

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman

Randy Plummer, Vice-Chairman

Lucinda (CeCe) Novinger, Supervisor

MINUTES OF MARCH 26, 2008

Page 1 of 6

The Penn Township Board of Supervisors (PTS) met on Wednesday, March 26, 2008 at 7:00 p.m. in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman Randy Plummer, and Supervisor CeCe Novinger were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), Max Shradley (Engineer), and Police Chief Alan Houck. The meeting was recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

VISITORS

Robert Shaffer

Mr. Shaffer expressed his appreciation that work is progressing on Rohrer Drive. He then expressed his concern that the Township's website is not being kept up-to-date, stating that it is a valuable tool that should be used to its full advantage. He offered that minutes should be uploaded onto the website the day after they are approved.

William Warner

Mr. Warner reported to the PTS that he had repaired the leak on the Township building roof and informed them of the maintenance that needs to be done in the very near future.

Mr. Warner then expressed his concern about the debris caused by stormwater runoff from the Frisch property on Barnett Drive onto neighboring properties. He asked if the Township was going to remove the debris, offering that the PTS had guaranteed the residents that there would be no further problems. He stated that the debris is on the roadway and asked why the gutter was not being maintained. He also offered that the Township is maintaining the road past the public terminus and, if the maintenance is continued, Mr. Frisch will expect that it be continually maintained.

Chairman Holman noted the terminus of the Township road and Mr. Plummer stated that the highway crew does not maintain Barnett Drive past the terminus. Chairman Holman then reported that he had used his own equipment to clear the debris from the roadway during the March 5th storm from 3:00 a.m. until 5:30 a.m., when many other calls were received about problems in other parts of the Township.

Chairman Holman then explained what legal procedures the PTS has taken against Mr. Frisch as a result of his stormwater runoff. He stated that the basis of the lawsuit was to enjoin Mr. Frisch from diverting stormwater onto Township property. He added that he felt Mr. Frisch has the responsibility to clean the debris from the residents' properties. The Solicitor expounded on the procedures that can and can not be taken when a bankruptcy is involved. He stated that he was unsure as to the status of the suit filed against Mr. Frisch and would research it the next day.

Mr. Warner stated that there have been problems on Barnett Drive since 1985 and asked why the residents have to live with it. He asked why the PTS doesn't charge Mr. Frisch for its expenses and put a lien against his property. The Solicitor replied that the PTS must go through litigation procedures before filing a lien. He then told Mr. Warner that Barnett Drive residents do not have the same restrictions and can file against Mr. Frisch in civil court. Mr. Warner offered his opinion that would serve no purpose in that Mr. Frisch would not abide by the judge's orders. Chairman Holman reiterated that the PTS is following legal procedure and he does not know what else it can do.

Mr. Warner then notified the PTS that, during installation of a swale and removal of debris, his corner pin was removed. He stated that he felt the PTS had the responsibility to replace it.

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MINUTES OF MARCH 26, 2008

Page 2 of 6

Paul Soltis

Mr. Soltis reported that a Township state of emergency had been declared on March 5th due to the number of Township roads that were under water. Chairman Holman thanked Mr. Soltis for his help in opening storm drains and culverts during the emergency.

MINUTES

Upon a Novinger/Plummer motion, the PTS voted to unanimously approve the minutes of the February 27 and March 10, 2008 meetings as presented.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period February 28 through March 26, 2008 for approval. After due consideration, and upon a Plummer/Novinger motion, the PTS voted to approve payment of checks 20863 through 20932 from the PLGIT General Account in the amount of \$39,059.21 and eight ACH transfers from the Orrstown Bank General Account in the amount of \$2,312.67.

TREASURER REPORT

Upon a Holman/Plummer motion, the PTS voted unanimously to accept the Treasurer's Report for the period February 28 through March 26, 2008, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The March 2008 Highway Department report was reviewed. Mr. Plummer introduced new highway crew employee, Mike Butcher. He then thanked everyone for their help during the state of emergency.

Roller

Chairman Holman reported that the shoulder paver purchased from Dickinson Township had arrived, along with a roller that Dickinson Township gave to the PTS. He noted that the Township now has two rollers and that the PTS would be selling the older paver.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Jason Gehman Subdivision Plan, File #2006-08

The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to grant a time extension until June 25, 2008 for the Jason Gehman Subdivision Plan, File #2006-08.

Warden Subdivision Plan, File 2005-06

The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to grant a time extension until June 24, 2008 for the Warden Subdivision Plan, File #2005-06.

