

**MINUTES
BOARD OF COMMISSIONERS PUBLIC MEETING
OCTOBER 16, 2023**

CALL TO ORDER – ROLL CALL – DECLARATION OF QUORUM:

The Penn Township Board of Commissioners met in a regular session on Monday, October 16, 2023. President Brown called the meeting to order at 7:00 p.m. with a roll call of members. Present were Commissioners Berlingo, Black, Elksnis, Heiland, and Brown. Also present were Solicitor Hovis, Manager Ledley, Police Chief Hettinger, Township Engineer Bortner, and Zoning Officer Smith.

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 Brown announced that following 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.

Additionally, he shared that he, along with Commissioner Elksnis, attended the 100th Anniversary Celebration of the Holy Name Society of Saint Joseph Catholic Church. During the event, they presented a Proclamation. State Representative Kate Klunk and Hanover Borough Mayor Whitman were also in attendance.

APPROVAL OF THE MINUTES:

The minutes of the September 18, 2023, Board of Commissioners meeting were approved as submitted.

PERSONS TO BE HEARD/CITIZEN'S COMMENTS: There were none.

PUBLIC HEARING – REQUEST TO REZONE A PORTION OF A PARCEL ON MOULSTOWN ROAD:

- A. Applicant Comments – Mr. Kris Raubenstine of Hanover Land Services, Inc., representing Water Street Four, LLC, the owner of the property along Moulstown Road, addressed the Board. Currently, there is a Subdivision Land Development Plan under review for a 55 and older community on the approximately seventy-acre property. A small portion, around one acre in size, is zoned differently than the rest of the property, making it non-usable and incompatible with the plan.

Mr. Raubenstine presented the plan and introduced it into the record. The small portion in question extends on the southwestern side of the property. He requested the rezoning of this section from the shopping/commercial zone to R-8 Urban residential zone to align with the rest of the property. Commissioner Brown inquired about the development plans for the parcel, to which Mr. Raubenstine stated they aim to incorporate it into the development, although the specific extent is currently uncertain.

Commissioner Black sought clarification on whether the zoning line followed the property line. Mr. Raubenstine explained that the zoning line did not align with the property boundary. Mr. Tim Mummert, residing at 8 Stuart Ave, provided additional historical context, noting that in 2003, when the property was owned by Reginal Homes, it was divided, resulting in the current zoning discrepancy.

Engineer Bortner added that the original Subdivision and Land Development Plan had initially outlined two units for the small portion in question.

- B. Board of Commissioners – had no additional comments as no motion scheduled for this evening. An ordinance will need to be advertised.
- C. Public Comments – Ms. Kimberly Holstein, residing at 71 Test Road, expressed concern about the proposed development in her backyard. She sought clarification on whether it is definite that the portion in question would be used for additional homes or if there is a guarantee that the area would remain undeveloped. In response, Mr. Mummert assured her that if the rezoning request is granted, there would be a certainty of two units being built on the acre in question. However, if the rezoning is not approved, the portion would remain empty and non-usable.

Mr. Craig Dubs, 59 Test Road, inquired about the number of apartments or houses planned for the development. Mr. Mummert clarified that there are no apartments; instead, the plan involves single-family attached units, with prices starting at approximately \$500,000 each. Mr. Dubs expressed concern about traffic, citing existing congestion on Moulstown Road and Broadway. Mr. Mummert explained that there is only one entrance along Young's Road, and traffic considerations have been reviewed by both PennDOT and the Township.

Mr. Tim Little, 330 Thornhill Drive, asked about the total number of homes planned for the development. Mr. Mummert indicated that approximately 125 homes are projected. Mr. Little then inquired whether the development could be altered in the future, transitioning from a 55-and-above community to a regular residential development. Commissioner Heiland clarified that a previous board had imposed the 55-and-above restriction on the deed. Mr. Mummert added that these are not subdivided lots; it is a unified parcel, and residents purchase the pad site rather than owning the entire lot.

Solicitor Hovis concluded by stating that an ordinance to consider the petition for rezoning will be appropriately advertised for inclusion in the upcoming November agenda.

Commissioner Brown closed the Public Hearing.

PUBLIC HEARING – CONSIDER SUPPORT OF GRANDVIEW PLAZA HANOVER, LLC. REQUEST FOR AN ECONOMIC DEVELOPMENT LIQUOR LICENSE:

- A. Applicant Comments – Applicant Comments – Attorney Larry Heim of Barley Snyder in York, representing his client, reported that an Economic Development Liquor License is granted by the Liquor Control Board under the provisions of the Liquor Code. Before an application can be considered and filed, approval must be granted by the receiving municipality. It's important to note that approval of a resolution does not guarantee the receipt of the license. He explained the two-step process involved in the public hearing and resulting resolution: first, establishing that it is economically beneficial to the township and its residents, and second, ensuring it aligns with public health, morals, and welfare.

