

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, July 25, 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.

Chairman Holman announced that a hearing had been held at 6:30 p.m. for consideration of an amendment to the Subdivision and Land Development Ordinance (SALDO) and that further discussion for adoption of the amendment will occur after 7:15 p.m.

Chairman Holman announced that this evening's agenda was being modified and that the Engineer and Solicitor reports would be heard first.

ENGINEER REPORT

Zoning Revision – MUC District

The Engineer reported that the Penn Township Planning Commission (PTPC) had reviewed the revised language for the MUC district and will continue its review at the August 20, 2007 meeting.

Zoning Revision – Natural Features Overlay

The Engineer reported that the PTPC reviewed the comments from the Perry County Planning Commission and that he will provide feedback to the PTPC prior to its August meeting.

Sheetz Car Wash

The Engineer reported that he will send a letter to Sheetz asking if his previous comments on modifications to the stormwater basin have been addressed. Noting that no response has been received for three months, it was the consensus of the PTS that the Engineer will contact Sheetz and inform them that a response is needed within thirty days or the matter will be turned over to the Solicitor.

Cornerstone Church

The Engineer reported that he is waiting for Chairman Holman to schedule a time for him to make a site visit to Cornerstone Church to inspect stormwater facilities. Chairman Holman stated that he was trying to save the church unnecessary engineering fees and was waiting to schedule a meeting with the Engineer until after the work was completed. Mr. Stoner stated that the detention basin has been dug and that the inlet and overflow have yet to be installed and offered to provide a copy of the revised as-built. Mr. Shaffer asked if it was the finished as-built, and when told it was not, said that we should wait for the final version. He offered his opinion that the stormwater facilities should be completed before an occupancy permit is issued.

When construction of the stormwater facilities are completed, the Engineer will be contacted to visit the site with Chairman Holman.

Dollar General

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Mr. Shaffer asked about the status of Dollar General's stormwater problem. The Secretary replied that the Solicitor has reviewed the civil complaint, the Engineer has provided the amount of damages to be requested, and she will file the complaint with the District Judge.

Barrick Request for Waiver of Land Development Plan

Roger Barrick was present to request a waiver of the requirement to file a Land Development Plan for 1821 State Road. He explained that Loysville Structures would like to lease the lot from him to display moveable sheds and garages. He added that no paving is planned so the impervious coverage would not be effected, and that no utilities would be needed except for electric to a small office building.

Mr. Stoner asked if there was a deed restriction on the lot. Mr. Barrick stated it is residential use by deed restriction but that the lot is zoned commercial. Mr. Shaffer stated that he did not feel it was the PTS's responsibility to get involved with the deed restriction, but thought Mr. Barrick should be aware of it.

The Solicitor offered his understanding that Mr. Barrick's request is similar to two previous requests – Eagle's Nest and Forrer Pre-owned Car Sales. To prevent inconsistencies, he suggested that those requests be researched for the reasons the waivers were granted.

The Engineer asked if there was a driveway onto the property. Mr. Barrick replied that there was no permanent driveway but that PennDOT has marked the center line of the proposed driveway and he has filed for a Highway Occupancy Permit (HOP).

Chairman Holman asked if the office would be manned during the day, with Mr. Barrick stating that he did not know Loysville Structures proposed schedule. He said that he assumed a chemical toilet would be installed, with Mr. Shaffer noting that public sewer was available for the property. Mr. Barrick noted that there would not be a permanent structure on the property and responded that there is no intention to use the on-site well so water would not be available. Mr. Shaffer offered his opinion that installation of a chemical toilet is a gray area since there is public sewer available. It was then noted that Forrer's Car Sales is connected to the public sewer because it has an office manned on a daily basis. Eagle's Nest is not connected because it provided documentation of staff's ability to use rest rooms on the adjoining property. After reviewing the SALDO, the Solicitor noted that it contained provisions for permitting of chemical toilets.

Chairman Holman stated that the PTS would research the other waiver requests and asked Mr. Barrick to find out how much the office would be staffed. Mr. Barrick was also requested to provide a copy of the PennDOT HOP when received. He was informed that no decision concerning his waiver request would be made before the August 29, 2007 meeting.

The Engineer was dismissed from the meeting at 7:25 p.m.

SOLICITOR REPORT

Cary Cummings Conditional Use Request

The Solicitor noted that a hearing date no later than August 28, 2007 must be set for Dr. Cummings's conditional use request for a kidney dialysis center. He reported that Dr. Cummings is not the owner of the property but has an equitable interest in it and recommended that Dr. Cummings provide evidence of the equitable ownership. The Solicitor pointed out that, since one supervisor is involved with the request and will not be able to sit in the hearing, the other two supervisors must be present to have a quorum.

After discussion, it was decided to schedule the hearing on August 22, 2007 at 6:30 p.m.

Subdivision and Land Development Applications

The Solicitor said that a question has arisen on whether a subdivision or land development application can be returned to the developer because information is inadequate or missing. Commonwealth Court has ruled that, if an application is inadequate, there is no authorization to send it back and it must be acted on. If there is an inadequacy, it becomes a basis to reject the plan.

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He noted a recent application submitted to the PTPC that he feels is woefully inadequate under the current regulations. He said the application should be reviewed by the PTPC to determine if what is submitted complies with SALDO and then, if necessary, rejected if it is incomplete.

Verizon Communications Tower, State Road

The Solicitor reported that he had received a letter from Verizon concerning its desire to construct a communications tower on the Rohrer/Schranz property on State Road. The letter states that Verizon does not intend to create a separate parcel as a result of entering into the lease for the site and requests a waiver of a subdivision requirement. The letter also states that Verizon will file a land development plan. The Solicitor offered that he had no problem with the request and stated that he would so notify Verizon.

Barnett Drive

The Solicitor reported that he and the Engineer reviewed a map of Barnett Drive to pinpoint the areas where there are run-off problems created by Furnley Frisch. He stated that he expected to have a verification ready for PTS signature by next week. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize Chairman Holman to sign the verification. When completed the Solicitor will proceed with filing the complaint against Mr. Frisch.

Dollar General

The Solicitor reported that the District Judge found Dollar General to be in violation of the stormwater ordinance; however, 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

Mr. Shaffer asked if any money had been received from the District Judge as a result of the complaint filed against Dino's Grille. 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 and had received no response. Mr. Shaffer offered his understanding that, in the District Judge's written opinion, the PTS was to notify him after thirty days if it was not satisfied with the work being done, which the PTS has done. He voiced his frustration over the length of time it is taking to get the structure repaired. Chairman Holman noted that, while work is not progressing on a daily basis, nor is it always evident from outside, there is work being done to the inside of the structure.

The Solicitor stated that he will contact the District Judge to check on the status of the complaint.

Phase Two Sewer Connections

The Secretary presented a list of phase two property owners whose final 90-day time extensions for connection to the sanitary sewer authorized by the PTS have expired. Noting that he felt the PTS should be consistent with its action for phase one, Mr. Shaffer moved to authorize the Solicitor to notify the residents that they have an additional thirty days to connect or they will be turned over to the Penn Township Municipal Authority (Authority) for enforcement of the connection ordinance. Chairman Holman seconded the motion. Motion passed by unanimous vote of the PTS.

Waiver of Partial Solicitor Fee

As he had done the previous month, the Solicitor donated his fee for this evening's meeting toward the cost of the Nguyen building permit fee. The PTS again thanked him for his generosity.

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The Solicitor was dismissed from the meeting at 7:40 p.m.

VISITORS

Franklin Reidlinger

Mr. Reidlinger stated that he had been in attendance three months ago to discuss connection of his four properties to the sanitary sewer and had been asked to return with an update. He reported that one of the two inhabited properties has been connected and the other one will be connected within the next few weeks. With regards to the uninhabited properties, he will be replacing the mobile home but expects it to take some length of time before the property is inhabitable. He continued that he has buyers interested in the other property but did not have a settlement date. Mr. Reidlinger was thanked for attending and was asked to keep the PTS informed of his progress. The Recording Secretary was asked to forward a copy of tonight's meeting to the Authority so that it knows that Mr. Reidlinger is cooperating with the PTS.

MINUTES

Upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the June 27, 2007 minutes as presented. Upon a Stoner/Holman motion, the PTS voted unanimously to approve the June 27, 2007 Fire Study minutes as presented.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period June 28 through July 25, 2007 for approval. After due consideration, and upon a Shaffer/Stoner motion, the PTS voted to approve payment of checks 20238 through 20315 from the PLGIT General Account in the amount of \$43,992.26 and four ACH transfers from the Newport Bank General Account in the amount of \$5,033.25.

Preserves at Mountainside East and West

The Secretary presented an update of the outstanding invoices owed by the Windsor Corporation for the proposed developments in Cove and Perdix, noting that the amount owed for each development was around \$2,200, with \$1,400 of the amount owed for five months. It was noted that the Solicitor had previously stated that approval of any plan is contingent upon payment of all fees. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Solicitor to notify the developer of that requirement and request payment of the outstanding balances, with the deadline for payment and action for non-payment at the discretion of the Solicitor.

TREASURER REPORT

Upon a Stoner/Shaffer motion, the PTS voted unanimously to accept the Treasurer's Report for the period June 28 through July 25, 2007, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The July 2007 Highway Department report was reviewed without comment.

Brush Chipping

Randy Plummer noted that the procedure for chipping brush has been posted on the Township website and that, to be fair, the procedure should not be changed. The Secretary reported that all calls from residents concerning brush disposal are being forwarded to the highway department.

Randy reported that he turned away several non-residents who were trying to dispose of their brush. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to have the Secretary write letters to these individuals, informing them that brush disposal is for Township residents only. They are also to be informed that they will be charged a \$300 penalty for violation of

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the ordinance if they again attempt to dispose of their brush on Township property. Chief Houck will be asked to deliver the letters and provide them with copies of the ordinance.

Driveway Permits

Randy requested that the driveway ordinance be changed to incorporate an additional PennDOT publication. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to advertise the changes to the driveway ordinance to incorporate Publication 70 from PennDOT.

Haas Drive Paving

The Secretary presented quotes for paving of Haas Drive. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the quote for paving of Haas Drive from Morgan Paving in the amount of \$3,800.

Burley Drive Sight Distance

Randy noted that there was a problem with hedges along Burley Drive. Chairman Holman recalled that the property owner had at one time been told to control the height of the hedge. The Secretary was requested to research minutes to see what the maximum height was to be.

Cumberland County Prison Ashpile

Chairman Holman reported that aggregate is available at no cost from the Camp Hill prison and stated that the Township will use it to reduce expenses for anti-skid material.

Rohrer Drive Utility Pole Relocation

Mr. Shaffer noted that PPL has started relocating the electric poles on Rohrer Drive. Chairman Holman stated that he is very frustrated over Embarq's lack of response to his request for the cost and paperwork needed for re-location of the telephone poles. He added that storm sewer work cannot be scheduled until the telephone poles are relocated. Randy noted that township resident Greg Smith is an Embarq employee and suggested that he be contacted for assistance with the paperwork.

PennDOT Active Segments Report

The Secretary presented copies of PennDOT's Active Segments Report and highlighted the differences between that report and the Liquid Fuels Processing Report. She stated that Cove Road was missing from the PennDOT report. Mr. Shaffer stated that Cove Road is a "turnback" road and might not be meant to be included. Randy was asked to review the PennDOT report to see what corrections need to be made.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

There was no new PTPC information to be discussed.

ZONING OFFICER (ZO) REPORT

There was no written ZO Report.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

There was no written SEO report.

Duncannon Lion's Club Holding Tank

The Secretary presented copies of the retaining tank cleaning contract and the holding tank ordinance for the Duncannon Lion's Club. Chairman Holman clarified that the Lion's Club Campground has a

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transfer tank, not a holding tank, because there is no sewage entering the tank from any building. He asked if it is necessary to maintain a \$2,500 letter of credit for the transfer tank.

Mr. Shaffer noted that discussion had previously been held about requiring \$2,500 for the first year but reducing it in subsequent years. It was unclear if official action had been taken at that time to reduce the amount of the bond required. In case action had not been taken, there was a Shaffer/Stoner motion to reduce the annual bond required from the Duncannon Lion's Club to \$200. Motion passed by unanimous vote of the PTS. Susan will research the minutes to see what action was taken in regards to the amount of the bond required for holding tanks after the first year.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for July 2007 was reviewed without comment.

Bike Trails

PTPRB Chairman, Jim Renner, reported that establishment of bike trails was one of the goals of the park study. He stated that he has been talking to adjacent municipalities because it would be easier to establish bike trails as a group, rather than separately. He offered his feelings that the trails should be established along township roads, to avoid the necessity of using PennDOT rights-of way.

Brick Disposal

Chairman Renner stated that there are 439 bricks that are no longer needed being stored on the park grounds. After discussion, it was the consensus to give the bricks away, rather than offer them for sale.

Mower Purchase

Chairman Renner reported that the PTPRB has approved the purchase of a new John Deere mower at a cost of \$4,195. The Secretary reported that the mower can be purchased through the state contract with COSTARS and that she will handle the paperwork.

Amendment to SALDO

At this time, and as a result of the hearing held at 6:30 p.m. this evening, there was a Shaffer/Holman motion to amend the SALDO by adding Section 409, "Public Dedication of Park and Recreation Land." Mr. Stoner asked if problems will be created for the Township when it takes over the land dedicated for parks and recreation. He cited an instance in Wheatfield Township where three acres were dedicated as open space, but the township never maintained the lot. Mr. Shaffer noted that the amendment includes options other than the transfer of land from the developer to the Township. He offered his opinion that the PTPC will be researching the best option for each developer, with PTPRB input. Mr. Renner noted that the Township has three years after dedication of any property to develop it into a park. After discussion, the motion passed by unanimous vote of the PTS.

Mr. Shaffer offered that the 2007 Fee Schedule should be amended as soon as possible, rather than delay it until the 2008 Fee Schedule is adopted in January. Discussion was held on what the fee-in-lieu would be if cash would be paid rather than land being dedicated. The Secretary was asked to provide a draft revision of the Fee Schedule for the August 29, 2007 meeting, with the fee-in-lieu amount to be decided at that time.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY) REPORT

Chairman Holman reported that test wells are being dug on the Yingst property to determine water availability for the proposed development and that the developer is in negotiations with the Authority. He offered his opinion that DEP permitting regulations will delay the development for several years.

SECRETARY REPORT

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Resolution for ZHB Alternates

The Secretary reported that the resolution to appoint up to three alternates to the ZHB has been advertised. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to adopt Resolution 2007-03, allowing for the appointment of up to three alternates on the ZHB.

After further discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to appoint Jerry Hirt, Furnley Frisch, and Barbara VanHorn as alternates to the ZHB, with Stacey Grow in the queue for the next available position.

Ag Security Area

The Secretary informed the PTS of the need to hold a hearing for the changes to the Ag Security Area. After discussion, it was the consensus to schedule the hearing for 6:30 p.m. on August 29, 2007, with the regular PTS meeting to begin as soon as the hearing is concluded.

The Secretary provided a draft copy of Resolution 2007-04, modifying the Ag Security Area, for advertisement. After discussion, and upon a Shaffer/Stoner motion, the PTS voted to advertise Resolution 2007-04 for adoption. Motion passed by unanimous vote of the PTS.

Drop-off Box

The Secretary asked for opinions concerning installation of a drop-box for after-hour use. It was the consensus that any box used should be locked and that the rear entrance would be the most convenient location. The Secretary was requested to research prices and styles.

Central PA Energy Consortium (CPEC)

The Secretary presented information from the CPEC regarding a proposal to evaluate current electric accounts to help members reduce their costs, at a fee of \$100 per account. It was noted that the Authority might be the biggest benefactor of the proposal. The Secretary was requested to contact Paul Zeigler and find out if the Authority is a CPEC member and also find out what is required of the Township to accept the proposal.

Fall Clean-up

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to schedule the annual fall clean-up for October 18 – 20, 2007 and authorize the Secretary to advertise the bid packet.

Medical, Dental, and Vision Insurance Packages

The Secretary presented proposals for medical, dental and vision insurance for 2007/2008. She recommended that the PTS approve the Keystone Health Plan without deductible for medical insurance at an annual increase of \$1,298.28, and dental insurance at an annual increase of \$84.00. She noted that the annual cost for vision insurance will decrease \$138.72.

Discussion was held concerning various options for employee contributions towards the cost of health care, including lowering the percentage of future wage increases, with no decision made.

After discussion, and upon a Holman/Stoner motion, the PTS voted unanimously to accept the Keystone Health Plan HMO for 2007-2008.

POLICE REPORT

The Monthly Police Incident Report was reviewed.

Reactivation of James Bennett

Chairman Holman reported that Officer James Bennett has ended his 12-month probation with Middletown Borough and is again eligible for part-time work. After discussion, and upon a Holman/Stoner motion, the PTS voted unanimously to reinstate James Bennett to active status from inactive status.

Mountain Street Parking

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The Secretary reported that Police Chief Houck has requested that an ordinance be adopted limiting parking on Mountain Street to one side only. After discussion, it was the consensus that the Secretary send a letter to the residents of Mountain Street, inviting them to the August 29, 2007 meeting to express their opinions.

Perry County Crimestoppers

Chief Houck reported that Perry County Crimestoppers would like to put decals on municipal vehicles, advertising their services and asked for authorization. Authorization was duly granted.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The June 2007 Permit reports were reviewed.

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, with 57 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. Mr. Shaffer offered that the "Flea Market Ahead" signs are located on PennDOT's right-of-way and was surprised that PennDOT had not asked Cove Barn to remove them.

NEW BUSINESS

Fall Newsletter

The Secretary requested that all articles for inclusion in the fall newsletter be received by August 13, 2007. She noted that a flood insurance company had presented an article for inclusion. She asked the PTS to review the article and inform her if it should be included.

PTPC Reviews

The Secretary presented a list of issues that the PTS had asked the PTPC to review and comment on. She asked the PTS to review the list for additions or corrections. Mr. Shaffer suggested that the PTPC review the impact of the new SALDO amendment on developments, along with the long-term responsibilities.

2006 Tax Collector Audit

The Secretary presented a letter from the elected auditors regarding the 2006 audit of the tax collector in regards to collection of real estate, per capita, occupation, fire hydrant, and street light taxes. CeCe Novinger reported that the letter verifies the verbal report presented at the June 27, 2007 PTS meeting.

Fire-damaged Structures

On a personal note, Chairman Holman noted that, while the Township hears complaints about Dino's Grille, he also has a burned-out structure on his property. He offered that, while the owner of Dino's

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Grille refuses to rehabilitate it, he is working on his property. He stated that he has no intention of demolishing it, as it was his family's homestead; instead, he is restoring it as his finances allow. He said that he has heard complaints outside the office that his property is impacting the value of adjoining properties. He asked that anyone with complaints about his property follow the procedures and report them to the Township office.

Rt. 274 Expansion Project

Mr. Shaffer noted that two letters had been sent to Pennoni Associates. The first requested confirmation that Township engineer review fees of the Rt. 274 expansion project would be reimbursed. The second letter again asked for confirmation and, if no response is received, stated that the Township would have the Engineer review the plans and forward the bill to Pennoni Associates. He asked what the next step would be. Chairman Holman stated that he had no problem with the Engineer reviewing the plan as long as the expenses would be reimbursed, and that there was no guarantee for reimbursement at this point. He added his opinion that no reimbursement would be given and that PennDOT is not going to change its plans as a result of Township review. Mr. Shaffer responded that the Township should have a right to review and offer comments about work to be performed in the Township. He added that he felt that a dangerous intersection was involved and he wants to feel comfortable that the Township has done its duty to protect its residents by having the Engineer review the plans. Chairman Holman asked if the PTS was willing to spend money on Engineer comments that would not be considered.

Chairman Holman agreed that it was a dangerous intersection, but offered that the proposed plan would meet PennDOT's sight-distance requirements. Mr. Shaffer offered that drivers of small vehicles exiting Business Campus Way have a difficult time seeing vehicles coming down the hill, resulting in accidents. Chairman Holman stated that he had reviewed the plans and noticed that changes have been made to improve the sight distance, among them the removal of guide rails and trees. He asked how the PTS can get authority to make PennDOT comply with Township comments. Mr. Shaffer stated that he felt that offering comments would put PennDOT on notice to correct a bad situation.

Mr. Shaffer noted that plans had been sent for review and comment and asked if the PTS had commented on them. Chairman Holman replied that he did not see anything to comment on, because corrections were being made. He stated that, if proof that engineering fees would be reimbursed was provided to him, he would be willing to authorize the Engineer to review the plans. Mr. Shaffer stated that there are forms for municipalities to complete to allow for reimbursement of engineering expenses.

Mr. Stoner offered that the PTS had been told by PennDOT that sight distance when exiting Faculty Road is the PTS's responsibility. He asked if that meant that sight distance when exiting Business Campus Way is also the responsibility of the PTS. He asked if the PTS could address its concerns without the use of the Engineer. Mr. Shaffer said he was not sure what was involved in the expansion and did not want to act as an engineer in trying to interpret it.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Stoner motion, the PTS voted to adjourn at 9:55 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary