

**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 MAY 30, 2007**

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The Penn Township Board of Supervisors (PTS) met on Wednesday, May 30, 2007 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), Max Shradley (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.

**AUDIT OF FISCAL YEAR 2006**

**CeCe Novinger**

Ms. Novinger reported that the elected auditors had finished the audit of the tax collector, that there were no problems uncovered, and that a written report would be provided to the PTS for the June 27, 2007 meeting.

**Craig Witmer, Smith Elliott Kearns & Company**

Mr. Witmer was present to explain the final report for the audit of the 2006 Township finances. He noted that, while expenses were up compared to fiscal year 2005, so were revenues, and there was an overall gain of \$113,297. At the end of his presentation he made two recommendations. He suggested that the Secretary should be bonded in addition to the Treasurer, and that a capitalization policy be enacted setting the monetary amount above which a purchase would be considered a fixed asset.

Mr. Shaffer asked if the elected auditors had seen the report and were satisfied. Ms. Novinger and Mr. DiPaolo both answered in the affirmative. After the presentation, and upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the 2006 financial statement and file copies with the appropriate agencies.

**TIME EXTENSION FOR PHASE ONE SEWER CONNECTIONS**

The Secretary presented a list of phase one property owners who have had one year to connect and have not yet done so. Mr. Shaffer offered his opinion that the PTS and the Authority have been fair by granting one year of extensions. He stated that financial commitments have been agreed to by both the PTS and the Penn Township Municipal Authority (Authority), but that he would be willing to grant one last 30-day extension. Chairman Holman agreed.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Solicitor to notify the remaining twelve property owners that they have until July 1, 2007 to connect to the sanitary sewer or they would be turned over to the Authority for enforcement of the connection ordinance on behalf of the PTS. The Secretary was requested to notify the Authority of the action taken and provide a copy of the connection ordinance to the Solicitor.

**VISITORS**

**Paul Soltis**

Mr. Soltis noted that, as a result of the last fire study meeting, the fire companies are waiting for a response from the PTS concerning a fire tax. Mr. Soltis suggested that a meeting be held in which the public could offer their thoughts about a fire tax. Chairman Holman stated that he is willing to sit down and talk to the fire companies. However, since the other two supervisors were not present at the

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fire study meeting when the fire companies requested a fire tax, he stated that he would like to explain the request to them beforehand.

Mr. Soltis asked about the second stop sign that was approved to be installed at the intersection of Schoolhouse and Susquenita Hill Roads. Chairman Holman explained that, with the change of highway personnel, the issue fell through the cracks. He asked highway operator Joe Smith to install the second stop sign at the intersection.

Mr. Soltis reported that he was checking into financial grants for the costs associated with connecting a generator for back-up power during emergencies to the municipal building.

**Betty Smith**

Ms. Smith asked when construction would begin by Yingst Homes on the property adjoining the Duncannon Cemetery. The Secretary informed Ms. Smith that the subdivision plan is currently on hold.

**MINUTES**

Upon a Shaffer/Holman motion, the PTS voted unanimously to approve the April 25, 2007 minutes as presented.

**INVOICES AND EXPENDITURES**

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period April 26 through May 30, 2007 for approval. After due consideration, and upon a Shaffer/Holman motion, the PTS voted to approve payment of checks 20084 through 20117 from the PLGIT General Account in the amount of \$39,789.73. The motion specified that check 20148 for pole relocation by PPL should not exceed \$6,528.00. The motion also included four ACH transfers from the Newport Bank General Account in the amount of \$4,331.26, check 413 from the Newport Park and Recreation Checking Account in the amount of \$1,020.00, and checks 169 and 170 from the Capital Reserves Checking Account in the amount of \$5,993.06. Mr. Stoner abstained from voting on the motion.

**TREASURER REPORT**

Upon a Shaffer/Holman motion, the PTS voted unanimously to accept the Treasurer's Report for the period April 26 through May 30, 2007, subject to yearly audit.

**HIGHWAY DEPARTMENT REPORT**

The May 2007 Highway Department report was reviewed without comment. Mr. Shaffer announced that candidates for the vacant highway position were interviewed during an executive session on May 23, 2007 and that they would be discussed during an executive session to be held at the end of this evening's meeting.

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

**Gehman Final Subdivision Plan, #2006-08**

The Secretary presented a letter from the PTPC recommending approval of a 90-day time extension until August 30, 2007 for the above-mentioned plan. The letter also recommended that, if the time extension is not granted, the PTS deny approval of the plan due to non-response of the developer to comments regarding the plan.

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Chairman Holman offered his opinion that the second recommendation was a result of the number of time extensions requested by the developer. He noted that the PTPC has asked for the opinion of the PTS and Solicitor as to either how many time extensions should be granted or a total time period. Mr. Shaffer offered his opinion that time extensions should be granted on a case by case basis. He stated that there could be extenuating circumstances and cited the Yingst Homes plan that is on hold due to discussions with Duncannon Borough regarding sewer and water connections. He suggested that status reports be required to help decide if extensions are necessary or if the developer is delaying the plan. Mr. Stoner agreed that time extensions should be granted on a case by case basis.

Mr. Shaffer asked if there was a reason given for why Mr. Gehman needed another time extension. The Secretary replied that it was to give additional time for re-surveying and responding to staff comments. Mr. Shaffer moved to grant a time extension for the Gehman Final Subdivision Plan, File #2006-08, until August 30, 2007, with the provision that Mr. Gehman must show substantial progress or another time extension may not be granted. Mr. Stoner seconded the motion. Motion passed by unanimous vote of the PTS.

The Solicitor then cautioned that the PTS can not deny a plan based only on comments from the Engineer, PTPC, or Zoning Officer, but must reference a specific section of the Subdivision and Land Development Ordinance and why the section is violated.

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

The ZO Report for May 2007 was reviewed without comment.

### **Zoning Hearing for Penn 1155, LLC Date Coordination**

The Secretary presented a request from the Zoning Hearing Board (ZHB) solicitor requesting dates that the PTS is available to attend the zoning hearing to discuss the variance request by Penn 1155, LLC. The supervisors will inform the Secretary individually of their availability.

### **Steep Slope Map**

The Secretary presented a request from the ZHB requesting copies of the steep slope map for each member. The Engineer cautioned that the map was prepared only to give a generalized idea of the location of steep slopes. The application of the steep slope ordinance is based on the actual geographic information for each property. He offered his opinion that it would not apply directly to a particular property. The Solicitor asked if the map was part of the zoning ordinance, with the Engineering replying that it was not. The Solicitor then stated that, if someone wants to see it, it should be offered as evidence during a zoning hearing. He recommended that copies not be provided since the map is not part of the zoning ordinance. He explained that providing a document to the ZHB outside the confines of a hearing could serve as the basis to say that the ZHB was prejudiced and relying on a document that was questionable.

Mr. Shaffer suggested that, since there was only one steep slope map available, several additional maps be obtained for "office use only".

### **Sound System**

The Secretary reported that the ZHB has requested a sound system for amplification of testimony during zoning hearings. She presented information on several models and their costs. It was the consensus that discussion on the request would be tabled until the June 27, 2007 meeting to allow time for the PTS to review the information.

### **ZHB Appointments**

The Solicitor reported on the concern expressed by ZHB solicitor Dennis Shatto regarding appointments of the ZHB members. These appointments have been made on the belief that there should be five members on the ZHB; however, Mr. Shatto can not find any township ordinance authorizing five members, and the enabling ordinance allows only three members. He presented Mr.

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Shatto's findings and recommendation as to what the current make-up of the ZHB should be. The Solicitor recommended that the PTS approve a motion to vacate prior appointments and affirm the appointments and terms as per Mr. Shatto's recommendation.

After discussion, and upon a Shaffer/Stoner motion the PTS voted unanimously to affirm the following appointments and terms to the ZHB – Jonathan Bigley, until 12/31/09; Vince Bernhard, until 12/31/08; Carl Heller, until 12/31/07. The motion also included provisions to vacate any previous appointments, and to prepare a resolution appointing up to three alternates.

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

The SEO Report for May 2007 was reviewed with the note that the SEO had sent a certified letter to Daniel McDade regarding his septic malfunction.

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

The PTPRB Report for May 2007 was reviewed.

Chairman Holman offered his comments about the amount of work that Jim Renner does for the PTPRB and the many improvements that have been made to the park grounds.

### **Fee-in-Lieu Ordinance**

The Secretary reported that comments on the fee-in-lieu ordinance have been received from the Perry County Planning Commission (PCPC). Mr. Shaffer noted that PCPC wanted a copy of the Park Study; the Secretary will forward one. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Secretary to finalize the wording of the fee-in-lieu ordinance for the Solicitor's review, including editorial changes in wording suggested by the PCPC.

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

The Secretary reminded the PTS of the upcoming JOAC meeting to be held on June 7, 2007 at 7:00 p.m. in the Township building. The Treasurer will confirm the date of the meeting.

### **SECRETARY REPORT**

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

The Solicitor stated that he would talk to the District Judge about the Cocco Development citation and assured the Secretary that the time limit had not expired.

#### **Dinos' Grille**

The Secretary asked the PTS if it was satisfied with the restoration work done to-date at Dino's Grille. Mr. Stoner replied that a lot of structural work has been done on the inside, and suggested that the owner talk to Dave Matafka, the Township's UCC inspector, concerning structural regulations. Mr. Shaffer replied that he was not satisfied with the restoration progress. Chairman Holman noted that restoration had started but work has now stopped. He offered his concern that, if the PTS stated that it was satisfied, no further restoration would be done. Mr. Stoner stated that work is supposed to begin again on June 1, 2007.

The Solicitor commented that the District Judge had gone to extraordinary effort to get the restoration process started and, as part of that process, he wants to know if the PTS is satisfied. The Solicitor offered his understanding that, if the PTS is not satisfied, the District Judge will take further action. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to have the Solicitor send a letter to the District Judge, informing him that the PTS is not satisfied with the progress of the restoration, and to send a copy of the letter to the property owner.

#### **Shermans Creek**

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The Secretary presented a letter from DEP notifying the PTS that DEP is evaluating Shermans Creek for a possible re-designation. The letter requested any available information as to water quality, instream habitat or biological condition of this portion of Shermans Creek. She stated that DEP had further requested that copies of this notification be provided to all municipal authorities that have property ownership in the Township, which she has done.

Mr. Shaffer recommended the Township's Environmental Advisory Committee (EAC) review the letter for comments and recommendations. He stated that he was concerned about the lack of publicity on an issue that will impact some of the Township's residents. He suggested that the PTS do everything it can to help get the word out about the evaluation study. Mr. Shaffer was also concerned that the 30-day period to provide information back to the DEP would expire before the EAC could act. After discussion, and upon a Shaffer/Stoner motion, that PTS voted unanimously to send a letter to DEP and request a time extension in order to re-activate the EAC and provide the members with time for comments, and to allow time for the PTS to "get the word out" about the possible re-designation.

### **Municipal Separate Storm Sewer System (MS4) Waiver**

The Secretary presented a letter from DEP notifying the PTS that it was granted a MS4 waiver for the permit cycle of March 10, 2003 through March 9, 2008. She noted that application for a waiver for the next permit cycle must be received within 180 days prior to the end of the current cycle, around September 9, 2007. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Engineer to file an application for a MS4 waiver for the next permit cycle.

### **Cumberland Perry Task Force (CPTF)**

The Secretary presented a copy of a fax from CPTF to Representative Mark Keller concerning the revised posting of US 11/15 to allow 102s. The fax noted that the PTS had requested a copy of the traffic study compiled by PennDOT which led to the revised posting and was informed by PennDOT that the study contained confidential information and would not be released. The fax requested Rep. Keller's help in obtaining the traffic study for the PTS and the CPTF.

### **Ag Security Area**

The Secretary reported that it was time for the seven-year review of the Ag Security Area and presented a list of current enrolled properties. She stated that the PTS had a 30-day time limit to advertise the review and that two members would be needed for vacancies on the Ag Security Committee. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to advertise the review of the Ag Security Area to allow new members to join and current members to withdraw.

### **US 2010 Census**

The Secretary presented an update of the options the PTS has for the 2010 Census. After discussion, it was decided to postpone action since the PTS has until August to choose an option.

### **Purchase of Plan Storage Hanging File**

The Secretary presented information on a file that allows plans to be hung on racks. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve purchase of a file at a cost of \$385.00.

### **Petersburg Commons Stormwater Facilities**

The Secretary reported that she had reviewed PTS and PTPC minutes from 1995 forward and that all indications suggest that the stormwater facilities were to be maintained by the Homeowners'

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Association. She stated that she has shared that information with Jerry Philpott, solicitor for the Homeowners' Association.

### **ENGINEER REPORT**

#### **Zoning Revision – MUC District**

The Engineer reported that PCPC had reviewed the zoning revision language and had suggested revisions.

#### **Natural Features Overlay**

The Secretary reported that the PCPC was still reviewing the natural features overlay.

#### **Sheetz Car Wash**

The Engineer reported that he had reviewed the proposed modifications to the stormwater basin and had forwarded his comments to Sheetz's engineer. The Secretary reported that the Sheetz letter of credit has been extended until June 2, 2008.

#### **Preserve at Mountainside**

The Engineer reported he has responded to the developer's comments.

#### **Duncannon Family Medical Center (FMC) Financial Security**

The Engineer recommended that financial security for the FMC be set in the amount of \$253,840.62. The applicant will need to sign financial security and construction agreements.

#### **Barnett Drive Stormwater Issue**

The Engineer reported that this issue had been referred to the Solicitor around six months previous for possible legal action. The Solicitor reported that the property owner had filed for bankruptcy and that he would follow-up to see if the owner was now out of bankruptcy.

#### **Rohrer Drive Turnaround Easement**

The Secretary presented an easement and right-of-way (ROW) for a turn-around on Rohrer Drive on the Bitting property. The Solicitor noted that a discrepancy existed between the measurements described in the easement with those on the attached survey, Exhibit A, and recommended that specific references to length and width in the easement be deleted and reference be made to Exhibit A. After discussion, and upon a Holman/Stoner motion the PTS voted to accept the Rohrer Drive turnaround easement on the land of Benjamin Bitting, with the deletion of specific references to length and width. Mr. Shaffer abstained from voting on the motion.

### **SOLICITOR REPORT**

The Solicitor stated that his items had been discussed earlier in the meeting. He stated that he would send the phase one sewer connection letters, follow up with the District Judge about the Cocco Development stormwater issue, and obtain the bankruptcy status of the owner of Barnett Drive for the purpose of erosion and sedimentation issues.

### **POLICE REPORT**

The Monthly Police Incident Report was reviewed.

#### **Seat Belt Grant**

Chief Houck reported that \$500 would be received as part of a seat belt enforcement grant and recommended that revenue be deposited into the General Fund.

#### **US 11/15 Agreement with PA State Police (PSP)**

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Chief Houck reported that the PTS should have received a copy of an agreement with the PSP for co-enforcement of the limited access portion of US 11/15.

### **All-Terrain Vehicle (ATV)**

Chief Houck noted that Senator Corman had presented the PTS with a draft "media" check for the purchase of an ATV on January 31, 2007. He stated that, to-date, the actual funds have not been received.

### **ENRADD**

Chief Houck reported that ENRADD, a laser speed-timing device, has been purchased by the police department. He explained that it has a 0% error rate, can be set up one-quarter mile away from the location of the police vehicle, and will send a signal to the police as to the speed of the vehicles.

### **Johnson Trial**

Chief Houck reported that a key witness from New York will be testifying at the Johnson child molestation trial, but that the Perry County Commissioners will not pay for her lodging, although they will pay for the victims lodging. After discussion, it was the consensus of the PTS to pay for the witness's lodging with Township funds.

Mr. Stoner was asked to talk to the Commissioners about their reason for refusing to pay lodging expense for the key witness.

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

The April 2007 Permit reports were reviewed without comment.

### **CORRESPONDENCE**

#### **Perry Conservation District**

The Secretary reported that a floodplain workshop would be held on June 13, 2007 at 6:30 p.m. in the Township building. She asked the PTS to confirm their attendance by May 31, 2007.

#### **PA One Call**

The Secretary reported that the annual meeting of the PA One Call system would be held on July 25, 2007 in State College. She asked the PTS to confirm their attendance by June 15, 2007.

### **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 106 homes have been connected, with approximately 93 homes remaining to be connected.

#### **Sign Permit Update**

The Secretary presented an updated spreadsheet listing the remaining five advertising signs that were erected without approved permits. She reported that Perry County Day Care will install a new sign by the end of July and that Stiney's Welding will come into the office to obtain a permit.

The Secretary reported that Java Junction would have a "cow statue" as a temporary sign from June 4 through June 9, 2007 and would utilize other temporary signs advertising ice cream from June 9 through June 28, 2007.

#### **Webpage Update**

The Secretary reported that she would provide minutes to the webmaster for uploading onto the website. Mr. Shaffer asked about uploading forms and ordinances onto the website. The Secretary

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reported that computerized forms and ordinances can be uploaded without difficulty but that paper documents will need to be scanned first.

### **NEW BUSINESS**

#### **Asset Capitalization Policy**

The Secretary presented a draft asset capitalization policy that defines the capitalization threshold for all assets to be no less than \$1,500. She asked the PTS to review the policy for adoption at the June 27, 2007 meeting.

#### **PTPRB Vacancy**

Police Chief Houck introduced Ed Shull, 73 Newport Road, and stated that Mr. Shull had expressed an interest in filling the vacant position on the PTPRB. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to appoint Mr. Shull to the PTPRB.

#### **Kinkora Nursing Home**

The Secretary stated that the developer for the Kinkora Nursing Home expansion has signed the agreements for financial security and construction. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the execution of the agreements by the appropriate PTS officials.

#### **PennDOT Road Update**

The Secretary presented a road update from PennDOT and stated that she had reviewed it to ensure that all Township roads were included. She was requested to review the list for road width accuracy.

### **EXECUTIVE SESSION**

At 9:15 p.m. the PTS entered into executive session to discuss personnel issues. The meeting reconvened at 9:30 p.m.

#### **Highway Department Vacancy**

There was a Shaffer/Stoner motion to hire Randy Plummer to fill the vacant highway department vacancy at a rate of \$17/hour. In addition, Joe Smith's wages will be increased to \$17/hour effective June 3, 2007. Motion passed by unanimous vote of the PTS. Chairman Holman will notify Mr. Plummer of his hiring.

#### **Brush Chipping**

Mr. Shaffer offered his opinion that Joe Smith spends an inordinate amount of time chipping brush and asked for recommendations on how to improve the situation, be it increased police presence or part-time help. He asked if the ordinance specifies that the brush must come from Township property and not just from Township residents. The Secretary will research the ordinance for that information. Mr. Shaffer suggested that a chipper "plan" be in effect for this fall.

#### **Pension Audit**

The PTS reviewed information on the recent pension audit. Chairman Holman will contact the police department concerning some of the findings.

### **ADJOURNMENT**

With no further business to be conducted, and upon a Shaffer/Stoner motion, the PTS voted to adjourn at 9:40 p.m.

Respectfully Submitted,

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Susan E. Long