

**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 OCTOBER 25, 2006**

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The Penn Township Board of Supervisors (PTS) met on Wednesday, October 25, 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 8:00 p.m.), Max Shradley (Engineer, left meeting at 8:00 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.

**LOCAL AGENCY HEARING**

The Solicitor explained that a Local Agency Hearing was held on September 27, 2006 concerning a request made by Phillip Heller and that testimony was taken at that time. He reported that he had forwarded his report to each Supervisor individually and had cautioned them about discussing the hearing with each other before this evening's meeting. He stated that if his report and recommendation met with PTS approval, it should now be finalized and adopted. Chairman Holman stated that he had reviewed the report and had no problem with the recommendation of the Solicitor. At this time there was a Stoner/Shaffer motion to adopt the Solicitor's written recommendation. Motion passed by unanimous vote of the PTS. The Secretary was requested to include a copy of the report as part of this evening's minutes and forward copies of the decision to all parties involved in the hearing.

**VISITORS**

**Joe Burget, Jr. and Sam Krick**

Mr. Burget, Jr. stated that he had submitted a subdivision plan on behalf of Mr. Krick and had received conditional approval from the Penn Township Planning Commission (PTPC) pending resolution of sewer capacity available for the site off of Eisenhower Boulevard. He reported that he had received a letter from Duncannon Borough (Borough) stating that there is sewer capacity available but that they are not releasing it until a maintenance issue on the High Street sewer line is resolved with the Penn Township Municipal Authority (Authority) and advance funding is received from the Authority. He asked if the PTS could help resolve the issue. Mr. Krick stated that he feels like his plan is being held hostage. Chairman Holman reported that he had attended the JOAC meeting held the previous evening and had viewed a video showing how the line had collapsed and was causing problems. Mr. Shaffer added that he had also viewed the video and offered his opinion that the problem needs corrected. He stated that it would be a discussion item at the Authority meeting on November 1, 2006 and invited Mr. Burget, Jr. and Mr. Krick to that meeting.

**Mona Klobe, via Letter**

The Secretary reported that Ms. Klobe was not in attendance. She reminded the PTS that they had earlier received a copy of a letter from Ms. Klobe concerning stormwater runoff from an adjoining property. The Secretary stated that she had informed Ms. Klobe that, because the runoff did not involve Township property, this was a private matter between the two parties. The PTS agreed that this was a private matter and requested that the Secretary notify Ms. Klobe that there was nothing the PTS could do to resolve the matter.

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**Jerod Lycett**

Mr. Lycett informed the PTS that he was installing a sign at Otterbein United Methodist Church as an Eagle Scout project. He asked that the zoning and sign permit application fees be waived because they were for an Eagle Scout project and were church-related. He added that the Boy Scouts organization does not want him to conduct a fund-raiser for the fees. The Secretary reported that the total amount of the fees would be \$75.00. Mr. Shaffer offered that it is difficult for the PTS to make donations for use by private individuals and stated his concern over the PTS setting precedent by waiving fees. After discussion, Mr. Lycett was informed that contributions to cover the fees would be made by the PTS and staff.

**Paul Soltis, Emergency Management Coordinator**

Mr. Soltis asked if all necessary certification by the PTS and staff for NIMS had been completed and was informed that it had been.

**MUNICIPAL CURATIVE AMENDMENT (MCA)**

Mr. Shaffer noted that the PTPC had recommended that the PTS adopt the Open Space Development portion of the MCA. He stated that he would like to have an opportunity to review it further before the PTS takes action. The Secretary suggested that the PTS forward it to the Perry County Planning Commission (PCPC) for their review in the meantime. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to send the Open Space Development portion of the MCA to PCPC for review.

**MINUTES**

In response to the request for approval of the minutes, there was a Shaffer/Stoner motion to table approval of the September 27, 2006 Local Agency hearing and to approve the minutes of the September 27, 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 September 28 through October 25, 2006 for approval. After due consideration, and upon a Stoner/Shaffer motion, the PTS voted unanimously to approve payment of checks 19275 through 19367 from the PLGIT General Account in the amount of \$43,216.47 and four ACH transfers and check #4572 from the Newport Bank General Account in the amount of \$5,550.68.

**TREASURER REPORT**

Upon a Stoner/Shaffer motion, the PTS voted unanimously to accept the Treasurer's Report for the period September 28 through October 25, 2006, subject to yearly audit.

**HIGHWAY DEPARTMENT REPORT**

The October 2006 Highway Department report was reviewed without comment. The Secretary reported that the two highway department personnel had requested authorization to attend a winter road-management course on November 1, 2006 at a cost of \$35.00 per person. After

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discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the highway department personnel to attend.

### **Cove Road Bridge**

Chris Deiter reported that he had spoken to the engineers involved in replacement of the Cove Road bridge and was told that replacement would be done in the beginning of 2008 and that the preliminary work was continuing.

### **PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT**

#### **Lisa Laird Subdivision Plan, File #2006-07**

The Secretary presented a letter from Ms. Laird dated October 18, 2006 asking for reaffirmation of the above-mentioned plan because she has not received DEP approval of the sewage module. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to reaffirm the Lisa Laird Subdivision Plan, File #2006-07.

### **Doug McGonnell Flood Plain Building Permit Application**

The Secretary reported that Mr. McGonnell wishes to build along Shermans Creek Road and presented a letter from the PTPC dated October 17, 2006 recommending approval of his building permit application contingent upon the Engineer review of the UCC Code and the Detailed Study. The Engineer stated that he had spoken with a DCED employee who informed him that DCED has no objection to the construction if the structure is being placed on the same location as a previous structure and if it is elevated with openings for flood waters to pass through. The Solicitor recommended that the Engineer request a written confirmation of that conversation with DCED for the file. After discussion, there was Shaffer/Stoner motion to approve the McGonnell Building Permit application, contingent upon the Engineer supplying a copy of the letter confirming his conversation with DCED.

### **ZONING OFFICER (ZO) REPORT**

The ZO Report for October 2006 was reviewed without comment.

### **SEWAGE ENFORCEMENT OFFICER (SEO) REPORT**

The SEO Report for October 2006 was reviewed without comment.

### **PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT**

The Secretary presented the PTPRB Report for October. Discussion was held on a fee-in-lieu-of land dedication ordinance. The Engineer presented information from a study done by Rettew Associates. He stated that there are two methods for calculation of the fee-in-lieu amount. With the first method, the PTS uses a set fee per building lot that the developer would pay. The second method involves calculations using the fair market value approach. The Engineer stated that the following criteria should be considered when drafting a fee-in-lieu ordinance: Determine the threshold number of lots or units for mandatory land dedication to be required. Determine the amount of land to be dedicated per lot or unit. Determine if the ordinance applies to non-residential development. Determine that usable land is being dedicated. Determine what exemptions will be granted. Determine which method to use to calculate the fee-in-lieu amount.

It was the consensus that the information be forwarded to the Solicitor and PTPRB for further review.

### **PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT**

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The Secretary presented a letter from the Authority dated October 17, 2006 stating that Lee Wright is now the Authority's representative on the JOAC panel.

### **SECRETARY REPORT**

#### **Citations – Dino's Grille**

The Secretary reported that the hearing on the citation for Dino's Grille will be held November 29, 2006 at 10:00 a.m.

#### **Citations – Cocco Development (Dollar General)**

The Secretary reported that the hearing on the citation for Cocco Development will be held on November 29, 2006 at 10:00 a.m.

#### **Rye Township Computer Contingency Plan**

The Secretary presented a letter from Rye Township dated October 11, 2006 stating that they would like to have a computer contingency plan for use in the event of a disaster. The Secretary explained that Rye Township uses the same software program for accounting and payroll that the Township uses and that both townships could assist each other by sharing computer systems in the event of a disaster. After discussion, it was the consensus that the Secretary should inform Rye Township that a shared-use policy was agreeable with the PTS and ask them to draft an agreement.

#### **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.

#### **Luther Daywalt Nuisance Complaint, Valley Street**

The Secretary reported that there have been on-going nuisance complaints received from Mr. Daywalt's neighbor and that she has sent a notice to Mr. Daywalt. She added that Mr. Daywalt complies with the requests to clean up the property but additional complaints continue to be received. Mr. Daywalt replied that he has been cleaning up the property as he is able and added that he will be enclosing the back porch to store the refrigerator. After discussion, the Secretary was requested to ask Mr. Daywalt for a follow-up report at the November 29, 2006 meeting.

#### **William Sminkey Nuisance Complaint, State Road**

Chief Houck reported that Mr. Sminkey will be cited for failure to remove his lawn mowers from the Township right-of-way.

#### **William Johnson Nuisance Complaint, 1129 State Road**

The Secretary reported that this property is up for Sheriff's sale on January 19, 2007 and that the new owners would be put on notice that the trash needs to be removed.

#### **David Hammaker Nuisance Complaint, Barnett Drive**

Chairman Holman offered to go with the Secretary on a site visit to talk to Mr. Hammaker about the trash being stored in his backyard.

#### **Township Web Site**

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Mr. Shaffer asked about the status of the website update. The Secretary replied that the man who was doing the update has not had time this month to work on it. A discussion was held on the difficulty of finding a volunteer to update the website. Mr. Shaffer asked that he be contacted within two weeks if no further update has been made so that he can try to find someone to update the website.

### **Sign Permit Update Spreadsheet**

Mr. Shaffer asked about the status of the spreadsheet comparing existing signs with approved sign permits. The Secretary replied that she would have the information to Mr. Shaffer by October 30, 2006.

### **ENGINEER REPORT**

#### **Zoning Revision – Mixed Use Commercial (MUC) District**

The Engineer reported that discussion to address a request of the Perry County Economic Development Corporation for a zoning revision to the MUC at Business Campus One will be on the November 6, 2006 PTPC agenda.

#### **Zoning Revision – Open Space Regulations**

The Engineer reported that the PTPC has completed the suggested revisions for the open space provisions of the zoning ordinance.

#### **Sheetz Car Wash**

The Engineer stated that he spoke with Brian Suyko, Sheetz's representative, and told him that he needed to receive revised calculations for the proposed changes to the detention basin and a revised stormwater plan for approval before any work can begin. Chairman Shaffer requested that the Secretary not allow the security bond to expire, with the Engineer offering he thought it was still valid for another six months.

#### **Duncannon Fire Company (DFC) Stormwater Issue**

The Engineer reported that a site review was held with DFC and Perry Conservation District representatives and added that he informed DFC that revised plan/calculations will be needed to address the stormwater issue and to consider release of the financial security.

John Myers stated that DFC has received one revised calculation for stormwater pipe size, that seeding has been completed, and that an overflow/discharge pipe is still needed.

### **SOLICITOR REPORT**

The Solicitor reported that he had received a letter from the attorney representing Joe Roberts regarding his request for the PTS to lease the end of Inn Road to Mr. Roberts for parking for Tubby's. He stated that he needs a sketch plan showing length and width of the area to be leased for description purposes in the lease. Chairman Holman noted that vehicles were parked everywhere on opening night, to the extent that cars at the far end of the property were parked in and would not have had egress in case of an emergency. He stated that he was not sure he was still in agreement with leasing Inn Road to Mr. Roberts, citing his concern about Township liability, and adding that he never anticipated parking of this magnitude.

Chief Houck noted that cars were parked on both sides of Inn Road up to the intersection with Little Boston Road, limiting the road width to 1½ lanes. He offered his concern that, if the PTS were to abandon its right-of-way, and if there were accidents, the police would be investigating on private property. Chairman Holman explained that the PTS would be leasing the portion of Inn Road from the establishment to its southern terminus. Chief Houck reported that a headline band will be playing at the establishment on November 11, 2006 and expects that overflow parking will spill into Maguire's parking lot and Little Boston Road.

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The Solicitor noted that parking problems will still exist whether or not the PTS leases a portion of Inn Road. He said the current issue is whether the PTS will allow parking on Township right-of-way and how much. Mr. Shaffer suggested that the PTS ask Mr. Roberts for written plans on how he intends to deal with the parking situation. Chairman Holman stated that he and Chief Houck will pay a site visit and talk to Mr. Roberts.

### **POLICE REPORT**

The Monthly Police Incident Report was reviewed without comment.

### **Restrictions on 102s**

Chief Houck reported that, on October 24, 2006, Township police officers were working along Rt. 11/15 enforcing the restrictions for 102s when they were informed by the truck driver that the regulations restricting 102s were lifted and that new signage was installed on Interstate 81. He stated that the request put to the PTS to allow local delivery only for 102s with a bill of lading to Business Campus One has been changed and PennDOT is now allowing all trucks regardless of size under 48' along Rt. 11/15. He offered his opinion that this will result in unsafe conditions on Rt. 11/15.

The Solicitor noted that Rt. 11/15 is a state highway and PennDOT can change its regulations. He suggested that a letter be sent to Barry Hoffman, District Executive, informing him that the PTS believes the change is inappropriate and could cause dangerous conditions to businesses, homes and schools. He added that the letter should say that the PTS is putting PennDOT on notice that, if accidents occur, it will hold PennDOT responsible for creating unsafe conditions. Mr. Stoner stated that he had talked to Rep. Mark Keller earlier in the day and that Rep. Keller will discuss the situation with Mr. Hoffman next week. Chairman Holman stated that he had spoken with a PennDOT representative who informed him that PennDOT had received several requests to lift the restrictions to allow truck travel to several terminals in the area and who felt that Rt. 11/15 would support the traffic.

After discussion, there was a Shaffer/Holman motion to have the Solicitor write a letter to PennDOT, expressing PTS' concerns about lifting restrictions on 102s and requesting that PennDOT study the possibility of moving Rt. 11/15 to the other side of the river and designating this side as Business Rt. 11/15. Motion passed by unanimous vote of the PTS. The Secretary was requested to forward a copy of the letter to the Cumberland-Perry Task Force.

### **Perry County DUI Task Force**

Chief Houck reported Marysville Borough had submitted a grant for the start-up of the DUI checkpoints in Perry County. He explained that anytime Township officers worked under the provisions of the grant, the Township would submit a bill to Marysville for reimbursement of Township officers' wages. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize Penn Township police officers to participate in the Perry County DUI Task Force.

### **Taser Standard Operating Procedure (SOP)**

The Secretary reported that she had forwarded a copy of the Taser SOP to the Township's insurance carrier as requested and was informed that the Township was already covered and there would be no increase in the cost of coverage. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Taser SOP as presented.

### **BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT**

The September 2006 Permit Reports were reviewed without comment.

### **CORRESPONDENCE**

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**Perry County Planning Commission (PCPC)**

The Secretary presented a letter from the PCPC detailing the Municipal Planning Advisory Services for 2007. She explained that full-time service was available for \$1,000 and on-call service was available for \$500. It was the consensus to table discussion on this item for further review.

**OLD BUSINESS**

**Sewer Connection Updates**

The Secretary updated the PTS on the first, second, and third phases of connection for the Perdix sewer project. She added that the non-compliance list for phase one connections was forwarded to the Authority for further action. She reported that 197 notices-to-connect were sent, 76 permits were issued, and 39 homes have been connected.

**2007 Budget**

A meeting for preparation of the 2007 Budget was scheduled for November 14, 2006 at 6:00 p.m.

**NEW BUSINESS**

**Jay Fulkroad Security Bond**

The Secretary reported that the one-year security bond for Jay Fulkroad for paving of Linton Hill Road was due to be released. Chairman Holman offered his opinion that the work was satisfactory and that there was no reason not to release it. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to release the security bond for Jay Fulkroad.

**ADJOURNMENT**

With no further business to be conducted, and upon a Holman/Stoner motion, the PTS voted to adjourn at 8:15 p.m.

Respectfully Submitted,  
Susan E. Long