MINUTES OF MARCH 26, 2008

Page 3 of 6

Building Height Amendment to Zoning Ordinance

The Secretary presented a letter from the PTPC, recommending that a building height requirement be placed into the Zoning Ordinance and asking for approval to draft wording for the amendment. After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to grant approval to the PTPC to draft wording for a building height amendment to the Zoning Ordinance. The Solicitor asked the fire company representatives if they thought a 35-40 ft. restriction was reasonable for the type of available fire apparatus. Byron Worner replied that the Duncannon Fire Company tower truck reaches heights of 75 ft., adding that setback requirements would affect the maximum height that could be reached.

Kim Kenee Zoning Hearing Board Variance

The Secretary presented a letter from the PTPC requesting that the highway department research whether the driveway shown on the Kim Kenee plan exits onto SR 274. The Solicitor recommended that the Zoning Officer (ZO) do the research, since he will have to testify at the hearing. He also recommended that the PTS research whether the appropriate highway occupancy permit was issued by either the Township or PennDOT.

Cellco Partnership Zoning Hearing Board Variance

The Secretary reported that Cellco Partnership would like to install a cell tower on property owned by Rohrer Bus Service and that it is requesting two variances of the Zoning Ordinance. The first is for the height of the communication antenna. The second is for release of the control of the 150' radius setback. She presented a letter from the PTPC detailing its comments concerning the second variance request. The Zoning Hearing Board will meet on April 10th to discuss the variance requests.

Mixed Use Commerce (MUC) District Zoning Ordinance Amendment

The Secretary reported that the PTPC had incorporated Ms. Novinger's and Mr. Plummer's comments into the proposed MUC amendment. She presented the proposed Amendment for PTS review. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to forward the MUC Zoning Ordinance amendment to Perry County Planning Commission for its review and comments.

ZONING OFFICER (ZO) REPORT

The March 2008 ZO Report was reviewed without comment.

The Secretary presented a letter from the ZO, in which he noted that the Zoning Ordinance provides for a "...reasonable number of customary household pets..." The letter requested that the PTS determine what constitutes a "reasonable number." After discussion, it was the consensus to forward the request to the PTPC.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The March 2008 SEO Report was reviewed without comment.

Daniel McDade Hearing for 104 Firehouse Road

The Secretary reported that the continuance of the hearing on the illegal discharge of sewage on the McDade property would be held at the District Judge's office on May 5, 2008 at 1:00 p.m.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for March 2008 was reviewed without comment.

Chairman Holman reminded the audience that the Chicken BBQ would be held Saturday, March 29th, and stated that the tickets donated by the Solicitor would be donated to needy families.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

MINUTES OF MARCH 26, 2008

Page 4 of 6

Chairman Holman reported that the Authority would be meeting with the Duncannon Borough (Borough) Sewer Authority the following evening to discuss the Inter-municipal Agreement and that he hoped the agreement would be ready for PTS ratification at its April 30th meeting. The Solicitor will be provided with a copy of the draft agreement for his review and comments.

SECRETARY REPORT

Open Records Act Training

The Secretary requested permission to attend a workshop on the changes to the Open Records Act. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Secretary to attend an Open Records workshop on April 16, 2008, at a cost of \$35.00.

Duncannon Family Medical Center (FMC)

The Secretary presented a letter from the engineer for FMC, requesting a release of its financial security. Mr. Plummer noted that the re-seeding has not yet been completed. After discussion, it was the consensus to hold the financial security until the re-seeding has been completed.

2007 Fire Company Financial Information

The Secretary reported that both Duncannon and Perdix fire companies had provided information pertaining to their 2007 finances.

Annual Workers Compensation Inspection

The Secretary reported that the annual workers compensation inspection was held on March 18th. She presented a letter from the insurance company summarizing the recommendations discussed during the inspection. A discussion was held on recommendations to require physical exams of prospective fire fighters and to require firefighters to submit a Medical Examination Certificate following extended leaves. The Solicitor offered his opinion that the PTS can request the fire companies to consider the recommendations but did not think that the PTS had the authority to force physical exams of prospective fire fighters.

ENGINEER REPORT

The Engineer Report was reviewed without comment.

Sheetz Car Wash Stormwater Issues

The Engineer reported that Sheetz' consultant has stated that a response to the November 26, 2007 letter from the Engineer regarding stormwater issues would be forwarded to the Engineer within the next two weeks.

