

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 NOVEMBER 29, 2006

Page 1 of 7

The Penn Township Board of Supervisors (PTS) met on Wednesday, November 29, 2006 at 7:00 p.m. in the Municipal Building to conduct their regularly scheduled meeting. Chairman Henry Holman, Jr. 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 7:50 p.m.), Max Shradley (Engineer, left meeting at 8:00 p.m.), 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.

ROHRER DRIVE

Chairman Holman announced that he wanted to start discussion this evening concerning the paving of Rohrer Drive, with a possible follow-up discussion to be held at the December 27, 2006 meeting. He offered that Rohrer Drive would need to be widened, road shoulders would need to be stabilized, mailboxes would need to be temporarily relocated, materials would need to be stockpiled, and some utility poles would need to be relocated. He also asked for the adjoining property owners' cooperation during the project.

Chairman Holman noted that there was still an issue regarding the location for Township equipment to turn around at the end of Rohrer Drive. He explained that the Bitting's had installed a driveway in the area previously proposed by the Engineer as a turn-around site. Resident Carrie Bitting at this time indicated her willingness to enter into an agreement to allow Township trucks to turn around in her driveway. Chairman Holman stated that he would like to talk to the residents and would be willing to walk the site with them to explain what the project would entail.

VISITORS

Joe Roberts, Tubby's, Inn Road

Mr. Roberts had been requested to attend tonight's meeting to discuss leasing the portion of Inn Road in the vicinity of Tubby's; however, he was not in attendance. Chief Houck reported that, on the night before Thanksgiving, forty-seven cars were parked on both sides of Inn Road and area residents could not get access to their homes. He recommended that the PTS adopt a "No Parking" ordinance for Inn Road. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to have the Secretary prepare a "No Parking" ordinance for review at the December 27th meeting.

Sam Auxt

Mr. Auxt inquired about the status of clean-up of the Cain and Dino's Grille properties. The Secretary replied that the Cain property had been purchased by Clarks Ferry Veterinary Clinic and that a building/demolition permit would be applied for in the near future, which would improve and clean-up the site.

The Secretary reported that a hearing concerning the citations issued to the owner of Dino's Grille had been held earlier that day at the District Judge's office. She explained that the owner had until January 20, 2007 to start renovation and, if not started by then, she would return to the District Judge and file another citation for non-compliance of the nuisance ordinance.

MINUTES OF NOVEMBER 29, 2006

Page 2 of 7

Brent Hilbish, Burley Road

Mr. Hilbish stated that the Windsor Corporation has publicly commented that a 50-foot Township right-of-way (ROW) was available on Burley Road for its proposed development. He asked what the ROW width is, to which Chairman Holman replied that it is 33 feet. Mr. Hilbish asked about the status of the proposed development. The Solicitor responded that plans for the development had been filed on November 27, 2006 and will be forwarded to the Penn Township Planning Commission (PTPC) for their review and comments. He suggested that Mr. Hilbish, and other interested residents, attend future PTPC meetings to provide input to the PTPC.

MINUTES

In response to the request for approval of the minutes, there was a Shaffer/Holman motion to table approval of the November 14, 2006 meeting and to approve the minutes of the September 27, October 19, and October 25, 2006 meetings 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 October 26 through November 29, 2006 for approval. After due consideration, and upon a Shaffer/Holman motion, the PTS voted unanimously to approve payment of checks 19368 through 19448 from the PLGIT General Account in the amount of \$38,053.74 and four ACH transfers from the Newport Bank General Account in the amount of \$4,196.38.

TREASURER REPORT

Upon a Shaffer/Holman motion, the PTS voted unanimously to accept the Treasurer's Report for the period October 26 through November 29, 2006, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The November 2006 Highway Department report was reviewed without comment. Regarding a letter from Eastern Industries (Eastern) dated November 27, 2006 about the Gambers Corner Road paving project, Chairman Holman stated that he disagreed with parts of the letter. Mr. Shaffer noted that Eastern did not offer any financial credit against the cost of the project as previously indicated.

Chairman Holman explained that Eastern had informed the Township that extra paving material would be needed to level the road due to the hard crown in many places, and that the total cost would not exceed the contract plus a 10% contingency. However, the bill exceeded the total cost by approximately \$3,000.

The Solicitor offered his opinion that, based on the understanding that the extra cost would be contained in the contingency, the PTS moved forward to have the project completed. He recommended that Eastern be paid only the contracted price plus the 10% contingency.

After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to pay Eastern the contracted price plus a 10% contingency. A cover letter will be included with the payment explaining that, when it became obvious that extra work was necessary, an Eastern representative assured the PTS that the additional work could be performed within the cost of the contingency. Based on that assurance, the Township authorized Eastern to complete the project, and now feels that it only owes the contracted price plus the 10% contingency.

Holman Drive Shoulder Work

Mr. Shaffer reported that he made a site visit to Holman Drive after the October 25, 2006 meeting and feels that only minimal grading and shoulder dressing would be needed to repair

MINUTES OF NOVEMBER 29, 2006

Page 3 of 7

Holman Drive. He added that he feels the "bubbling" reported at the October 25th meeting was a result of normal wear and tear. Chairman Holman reported that he and Chris also made a site visit and reached the same conclusion. After discussion, it was the consensus that Chris should make repairs to Holman Drive based on his discussion with Chairman Holman at the site.

Mountain Street Parking Conditions

Chairman Holman noted that the current parking situation on Mountain Street will make it difficult for snowplow access. He stated that he would make an effort to go door-to-door on Mountain Street with Chris to request that the residents limit their parking to one side of the street to facilitate snowplow access when needed. Mr. Auxt noted that the same parking situation exists on Fisher Street and also makes snowplowing difficult.

Rohrer Drive

Mr. Shaffer thanked the highway crew for filling in the potholes on Rohrer Drive. He then noted that branches were hanging above the roadway as a result of PPL's recent tree-trimming project and requested that the highway department remove them.

Sale Of 1995 Chevrolet Pick-up Truck

The Secretary presented a spreadsheet detailing results of the bid opening for the sale of the 1995 Chevrolet Pick-up. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to accept a bid of \$2,500 from Randy Sylvester for the 1995 Chevrolet Pick-up.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

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

The Secretary reported that Dr. Schwartz has requested an amendment to the above-mentioned plan for re-location of the caretaker's cottage. She presented a letter from the PTPC recommending approval of the amendment, contingent upon appropriate financial security and payment of fees. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to approve the amendment to the Cove Mountain Animal Hospital Final Land Development Plan, File #2006-04, contingent upon financial security and the payment of fees.

Krick Final Subdivision Plan, File #2006-05

The Secretary presented a letter from the PTPC recommending approval of a 60-day time extension for the above-mentioned plan. She added that the Penn Township Municipal Authority (Authority) has relayed that Duncannon Borough (Borough) has certified that sewer capacity is available for the subdivision. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to approve a 60-day time extension for the Krick Final Subdivision Plan, File #2006-5.

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. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to approve a 90-day time extension for the Warden Final Subdivision Plan, File #2005-06.

ZONING OFFICER (ZO) REPORT

The ZO Report for November 2006 was reviewed without comment.

The Secretary presented Perry County Planning Commission's comments regarding the proposed Municipal Curative Amendment (MCA) for Section 1641 of the zoning ordinance and also the PTPC's response to those comments. She informed the PTS that a public hearing must be held prior to adoption of the MCA. After discussion, it was the consensus to hold a

MINUTES OF NOVEMBER 29, 2006

Page 4 of 7

public hearing on the MCA at 6:00 p.m. on January 2, 2006, prior to the annual reorganization meeting. The Secretary will advertise the hearing.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The SEO Report for November 2006 was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The Secretary presented the PTPRB Report for November. PTPRB Chairman Jim Renner asked about the status of a fee-in-lieu-of land dedication ordinance. Mr. Shaffer offered his understanding that the PTPR was to provide draft language for the ordinance to the PTS. After discussion, it was the consensus that Rettew engineer Frank Chlebnikow would attend the December 21, 2006 PTPRB meeting to provide assistance in drafting the ordinance.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

There was no Authority report.

