

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

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The Penn Township Board of Supervisors (PTS) met on Wednesday, June 27, 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), Frank Chlebnikow (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.

TIME EXTENSION FOR PHASE THREE SEWER CONNECTIONS

The Secretary presented a list of phase three property owners whose 180-day time extensions for connection to the sanitary sewer authorized by the Penn Township Municipal Authority (Authority) have expired. Noting that he felt the PTS should be consistent with its actions for phases one and two, Mr. Shaffer moved to grant an additional 90-day time extension to the phase three property owners. Mr. Stoner seconded the motion. Motion passed by unanimous vote of the PTS.

VISITORS

Dale Maguire

Mr. Maguire was present to discuss the request for the PTS to assume ownership of a storm culvert in Petersburg Commons. The Solicitor responded that the Secretary has reviewed minutes and documents pertaining to the culvert, in which it was revealed that the culvert was never intended to be taken over and that the PTS has no interest in assuming ownership of the culvert. Chairman Holman noted that it would be extremely expensive to replace the galvanized pipe. He added that the culvert was 2/3 full of dirt, which would have to be removed and the project would entail working in the wetlands. Mr. Maguire stated that the PTS should have criticized the galvanized culvert when it approved the plan. Mr. Shaffer countered that what Mr. Maguire had proposed on the plan was what was accepted. Since it was not constructed under the specifications necessary for PTS ownership, the PTS decided from the beginning not to assume ownership.

Gerald Hirt

Mr. Hirt requested a waiver for his current plan. He stated that he has an existing rental property in a commercially-zoned area that he would like to convert to a retail property and added that zoning officer John Madden informed him that he needs a waiver from filing a land development plan. The Solicitor recommended that Mr. Hirt write a letter to the PTS informing it that he is only converting an existing building to a different use, that no additional building or improvement will be done, and that the property otherwise meets all zoning requirements.

Travis King

Mr. King stated that he is considering purchasing the former DeCoven property and asked what he is and is not permitted to do with the property that would not be considered land development. The Solicitor responded that the PTS could not tell him what he could and could not do because uses are regulated by the zoning ordinance. He encouraged Mr. King to consult an engineer and attorney to research the zoning ordinance for allowable uses for that property.

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Mr. King asked if he could start cleaning up the property, including filling in the hole where the diner was located. The Solicitor responded that he could not think of any reason against it, from a PTS perspective. He also recommended that Mr. King talk to Perry Conservation District staff.

Matt Coble

Mr. Coble stated that he is representing Eckert Seamans and was present to request a time extension for the Preserves at Mountainside East and West preliminary plans. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve a time extension until October 31, 2007 for both the Preserve at Mountainside West Preliminary Subdivision and Land Development plan, File 2006-09, and the Preserve at Mountainside East Preliminary Subdivision and Land Development plan, File 2006-10.

Derek Smith and Rock Morrison, Cornerstone Christian Church, File #2005-07

Mr. Smith stated that the construction project for Cornerstone Christian Church was nearing completion and that Mr. Morrison and he were present to discuss obtaining a temporary occupancy permit. Mr. Smith presented a drawing showing a relocation of the handicapped parking spaces, an increase in parking spaces from 144 to 150 spaces, and an increase in the seepage area. He informed the PTS that the church has done as much paving of the parking area as it can afford at the present time, and that it must vacate the EMS building within four to six weeks. He asked if the church could take occupancy before the remaining paving is completed.

The Solicitor responded that, in the past, temporary occupancy permits have been issued with conditions attached that, if not met, could result in the permits being revoked. He added that he felt the Engineer should review the new drawing since changes have been made to the approved plan.

Discussion was held on when Cornerstone Church might finish the paving. Mr. Shaffer stated that he felt Cornerstone Church should submit a revised plan showing no paving if it decided not to pave any additional area. Mr. Smith stated that no modifications have been made to the original plan other than having less impervious surface area.

Chairman Holman reported that he had done an on-site visit and did not notice any washout to the un-paved areas after the most recent downpour.

After discussion, it was the consensus that Chairman Holman would hold a short on-site meeting with Mr. Smith, Mr. Morrison and the Engineer to determine whether a new engineer review is necessary. Mr. Smith will indicate on the plan where the paving stops.

Carol Nguyen, 7 Hill Top Road

Ms. Nguyen stated that she lost her house to a fire and is planning to rebuild. She stated that she had heard that the PTS has waived building permit fees for other property owners who have rebuilt after a fire and asked if it would waive hers.

It was noted that the PTS could no longer waive building permit fees since an outside agency performs those inspections. However, zoning, driveway and the Township fees could be waived. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to waive any zoning, driveway and Township fees associated with the Nguyen re-building project. The Solicitor will donate this evening's fee towards the cost of the building permit fee.

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Toni San Maria Casale, 1015 State Road

Ms. Casale stated that she was present to request an extension for the deadline for connection to the sanitary sewer. She was informed that the PTS had earlier approved a 90-day extension for phase three property owners.

MINUTES

Upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the May 30, 2007 minutes as presented.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period May 31 through June 27, 2007 for approval. After due consideration, and upon a Shaffer/Stoner motion, the PTS voted to approve payment of checks 20160 through 20237 from the PLGIT General Account in the amount of \$58,053.29 and four ACH transfers from the Newport Bank General Account in the amount of \$4,050.61.

TREASURER REPORT

Upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the Treasurer's Report for the period May 31 through June 27, 2007, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The June 2007 Highway Department report was reviewed without comment. Mr. Shaffer asked Township employees to put any ideas for changes of the brush chipping procedure in writing for the July 25, 2007 meeting.

Rohrer Drive Turn-around Easement

After discussion, and upon a Holman/Stoner motion, the PTS voted to approve the turn-around easement for the Bitting property on Rohrer Drive. Mr. Shaffer abstained from voting on the motion.

SOLICITOR REPORT

Barnett Drive

The Solicitor reported that the Furnley Frisch bankruptcy case has been resolved and that the PTS can now take action against Mr. Frisch. The Solicitor was requested to move forward as directed before Mr. Frisch filed for bankruptcy.

Dollar General

The Solicitor reported that the District Judge found Dollar General to be in violation of the stormwater ordinance. However, it appears that the violation carries a civil penalty and the PTS filed on a "non-traffic citation" form instead of a civil violation form. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to re-file against Dollar General. The Secretary will fax a copy of the form to be filed to the Solicitor for review.

Dino's Grille

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The Solicitor reported that he had sent a letter to the District Judge informing him that the PTS was not satisfied with the renovation work done to-date at Dino's Grille. He will check to see if the letter was received.

Fee-in-Lieu Ordinance

The Solicitor stated that he had reviewed the fee-in-lieu ordinance and found it to be satisfactory.

Resolution for Zoning Hearing Board (ZHB) Alternates

The Solicitor reported that he had reviewed the resolution appointing up to three alternates to the ZHB and found it to be satisfactory.

The Solicitor was dismissed from the meeting at this time.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Paul Krick Final Subdivision Plan, File #2007-03

The Secretary presented a letter from the PTPC recommending approval of an AOR for sections 309.A.11, 309.B.4, and 406 of the above-mentioned plan. The PTPC also recommended approval of the plan, contingent on the Surveyor and engineer certification being signed and sealed, the ownership and dedicatory statements being signed and notarized, and steep slopes being shown on the plan as per the zoning officer's request. Joe Burget reported that all contingencies have since been met. Mr. Burget also stated that he would write a note on the plan that the secondary access to the property would be closed if the alternative site for the septic system is ever needed.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the AORs for sections 309.A.11, 309.B.4, and 409 of the Subdivision and Land Development Ordinance (SALDO).

After further discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Paul Krick Final Subdivision Plan, File #2007-03, contingent upon the access note being placed on the plan and all fees being paid. The developer accepted the contingencies on behalf of the developer.

Warden Final Subdivision Plan, File #2005-06

The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan until September 25, 2007. Mr. Shaffer noted that date falls one day before the September PTS meeting and suggested that the PTPC take note of PTS meetings for future time extension requests. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve a time extension until September 26, 2007 for the Warden Final Subdivision Plan, File #2005-06.

Duncannon Family Medical Center, File #2007-02

The Secretary reported that both the Solicitor and Engineer have reviewed the construction and financial security agreements and have found them to be satisfactory. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the construction agreement, and a financial security agreement in the amount of \$253,840.62 for the Duncannon Family Medical Center, File #2007-02.

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Storm Sewer Agreement

Mr. Shaffer requested that the PTPC provide to the PTS, for its review, a draft long-term storm sewer maintenance agreement to be used with future developers.

Natural Features Overlay

The Secretary presented a letter from the Perry County Planning Commission containing its comments concerning the natural features overlay amendment to the zoning ordinance.

ZONING OFFICER (ZO) REPORT

There was no written ZO Report for June 2007.

Teresa Weaver ZHB Application

The Secretary reported that Teresa Weaver has requested two variances of the zoning ordinance. The first request is to increase the impervious area from 20% to 27.8% on the front lot. The second request is to switch the non-conforming use from the back lot to the front lot. Mr. Shaffer offered that he had no problem with the plan. He stated that he would appreciate it if Chairman Holman would attend the zoning hearing on July 12, 2007 at 7:00 p.m.

Zoning Hearing for Penn 1155, LLC

The Secretary reported that the date for the zoning hearing for Penn 1155 LLC has been set for August 14, 2007 at 7:00 p.m. The Solicitor will represent the PTS at the hearing.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The SEO Report for June 2007 was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for June 2007 was reviewed without comment. The Secretary reported that the PTPRB asked her to research the cost to purchase soda machines, due to Coca-Cola's lax attitude toward filling and maintaining its machines in the building and in the park.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

There was no Authority report.

SECRETARY REPORT

Ag Security Area

The Secretary reported that Warren Watts, Glenn Ebersole, Ann Fitzpatrick, and Garry Raub have agreed to serve on the Ag Security Committee. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to appoint the above-mentioned persons, along with Chairman Holman, as members of the Ag Security Committee.

Resolution for ZHB Alternates

The Secretary presented a draft resolution providing for the appointment of up to three alternates to the ZHB. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to advertise

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the resolution for adoption, contingent upon the fourth paragraph stating that Penn Township is desirous of appointing "up to three" alternates to the ZHB.

Asset Capitalization Policy

The Secretary noted that a draft asset capitalization policy had been presented to the PTS at the May meeting for its review, and asked at this time for any comments. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the asset capitalization policy, setting the threshold for capital expenses at \$1,500.

Diesel Fuel Prices

The Secretary reported that the Central PA Energy Consortium did not receive any bids for diesel fuel. She stated that she had contacted several suppliers of ultra low-sulfur diesel. Sadler Oil had the best price at \$2.399 per gallon, in addition to a delivery cost. She added that Sadler Oil might have trouble delivering diesel fuel during the winter in a timely manner. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to purchase low-sulfur diesel fuel from Sadler Oil. If a problem develops with winter deliveries, other suppliers would be contacted at that time.

Business Campus One Stormwater Swale

The Secretary presented a letter from William Bunt, solicitor for Perry County Economic Development Corporation (PCEDC), stating that it has requested Carl Fox to review the stormwater swale at BCO and the resultant runoff onto the Gladys Fisher property.

BCO Streetlight

The Secretary presented a letter from PCEDC stated that it has requested Carl Fox to review the issue about the cracked gasket on the street light on Business Campus Way.

Former West Penn Extramart

The Secretary presented a copy of a letter from DEP to Warrex Terminals Corporation regarding the former West Penn Extramart along US 11/15 in Lower Cove. The letter stated that DEP has disapproved the Remedial Action Completion Report filed for the property. The Secretary was requested to send copies of the letter to the adjacent property owners.

ENGINEER REPORT

Zoning Revision – MUC District

The Engineer reported that there was no change this month.

Zoning Revision – Natural Features Overlay

The Engineer reported that there was no change this month.

Sheetz Car Wash

The Engineer reported that there was no change this month.

Preserve at Mountainside

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

The Engineer was dismissed from the meeting at this time.

POLICE REPORT

The Monthly Police Incident Report was reviewed.

Trailer for ATV

Chief Houck reported that he has researched prices for a trailer to haul the ATV or highway materials/equipment. He recommended that a trailer be purchased from Bronson's in Halifax at a cost of \$950. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to purchase a trailer from Bronson's at a cost of \$950.

National Night Out

Chief Houck reported that National Night Out will be held on August 7, 2007.

Township Volunteer

Chief Houck reported that Susquenita High School Principal, Nancy Valdez, has retired and is interested in doing volunteer work for the township.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The May 2007 Permit reports were reviewed without comment.

CORRESPONDENCE

All correspondence was reviewed during the course of the meeting.

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 131 homes have been connected, with approximately 68 homes remaining to be connected.

Sign Permit Update

The Secretary presented an updated spreadsheet listing the remaining three advertising signs that were erected without approved permits. She reported that there has been no response from American Legion, Cove Barn Antiques, and Farmer Boy.

Fee in Lieu Draft Ordinance

The Secretary presented a draft fee-in-lieu ordinance and noted that changes suggested by Perry County Planning Commission have been incorporated into the document. Since this ordinance would amend the SALDO, a public hearing is required. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to set a hearing date to discuss the fee-in-lieu ordinance for July 25, 2007 at 6:30 p.m.

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Website Update

Mr. Shaffer noted several corrections and additions for the Township website and requested that the Secretary forward them to the webmaster.

Funding for Rt. 274 Improvements

The Secretary reported that she wrote a letter to Pennoni Associates and asked if funds were available for Engineer review of the plans for the improvements to Rt. 274, as had been indicated. She stated that she has received no response to her letter. The Secretary was directed to write another letter to Pennoni Associates, informing them that if she does not receive a response within 15 days, the PTS will ask the Engineer to review the plans and will expect reimbursement.

NEW BUSINESS

Complaints from Residents

Chairman Holman stated that he would like staff members to log in all complaints received and to forward the complaints to him.

PSATS Transportation Funding Update

The Secretary reported that she had received an email from PSATS noting that local share of highway funding will decrease and asking that each municipality contact its state representative. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to send a letter to Rep. Keller and Sen. Corman, asking them to vote "no" on the funding bill unless sufficient new funding is provided to local governments.

NPDES Permit for Stoner Subdivision

The Secretary presented a letter from Grant Marshall giving notice for an application to Perry Conservation District for an NPDES permit for the Charles Stoner Subdivision. After discussion of the letter, it was the consensus to have the Secretary request that Mr. Marshall change "one private right-of-way" to "proposed public street" in the first paragraph.

Fire Study Meeting

After discussion, it was the consensus to hold a meeting with representatives of the Perdix and Duncannon fire companies on July 11, 2007 at 6:00 p.m. to discuss the fire study.

EXECUTIVE SESSION

At 9:20 p.m. the PTS entered into executive session to discuss personnel issues and the Capital Tax Collection Bureau litigation update. The meeting reconvened at 9:50 p.m.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Stoner motion, the PTS voted to adjourn at 9:50 p.m.

Respectfully Submitted,

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Susan E. Long
Recording Secretary