

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 SEPTEMBER 26, 2007

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The Penn Township Board of Supervisors (PTS) met on Wednesday, September 26, 2007 at a special-advertised time of 6:30 p.m. in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman Charles Stoner, and Supervisor Robert E. Shaffer, Sr. were in attendance. Other personnel present were Helen Klinepeter (Secretary), Rich Wagner (Solicitor), Max Shradley (Engineer), and Alan Houck (Chief of Police). The meeting was recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

NATURAL FEATURES OVERLAY AMENDMENT HEARING

Chairman Holman called the hearing to order and then turned it over to the Solicitor. The Solicitor asked the Secretary if the hearing had been properly advertised and if proof of publication had been received. The Secretary responded that the hearing had been advertised in the Duncannon Record on September 6 and September 13, 2007. The Solicitor asked what the advertised purpose of the meeting was. The Secretary responded that it was advertised for the review of, and to receive comments about, the natural features overlay amendment to the zoning ordinance. The Solicitor asked if the proposed amendment was available for public inspection prior to the meeting and if the advertisement provided the location for inspection, with the Secretary responding in the affirmative. The Solicitor then suggested that the "proof of publication" be included with the official minutes of tonight's hearing.

Chairman Holman asked for comments from the visitors regarding the proposed Natural Features Overlay amendment to the zoning ordinance. There were no comments.

CONCLUSION OF HEARING AND BEGINNING OF MONTHLY MEETING

With all business finished, there was a Shaffer/Stoner motion to close the hearing. Motion passed by unanimous vote of the PTS.

Chairman Holman concluded the hearing and called the monthly PTS meeting to order with the Pledge of Allegiance and a moment of silence.

SEWER PROJECT, CONNECTION ORDINANCE ENFORCEMENT

The Secretary informed the PTS that it had granted the Penn Township Municipal Authority (Authority) the authorization to enforce the connection ordinance for phase one only. At this time, there was a Shaffer/Stoner motion to grant the Authority the authorization to enforce the connection ordinance for phases two and three also. Motion passed by unanimous vote of the PTS.

Phase Three

The Secretary presented a list of phase three property owners who have exhausted all time extensions. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Solicitor to send a letter to these phase three property owners, informing them that they are in violation of the connection ordinance and giving them thirty days to connect. The Solicitor noted that one of the property owners is his client and it would be a conflict of interest to send him a letter. The Secretary will send the letter to that property owner.

VISITORS

William Christian, Faith in Christ Church

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Mr. Christian was present to request the use of the large group meeting room for Sunday morning worship service, with the option of holding one evening service each week. Chairman Holman asked that Mr. Christian coordinate the date of the evening service with the Secretary. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to enter into a one-year lease with Faith In Christ Church, at a monthly rental fee of \$200 and a security deposit of \$200.

Terry Wright

Mr. Wright stated that he needs to complete eighty hours of community service for a DUI offense and offered to rebuild the barbeque pit. He added that he would provide any materials needed and asked that the PTS remove the debris. He also added that he has liability insurance.

Penn Township Park and Recreation Board (PTPRB) Chairman, Jim Renner, stated that the PTPRB is in agreement that the barbeque pit needs repaired and added that he would be willing to supervise Mr. Wright.

Chairman Holman thanked Mr. Wright for his offer and asked to be involved in the design of the new structure.

Steve Sample

Mr. Sample was present to discuss a noise complaint that he has against Perry Foods. He said that Perry Foods had installed a refrigerated trailer in 2002 and that he went to them in the spring of 2004 to request that they reduce the noise coming from the trailer, to no avail. He continued that he wrote a letter to the PTS in August 2004 and got no response. He then hired an attorney in 2005 and in 2006 hired an acoustical engineer. In 2007 it was determined that there was a violation of the Township's nuisance ordinance, but when his attorney forwarded the report to the PTS, there was no response. Finally, in April 2007, he received a response from the Township Zoning Officer (ZO) that Perry Foods had been given 30 days to correct the problem.

However, the problem was never corrected and the PTS did not follow up on the complaint. Mr. Sample contacted the PTS in May 2007 and got no response until July, when the Solicitor contacted him. To date, nothing has been done about the considerable amount of noise coming from the refrigerated trailer. Mr. Sample offered his opinion that the site is being used as a trucking terminal, and not as a butcher shop, in that shipments are received, broken down, and re-distributed. He asked why it is taking such a long time to resolve this issue.

