

MINUTES
PUBLIC WORKS COMMITTEE
NOVEMBER 6, 2023

The Penn Township Public Works Committee convened on Monday, November 6, 2023, meeting at 7:23 p.m., following the Public Safety Committee Meeting. Present were Chairman Heiland, Commissioners Berlingo, Black, Brown, and Elksnis. Also present were Manager Ledley, Police Chief Hettinger, Fire Chief Clouser, Township Engineer Bortner, Zoning Officer Smith, and Township Secretary Sweeney. The following items were discussed:

ANNOUNCEMENTS: Chairman Heiland announced there will be an executive session held following the meeting to discuss a legal matter.

APPROVAL OF THE MINUTES: The minutes of the October 2, 2023, Public Works Committee meeting were approved as submitted.

CITIZEN'S COMMENTS: There were none.

BONDS: Engineer Bortner recommended reducing the performance bond for Stonewicke V in the amount of \$741,013.90 to \$238,461.30. The Committee recommended approving the amount.

HIGH POINTE SOUTH STREET LIGHTS: Township Engineer Bortner reported that a streetlight change authorization has been received from Met-Ed for the High Pointe South development. The plan includes the installation of one cobra head at the intersection of Grandview Road and Kortney Drive, as well as five acorn lights placed throughout the rest of the development of the Penn Township section.

1994 HYSTER H30XM FORKLIFT: Township Engineer Bortner reported that he placed an order for a new forklift last month and is now recommending the sale of the 1994 Hyster H30XM Forklift on Municibid. The new forklift will be appropriately weight-rated for dual usage in both Public Works and the Wastewater Treatment Plant, and the extended arms have already been ordered. The Committee had no objections to selling the existing unit once we take possession of the new forklift.

SUBDIVISION AND LAND DEVELOPMENT PLANS: Township Engineer Bortner provided the Committee with a review of the current Subdivision and Land Development Plans. Current Plans are:

- SL17-10 – Mustang Pointe
- SL21-05 – Elsner Engineering Works
- SL22-01 – Water Street Four, LLC
- SL22-07 – Carroll County Christian Center
- SL22-10 - 934 Baltimore Street – Cody Bentzel
- SL22-11 – Liberty Restoration & Construction, LLC
- SL22-12 – Holland Construction-100 Blettner Avenue

SL22-15 – WAWA Food Market & Fueling Station
SL23-04 – 820 Hershey Heights Road – Small & Rinker
SL23-05 - Maitland Investment Corporation-630 Westminster Avenue

Engineer Bortner provided an update indicating that WAWA is nearing final approval and stated that he received correspondence from Holland Construction containing several questions. It is possible that a formal filing for another Subdivision and Land Development Plan may be occurring this month.

Chairman Heiland inquired about the status of the fire appeals board that was created in relation to Mustang Pointe, emphasizing the need to ensure that board members are informed of its establishment. He directed Manager Ledley to follow up with Ms. McGowan and the members to move the process forward.

30 WINIFRED DRIVE WAIVER REQUEST: The Committee received a request dated October 25, 2023, from Daniel Westbrook of 30 Winifred Drive, seeking a waiver to Section 513a of the Penn Township Subdivision and Land Development Ordinance. The request pertains to the construction of a fence within a ten-foot storm sewer easement. Mr. Westbrook presented his case, explaining that the house was constructed last year. His proposal involves installing a fence three feet from the side property line within the storm sewer easement area. The easement extends halfway through the rear property line and contains two storm drains. Mr. Westbrook stated that the fence would be positioned one foot away from the storm drains, ensuring no interference, and could be relocated if access to the easement becomes necessary.

Chairman Heiland noted that historically, similar requests have been denied. Manager Ledley reported that the consideration of the grading to prevent obstruction of the storm drains. The Committee decided to add the request to the agenda of the November Board of Commissioners Meeting.

BRIGHTSPEED MODIFICATION OF PERMIT FEES REQUEST: The Committee received a request dated November 1, 2023, from Connect Holding, LLC, known as Brightspeed, seeking a modification to the permit fee for the Security/Performance bond requirements for the Hanover Wire Center modernization infrastructure project in Penn Township. Mr. John Mizerak, Government Affairs and Public Policy Director at Brightspeed, and Mr. Joe Centobene, Director of Engineering and Construction at Brightspeed, both of Carlisle, PA, presented this request. Mr. Mizerak provided an overview of Brightspeed and distributed handouts to the committee. He emphasized that Brightspeed owns and maintains the infrastructure within the Township and is currently modernizing it to provide fiber. The project involves both aerial and underground construction, with the majority of the disturbance occurring within the grass and soil in the street rights-of-way. Minimal cutting of the paved streets will be done solely for "potholing" to confirm the location of existing utilities, all of which are owned and maintained by Brightspeed. The company is requesting a modification of the fee for the security bond for the project. Currently handling thirty permits, they propose a security bond amount of \$255,000 for the infrastructure modernization and fiber build project. Commissioner Elksnis expressed concern about making an exception to the Street Opening requirements, citing past

negative experiences with other entities. Engineer Bortner stated that the street opening ordinance frowns upon the "boring" process due to potential damage to other utility infrastructure. Mr. Mizerak reported that the process is not lengthy, with the goal of completing it within a few weeks. Chairman Heiland emphasized that, as a municipality, this will not be the last request from a company undertaking a large project. He suggested that the Committee should reevaluate the ordinance for such requests. Chairman Heiland expressed his desire for legal insight into the request and instructed Manager Ledley to forward the proposal to the solicitor for review. The Committee recommended including the request on the Commissioners Meeting agenda for consideration.

DISCUSS AMENDING THE ZONING ORDINANCE TO REZONE AN AREA FROM

SHOPPING/COMMERCIAL TO R-8 URBAN RESIDENTIAL: Zoning Officer Smith provided an update, noting that the solicitor has advised reposting and advertising a public hearing to ensure widespread awareness, he also presented the draft ordinance. He is currently posting notices on properties and reaching out to residents. Chairman Heiland mentioned that the Planning Commission has requested the Board of Commissioners to return the matter to them for review. This request stems from their initial unfavorable recommendation, as they have not yet received comments from the York County Planning Commission. The Committee stated that it is unnecessary for the Planning Commission to reconsider their recommendation.

MS4 UPDATE: Township Engineer Bortner reported there was a MS4 taskforce meeting held on October 27, 2023.

EXTENSION REQUESTS: Zoning Officer Smith submitted extension requests for SL17-10 Mustang Pointe, SL21-05 Elsner Engineer Works, Inc., and SL22-01 Water Street Four, LLC. The Committee recommended approving the requests.

RECREATION: ARBOR LANE BASKETBALL COURT REVITALIZATION: Township Engineer Bortner reported that Kevin Klunk is currently in the midst of basketball season. Mr. Klunk will contact Engineer Bortner when time permits.

OTHER MATTERS: There were none.

CITIZEN'S COMMENTS REGARDING THE DISCUSSION ITEMS: There were none.

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Donna M. Sweeney,
Township Secretary