SECRETARY REPORT

Unemployment Compensation (UC) Claim, Dean Tambasco

The Secretary reported that Mr. Tambasco had filed for UC for the second quarter of 2005 and that the PTS' UC account with the PA State Association of Township Supervisors (PSATS) would be charged \$97.50. She stated that she notified PSATS that Mr. Tambasco's employment had been terminated and relayed that PSATS needs a detailed reason for termination if the PTS wants to fight the claim. Upon the recommendation of the Solicitor, it was the consensus that the PTS would allow the charge to the Township's unemployment compensation account.

Cocca Development Citation

The Secretary reported that the hearing for the citation issued to Cocca Development was held at 9:00 a.m. today with the District Judge. She stated that Judge Maguire requested additional time to review the evidence and that he would present his findings by the end of the week. She then thanked the Engineer for his help and support at the hearing.

Snow Emergency Contract

The Secretary reported that she had solicited quotes from ten contractors to provide services in the event of a snow emergency. She stated that she had received only one response, that being from Keystone Contracting, Inc. After discussion, it was the consensus to table action on the quote until the December 27th meeting, to allow Chairman Holman time to contact the other contractors and request additional quotes.

Perry County Association of Township Officials (PCATO)

The Secretary reported that the annual PCATO convention would be held at Greenwood High School on February 24, 2006. Mr. Shaffer stated his desire to attend. The Secretary will inform the PTPC and the Zoning Hearing Board about the convention and see if there is any interest on the part of their members to attend.

Police Pension Fund Trustee

The Secretary presented a letter from PSATS asking the PTS to approve an appointment to the police pension fund. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to ratify the appointment of Edward Goodhart, III as a Trustee of the PA Municipalities Pension Trust.

MINUTES OF NOVEMBER 29, 2006

Page 5 of 7

Pesticide License

The Secretary reported that the Department of Agriculture has provided a list of classes being held for certification of pesticide applicators. She stated that Chris is not interested in being certified and suggested that Joe Smith be contacted to see if he is interested. Chairman Holman stated that he does not want to see the Township apply a lot of chemicals for weed control. Mr. Shaffer agreed, but added that there might be occasions when the certification would be needed. After discussion, it was the consensus to ask Joe if he would be interested in attending certification training.

Luther Daywalt Nuisance Complaint

Mr. Daywalt was not present to update the PTS on the status of clean-up of his property.

David Hammaker Nuisance Complaint

The Secretary reported the Mr. Hammaker, Sr. has obtained a demolition permit application for a trailer on his property.

Fall Clean-up Costs

The Secretary presented a spreadsheet detailing the costs of disposal for the materials collected at the fall clean-up. She summarized that this year's total cost of \$4,453.59 was \$77.96 higher than the cost for the 2005 clean-up.

ENGINEER REPORT

Zoning Revision – Mixed Use Commercial (MUC) District

The Engineer reported that there was no action this month on the proposed zoning revision for the MUC District.

Zoning Revision – Open Space Regulations

The Engineer reported that he prepared a revision for the Open Space provisions of the Zoning Ordinance based on the direction of the PTPC. The Secretary will draft the revision into ordinance language for the MCA hearing on January 2, 2007.

Sheetz Car Wash

The Engineer stated that he spoke with Brian Zoyka, Sheetz's representative, and was told that a revised stormwater plan will be submitted within the next week.

Duncannon Fire Company (DFC) Stormwater Issue

The Engineer reported that he not received revised calculations from the DFC for the stormwater plan.

SOLICITOR REPORT

Rye Township Computer Contingency Plan

The Solicitor reported that, as Rye Township solicitor, he had not yet drawn up an agreement between Rye and Penn Townships addressing a computer contingency plan for use in the event of a disaster. He asked the Secretary to remind him that the agreement needs to be drafted.

Phillip Heller Local Agency Hearing Appeal

The Solicitor reported that Mr. Heller has appealed the PTS' ruling based on the Local Agency Hearing held on October 25, 2006. He noted that the Secretary must submit certified records and files from the hearing to the Perry County Court of Common Pleas. He also requested that,

MINUTES OF NOVEMBER 29, 2006

Page 6 of 7

as a courtesy, the Secretary notify Mr. Firkal, Mrs. Nickle, and Linus Fenicle that Mr. Heller has filed an appeal.

POLICE REPORT

The Monthly Police Incident Report was reviewed without comment.

Argo Amphibious Vehicle

The Secretary presented a letter from Sen. Jake Corman noting that he was successful in securing a \$12,700 grant for the purchase of an Argo amphibious vehicle for the police department. Mr. Shaffer stated that he was not familiar with this type of vehicle and asked the Secretary to provide specifications and details to the PTS.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The October 2006 Permit Reports were reviewed without comment.

CORRESPONDENCE

Unsigned Letter Concerning Duncannon Emergency Medical Services (DEMS)

Mr. Shaffer commented on the letter sent by an unknown person stating that the Township does not support the DEMS. He stated that the PTS does contribute to the DEMS and has budgeted a contribution for 2007. He said he took offense at several items in the letter and noted that the writer did not sign the letter. Chairman Holman stated that a neighboring municipality has increased its donation by \$2,000 and offered his opinion that the letter was designed to make the PTS look cheap.

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 199 notices-to-connect were sent, 99 permits were issued, and 67 homes have been connected.

The Secretary asked for direction regarding homeowners of phase two who have not responded to the notices-to-connect from the PTS or the Solicitor. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to authorize the Authority to act as agent of the PTS and proceed with enforcement of phase two and phase three connections as necessary.

Notice-to-Connect Time Extensions

The Secretary reported that she was not receiving notification of time extensions granted by the Authority on a timely basis. After discussion, it was the consensus that the Secretary send a letter to the Authority, requesting that the PTS receive, within one week of approval, the names of property owners who are granted time extensions on their notices-to-connect.

Township Website

Mr. Shaffer reported that he has found someone to maintain the Township website at the following cost: \$1,000 to input minutes and information and bring the website up-to-date, \$300/month for six months to make it user-friendly, and \$100/month thereafter for maintenance. After several visitors stated that they might know someone who could provide web services at a lower cost, it was the consensus to table further discussion until the December 27th meeting.

Sign Ordinance

MINUTES OF NOVEMBER 29, 2006

Page 7 of 7

Chairman Holman stated that he feels some changes need to be made to the sign ordinance but that he has not had time since the last meeting to review the ordinance and propose any changes.

Business Rt. 11/15

Mr. Shaffer reminded the PTS that action was taken at the October 25, 2006 meeting to have the Solicitor write a letter to PennDOT requesting that Rt. 11/15 be moved to the other side of the Susquehanna River and the section through the Township be designated as Business Rt. 11/15. He stated that the Cumberland-Perry Task Force has since then sent letters in support of this position.

Burley Road

Chairman Holman noted that Norfolk Southern did grading on west side of the railroad tracks at Burley Road, with the result that the nearby stream was filled in and water now backs up across Burley Road into a neighboring property owner's basement. He stated that the property owner has contacted Norfolk Southern, to no avail, and DEP, who informed the owner that it is Norfolk Southern's problem and directed him to the PTS. Chairman Holman asked if there was anything the PTS could do. Mr. Shaffer stated that, while he sympathizes with the owner and has no problem writing a letter of support for him, he urges caution in setting a precedent. He suggested that Chairman Holman ask the Solicitor for a recommendation.

NEW BUSINESS

2007 Budget

After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to add \$1,500 for web page services to the General Fund Expenditures budget and to advertise the 2007 budget for adoption at the December 27th meeting.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Stoner motion, the PTS voted to adjourn at 8:10 p.m.

Respectfully Submitted,

Susan E. Long