The Secretary stated that, after receiving the letter from Mr. Sample's attorney, the ZO reviewed it and requested direction from the Solicitor. However, the ZO has not yet filed a citation.

The Solicitor offered his opinion that nothing the PTS does or does not do precludes a landowner from undertaking action on his own against that type of conduct. He added that the PTS is using the ZO for enforcement of the ordinance. The Secretary informed the PTS that the ZO is gathering the paperwork necessary to cite Perry Foods with the District Judge. She was asked to contact the ZO and forward his timetable for filing the citation to Mr. Sample and his attorney.

Carol Nguyen

Ms. Nguyen was present to find out why she could not use the existing driveway when rebuilding her burned-down house. The Solicitor explained that Ms. Nguyen had applied for a driveway permit, but the builder changed the location of the driveway, thus voiding the permit. He told her that she would need to submit another permit application, which would need to be reviewed by the PTS to make sure that the location meets ordinance requirements such as sight distance. He stated that he had met on-

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site with Chairman Holman and the builder to discuss what was in the best interest of both parties regarding both the driveway and Township road. The Solicitor added that the builder was going to make a follow-up contact with him, but has not yet done so, nor has he contacted the PTS.

Phil Heller

Mr. Heller asked for clarification as to what he needs to do for his driveway. The Solicitor reminded Mr. Heller that his driveway is involved in pending litigation and it would not be appropriate for the PTS to discuss the issue, particularly since Mr. Heller does not have counsel present to represent him at this evening's meeting..

MINUTES

Upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the minutes of the August 29, 2007 PTS meeting as presented.

INVOICES AND EXPENDITURES

In the absence of the treasurer, the Secretary provided the PTS with a list of Invoices and Expenditures for the period August 30 through September 22, 2007 for approval. After due consideration, and upon a Stoner/Shaffer motion, the PTS voted to approve payment of checks 20404 through 20453 from the PLGIT General Account in the amount of \$29,478.37 and two ACH transfers from the Newport Bank General Account in the amount of \$2,312.75.

Workmen's Compensation Insurance

The Secretary stated that she had asked Robin Vorous, the Township's insurance broker, to provide a comparison of available insurance rates for workmen's compensation. She then presented Ms. Vorous's findings. After reviewing the information, there was a Shaffer/Stoner motion to continue with MRM as the Township's carrier for workmen's compensation insurance at an annual rate of \$23,570. Motion passed by unanimous vote of the PTS.

TREASURER REPORT

Upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the Treasurer's Report for the period August 30 through September 22, 2007, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The September 2007 Highway Department report was reviewed. Mr. Shaffer asked if the traffic study conducted on Linton Hill Road was done in accordance with PennDOT requirements. The Secretary responded that a PennDOT representative met with Randy Plummer and walked him through the process. Mr. Shaffer asked if the Engineer should have been part of the study. Chairman Holman responded that LTAP can provide the same services at no charge.

Linton Hill Road Bridge Paving Bids

The Secretary reported that three companies were contacted to submit bids for the paving of the Linton Hill Road bridge, but only one company, Morgan Paving, submitted a quote. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to award paving of the Linton Hill Road bridge at a cost of \$5,900.

Cove Road Bridge

Mr. Shaffer reminded the PTS that he had asked Randy Plummer for his comments after reviewing PennDOT's plans for the replacement of the Cove Road bridge. The Secretary reported that she had not received any comments from Randy.

Mr. Shaffer offered the following comments for the record, and for Randy to follow up on. He stated that ownership of the bridge needs to be clarified as to whether PennDOT would maintain

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ownership or turn it over to the PTS. He stated that it appears that nothing is going to be done to the base of the structure and asked that Randy check for earth movement under the bridge. He asked what the width of the steel deck will be. He asked about the guideposts that would be installed in the Township's right-of-way (ROW) and asked if PennDOT had applied for a highway occupancy permit. The Secretary replied that she had not received that application. He asked who would maintain the guideposts after installation. He asked if Randy was comfortable with gabions being used as a wall structure, or should there be a poured-concrete wall. He asked if the residents had been contacted for any necessary ROWs. He ended by asking that the limits of responsibility for the bridge be identified.

