

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

Henry A. Holman, Jr., Chairman

Charles H. Stoner, Vice Chairman

Robert E. Shaffer, Sr., Supervisor

MINUTES OF JUNE 28, 2006

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The Penn Township Board of Supervisors (PTS) met on Wednesday, June 28, 2006 at 7:00 p.m. in the Municipal Building to conduct their regularly scheduled meeting. Chairman Henry Holman, Jr., Vice-Chairman Charles Stoner, and Supervisor Robert E. Shaffer, Sr. were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), Frank Chlebnikow (Engineer), Police Chief Alan Houck, and Chris Deiter (Road Foreman). A list of visitors attending is on file in the Township Office. Chairman Holman convened the meeting with the Pledge of Allegiance and a moment of silence. The meeting was recorded to aid in the preparation of the minutes.

VISITORS

Craig Witmer, SEK & Company (SEK)

Mr. Witmer reported that SEK had completed its audit of the financial statements for the year ended December 31, 2005. He reviewed the statements and commented on the following. Like most townships, Penn Township operates on a modified cash basis instead of a full accrual method. Financial information of the Penn Township Municipal Authority (Authority) is not included. The Township received an unqualified audit opinion, meaning there were no qualifiers on the auditor's opinion, which is the best that can be received. Capital assets increased over fiscal year 2004, while liabilities decreased. Revenues were higher than the amount budgeted, with most revenue derived from taxes. Expenses were lower than the amount budgeted, due to less payroll and engineering expenses. The Township has guaranteed PennVest loans for the Authority in the amount of \$2.7 million.

Mr. Witmer recommended that the PTS adopt a capitalization policy specifying the amount (\$500 - \$2,500) whereby expenditures in excess of that amount will be capitalized when acquired.

CeCe Novinger, elected auditor, noted that the report was easy to read and understand. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the audit for fiscal year 2005.

Donna Nickel, Fritz Drive

Ms. Nickel requested that the driveway permit issued to Phillip Heller be revoked, due to deception on Mr. Heller's part. The Solicitor reported that he was familiar with the issue and offered that, if the Secretary, in her position of Code Enforcement Officer, thought the driveway permit should be revoked or rescinded she should act accordingly.

Ms. Nickel attempted to offer court documentation granting her a 50' easement. The Solicitor stated that she could not do that, because if Mr. Heller's permit was revoked, he might choose to request a local agency hearing, at which time the PTS would make a ruling on the issue. He explained that allowing Ms. Nickel to present evidence ahead of time would be unfair to Mr. Heller.

Paul Soltis, Emergency Management Coordinator

Mr. Soltis updated the PTS on the results of the heavy rains over the past several days. He stated that he opened up the emergency operations center at 9:15 p.m. on June 27, 2006 and declared a state of emergency at 9:50 p.m. He then described how various road closures in the Township were handled. He stated that the emergency was cancelled at 10:50 a.m. on June

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28th. Mr. Soltis recommended that the following items should be obtained for future emergencies – a better map of the Township, flares, ten cots, water testing kits, and "Road Closed" signs. He thanked Chief Houck and the highway workers for their help, and the PTS thanked Mr. Soltis and the Township workers who provided assistance during the emergency.

Mr. Soltis asked about the status of restoration of Citgo and Dino's. The Secretary responded that the owners had been cited as previously directed, and that the owner of Dino's had obtained an application for a demolition permit.

CeCe Novinger

Ms. Novinger requested an ordinance prohibiting the use of "jake" brakes on Rt. 11/15, offering that they create an unnecessary noise in the middle of the night and that she saw no need for them if the truck is travelling at the posted speed limit.

Chairman Holman stated his concern about enforcement, offering that the police would need to maintain vigilance 24-hours a day.

Mr. Shaffer noted that the issue of "jake" brakes has been mentioned on the PSATS discussion group and asked the Secretary to research other municipalities' experiences with the use of this type of brakes on state highways.

Betty Smith

Mrs. Smith asked what the additional revenue from the recent sewer rate increase would be used for. Chairman Holman suggested that Mrs. Smith attend the Authority meeting to be held on July 5, 2006 and address her question to that board. He offered his opinion that rates should have been gradually increased, instead of one large increase. He continued that the Authority was in a financial position where it had to increase rates to pay its expenses and meet its debt load from the sewer projects.

John Firkel, Frisch Drive

Mr. Firkel stated that, due to installation of the Heller driveway, water and stone from the Heller property flooded his land during the past several days. The Solicitor stated that, irrespective of what action the PTS may or may not take, Mr.Firkel has individual private rights for redress against Mr. Heller.

MINUTES

In response to the request for approval of the minutes, there was a Stoner/Shaffer motion to approve the minutes of the May 31, 2006 meeting as presented. Motion passed by unanimous vote of the PTS.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period June 1 through June 28, 2006 for consideration of approval. After due consideration, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve payment of checks 18904 through 19001 from the PLGIT General Account in the amount of \$40,929.98, and four ACH transfers and check #4557 from the Newport Bank General Account in the amount of \$5,357.27.

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TREASURER REPORT

Upon a Stoner/Shaffer motion, the PTS voted unanimously to accept the Treasurer's Report for the period June 1 through June 28, 2006, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The Secretary presented the June 2006 Highway Department report. Mr. Stoner and Mr. Shaffer complimented Chris Deiter and Barry Sheaffer on the good jobs they are doing.

The Road Foreman reported that the 1995 Chevrolet pick-up needs a transfer case. He noted that the PTS planned to purchase a new truck in 2007 and asked if they wished to repair this one. Chairman Holman offered his opinion that, due to the mileage and condition of the truck, it was not worth investing additional money into it for repairs. He asked the Road Foreman to obtain quotes for another truck that would be suitable for use in plowing some of the narrower streets of the Township.

Chairman Holman noted several storm water run-off problems resulting from the heavy rains. He stated that he and the Road Foreman would make site visits to Susquenita Hills to the Albright property, to 115 Linton Hill Road, and to Muhlenberg Avenue to investigate run-off onto the Maguire property.

The Road Foreman reported that repairs had been made to Haas Drive earlier in the day.

Frisch Property, Barnett Drive

Chairman Holman reported that the heavy rain washed more stone down from the Frisch property on the mountain and that the culverts were full. He added that the swale that was installed on the east side of Barnett Drive the previous year did its job and prevented further washout of the road. He reported that the residents had to build cofferdams to prevent their driveways from washing out and that he had directed the highway crew to use the backhoe as necessary to keep the road clear of debris.

Chairman Holman stated that Perry Conservation District has not made any recent site visits to the property. He asked the Solicitor what the PTS could do about forcing Mr. Frisch to correct the situation in accordance with his stormwater plan. He noted that Mr. Frisch had filed for Chapter 11 bankruptcy and asked if the PTS could recover any funds to be used to pay the expense of opening the blocked culverts.

The Solicitor stated there was recourse under the Stormwater Management Act, and general trespassing for allowing subdivision run-off onto Township rights-of way. He suggested the PTS consider seeking a complaint in equity rather than monetary damages, asking the court for a permanent injunction to prevent Mr. Frisch from allowing sedimentation to leave his property. This would necessitate a court hearing with expert testimony attesting that the source of the problem is Mr. Frisch's plan or lack thereof. The Engineer relayed that Max Shradley would be willing to review the situation if so directed by the PTS. The Solicitor added that the situation will not change unless reconstruction is done or the stormwater plan is put into effect. He asked if the Corps of Engineers has been contacted. Chairman Holman replied that they will only investigate at the request of County officials. The Solicitor suggested that the PTS consider contacting one of the Perry County Commissioners for assistance.

After discussion, and upon a Shaffer/Stoner vote, the PTS voted unanimously to direct the Engineer to analyze the cause of the stormwater runoff and report the findings to the Solicitor, for purposes of preparing the complaint in equity, and to the PTS for the July 26, 2006 meeting.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Kinkora Pythian Home Final Land Development Plan, File #2005-05

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The Secretary presented a letter from the PTPC recommending approval of a 90-day time extension for the above-mentioned plan. She added that this was the third extension. After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve a time extension until September 27, 2006 for the Kinkora Pythian Home Final Land Development Plan, File #2005-05. The Secretary was directed to find out why a time extension was granted.

Warden Final Subdivision Plan, File #2005-06

The Secretary presented a letter from the PTPC recommending approval of a 90-day time extension for the above-mentioned plan. She noted that this was the third extension and was for additional time to work out sewer and water issues. After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve a time extension until September 27, 2006 for the Warden Final Subdivision Plan, File #2005-06.

Glenn Mitchell Subdivision Plan, File #2006-06

The Secretary presented a letter from the PTPC recommending approval of an Alteration of Requirement (AOR) for Section 304 of the Subdivision/Land Development Ordinance, *Final Plan*; approval of the AOR for Section 309.B.4, *Erosion and Sedimentation Control (E&S)*; approval of the AOR for Section 406, *Stormwater Management Plan*; and approval of the Glenn Mitchell Final Subdivision Plan, with contingencies.

Joe Burget, Burget & Associates, stated that the purpose of this plan is to create a separate parcel for a cemetery for Otterbein United Methodist Church. He stated that the PennDOT highway occupancy permit was in place. The Engineer noted that the surveyor's certification should be signed and sealed, the certification of title and dedicatory statement should be signed and notarized, and the planning module waiver should be approved by DEP. Mr. Shaffer made correction that it was Form B instead of the planning module.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the AOR for Section 304, *Final Plan*; AOR for Section 309.B.4, *Erosion and Sedimentation Control (E&S)*; and AOR for Section 406, *Stormwater Management Plan*.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted to approve the Glenn Mitchell Subdivision Plan, File #2006-06, contingent upon completion of the items detailed by the Engineer and all fees being paid. The developer accepted the contingencies.

Cove Mountain Animal Hospital Final Land Development Plan, File #2006-04

The Secretary presented a letter from the PTPC recommending approval of an AOR for Section 304, *Final Plan*; approval of an AOR for Section 309.A.9, *Listing of Subdivisions Within 1000 Feet*; and approval of the Cove Mountain Animal Hospital Plan, with contingencies.

Jason Snyder stated that the plan was for a new veterinarian clinic at the rear of the property and that, due to unsafe conditions, the northern drive would be closed off and only the southern drive would be used.

Mr. Shaffer noted that the request for AOR for Section 309.A.9 was withdrawn.

The Engineer noted the following contingencies: the landowner shall certify the title of the property, the dedicatory statement shall be placed on the plan and signed, the necessary stormwater facilities shall be shown on the plan, the owner shall provide an improvement estimate for driveway, stormwater and E&S control facilities for review, and financial security and agreements shall be provided.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the AOR for Section 304.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Cove Mountain Animal hospital Land Development Plan, File #2006-04, subject to the above contingencies and payment of all fees. The developer accepted the contingencies.

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SOLICITOR REPORT

Dino's Citation

The Secretary reported that she filed a citation against the owner of Dino's on Tuesday, June 27, 2006 and that he came to the office today to obtain an application for a demolition permit. She asked if she should withdraw the citation. After discussion, it was the consensus to leave the citation in place to be used as leverage in the event that the owner takes no further action on the property.

Petersburg Commons

The Secretary reported that Allen Hench, solicitor for the Petersburg Commons Homeowners' Association (Association), had sent a letter stating that the Township already owned the stormwater drainage areas and no deed of dedication was needed from the Association. The Secretary was requested to send Mr. Hench a letter informing him that neither the Association Agreement nor the deed of dedication for Petersburg Lane indicates that the PTS already has ownership of the stormwater drainage areas.

The Solicitor left the meeting after his presentation.

ZONING OFFICER (ZO) REPORT

The ZO Report for June 2006 was reviewed without comment.

Richard Ramsay Zoning Hearing

The Secretary reported that Mr. Ramsay is requesting a variance to allow horses on his property. She presented a letter from the PTPC expressing the following concerns: the request may be a property marketing strategy, if the land is cleared for pasture, there may be stormwater runoff problems, and manure in the runoff water may contaminate the stream that runs through Penn Manor. Chairman Holman stated that he had read the PTPC letter and would wait for a decision from the zoning hearing board.

David Trein Zoning Hearing

The Secretary reported that Mr. Trein was requesting a variance to permit erection of a pole building within the 30' setback. She stated that the PTPC had no comment on the request.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The SEO Report for June 2006 was reviewed without comment.

The Secretary reported that she had received a complaint about a pole building located on Faculty Road on the Howard Urich property. She explained that the owners had a permit for a bathroom in the building, but there is now an apartment in the building. She stated that the SEO is investigating the complaint.

Appointment of Alternate SEOs

The secretary presented a letter from the SEO recommending approval of Rebecca Koch and Jonathan Reisinger as alternate SEOs. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to add the above-mentioned names as alternate SEOs.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

There was no report. Chairman Holman applauded the effort and enthusiasm expended by Jim Renner, PTPRB Chairman, to obtain land for a boat launch in the Little Boston area. He stated that he and Mr. Renner met with a representative of the Army Corps of Engineers and were informed that they should not develop the plan any further.

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PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

Chairman Holman reported that the affidavit needed from the Authority for the release of escrow money to the Borough has not yet been received by the Borough. He asked Mr. Shaffer to discuss it at the Authority meeting on July 5, 2006. Mr. Shaffer responded that the affidavit has been signed and that he will check on it.

Chairman Holman stated that he has still not received answers from the Authority to his latest set of questions and offered that, if they are not received by Wednesday night, he will direct the Solicitor to procure them.

SECRETARY REPORT

2006 Road Bid Packet

The Secretary reported that bids had been opened on June 26, 2006 at 1:00 p.m. and recommended that Eastern Industries, Inc. be awarded the bid for Alternate A and B, for shoulder restoration and installation of a top-coat for Gambers Corner Road improvements. She stated that the amount for both Alternates was \$86,404.20, which was under the amount budgeted for 2006. Mr. Shaffer questioned why shoulder work could not be done on both Gambers Corner and Sawmill Roads in 2006, with the top-coat installed at a later date. The Road Foreman stated that the contractors at the pre-bid meeting did not recommend leaving the road surface uncovered over the winter, because it will take up water.

Chairman Holman commended the highway crew on the installation of storm sewers on Gambers Corner Road, noting that the catch basins handled the recent heavy rains.

Chairman Holman stated that he did not want to use the money in the Capital Reserve Fund for repair of Sawmill Road. Mr. Shaffer asked about the status of storm sewer installation on Sawmill Road. The Road Foreman responded that there is still one and one-half weeks of work remaining to be done on Gambers Corner Road before work can begin on Sawmill Road.

Chairman Holman noted that, at one time, there was a pipe under Sawmill Road at the end of Allandar Drive. He added that the pipe under Allandar Drive has collapsed, with the result that water flows across Sawmill Road to Allandar Drive and onto a resident's property. He stated that he would like to restore the two pipes and construct a catch basin on the Chism property to divert water under Sawmill Road. He stated that the situation should be looked at when work is being done on Sawmill Road.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to award the bid for Gambers Corner Road work to Eastern Industries, Inc. for alternates A and B in the amount of \$86,404.20.

Street Light Tax Exoneration

The Secretary presented Resolution 2006-09, exonerating street light tax for the Sam Auxt property, parcel #210,118.03-134.000, and requesting permission for advertisement. Mr. Shaffer questioned if all resolutions needed to be advertised, with the Secretary responding that she was told yes. Mr. Shaffer stated his understanding that they did not need to be. Upon a Shaffer/Stoner motion, the PTS voted unanimously to advertise Resolution 2006-09.

Renaming Susanne Drive

The Secretary presented Resolution 2006-07, correcting the spelling of Susanne Drive to Suzanne Drive, and noted that it has been duly advertised. Upon a Shaffer/Stoner motion, the PTS voted unanimously to adopt Resolution 2006-07.

Dollar General

The Secretary reported that Jerry Wagner, district PennDOT manager, has volunteered to testify for the PTS if a court case is needed to resolve Dollar General's driveway issue.

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Velez Property, Pee Wee Lane

The Secretary reported that Mr. Velez has obtained a demolition permit and submitted applications for zoning and building permits for the property.

Notification of Application Submittal

The Secretary reported that DEP and PennDOT have responded to a letter from the PTS asking for notification when they receive applications from developers. Mr. Shaffer offered that he did not think DEP and PennDOT understood the request and asked the Secretary to re-contact them.

ENGINEER REPORT

Sheetz Car Wash

The Engineer stated that a letter had been sent to Sheetz detailing the corrections that need to be made to the Car Wash property. He remarked that he had received a phone call informing him that Sheetz will review the deficiency and submit a plan for corrective action.

Geographic Information System (GIS)

Mr. Shaffer noted that the GIS installed on an office computer contains a map of the Township and has the ability to list the owner of any parcel selected. He asked how the GIS could be updated to provide current ownership information. The Secretary responded that she would contact Terry Waggoner at the County tax assessment office for details on upgrading the GIS.

Subdivision and Land Development Ordinance (SALDO) Revisions

Mr. Shaffer asked for any further discussion on the SALDO. Chairman Holman and Mr. Stoner replied that they had offered all of their discussion at the hearing held earlier in the evening. Upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the revisions to the SALDO.

SOLICITOR REPORT

All business involving the Solicitor was discussed earlier in the evening.

POLICE REPORT

The May 2006 Monthly Police Incident Report was reviewed without comment.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The May 2006 Permit Reports were reviewed without comment.

CORRESPONDENCE

Central PA Conservancy

The Secretary presented correspondence from the Central PA Conservancy stating that they had secured a grant to develop a Rivers Conservation Plan for the Shermans Creek, Little Juniata and Fishing Creek watersheds. The correspondence continued that a steering committee was being formed and the PTS would be advised of meeting dates and times.

PennDOT District 8-0

The Secretary presented a letter from PennDOT stating that it would un-restrict 102-inch wide trailers on RT 11/15, but would continue to restrict twin trailers and trailers over 48 feet in length. Chief Houck stated that he had no objection, in that the lifting of restrictions would involve "local delivery only" trailers and that the police department would continue its enforcement of the restriction for all other 102-inch wide trailers.

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PSATS Request for Opposition to HB 81

The Secretary noted that PSATS was requesting townships to write letters to their representatives that they were opposed to HB 81 because of the limitations it would put on enforcement of the Uniform Construction Code. After discussion, it was the consensus to send a letter to Representative Keller, informing him that the PTS was in opposition to HB 81.

OLD BUSINESS

Penn Township Website Update

The Secretary reported that the Township has switched servers and that PTS and PTMA minutes are now available through the website.

NEW BUSINESS

Recycling Center

The Secretary reported that the recycling center started operations on June 10, 2006 with only minor problems. She stated that PennDOT is donating signs that will direct the public to the recycling center and added that work has begun on a grant to pave the center.

EXECUTIVE SESSION

At 9:05 p.m. the PTS entered into executive session to discuss personnel issues. At 9:15 the executive session ended and the meeting reconvened.

End of Probation for Aaron Richards

Chairman Holman noted that the probation period of Aaron Richards has expired. Upon a Stoner/Shaffer motion, the PTS voted unanimously to accept Aaron Richards as a part-time policeman at his current rate of \$12.00 per hour.

Part-Time Policeman Position

There was a Stoner/Shaffer motion to hire James Bennett as a part-time policeman at the rate of \$12.00 per hour.

ADJOURNMENT

With no further business to be conducted, and upon a Shaffer/Stoner motion, the PTS voted to adjourn at 9:17 p.m.

Respectfully Submitted,

Susan E. Long