

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 SEPTEMBER 27, 2006

Page 1 of 9

The Penn Township Board of Supervisors (PTS) met on Wednesday, September 27, 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, left meeting at 9:15 p.m.), Max Shradley (Engineer, left meeting at 9:15 p.m.), Police Chief Alan Houck, and Chris Deiter, Highway Foreman. 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. A list of visitors is on file in the Township Office.

VISITORS

Sandy Hilbish

Mrs. Hilbish stated that Otterbein United Methodist Church would like to make a "pilgrimage" with a cross and a Bible from their old church in Duncannon Borough (Borough) to the new church on Newport Road on October 15, 2006. She explained that the walk would be conducted in a relay fashion and asked if there were any Township regulations they would have to follow. After discussion, it was the consensus that there would be no problem with allowing the walk. Chief Houck was requested to provide police assistance to the walk, if needed.

Linda Seiber, Shermans Creek Conservation Association (SCCA)

Ms. Seibert stated that she was present to answer questions about the Exceptional Value Status petition for change in status of Shermans Creek that were raised at the August 30, 2006 PTS meeting. Mr. Shaffer stated that the PTS was not opposed to the petition, but was concerned over the lack of advance notification. He questioned if residents were given ample opportunity to voice their comments and asked what the repercussions were for residents living along Shermans Creek. Matt Lauer responded that most impact would be felt by new large-scale livestock farms, which would have to apply for nutrient management plans. He added that he was not aware that there were any of those farms in the area and, if so, they would be grandfathered-in.

Mr. Shaffer asked if residents have had any opportunity to provide input on the petition. Ms. Seibert responded that it could take DEP several years to declare Shermans Creek an Exceptional Value creek, and that additional outreach would be made to the community at that time. Mr. Shaffer urged the SCCA to keep the residents informed and involved through as many avenues as possible.

The Solicitor noted that regulation would be done at the state level, that DEP would have jurisdiction over what can and cannot be done, and that local and county regulations would be pre-empted. He added that, for this reason, it was extremely important that residents impacted by any change in status of Shermans Creek be kept informed so that they understand that the PTS and County Commissioners will have no jurisdiction over what can and cannot be done on their lands.

Mr. Shaffer again encouraged SCCA to keep the public informed and offered the use of the Township's meeting rooms for any public meetings that SCCA would like to hold.

Dale Moyer, Susquenita Area Soccer Youth (SASY)

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MINUTES OF SEPTEMBER 27, 2006

Page 2 of 9

Mr. Moyer asked the PTS if they had made a decision on his request for the use of the Township grader on the soccer fields being built on the YMCA grounds. The Solicitor offered that, while it was admirable for the PTS to assist organizations that fulfill a community need, public equipment would be dedicated for private use, with the result that taxpayers could then ask for the same assistance. After discussion, it was the consensus that the PTS not provide the Township grader for use on the SASY fields.

Paul Soltis, Emergency Management Coordinator

Mr. Soltis reported that a fire study meeting had been held on September 12, 2006 and offered that he hopes communication between the fire companies and the PTS continue. He noted that the PTS receives no revenue from building permits. He asked if a small fee could be assessed on each building permit to be designated for fire company use. The Solicitor responded that power to assess fees for fire protection comes from state legislation and two avenues are currently available – the ability to enact an Emergency and Municipal Services tax and a Fire tax. He added that he is not aware of any provision allowing the PTS to assess building permits, and that he would research the subject.

Jeff Forrer

Mr. Forrer stated that he has recently acquired land between Brothers Pizza and Rohrer Bus Service on a leased basis, with an option to purchase. He explained that he intends to use the land for a used car facility and would be installing a modular sales office. He added that the building is self-contained and pre-approved by the state and asked what additional inspections would be required by the PTS. Mr. Shaffer noted his understanding that, if the building met the UCC requirements when it was built, no further building inspections were needed. After discussion, it was the consensus that Mr. Forrer would need to submit a land development plan and to contact the Secretary for necessary certifications. He was also requested to contact the Penn Township Municipal Authority (PTMA) to discuss a sewer connection.

Brad DiPaolo

Mr. DiPaolo asked if minutes could be made available on the Township website. Mr. Shaffer responded that the website would be discussed later in the meeting. Mr. DiPaolo then asked about the status of cleanup of Dino's Grille. The Secretary reported that the owner has submitted a plan for renovation to Glace Associates, the Township's third-party UCC inspector, after which a building permit will be issued to begin renovation. She added that a hearing will be held on November 29, 2006 at the District Judge's office about the citation served on the property.

CONDITIONAL USE HEARING DECISION

Chairman Holman noted that a hearing had been held on September 21, 2006 to discuss Mallard Enterprise's request for conditional use at Business Campus One (BCO). He asked the PTS for any comments they had before he called for a decision. Mr. Shaffer offered that, in addition to the conditions recommended by the Penn Township Planning Commission (PTPC), he felt screening of staggered evergreens should be required. He added that any outside lighting should be installed in consideration of the neighbors.

MINUTES OF SEPTEMBER 27, 2006

Page 3 of 9

Chairman Holman asked for any public comments. Vern Leppard stated that he was under the impression that this was to be a location for offices and urged the PTS to make sure that this is the type of business that they want to see developed in BCO. Mr. Stoner stated that one of his concerns was how this business would impact future development. He offered that with proper lighting and screening, he felt that Mallard Enterprise would be good for the community. Chairman Holman offered his opinion that all parties involved will comply with the conditions imposed. He added that he feels the PTS needs to move forward and help promote development of BCO.

After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve the conditional use request of Mallard Enterprises, subject to the following conditions:

- The six conditions recommended by the PTPC in their letter of August 23, 2006.
- There will be no application for nor permit granted for Hazardous Materials.
- Lighting will be installed on the building only.
- There will be no excessive idling of trucks.
- Screening to consist of staggered evergreens with a minimum height of six feet.

MINUTES

In response to the request for approval of the minutes, there was a Shaffer/Stoner motion to approve the minutes of the August 11, 2006 emergency meeting and the August 30, 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 August 31 through September 27, 2006 for consideration of approval. After due consideration, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve payment of checks 19193 through 19274 from the PLGIT General Account in the amount of \$51,918.76 and six ACH transfers from the Newport Bank General Account in the amount of \$6,765.25.

TREASURER REPORT

Upon a Stoner/Shaffer motion, the PTS voted unanimously to accept the Treasurer's Report for the period August 31 through September 27, 2006, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The September 2006 Highway Department report was reviewed without comment.

Gambers Corner Road Project

Mr. Deiter reported that he had been talking to Eastern Industries concerning the invoices for the Gambers Corner Road resurfacing. The Treasurer was requested to hold payment of the invoices until further notice.

2007 Ford F-350 Truck

Discussion was held on financing the new Ford F-350. It was noted that the interest rate was 6.8% and that \$10,000 had been budgeted, leaving a \$14,675.50 balance to be financed. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to pay the entire cost of \$24,675.50 at delivery, using the funds available in the Capital Reserve Fund.

Purchase of SnowPlow

Mr. Deiter presented quotes from four companies for an 8-foot snowplow for the Ford F-350. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to purchase a snowplow from Mshar Powertrain Specialists at a cost of \$3,868 installed along with a rubber snow deflector at an additional cost of \$195.

MINUTES OF SEPTEMBER 27, 2006

Page 4 of 9

Linton Hill Road Renumbering

Wheatfield Township Supervisor Robert Hines informed the PTS that renumbering of Linton Hill, Creek, and Glutz Hole Roads will be done by Wheatfield Supervisors and will affect only Wheatfield Township residents. County Commissioner Warren VanBuskirk asked that the PTS consider a more substantial change in the future if it is needed to dispatch emergency vehicles

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

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

The Secretary presented a letter from the PTPC dated September 19, 2006 recommending denial of the above-mentioned plan due to outstanding items not being addressed. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to deny the Kinkora Pythian Home Land Development Plan, File #2005-05.

Warden Final Subdivision Plan, File #2005-06

The Secretary presented a letter from the PTPC dated September 19, 2006 recommending approval of a time extension until December 27, 2006 for the above-mentioned plan. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to grant a time extension until December 27, 2006 for the Warden Final Subdivision Plan, File #2005-06.

Rhoads & Sinon Zoning Ordinance Amendment Request

The Secretary presented a letter from the PTPC dated September 19, 2006 recommending that the submission by Rhoads & Sinon for the zoning ordinance amendment not be considered because Planned Residential Development (PRD) will be considered as part of the Municipal Curative Amendment. The Solicitor noted that the Municipalities Planning Code provides that, when a township initiates the curative amendment process, the Township shall not be required to consider any landowners curative amendment request. He explained that the Rhoads & Sinon request was received after the PTS voted to commence the curative amendment process. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the PTPC recommendation and not consider the Rhoads & Sinon zoning ordinance amendment request.

PRD Language

The Secretary presented a letter from the PTPC dated September 19, 2006 requesting that Rettew Associates be authorized to draft PRD language for the zoning ordinance. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize Rettew Associates to prepare draft PRD language for consideration in the zoning ordinance.

ZONING OFFICER (ZO) REPORT

The ZO Report for September 2006 was reviewed without comment.

Resolution 2006-11 for Municipal Curative Amendment

The Secretary presented Resolution 2006-11 for adoption. Mr. Stoner asked the length of the moratorium on review of plans, with the Solicitor responding that it was now 150 days. The Solicitor explained that each subdivision and land development application will now be reviewed individually for variances, conditional uses and other prohibitions described in the curative amendment. If no prohibitions are found, the application process can then move forward.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to adopt Resolution 2006-11, enacting a Municipal Curative Amendment.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

MINUTES OF SEPTEMBER 27, 2006

Page 5 of 9

The SEO Report for September 2006 was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The Secretary presented the PTPRB Report for September. A discussion was held on providing additional parking along Municipal Building Road. Mr. Shaffer offered his concern about the suggestion of cutting down the white pine trees, suggesting that with grading and widening of the shoulder, additional parking could be provided without tree removal. He agreed that additional parking was needed and offered that the PTPRB should look into adding additional parking in the area across from the Township building. He asked Mr. Deiter to contact Jim Renner for further discussion. The Secretary was requested to provide Mr. Renner with a previous sketch plan of the Township grounds that included proposed parking in this area.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

Chairman Holman reported that the money for the First National Bank of Marysville line of credit (LOC) is due on October 15, 2006 and noted a discrepancy between the amount owed as listed on the Authority Treasurer Report and the amount as provided by the bank. He requested that Mr. Shaffer notify the Authority that he would like information on what the new financing terms will be. Mr. Shaffer noted that he would not be at the next Authority meeting and stated that Authority members Lee Wright and Franklin Reidlinger are heading up a committee to talk to bank officials. He suggested that Chairman Holman contact Mr. Wright.

SECRETARY REPORT

Citations – Dino's Grille

The Secretary reported that Mr. Bratic has presented plans to Glace Associates for replacing the roof and that she will issue a building permit as soon as she receives them. She stated that the hearing on the citation has been postponed until November 29, 2006 at Mr. Bratic's request. The Solicitor explained that the District Judge can postpone hearings at his discretion. Mr. Shaffer asked if the PTS could go on record with the District Judge requesting that the Township be notified when a postponement is granted. The Solicitor responded that the Secretary could make a verbal request of the District Judge to that effect.

Citations – Citgo Station

The Secretary reported that the hearing regarding the citation for the Citgo Station has been scheduled for October 2, 2006. Chairman Holman noted that Mr. Bratic has complied with the request to repair the side of the building. Mr. Shaffer wondered why the PTS should go forward with the citation now that Mr. Bratic has done what was asked. The Solicitor recommended that the Secretary notify the District Judge that compliance has been met and that the PTS would like to withdraw the citation.

Citations – Cocco Development (Dollar General)

The Secretary reported that the hearing regarding the citation for Cocco Development has been re-scheduled for November 29, 2006.

Duncannon Fire Company (DFC)

The Secretary presented a 2006 financial report from the DFC. Mr. Shaffer asked that a discussion of financial support for the DFC be held during the 2007 Budget preparation meetings.

Duncannon Fire Police

The Secretary reminded the PTS that they had received a previous request for financial support from the fire police but postponed a decision until it was determined what level of support was

MINUTES OF SEPTEMBER 27, 2006

Page 6 of 9

given by the Borough. She reported that the Borough was giving a \$500 donation. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to make a \$500 donation to the Duncannon Fire Police.

Shermanata Heights

John Melham, engineer for Shermanata Heights, was present to request an extension of the five-year approval for the preliminary plan for Shermanata Heights. He stated that the possibility of a shared sewage disposal facility with Stonebridge and the Stoner development was now being investigated. He added that he believes the preliminary plan is still viable and requested a three-year extension. The Solicitor asked for a schedule in which each section of the preliminary plan is to be filed as final and stated that the schedule should be updated annually as improvements are filed. Mr. Melham responded that he would submit a schedule as soon as possible and that there would now be only one construction phase instead of two.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to extend the approval of the Shermanata Heights preliminary plan for an additional three years from September 27, 2006, with the understanding that the applicant will comply with the requirements of Section 303 of the Subdivision and Land Development Ordinance.

Trick or Treat Night

The Secretary reported that Trick or Treat night would be observed on October 31, 2006 from 6:00 p.m. to 8:00 p.m.

Humane Society

The Secretary presented an agreement from the Humane Society to cover their services for 2007. She was requested to present the information for further discussion during 2007 Budget preparation meetings.

Cove Mountain Veterinary Clinic Land Development Plan, File #2006-02

The Secretary presented a letter from Alvin Schwartz requesting a reaffirmation of the above-mentioned plan so that he can acquire his financial security. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the reaffirmation of the Cove Mountain Veterinary Clinic Land Development Plan, File #2006-02.

Susquenita Hill Road Second Stop Sign

The Secretary reported that the ordinance for a second stop sign at the intersection of Susquenita Hill and Schoolhouse Roads has been duly advertised. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to adopt Ordinance 2006-03, establishing a second stop sign at the intersection of Susquenita Hill and Schoolhouse Roads.

ENGINEER REPORT

Zoning Revision – Mixed Use Commercial (MUC) District

The Engineer reported that he had met with the PTPC at their September 18, 2006 meeting for further review of the proposed Zoning Ordinance revision for the MUC District.

Zoning Revision – Open Space Regulations

The Engineer reported that he had met with the PTPC at their September 18, 2006 meeting to review the proposed Zoning Ordinance revision for open space provisions. He stated that final language should be ready for the PTS for the October 25, 2006 meeting. He added that the PTPC is not proposing any changes to the Subdivision and Land Development Ordinance in regards to open space provisions.

MINUTES OF SEPTEMBER 27, 2006

Page 7 of 9

The Solicitor asked if the Engineer anticipated problems meeting the deadline of the Municipal Curative Amendment. The Engineer responded that the PTPC would be holding additional meetings and will start discussions on PRD on October 2, 2006. The Solicitor recommended that the PTPC solicit input on PRD from the public, Susquenita School District, and emergency services as soon as possible.

Township Park Study

The Engineer reported that he is reviewing the information submitted by the PTPRB on fee-in-lieu. He was requested to complete that review as soon as possible.

Sheetz Car Wash

The Engineer stated that he spoke with a representative from Sheetz, who informed him that work will begin on the stormwater basin next week.

Haas Drive Culvert

The Engineer reported that he had prepared the sketch for the DEP permit application and submitted it to the Secretary.

John Leiter LOC

The Engineer reported that he had performed a site review to determine the extent of completion for the reduction of the LOC. Based on that review, he recommended that the LOC be reduced to \$28,010.85. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to reduce the John Leiter LOC to \$28,010.85.

DFC Stormwater Issue

The Engineer reported that he had performed a site review at the DFC grounds on September 8, 2006 with Perry Conservation District representatives and Chairman Holman to discuss a resolution of the stormwater issue. He informed the PTS that much of what was originally proposed by the DFC will not be constructed. He stated that he reviewed the original stormwater calculations and advised the DFC that they would need to submit a revised plan and calculations to address the stormwater issue and consider the release of the financial security for the facilities not being constructed.

SOLICITOR REPORT

Barnett Drive Stormwater Run-off

The Solicitor informed the PTS that the landowner whose property was causing stormwater runoff onto Township property is now in bankruptcy proceedings. He offered his opinion that, until the bankruptcy is discharged, the PTS is federally precluded from moving forward against the landowner.

Phil Heller Driveway Permit Revocation Hearing

The Solicitor reported that he will provide his recommendation as soon as possible. He cautioned the PTS against conferring with each other until the October 25, 2006 meeting, asking instead that they contact him individually with any questions they may have.

Penn Township Police Department TASER Policy

Chief Houck presented the minimum standards required by TASER Int'l. for user certification - four hours of initial instruction including the firing of at least two cartridges, and annual recertification including the firing of at least two more cartridges. The Solicitor asked who provided the training and was informed that it was performed by a TASER certified trainer, who in turn certifies the local officers.

MINUTES OF SEPTEMBER 27, 2006

Page 8 of 9

Chief Houck was requested to insert the following into the policy. "Certification of Township officers shall be provided by an instructor who has been certified by the manufacturer of the unit being used by the Township officers." The Secretary will forward a copy of the policy to the Township's insurance agent.

POLICE REPORT

The Monthly Police Incident Report was reviewed without comment.

Police Department Directional Sign

Chief Houck asked that a sign be placed at the end of Municipal Building Road directing the public to the Police office. The Secretary was requested to purchase the sign.

Site Distance, Intersection of SR 274 and Municipal Building Road

Mr. Shaffer noted that it is increasingly difficult to exit Municipal Building Road because of the height of the vegetation. Carl Fox offered his opinion that site distance at that intersection is the responsibility of the PTS, not PennDOT. He added that, if the Township wanted to decrease the slope of the bank, a removal permit would need to be obtained from PennDOT. After discussion, the Secretary was requested to contact PennDOT to obtain a slope removal permit.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The August 2006 Permit Reports were reviewed without comment. Mr. Shaffer suggested that a list of permits granted could be posted on the website, once it has been updated.

CORRESPONDENCE

Perry County Crime Stoppers

Chief Houck reported that the Perry County Crime Stoppers have invited the PTS to a community education forum to be held at the Perry County Courthouse on October 19, 2006 at 6:30 p.m. He suggested that the highway department attend this meeting, which will center on methadone laboratories and provide guidance on what discarded materials to be aware of.

Dellville Road Bridge Replacement

The Secretary presented a letter informing the PTS that PennDOT will be filing a joint Water Obstruction and Encroachment Permit Application with DEP for the second bridge replacement on Dellville Road. No discussion was held on the letter.

OLD BUSINESS

Sewer Connection Updates

The Secretary updated the PTS on the first and second phases of connection for the Perdix sewer project. She stated that phase one residents who had not obtained a connection permit or requested a time extension were sent a letter from the Solicitor informing them to contact the Township office. She asked what action the PTS wanted to take against the phase one residents who still have not contacted the Township. After discussion, and upon a Holman/Stoner motion, the PTS voted unanimously to authorize the Authority to act as agent of the PTS and proceed with enforcement of the remaining phase one connections.

William Sminkey

Chief Houck reported that he had paid a site visit to the Sminkey property at Hill Top Road and SR 11/15 and told Mr. Sminkey that the lawn mowers must be moved off of the Township right-of-way. He added that Mr. Sminkey was informed that the two abandoned trucks must also be removed from the property. Chief Houck stated that he had received complaints about oil run-off from the property. He reported that he did not see any run-off, but did notice evidence of oil-

MINUTES OF SEPTEMBER 27, 2006

Page 9 of 9

saturated soil along the berm. Chairman Holman thanked Chief Houck for the work he has done and asked him to continue his efforts. Chief Houck was asked to tell Mr. Sminkey that the oil situation was discussed at tonight's meeting and that the PTS will not hesitate to contact DEP if there is no alleviation of the problem.

Sign Permits

Mr. Shaffer asked about the status of the survey comparing signs erected in the Township against the list of signs that have permits. The Secretary stated that she expected to have the final version ready by next Friday.

Fall Newsletter

The Secretary reported that the fall newsletter should be ready for mailing at the beginning of next week.

Township Website

The Secretary reported that the person who volunteered to update the website has been busy and has not had time to update the website.

Friendly Drive and Rt. 274

The Secretary reported that representatives of the Perry County Economic Development Corporation (PCEDC) had not returned her call asking for the scope of the project to widen Rt. 274 from Friendly Drive to Main Street.

Carl Fox reported that a left turn northbound lane into Friendly Drive will be constructed from the Stanton property to Pee Wee Lane. Mr. Shaffer asked Mr. Fox to keep the PTS informed of the project.

NEW BUSINESS

Linton Hill Road Bridge Inspection

The Secretary reported that Penoni Associates has conducted the annual Linton Hill Road bridge inspection. Mr. Stoner stated that he had been present at the inspection and that it is in basically the same shape as it was last year. The Secretary noted that Penoni Associates are recommending additional signs be installed notifying that there is a bridge ahead and specifying weight limits. The Secretary was requested to share the report with Mr. Deiter so that signs can be ordered and erected.

2007 Budget

A meeting for preparation of the 2007 Budget was scheduled for October 19, 2006 at 6:00 p.m.

EXECUTIVE SESSION

At 9:35 p.m. the PTS entered into executive session to discuss personnel/legal issues. At 9:45 the executive session ended and the meeting reconvened. No action was taken during the session.

ADJOURNMENT

With no further business to be conducted, and upon a Shaffer/Stoner motion, the PTS voted to adjourn at 9:45 p.m.

Respectfully Submitted,
Susan E. Long