Chairman Holman noted that Randy had met with PennDOT but that he himself was unable to attend the meeting. He said that he was concerned that the bridge was being replaced, but not the supporting structure. He also said he felt another meeting with PennDOT was necessary.

Highway Laptop Computer

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to purchase a laptop computer for highway department use, with the funds to come out of the 2007 office equipment budget.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Roger Barrick Request for Alteration of Requirements (AOR)

The Secretary reported that she had contacted L&I to determine if there were requirements to supply water and sewer services in public buildings. She presented a copy of the section of the International Building Code (IBC) containing the requirement for public toilet facilities. A discussion was held on what constitutes public toilet facilities and if chemical toilets would satisfy the requirement. After review of the IBC, it was the consensus that, since there was no definition of "public toilet facilities", a chemical toilet could be allowed.

The Secretary presented a letter from the PTPC recommending approval of an AOR request from Roger Barrick, contingent upon submittal of a zoning permit application detailing setbacks, location of parking spaces, and lighting requirements; submittal of stormwater provisions, and satisfaction of PennDOT requirements.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Roger Barrick request for an AOR, subject to the above contingencies and obtaining a permit for a chemical toilet. Mr. Barrick stated that he accepted the contingencies.

Warden Preliminary Subdivision Plan, File 2005-06

The Secretary presented a letter from the PTPC recommending approval of a time extension until December 26, 2007 for the above-mentioned plan. After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to grant a time extension until December 26, 2007 for the Warden Preliminary Subdivision Plan, File 2005-06.

Stoner/Andri Preliminary Subdivision Plan, File 2007-05

The Secretary presented a letter from the PTPC recommending approval of a time extension until January 14, 2008 for the above-mentioned plan. After discussion, and upon a Stoner/Shaffer motion, the PTS voted unanimously to grant a time extension until January 14, 2008 for the Stoner/Andri Preliminary Subdivision Plan, File 2007-05.

Weaver/Hirt Final Subdivision Plan, File 2007-04

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve AORs for Sections 309.B.4, 309.B.7, and 401.A.5 for the above-mentioned plan. After further discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Weaver/Hirt Subdivision Plan, File 2007-04, contingent upon all fees being paid. The developer accepted the contingency.

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Wright Final Subdivision Plan, File 2007-07

Joe Burget explained that Mr. Wright owns two adjacent properties and wants to take part of one parcel and add it to the other parcel. The Secretary presented a letter from the PTPC recommending approval of AORs for Sections 309.B.4 and 406, and recommending approval of the above-mentioned plan with contingencies.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve AORs for Sections 309.B.4. and 406. After further discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to approve the Wright Final Subdivision Plan, File 2007-07, contingent on the alternate septic probe being shown on the plan, DEP approval of Form B, and all fees being paid. Mr. Burget accepted the contingencies.

ZONING OFFICER (ZO) REPORT

The September ZO Report was reviewed without comment.

Radocha Zoning Board Hearing, Docket 2007-08

The Secretary explained that Mr. and Mrs. Radocha had erected a storage shed inside the rear setback line and were in violation of the zoning permit. She stated that a Zoning Hearing had been set for October 11, 2007 at 7:00 p.m. to address their request for a variance for the rear setback line.

The Engineer reported that the PTPC has noted that there was no hardship when the shed was erected and that installation could have been done within the framework of the zoning ordinance. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to have Chairman Holman represent the PTS at the hearing on October 11, 2007.

Cary Cummings Conditional Use

The Secretary presented a letter from Cary Cummings withdrawing his application for conditional use. After discussion, and upon a Shaffer/Holman motion, the PTS voted to accept Mr. Cummings withdrawal of his conditional use application. Mr. Stoner abstained from voting.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The September SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for September 2007 was reviewed without comment.

Resignation of Fred Hoffenbecker

Upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the resignation of Fred Hoffenbecker from the PTPRB.

Appointment of Nanacy Valdez

Upon the same Shaffer/Stoner motion, the PTS voted unanimously to appoint Nancy Valdez to fill the vacancy on the PTPRB. No length of time was given for the appointment.

August 16, 2007 PTPRB Minutes

Mr. Shaffer noted that the August 16, 2007 PTPRB minutes included references that DAGSA and SASY both owed money to the PTPRB, and asked how the PTS could help. The Secretary reported that both organizations have since paid what was owed. Mr. Shaffer suggested that minutes of a future PTPRB meeting include the notation that the money owed has been paid.

Chairman Jim Renner was commended for the work that he has put into making the park grounds look attractive.

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PENN TOWNSHIP MUNICIPAL AUTHORITY

Chairman Holman stated that, while there are still residents who are balking about connecting to the public sewer in Lower Cove/Perdix, he expected that all connections will be finished soon.

SECRETARY REPORT

Cocca Development

The Secretary reported that the Engineer and Randy Plummer had met with Mr. Cocca to discuss stormwater issues at Dollar General and that the results of the meeting were detailed in a memo from the Engineer and a letter from Mr. Cocca. It was the consensus that the Engineer would contact Mr. Cocca and inform him that, if substantial progress is not made by October 12, 2007, the hearing with the District Judge would be held as scheduled.

Dino's Grille

The Secretary reported that a hearing would be held on-site on October 9, 2007 at 1:30 p.m. and asked if the Solicitor would be in attendance. She was requested to call the Solicitor's office and schedule legal counsel. Mr. Shaffer noted that a lot of work on the roof has recently been completed. He asked that, at the very least, the PTS obtain a schedule at the hearing for completion of work to make the structure weather-tight.

2007 Fee Schedule Amendment

The Secretary reported that the fee schedule amendment incorporating the \$700 fee-in-lieu has been duly advertised. Upon a Shaffer/Stoner motion, the PTS voted unanimously to adopt Fee Schedule Resolution 2007-05.

ATV Bid Solicitations

The Secretary reported that only one bid had been received for an ATV. Upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the bid from Dean Fromm & Sons Argo, Inc. at a cost of \$12,700.

Sale of 1995 Cub Cadet

The Secretary reported that three bids had been received for purchase of the 1995 Cub Cadet. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to award the sale of the 1995 Cub Cadet to DAGSA for \$203.

2010 Census

The Secretary reported that Nancy Valdez and John Harner have volunteered to help with the necessary paperwork for the 2010 Census. The PTS had previously voted to participate in Option One of the census, knowing that the use of volunteer help would be of critical importance.

Cove Mountain Animal Hospital Letter of Credit (LOC)

The Secretary presented a letter from Dr. Alan Schwartz requesting that the amount of his LOC be reduced. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to have the Engineer review the plan and site and make a recommendation for the October 31, 2007 meeting.

HVAC Service Contract

The Secretary reported that the three-year maintenance contract with H. B. McClure for the HVAC system will terminate in January 2008. Upon a Holman/Shaffer motion, the PTS voted unanimously to have the Secretary solicit bids for a HVAC maintenance provider.

Women in Crisis (WIC) Lease Renewal

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The Secretary reported that WIC has sent a lease agreement for 2008 with the same monthly rental fee of \$25. Upon a Shaffer/Stoner motion, the PTS voted unanimously to renew the lease with WIC, at a monthly fee of \$25.

ENGINEER REPORT

Zoning Revision – MUC District

The Engineer reported that the PTPC will have a final review of the revised language for the MUC district at its October 15, 2007 meeting.

Barnett Drive Stormwater Issue

The Solicitor reported that he had prepared a complaint against Furnley Frisch for PTS review but that it was his understanding that Chairman Holman would like to talk to Mr. Frisch before signing the court documents. After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize Chairman Holman to talk to Mr. Frisch and resolve the stormwater issue in writing before the October 31, 2007 PTS meeting. If the issue is not resolved by that time, the Solicitor will be directed to move forward with court action.

Sheetz Car Wash

The Engineer reported that Todd Stager, Sheetz's design engineer, has been in contact with Sheetz concerning modifications to the stormwater basin, but that he has received no response to his comments. After discussion, it was the consensus that the Engineer would contact Sheetz and inform them that modification proposals and schedule for completion must be received by the Engineer by October 5, 2007.

Duncannon Fire Company (DFC)

The Engineer reported that he had provided the PTS with the items that remain to be completed with the DFC stormwater system. Chairman Holman reported that he had met with DFC representatives who will report back on what work they will be performing on the stormwater system. The Secretary then reported that the DFC has submitted their plans to the ZO for his review.

Cornerstone Church

The Engineer reported that he made a site visit to Cornerstone Church immediately prior to last month's meeting and had forwarded his review to the PTS. He offered his opinion that the site work was substantially complete and functional.