Duncannon Fire Company (DFC), File # 2004-07

Mr. Plummer reported that he made an on-site visit to the DFC station house during a recent heavy rain and observed that the detention pond was working satisfactorily. Chairman Holman noted that DFC is waiting for John Madden to re-submit the stormwater plan with comments showing the limits of the paving and the location where the downspouts should be directed.

SOLICITOR REPORT

Grey Berrier Letter of March 20, 2008

The Solicitor referred to a letter to the PTS from Grey Berrier in which Mr. Berrier enclosed photos of a neighbor's deck encroaching on his property. He stated that the Secretary had pointed out that the photos were taken in 1994, before the Zoning Ordinance was adopted. He recommended, however, that the issue be referred to the ZO, with the results of the investigation forwarded to Mr. Berrier.

MINUTES OF MARCH 26, 2008

Page 5 of 6

He referred to page two of the letter in which Mr. Berrier stated there would be a hearing in the Court of Common Pleas on June 17th. He offered that the PTS could do nothing about the issue raised in that part of the letter since it is being addressed by the court system.

POLICE REPORT

The Monthly Police Incident Reports were reviewed without comment.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The February 2008 Permit reports were reviewed without comment.

CORRESPONDENCE

Lower Paxton Township

The Secretary presented a letter from Lower Paxton Township stating that presentations for EIT collection services would be entertained on April 16th at the Central Dauphin East Lecture hall. The Treasurer stated that she would try to attend the presentation.

OLD BUSINESS

Perdix Sewer Connections

The Secretary provided an updated spreadsheet listing thirty-eight properties remaining to be connected to the sanitary sewer.

Fire Tax Meeting

The Secretary provided dates that the fire companies would be available for a public meeting to discuss a fire tax. Chairman Holman stated his intention that the meeting would be solely for the purpose of public presentation and comment, and that no decision would be made at the meeting. After discussion, it was the consensus to advertise a public discussion on a fire tax for May 13, 2008 at 7:00 p.m. Jodi Rissinger asked if there would be a workshop before the meeting to set an agenda, would it be meet and discuss, and would the fire companies need hand-outs. Chairman Holman replied that it was up to the fire companies what they wished to do, but that the PTS would be presenting its thoughts on how a fire tax would be carried out. Ms. Rissinger offered her opinion that another fire study meeting should be held prior to any public meeting, so that both sides would be organized. She noted that the fire companies had held a planning meeting prior to the public meeting they held earlier. No date was scheduled for another fire study meeting.

Susquenita School District (SSD) Surveillance Camera

After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Solicitor to write a letter to SSD that the surveillance camera video link into the Police Department computers will be removed. The Secretary will notify the Solicitor of the motion.

SSD Grant for Full-Time Police Presence

Chairman Holman reminded the PTS of the SSD's request to investigate a joint grant for partial funding of a full-time police officer to be stationed on campus. He stated that he is concerned over the financial obligations that the PTS will incur if the grant is received. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to reject the SSD request for consideration of a joint grant for placement of a full-time officer on the campus. The Secretary will notify the Solicitor to write a letter to the SSD informing it of the motion.

NEW BUSINESS

Harrisburg Area Transportation Study (HATS)

Discussion was held on a letter from HATS stating that PennDOT's goal is to fix one locally-owned bridge each year. The letter asked if the PTS would be willing to be the "local lead" for improvement of

MINUTES OF MARCH 26, 2008

Page 6 of 6

the Linton Hill Road Bridge. If so, the PTS will need to make a five-minute presentation to the Perry County Planning Commission (PCPC) at its April 16th meeting.

Mr. Worner suggested that a stand-pipe water supply be installed at the bridge for fire-fighting purposes. After discussion, it was the consensus that Chairman Holman and/or Mr. Plummer would make the presentation at the PCPC April 16th meeting.

Tombstone for Alex Gailey

Chairman Holman reported that the Veterans' Administration had donated a tombstone for Alex Gailey. He noted that Mr. Gailey was a Revolutionary War soldier in the PA Infantry who was from the Cove and who lived from 1740-1842. Chairman Holman stated that a reunion of Mr. Gailey's relatives will be held on June 21st at the pavilion for an unveiling of the tombstone, which will be erected at a later date in the Cove Cemetery. He urged everyone with an interest in Revolutionary War history to attend the unveiling on June 21st.

ADJOURNMENT

With no further business to be conducted, and upon a Novinger/Plummer motion, the PTS voted to adjourn at 8:30 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary