

MINUTES OF MARCH 28, 2007

Page 1 of 6

The Penn Township Board of Supervisors (PTS) met on Wednesday, March 28, 2007 at 7:00 p.m. in the Municipal Building to conduct their regularly scheduled meeting. Chairman Henry Holman, Jr. and Vice-Chairman Charles Stoner were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), Chris Knarr (Engineer), and Alan Houck (Chief of Police). 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

Chad Chenot, District Attorney

Mr. Chenot was in attendance to update the PTS on Crime Stoppers, its programs and fundraisers. He reported that Crime Stoppers has been very successful, with many calls from residents resulting in arrests. He then passed around informational brochures. Sgt. Ringer then stressed that residents are an integral part of Crime Stoppers and provided statistical information for the past several years.

Paul Soltis, Emergency Management Coordinator

Mr. Soltis asked about the status of the cleanup for Dino's Grille. The Secretary reported that the hearing in front of the District Judge has been postponed until April 27, 2007.

Mr. Soltis then asked about the status of the burned-out property on Schoolhouse Road. The Secretary reported that a building permit has been issued for the property.

Mr. Soltis reported that apparatus belonging to Duncannon Fire Company (DFC) was involved in an accident during the latest snowstorm. He noted that the apparatus will be out of service for six months while repairs are being made and that the DFC is looking for a replacement engine to lease during that time.

MINUTES

It was the consensus that, due to the absence of Mr. Shaffer, approval of the minutes for February 28, March 3, 21, and 23, 2007 would be tabled until the April 25, 2007 meeting.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period March 1 through March 28, 2007 for approval. Discussion was held on the invoice from Eastern Industries (Eastern), representing the remaining payment due for the Gambers Corner Road project, being contended by the PTS. Chairman Holman asked if a response had been received from Eastern, with the Secretary replying that the only correspondence received was another copy of the invoice. Chairman Holman noted that the last paving project had run \$125,000 over budget and had been paid without contention. He added his opinion that, if a change order had been prepared for this project, the invoice would have been paid without delay. He stated that he felt that the invoice should be paid and said he would contact Solicitor Wagner the next day.

After due consideration, and upon a Stoner/Holman motion, the PTS voted unanimously to approve payment of checks 19653 through 19797 from the PLGIT General Account in the amount of \$70,788.54, check 4583 in the amount of \$357.35 and six ACH transfers from the Newport Bank General Account in the amount of \$7,986.16; with the Eastern invoice to be paid upon the Solicitor's recommendation.

TREASURER REPORT

Upon a Stoner/Holman motion, the PTS voted unanimously to accept the Treasurer's Report for the period March 1 through March 28, 2007, subject to yearly audit.

The Secretary noted that Windsor Companies, LLC had paid \$8,771.12 of its outstanding balance for plan reviews for the Preserve at Mountainside, with the remaining amount to be paid when it receives a more detailed invoice.

MINUTES OF MARCH 28, 2007

Page 2 of 6

HIGHWAY DEPARTMENT REPORT

The March 2007 Highway Department report was reviewed without comment.

Chairman Holman noted that the PTS performed its annual road survey on March 23, 2007 and prepared a list of repairs that need to be done by the highway department. He added that preliminary work has begun on Rohrer Drive, in preparation for paving later this year. He reported that the DEP permit for Haas Drive was valid until the end of April and that he was finalizing plans for completion of the repair work needed.

Inn Road "No Parking" Ordinance

The Secretary presented a proposed ordinance for the installation of "No Parking" signs along Inn Road and asked for permission to advertise the ordinance. She added that Solicitor Wagner and Chief Houck had reviewed the ordinance and found it satisfactory. After discussion, and upon a Stoner/Holman motion, the PTS voted unanimously to advertise the ordinance for the installation of "No Parking" signs on Inn Road.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

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 Holman/Stoner motion, the PTS voted unanimously to grant a 90-day time extension until June 26, 2007 for the Warden Final Subdivision Plan, File #2005-06.

Duncannon Family Medical Center Land Development Plan, File #2007-02

Todd Wilson, Alpha Consulting, presented a brief overview of the plan for a 16,000 S.F. medical center to be constructed in Business Campus One (BCO). He noted that there were 106 parking stalls, which greatly exceeded the amount required. He also noted that there were plans for on-lot stormwater management that would direct the flow to a regional basin that had been constructed for the entire campus.

The Secretary presented a letter from the PTPC recommending an AOR for Section 304, inclusion of sidewalks, and approval of the plan contingent on compliance with comments from the Engineer, Zoning Officer (ZO), and Perry County Planning Commission. Assurance from the Penn Township Municipal Authority that sewer capacity is available is also needed.

