraviolet Disinfection System change order number one, in the amount of \$4,290.17. Motion carried unanimously.

Commissioner Heiland/Brown moved to approve the Barnhart Drive change order number one, in the amount of \$298,114.75. Motion Carried unanimously.

On Friday, October 11, 2019 the following bids were virtually received by Mike Krieger, of GHD, for the York County Grandview Road Sanitary Sewer Replacement.

<u>Bidder</u>	<u>Amount</u>
Barrasso Excavation, Inc. 1523 Memorial Highway Oley, PA 17547	\$276,582.00

DeTraglia Excavating Landscaping, Inc. 281 Texaco Road Mechanicsburg, PA 17050	\$265,649.00
E.K. Services, Inc. 260 Old York Road New Cumberland, PA 17070	\$226,667.86
Greenland Construction, Inc. 8908 Clearfield Curwensville Highway Clearfield, PA 16830	\$257,741.00
Shiloh Paving Excavating, Inc. 300 Cloverleaf Road York, PA 17406	\$218,750.00
Wexcon, Inc. 379 Tilden Road Mohrsville, PA 19541	\$222,784.50

Commissioners Heiland/Brown moved to award the bid for the Grandview Road Sanitary Sewer Replacement to Shiloh Paving Excavation Inc, from York, PA for the bid price of \$298,114.75. Motion carried unanimously.

MANAGER’S REPORT:

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

OLD BUSINESS: None.

NEW BUSINESS: None.

PERSONS TO BE HEARD/CITIZEN’S COMMENTS:

Mr. Michael Myers, 1015 Pearl Drive expressed concern about tractor trailers that are driving through the residential streets of Pearl Drive, Whispering Lane then to what appears to be a business on Bair Road.

Solicitor Hovis stated that it is a public road and the only way to limit is to claim that the vehicles are damaging the road.

Manager Rodgers took Mr. Myers contact information and stated that she will refer this inquiry to Zoning Officer Smith and will be in contact with him.

QUESTIONS FROM THE PRESS: None.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Heiland/Brown moved for adjournment at approximately 7:39 p.m. Motion carried unanimously.

Respectfully submitted,

Donna M. Sweeney
Township Secretary