SOLICITOR REPORT

Preserve at Mountainside East and West

The Solicitor reported that he had received a request from Mr. Campbell, legal counsel for the Preserve at Mountainside, for a meeting of the two of them to discuss legal issues. He stated that he informed Mr. Campbell that he would need authorization from the PTS. Mr. Shaffer offered his opinion that the bill for the Solicitor's time should be forwarded to the developer. Chairman Holman stated that he would like to know why the developer could not come to a public meeting to discuss any issues it has. He asked if the PTS would be authorizing the Solicitor to settle the issues or would he bring the issues back to the next meeting. The Solicitor responded that he would have to bring the issues back because he would not have the authority to make decisions. Chairman Holman then questioned why the developer could not come to a public meeting when the Solicitor was in attendance, offering that he has a problem with a closed-door attitude.

Chairman Holman asked what would be discussed at the meeting, with the Solicitor stating that no specific topics were mentioned, only "pending legal issues involved in the development". Mr. Shaffer

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stated that he shared Chairman Holman's perception of "behind closed doors". Mr. Stoner offered that he did not feel it would be a "closed door" meeting, but rather a meeting of two attorneys.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to authorize the Solicitor to meet with legal counsel for the Preserve at Mountainside, contingent upon prior confirmation that the developer will pay the Solicitor's fee and upon the Solicitor reporting back to the PTS at an open meeting.

After discussion, and upon a Shaffer/Stoner motion, the PTS voted unanimously to grant time extensions for the Preserve at Mountainside East and West until January 31, 2008 to allow for resolution of the ZO's review and comments.

POLICE REPORT

The Monthly Police Incident Report was reviewed.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The August 2007 Permit reports were reviewed.

Nguyen Property, 7 Hill Top Road

Mr. Shaffer questioned if the Township and State permit fees were waived or paid by someone else. The Secretary reported that the Township and State fees were waived and the Inspection fee was paid by the Solicitor. Mr. Shaffer suggested that a footnote be added to the Inspection fee, explaining where the funding came from.

CORRESPONDENCE

PA One Call

The Secretary presented a letter from PA One Call asking for nominations for its Board of Directors and Officers of the corporation. She added that, if it did not want to nominate a candidate, the PTS could vote to accept PA One Call's recommendations. Upon a Shaffer/Stoner motion, the PTS voted unanimously to accept the recommendations of PA One Call for the 2008 officers.

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 52 homes remaining to be connected.

Shermans Creek Redesignation

The Secretary reported that the Environmental Advisory Committee (EAC) had reviewed the proposal for a possible redesignation of Shermans Creek to Exceptional Value. She stated that the EAC has recommended that the PTS not oppose the redesignation.

Mr. Shaffer asked the Secretary to thank the EAC for its involvement.

Former CITGO Property

Mr. Shaffer asked if a nuisance complaint had been filed against the CITGO property owner. The Secretary replied that it had and that the property had since been cleaned up. Regarding the appearance of graffiti on the property, the Police Chief stated that graffiti was also placed on Norfolk Southern property, Maguire's True-Value, and Petersburg Commons and that three law-enforcement agencies were working on the problem.

Schoolhouse Road Nuisance Complaint

The Police Chief reported the dog warden has found all dogs on the Scholl property to be in compliance with licenses and vaccinations. He stated that all vehicles on the property are licensed or have been removed.

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Iron Street "Do Not Enter" Signs

The Police Chief clarified that "Do Not Enter" signs should be placed on both sides of Iron Street.

Cove Road Bridge Replacement

Randy stated that the company doing the replacement of the Cove Road bridge has asked if one lane could remain open. Mr. Shaffer noted that Randy had missed the earlier discussion about the bridge and referred him to his comments. He stated that he would be interested in hearing Randy's comments about the project. Randy was also asked to contact PennDOT about the possibility of having a meeting to discuss the PTS's concerns.

NEW BUSINESS

Fall Newsletter

The Secretary stated that the newsletter would be mailed to Township residents the following week.

2008 Budget

It was the consensus to schedule a meeting to discuss the 2008 budget at 7:00 p.m. on October 16, 2007.

ADJOURNMENT

With no further business to be conducted, and upon a Shaffer/Stoner motion, the PTS voted to adjourn at 8:45 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary