

**MINUTES
BOARD OF COMMISSIONERS PUBLIC MEETING
FEBRUARY 17, 2020**

CALL TO ORDER – ROLL CALL – DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, February 17, 2020 at the Penn Township Municipal Building. President Heiland called the meeting to order at 7:00 p.m. with a roll call of members. Present were Commissioners Brown, Elksnis, 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 Township 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 Heiland announced that after the public meeting this evening the Board of Commissioners would convene in an executive session with the Solicitor to discuss personnel, and other legal matters involving attorney/client privilege.

APPROVAL OF THE MINUTES:

The minutes of the January 20, 2020 Board of Commissioners meeting were approved as submitted.

PERSONS TO BE HEARD – CITIZEN'S COMMENTS:

Mr. David Shearer, 4052 Grandview Road, wished to speak about the lack of a noise ordinance within the township. He stated that his neighbors across the street have a dog and on Sunday, February 9th, 2020, the dog was left outside to bark for four hours. This is not the first occurrence usually it is for an hour or two. Another issue is fireworks, he is unsure where they are being set off and it has occurred before, during and after July 4th, late into the evening. He stated he has spoken with several of his neighbors that have the same concerns. Commissioner Heiland asked Mr. Shearer if he has spoken with the dog owners regarding the issue and Mr. Shearer replied they are unapproachable. Mr. Shearer stated that there are other issues with the neighbor. Police Chief Hettinger requested Mr. Shearer contact him and he can investigate the other issues and while there is no noise ordinance the Police Department can notify the dog owners of the noise complaint. Mr. Shearer asked the Board if there was a way to instate a noise ordinance since this has been going on for several years. Commissioner

Heiland stated that they have had this discussion before. Solicitor Hovis added that noise ordinances are very difficult to enforce, that it falls under nuisance, and the court would need to decide what is considered a nuisance and are usually reluctant to do so. Commissioner Heiland stated that hopefully a visit from the Police would help the issue. Commissioner Felix added that he believes Hanover Borough may have an ordinance regarding barking dogs, and asked Chief Hettinger to research into this. Commissioner Heiland stated that the Board will check into this, and requested that Mr. Shearer keep in contact with the Police Department.

Mr. Max Kuznik, 381 Sonny Street, Mr. Kuznik stated that he is the only resident on the side of Sonny Street where the intended No Parking may be placed. He has three pick up trucks, two trailers, and a twenty-eight-foot pontoon boat. He asked where he along with family and friends that visit is to park. Commissioner Felix stated that they are proposing to make only one side of the street no parking. Commissioner Felix added that this is a public safety issue due to the new part of Sonny Street is wider and does not meet up with the old section of the road traveling out to Grandview Road. Mr. Kuznik stated that from his truck to the other side of the street is eighteen and a half feet, how much clearance is needed. He expressed that in his opinion coming around the corner is more of a traffic hazard then the narrowing of the road. He added that the speed limit is 25 mph, he suggested lowering to 15 mph. Commissioner Heiland thanked Mr. Kuznik for coming in and addressing his concern and a final decision has not yet been made. He asked Mr. Kuznik if he could attend the next Public Safety Meeting on March 2, to discuss further. Mr. Kuznik stated that he has a previous engagement and could attend the next Board of Commissioner's Meeting on March 16th, weather permitting.

TOWNSHIP REPORTS – STANDING COMMITTEES:

Public Safety – Commissioner Felix:

Commissioners Felix/Brown moved to approve a request dated January 10, 2020 from The Allied Veterans Council of Hanover to conduct the annual Memorial Day Parade on Monday, May 25, 2020. They further moved that all street closings and public safety considerations be coordinated through the Chief of Police. Motion carried unanimously.

Public Works – Commissioner Van de Castle:

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

Commissioner Van de Castle stated that the MS4/Stormwater Coordinator is available Monday through Friday from 8:00 am to 4:30 pm to answer any questions.

Commissioners Van de Castle/Elksnis moved to deny a request dated January 13, 2020 from the Exchange Club for a waiver to the sign ordinance to advertise their Annual Builder's Home and Garden Show.

Commissioner Heiland asked Zoning Officer Smith if he had an update on the use of the sign truck from the Exchange Club, Zoning Officer Smith stated that he did not. Mr. Channell, President Elect of the Exchange Club, was present and stated that he contacted Strickler Signs and asked if they could cover the business logo on the truck as suggested during the Public Works Meeting and he was told that the truck was recently painted and they do not want to damage the truck. Mr. Channell stated that the purpose of the truck is to advertise the Builder's Home and Garden Show, not to advertise Strickler Signs. Commissioner Van de Castle asked Mr. Channell, if Strickler Signs would be willing to drape a sheet held in place by the door window. Mr. Channell replied that the Strickler wording is on the back of the truck. Mr. Channell added that the truck would only be in use for six days and monies raised go back to the community.

