

MINUTES
PUBLIC WORKS COMMITTEE
JULY 3, 2007

The Penn Township Public Works Committee met in public session on Tuesday, July 3, 2007 at 7:00 PM. Present were Vice-Chairman Felix and Commissioners Klunk, Stauffer and Heilman. Commissioner Johnson was absent with notice. Also present were Manager Garvick, Administrative Assistant Rodgers and Engineer Bortner.

ANNOUNCEMENTS: None

CITIZEN COMMENTS: Attorney Doug Gent was present to represent the Martin's Ridge development proposed by Bon Ton Builders. Mr. Gent is seeking conditional final approval for the Martin's Ridge subdivision so that they can begin building a model home. Mr. Gent stated that Bon Ton has received sewer module approval from DEP. The other outstanding issues include the televising and air testing of the interceptor sewer lines. Engineer Bortner felt that this should be completed by the end of next week. There is also concern because not all the lines can be televised so the Township will have to rely on air and mandrel testing. Engineer Bortner felt that the inspection needed for the DEP Part II permit may not be completed by the July 16, 2007 Board of Commissioners meeting. There is still some concern about what needs to be done to Beck Mill Road by Bon Ton Builders and the costs associated with the road improvements. The Township has received no verification from Mr. Forbes that he is in agreement with the Beck Mill Road proposal. Mr. Gent suggested that a written agreement between Bon Ton and the Township would need to be approved before the Board of Commissioners meeting. It was suggested it be incorporated in the current agreement being reviewed by the Township Solicitor, which covers the release of liability issue and the matter of Lot #22 ownership and stormwater pond maintenance. Bon Ton is seeking to construct homes, with conditional plan approval, that would not be connected to an active or accepted sewer system. There is concern that at some point that developer could request a use and occupancy certificate prior to the completion of the sewer installation. The agreement previously discussed states that Bon Ton Builders would not hold the Township liable if the sewer line is not completed or accessible for the constructed houses. Engineer Bortner stated that a final inspection could be scheduled with DEP but could not guarantee when they would inspect it.

The final issue that needs to be resolved is lot 22, on which the proposed storm water retention pond for the facility is shown to be located. Mr. Gent stated that Bon Ton has proposed that the pond be tied into the lot for the homeowner to take care of. The Township Solicitor has suggested that this is not acceptable and would prefer that all the property owners in the development would have some joint and several liability for the detention pond. This is to allow the Township to assess all the property owners if the owner of lot 22 fails to maintain the lot. The Township has proposed that Bon Ton Builders could put up escrow monies for the Township to maintain the pond but the costs could range from \$50,000 to \$300,000. The Township has had difficulty in the past with ponds that are tied to a single property owner because of a failure to maintain the pond or abandoning the property. It was suggested that a conference call be set up between the Township Solicitor, the Township Manager, and Mr. Gent. The Committee had concerns about granting conditional final approval for any plan since they rarely give that type of approval. The Committee suggested that they would not give a conditional approval without the input of the Township Solicitor on the outstanding issues.

BLACK ROCK/GRANDVIEW/BREEZWOOD UPDATE: Engineer Bortner stated that they are working on upgrading the sewer lines required for the Black Rock Road/Grandview Road/Breezewood Drive project. Kinsley has removed the houses and continues to work on storm water management and sediment control issues. The public utility work has not yet been completed.

LINE STRIPING PROJECT: Most of the line striping on township roads has been completed except where there are proposed improvements such as Martin's Ridge and High Point North.

COLUMBIA GAS CONSTRUCTION: Columbia Gas will be installing a new gas line on the first two hundred seventy feet from Baltimore Street West on Grandview Road to about Meadow Lane. This is part of the work being done in conjunction with the Baltimore Street improvement project.

BRUSH AND LIMB ORDINANCE: The Committee recommended adopting the brush and limb ordinance as it was presented.

REST HAVEN CEMETERY: The Committee received a request dated July 2, 2007 from Matthews Gibraltar requesting a waiver of a land development plan to install a mausoleum adjacent to the existing mausoleum at the Rest Haven Cemetery. While not having a problem with the request, the Committee will wait for a recommendation from the Planning Commission.

BENTLEY'S AT THE BARN: The Committee received a request dated June 21, 2007 for a waiver of the land development requirements to install additional parking at Bentley's at the Barn (former Patty and Johns). Engineer Bortner stated that the proposed additional parking area is located within the drainage area and along the berm of the existing storm water management pond. The pond holds three feet of water and anyone parked on the new lot has the potential of having his or her car flooded. The work they are proposing to do would nullify the seal on the previously approved plan for the storm water. Commissioner Felix noted that there was a previously approved land development waiver given for an addition to the existing facility in February 2007. The Committee recommended that a waiver not be granted.

MUMMERT ENTERPRISES: Manager Garvick noted that the Township has drawn a draft on a letter of credit submitted by Mummert Enterprises for the Morningstar II Development. Mr. Mummert has installed most of the improvements on the project but there are a few areas where the project is not complete or is deficient, including two street lights that are not constructed, the storm water pond needs to be cleaned up and put into operation, problems with grading around the cul de sac, and gaps between the black top and curb which could cause road deterioration. The bank will honor the draft. Mr. Garvick felt that Mr. Mummert would want to correct the problems himself but has not been contacted by him to date.

HALL ESTATES/LITTLE KNOLL STORMWATER PONDS: Manager Garvick stated the agreement with Joseph Myers has been executed and now the Township can begin working on the storm water ponds in Hall Estates and Little Knoll. The Township is planning on hiring one individual to fill an opening and may possibly hire another to begin the work on the ponds. The budget does not include funding to rebuild and reconstruct the ponds, however. Mr. Garvick felt the best that could be done in the current fiscal year is to remove the weeds and

the excessive growth. Manager Garvick wanted some direction from the Board on how they want to proceed with the project. The current pond in Pickett Ridge that we maintain was dedicated to the Township with escrow funds and is in good working order. The Township routinely mows the property and conducts yearly maintenance. The Committee recommended that the Township contact a private contractor to perform the initial work. Once the contractor gets the ponds to a state where it is manageable the Township would perform the maintenance and upkeep on the ponds with a schedule similar to the one at Pickett Ridge.

GATEWAY HANOVER: The Committee received a letter from the Conewago Township Board of Supervisors stating that they would consider an intergovernmental agreement for establishing the required insurance and maintenance for the intersection proposed at Wilson Avenue and Carlisle Street since none of the substantial development for Gateway Hanover is located within their Township. Gateway Hanover has received approval from the Hanover Borough Planning Commission but the Township received notice from York County Planning that they would not have comments ready for our next Planning Commission meeting on Thursday, July 5, 2007. Manager Garvick stated that the maintenance of the signal would not be that expensive except in the event that there is a major accident or calamity that would require replacement of the mast arms, signal heads, etc. The Committee suggested that Manager Garvick talk with representatives from Conewago Township about working out an agreement. There was some concern expressed about the lack of cooperation that Conewago Township has shown on projects located along the municipal lines. In addition, it was suggested that both County Planning Commissions be contacted to determine the exact location of the County line. The location of the line may help determine who needs to proceed with the signal permit. The Committee expressed frustration because Conewago Township has shown a lack of interest in pursuing projects that would be beneficial to all neighboring municipalities including the extension of Eisenhower Drive. It was suggested that the YAMPO be contacted and have the funds that were allocated for them to be redistributed to the Township or Borough.

SKATEBOARD PARK: The Committee received a request dated June 3, 2007 from Matt Aumen requesting that the Commissioners install a skateboard park at the Penn Township Community Park. Mr. Aumen stated that the Hanover Area YMCA used to have one but they tore it down because of problems of liability. According to the Township Broker of Record they are very expensive to insure. The Township does have additional land at the Community Park but there are other projects being planned that would not allow enough space for such a structure. The Committee suggested that Manager Garvick write Mr. Aumen a letter thanking him for his suggestion and explaining the Commissioners' options for the park.

588 BLOOMING GROVE ROAD: The Public Safety Committee had reviewed a request from Mr. Graziano of 588 Blooming Grove Road requesting a waiver of the residential street light requirements for his new home. After further reviewing the request, the Committee recommended approving the waiver.

ZONING CASES: Commissioner Klunk stated that Zoning Officer Menges contacted him about subdivision and land development plans with special exceptions and variances including Gateway Hanover that have expired or are about to expire. Commissioner Klunk stated that Mr. Menges felt that there was something within the subdivision and land development ordinance that was contrary to the opinion that Solicitor Tilley gave that they expire if there is

no building permit issued within six months. Manager Garvick stated he is not aware of anything in the subdivision and land development ordinance that would extend variances and special exceptions.

TEMPORARY SIGNS: Commissioner Klunk expressed concern about real estate/development signs that seem to be cropping up during the weekends that are within the right of way along Baltimore Street and Grandview Road. Commissioner Klunk is also concerned about political signs that are located within the right of way during election season. Manager Garvick stated that he would prepare guideline for the Committee to review for the placement of signs and the removal of signs that are not permitted or located within the right of way. The only concern would be what is the Township's actual right of way. Manager Garvick also cautioned that some of these temporary signs have permits.

MANOR STREET: Manager Garvick presented a sketch plan for a parcel located along Manor Street owned by Todd Grim and Jeff Gerber. The intent is to see if the Commissioners would be receptive to considering a zoning change on the parcel. Developing this parcel would eliminate a storm water problem and result in an extension of Manor Street. The parcel is surrounded by the school, residential and shopping commercial properties. They had tried to get a variance and special exception in 2005 to build town houses but were denied by the Zoning Hearing Board. The Committee seemed receptive to the idea of rezoning the property.

The meeting adjourned at 8:13 p.m.

Respectfully Submitted

Jeffrey R. Garvick, Manager