Discussion was held on the necessity for sidewalks around the perimeter of the lot, with Chairman Holman offering that he did not feel that sidewalks were necessary. Mr. Wilson offered that the requirement for sidewalks in the zoning ordinance appears to be intended for residential, and not commercial, developments. He added that, if sidewalks were required, they should have been installed with the infrastructure. The Engineer stated that, if sidewalks were not required for this lot, it will be harder to require them for future lots. Mr. Stoner offered that he felt each lot could be handled on a case-by-case basis.

Mr. Stoner requested that consideration be given to the height of trees that would be planted under overhead utility wires. Comments from the Engineer and ZO were reviewed. Mr. Wilson said his client takes no exception to the comments.

After discussion, and upon a Stoner/Holman motion, the PTS voted unanimously to approve an AOR for Section 304, *Preliminary Plan Requirements*. After further discussion, and upon a Holman/Stoner motion, the PTS voted unanimously that sidewalks would not be required for this lot.

After discussion and upon a Stoner/Holman motion, the PTS voted unanimously to approve the Duncannon Family Medical Center Land Development Plan, File #2007-02, contingent upon all comments being addressed and payment of all fees. Mr. Wilson stated that the plan would be revised to address the comments.

MINUTES OF MARCH 28, 2007

Page 3 of 6

Natural Features Overlay

The Secretary presented a letter from the PTPC recommending approval of the Natural Features Overlay amendment to the zoning ordinance. After discussion, it was the consensus to table action on the amendment until wording for the Mixed-Use Commerce section is available for discussion. The Secretary will forward the Natural Features Overlay amendment to the Perry County Planning Commission for their review.

ZONING OFFICER (ZO) REPORT

The ZO Report for March 2007 was reviewed. The Secretary reported that the Dawghouse has ignored all letters, including one sent by certified mail, from the ZO regarding violation of the sign ordinance.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The SEO Report for March 2007 was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for March 2007 was reviewed. Chairman Holman stated that he would arrange a time with Jim Renner to meet about a display case for Penn Township memorabilia.

Chairman Holman noted a letter from the PTPRB to Norfolk Southern, asking it to consider selling an acre or two near the Cove Creek underpass for a boat launch area. He wished success to Mr. Renner for his endeavors, and referred him to Dietz Ellenberger for information about old roads in that area.

Mr. Renner noted that payment of the engineer's expenses for work on the fee-in-lieu ordinance had been charged to the PTPRB. He offered that he felt that the PTS should be responsible for the expense since the work had been done at the request of the PTS. Chairman Holman offered that he agreed, but would like to postpone further discussion until Mr. Shaffer was back from vacation. The Secretary will put the issue on the April 25, 2007 agenda.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

Vacancy

The Secretary reported that she has not received any applications for the vacancy on the Authority. Mr. Stoner moved that Henry Holman, Jr. be appointed to fill the vacancy. Chairman Holman seconded the motion for the sake of discussion and to take public comment.

Chairman Holman noted that this was a controversial motion, and assured the visitors that he had tried without success to find a resident who was willing to fill the position. He stated that he believes the replacement should be a rate-payer. However, even though he is not a rate-payer, the residents know his concern about the high rates currently being charged and the reasons why they are so high. Chairman Holman noted that a common misconception blames the Perdix project on the high rates, when the Perdix project is only responsible for a small percentage of the increase.

Chairman Holman said he felt that changes are needed on the Authority board to stop unnecessary legal expenses so that ratepayers' money is not being wasted. He noted a concern that, at a public Authority meeting, the Solicitor threatened that members could be sued. He offered that board members don't get sued unless they break a law, and that there was no breaking of the law with the current rate structure.

Chairman Holman stated that it is with great reluctance that he will become a member of the Authority and that he would resign in short order if another replacement would step forward. He said that someone needs to take the initiative to reduce the rates and believes that they can be reduced. He then opened discussion for public comments.

MINUTES OF MARCH 28, 2007

Page 4 of 6

Mr. Stoner stated that it was important to recognize that the lines of communication are being opened with Duncannon Borough (Borough) and the two municipalities are beginning to work together on important issues

CeCe Novinger asked if the current solicitor could be replaced. Chairman Holman stated that the Authority had signed an agreement with its solicitor, which would need to be reviewed. She then asked if there was any financial aid available that would reduce rates in the future. Chairman Holman noted that the Authority has looked into a lot of grants, but it was done after-the-fact and aid was not available. He noted that the Authority had recently applied for a Community Development Block Grant for fire hydrants in the Sunshine Hill area, but that it appeared funds would not be received because an insufficient number of responses were received from residents.

With no further public input, the PTS voted unanimously to appoint Henry Holman, Jr. to fill the vacancy created by Franklin Reidlinger's resignation. The term expires on December 31, 2009.

JOAC Sub-Committee

Chairman Holman announced that, as a result of a phone consensus of the PTS, he was appointed to represent the PTS on the JOAC sub-committee to discuss the Intermunicipal Agreement between the Authority and Borough Sewer Authority. It was noted that the Authority's representatives are Elmer Knaub and Lee Wright.