Ms. Mitzi Clapper, 7 Rebecca Lane, shared that the property in question has been in her family for about 20 years. It had a successful restaurant for a period, followed by another one for a short while. Since 2018, the property has remained vacant. Ms. Clapper mentioned that she has shown the property to at least ten interested businesses, but due to the absence of a liquor license, no deals have materialized. Noting the numerous vacant properties along Baltimore Street in South Hanover, she stated the advantages of the Economic Development Liquor License, suggesting it could attract more businesses to the area. She shared there is a Maryland-based restaurant interested in the property. However, she highlighted the financial challenge of acquiring a liquor license, noting that even if one were available, the cost is deemed astronomical.

- B. Board of Commissioners – Commissioner Elksnis inquired whether the liquor license would stay with the property or transfer with the business. Ms. Clapper clarified that the Economic Liquor License would be tied to the property, not the tenant. Attorney Heim clarified that the license would stay with the LLC but could not be relocated outside the Township, as regulated by the state. Commissioner Brown, addressing the issue of numerous vacant properties, asked about the typical number of Economic Liquor Licenses granted. Attorney Heim explained that there are limits on the number they can issue per county each year.
- C. Public Comment – There was none.

Commissioner Brown closed the Public Hearing.

Commissioners Heiland/Berlingo moved to adopt Resolution No. 1016, approving the request of Grandview Plaza Hanover, LLC to apply to the Pennsylvania Liquor Control Board for the issuance of an Economic Development License. Motion carried.

TOWNSHIP REPORTS – STANDING COMMITTEES:

Public Safety – Commissioner Elksnis:

Commissioners Elksnis/Berlingo moved to approve a request dated August 2, 2023, from the Hanover Area Jaycees to conduct the annual Halloween Parade. Motion carried.

Commissioners Elksnis/Berlingo moved to adopt Resolution No. 1017 – Creating a Fire Commission Review Board. Motion carried.

Personnel – Commissioner Elksnis:

Commissioner Elksnis had nothing to report.

Public Works & Recreation – Commissioner Heiland:

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

The MS4/Stormwater Inspector is available Monday through Friday from 7:00 am to 3:30 pm to answer any questions.

Commissioners Heiland/Berlingo moved to adopt Ordinance No. 858, to Amend Section 300-20 Closing of Certain Highways to Certain Vehicles of the Penn Township Code for Park Heights Boulevard. Motion carried 5-0 on a roll call vote.

Planning – Commissioner Heiland:

Commissioners Heiland/Elksnis moved to add to the bond amount for Carroll County Christian Center, Inc. Land Development Plan \$6,490.00 to secure to the public completion of the decorative fence to surround Detention Berm #1. Motion carried.

Commissioners Heiland/Elksnis moved to accept the final inspection for Trone Family Trust – 1020 Baltimore Street, thus releasing the Official Check in the amount of \$26,584.25. Motion carried.

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

Commissioners Heiland/Elksnis moved to approve the following Subdivision and Land Development Plan:

SL22-07 Carroll County Christian Center

Motin carried.

Commissioners Heiland/Berlingo moved to approve the following extension request to expire on January 15, 2024:

SL22-12 Holland Construction-100 Blettner Avenue
Motion carried.

Finance – Commissioner Black:

Commissioners Black/Elksnis moved to approve Township warrants in the amount of \$2,222,256.37. Motion carried.

Commissioners Black/Elksnis moved to adopt the amended 2024 Minimum Municipal Obligations for the Penn Township Firefighter’s Pension Plan in the amount of \$181,100.00. Motion carried.

Health & Sanitation – Commissioner Berlingo:

Commissioners Berlingo had nothing to report.

MANAGER’S REPORT:

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

OLD BUSINESS: There was none.

NEW BUSINESS: Commissioner Elksnis reported that there will be a shredding event this Saturday from 8 a.m. to 1 p.m. at the recycling center for Penn Township residents. There is a limit of the equivalent of five filing boxes.

PERSONS TO BE HEARD/CITIZEN’S COMMENTS: There was none.

ADJOURNMENT:

There being no further business to come before the Board, Commissioners Brown/Heiland moved for adjournment at approximately 7:52p.m. Motion carried.

Respectfully submitted,

Donna M. Sweeney,
Township Secretary