Motion carried on a 4-1 vote, with Commissioner Felix casting the dissenting vote.

Planning – Commissioner Van de Castle:

Commissioners Van de Castle/Brown moved to accept the final inspection of Pinebrook Phase I, thus releasing the bond. Motion carried unanimously.

Commissioners Van de Castle/Elksnis moved to reduce the letter of credit for Pinebrook Phase II, in the amount of \$30,668.00 to \$1,625.25. Motion carried unanimously.

Commissioners Van de Castle/Brown moved to accept the final inspection of Heights Avenue, LLC, thus releasing the letter of credit. Motion carried unanimously.

Commissioners Van de Castle/Elksnis moved to reduce the site bond amount for Brookside Heights – Phase 3 in the amount of \$1,170,250.68 to \$233,685.43. Motion carried unanimously.

Commissioners Van de Castle/Elksnis moved to accept the final inspection of Burkentine Plaza, thus releasing the surety bond. Motion carried unanimously.

Commissioners Van de Castle/Brown moved to set the bond amount at \$16,325.38 for Mavis Tire-North Hanover land development plan. Motion carried unanimously.

Commissioners Van de Castle/Felix moved to set the bond amount at \$157,405.60 for South Hills Golf Club land development plan. Motion carried unanimously.

Commissioners Van de Castle/Brown moved to accept the final inspection of High Pointe North, thus releasing the maintenance bond. Motion carried unanimously.

There were no additions or changes to the Zoning Officer's Report.
The following plan was formally filed:

SL20-01 300 Beck Mill Road

Commissioners Van de Castle/Felix moved to approve the following Subdivision and Land Development plans:

SL19-07 Markets at Hanover
SL19-08 Mavis Tire – North Hanover
SL20-01 300 Beck Mill Road
Motion carried unanimously.

Commissioners Van de Castle/Elksnis moved to approve the following extension request that will expire on May 18, 2020:

SL17-10 Mustang Pointe
Motion carried unanimously.

Finance – Commissioner Brown:

Commissioners Brown/Felix moved to approve Township warrants in the amount of \$1,339,889.60. Motion carried unanimously.

Commissioners Brown/Felix moved to approve a request dated January 13, 2020 from Saint Joseph Parish for a waiver of permit fees to conduct their Annual Scholarship Indoor Yard Sale. Motion carried unanimously.

Commissioners Brown/Felix moved to approve a request dated January 25, 2020 from South Western High School Bands for a waiver of fees to hold their Spring Marketplace Community Yard Sale. Motion carried unanimously.

Commissioners Brown/Felix moved to approve a request dated January 13, 2020 from the Exchange Club requesting a waiver of the sign permit fees to advertise their Annual Builder's Home and Garden Show. Motion carried unanimously.

Commissioners Brown/Felix moved to approve a request dated January 28, 2020 from the Exchange Club requesting a waiver of the sign permit fees to advertise their Annual Evening of Comedy and Magic Show. Motion carried unanimously.

Commissioners Brown/Felix moved to approve a request dated January 31, 2020 from the Hanover Chamber of Commerce requesting a waiver of the sign permit fees to identify shuttle service locations for the Annual Dutch Festival. Motion carried unanimously.

Commissioners Brown/Felix moved to adopt Resolution No. 956, authorizing the disposition of Municipal records in accordance with the Historical and Museum Commission Act of 1968. Motion carried unanimously.

Commissioners Brown/Felix moved to adopt Resolution No. 957, authorizing the advertisement for and the public sale of excess Public Works equipment. Motion carried unanimously.

Personnel – Commissioner Brown:

Commissioners Brown/Felix moved to appoint James R. Lumadue, to an unexpired term on the Penn Township Planning Commission, said term to expire May 2020. Motion carried unanimously.

Health & Sanitation – Commissioner Elksnis:

Commissioners Elksnis/Van de Castle moved to adopt Resolution No. 955, setting local pretreatment discharge limits for Penn Township Dischargers to the Hanover Regional Wastewater Treatment Facility. 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. Channell asked the Board what the fine would be if they used the truck without the waiver of the sign ordinance. Zoning Officer Smith stated that there is no set fine, the matter would be taken to court and would be the decision of the Magistrate. Solicitor Hovis stated that if that were to happen there is an intentional violation of the Zoning Ordinance after denial and he would request the Magistrate to impose the maximum fine.

QUESTIONS FROM THE PRESS: There were none.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Brown/Felix moved for adjournment at approximately 7:30 p.m. Motion carried unanimously.

Respectfully submitted,

Donna M. Sweeney,
Township Secretary