SECRETARY REPORT

Custodial Vacancy

The Secretary reported that Mr. Stoner and she interviewed candidates for the position of custodian and recommended that Sharon Graff be hired. After discussion, and upon a Stoner/Holman motion, the PTS voted unanimously to hire Sharon Graff as custodian, at a rate of \$9.25 per hour.

Groundskeeper

Mr. Stoner reported that Robert Ross was interviewed for the position of custodian and during discussion Mr. Ross stated that he would be interested in helping to maintain the park grounds. After discussion, and upon a Stoner/Holman motion, the PTS voted unanimously to hire Robert Ross to help with outside park maintenance on an as-needed basis. Chairman Holman said that he would like to review and have input into the number of hours that Mr. Ross would work.

Room 3 Lease

The Secretary reported that the lease for the Authority is due for renewal on May 31, 2007 and that the Treasurer and she recommend no increase in the \$275 monthly rental fee. Chairman Holman and Mr. Stoner agreed with the recommendation.

Room 4 Lease

The Secretary reported that she was advised by the tenants of Room 4 that they would like to vacate the premises on April 30, 2007. After discussion, and upon a Holman/Stoner motion, the PTS voted unanimously to advertise that the room was available for rent.

Agreement for Street Light Maintenance

The Secretary presented a draft agreement between the PTS and Stanley Mutzabaugh over maintenance of the street lights on Business Campus Way. She reported that she has not yet received comments from the Solicitor. She also asked that the PTS review and provide input into the agreement.

Floodplain Training

The Secretary reported that Dane Huntzinger would be holding a floodplain training workshop at the Township building on June 13, 2007 from 6:30 p.m. – 8:30 p.m. for approximately 15 municipalities.

MINUTES OF MARCH 28, 2007

Page 5 of 6

Workmen's Compensation Safety Meeting

The Secretary presented written comments and recommendations made by Karen Beck as a result of a workmen's compensation safety review she conducted on March 20, 2007.

ENGINEER REPORT

Zoning Revision – Mixed Use Commercial (MUC) District

The Engineer reported that the proposed zoning revision for the MUC District was discussed at the March 20, 2007 meeting of the PTPC and forwarded to the PTS for its review.

Preserve at Mountainside Preliminary Subdivisions

The Engineer reported that comments were sent to the developer prior to the January 2007 PTPC meeting and that no response has yet been received nor has any contact been initiated by the developer.

Fritz Drive

Chairman Holman reported that the Engineer and he made a site visit to Fritz Drive to investigate stormwater run-off complaints. He stated that he reviewed road occupancy permits and found nothing wrong in their issuance. He stated that he does not feel the Township has any responsibility at this time and relayed that the Solicitor has offered that it has become a matter for civil court.

SOLICITOR REPORT

The Solicitor was not in attendance this evening.

POLICE REPORT

The Monthly Police Incident Report was reviewed.

Sminkey Property, State Road

Chief Houck reported that he cited Mr. Sminkey a second time for encroachment on the Township right-of-way.

PUC Training

Chief Houck reported that Officer Goerner is re-arranging his full-time schedule so that he can attend a two-week training course held by the PUC about truck safety inspections.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The February 2007 Permit reports were reviewed without comment.

CORRESPONDENCE

2010 Census

The Secretary presented information from the U.S. Census Bureau concerning a workshop explaining the benefits of the Local Update of Census Addresses (LUCA) program. After discussion, and upon a Holman/Stoner motion, the PTS voted unanimously to authorize the Secretary to attend the LUCA workshop to be held on May 22, 2007.

PennDOT

The Secretary stated that PennDOT had sent a response to the Solicitor's request for a copy of the traffic study restricting vehicles on US 11/15 within Penn Township. She reported that PennDOT's position is that the traffic study does not fall under the provisions of the Right-to-Know Act, and is therefore confidential. Chairman Holman stated that he would ask the Solicitor about PennDOT's response and would also contact the PA representatives about how information obtained with taxpayers' money can be kept confidential.

MINUTES OF MARCH 28, 2007

Page 6 of 6

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 reported that 199 notices-to-connect were sent and 95 homes have been connected.

Township Website

The Secretary reported that Gavin Yingling has updated the Township website and that she would supply him with copies of the latest approved minutes to upload onto the website.

Sign Permit Update

The Secretary presented an updated spreadsheet listing signs that were erected without approved permits and stated that the assistant ZO is contacting the owners. She reported that the owner of the Dawg House has been ignoring all letters requesting compliance.

Highway Department Vacancy

The Secretary reported that the Highway Department vacancy was advertised and that the deadline for submission of applications is April 20, 2007. Chairman Holman requested that copies of all applications be provided to him.

NEW BUSINESS

Floodplain Ordinance

The Secretary reported that she forwarded a copy of the suggested floodplain ordinance from Dane Huntzinger to the PTPC for its review.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Stoner motion, the PTS voted to adjourn at 8:50 p.m.

Respectfully Submitted,

Susan E. Long