

**PENN TOWNSHIP BOARD OF SUPERVISORS**  
**100 Municipal Building Road**  
**Duncannon, PA 17020-1100**

Henry A. Holman, Jr., Chairman

Randy Plummer, Supervisor

Robert E. Shaffer, Sr., Supervisor

**MINUTES OF DECEMBER 26, 2007**

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The Penn Township Board of Supervisors (PTS) met on Wednesday, December 26, 2007 at 7:00 p.m. in the Municipal Building. Chairman Henry Holman, Jr., Supervisor Robert E. Shaffer, Sr. and Supervisor Randy Plummer 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). The meeting was recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

**CHAIRMAN'S MESSAGE**

**Perdix/Lower Cove Power Outage, December 16 – 18, 2007**

Chairman Holman stated that Township personnel had received numerous calls and criticisms by residents wishing to know why the Township couldn't get PPL to restore the power sooner when it was lost as a result of the recent ice storm. He informed the visitors of the actions taken by Township personnel from Monday at 8:30 a.m., when the Township first learned of the outage, through Tuesday at 8:40 p.m., when power was restored. He noted that the Red Cross set up an emergency shelter on Monday at 3:00 p.m., but took it down several hours later at 8:40 p.m. after no one showed up to use it, although it was advertised by the various media.

Chairman Holman offered his opinion that the Township personnel did everything that it could during the outage and told the visitors that a timeline of actions taken was available to anyone who wanted it.

Emergency Management Coordinator Paul Soltis, thanked Paul Liddick, Duncannon Borough Emergency Management Coordinator, the Red Cross, Township personnel and Police for all of their efforts during the power outage. He informed the visitors of the necessity for them to be prepared on an individual basis for emergencies of this type.

**RECOGNITION IN MEMORY OF JEANETTE SHAFFER**

Jeanette Shaffer was recognized posthumously for her selfless dedication to the Township and her work on the Penn Township Park and Recreation Board. Her son and daughter, Robert E. Shaffer Sr. and Georgia Lepperd, on behalf of the fourteen family members in attendance, accepted the plaque presented in her memory and thanked the Township for its recognition of her endeavors. Mr. Shaffer stated that the family would appreciate it if the Township would display the plaque in a place of honor.

**VISITORS**

**Robin Vorous, W. J. Moore Insurance Agency**

Ms. Vorous presented proposals from MRM Trust and National Casualty for the Township's 2008-2009 liability insurance package. After review and discussion of the proposals, and upon a Shaffer/Plummer motion, the PTS voted unanimously to accept the proposal from MRM Trust at an annual premium of \$13,740.00.

**Dr. Alan Schwartz, Cove Mountain Animal Hospital, in absentia**

Chairman Holman relayed that he had been contacted by Dr. Schwartz, who questioned the \$315.73 invoice for engineering review that he had received as a result of his request to decrease the financial security for his recently-constructed animal hospital. He stated that Dr. Schwartz wanted to know how the bill was generated and asked for a breakdown on how long the engineer spent on the review and what it entailed. He said that he had asked Dr. Schwartz to attend this evening's meeting, but that he

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was not there. Chairman Holman asked Engineer Max Shradley to provide a breakdown to Dr. Schwartz.

The Engineer responded that the review included the site visit where items not finished according to the approved plan were noted, and returning to the office to compare the original estimate with what was finished, to see what amount of financial security would be needed for completion of the unfinished items. He stated that he would make contact with Dr. Schwartz to provide him with the requested information.

**Byron Worner, Duncannon Fire Company (DFC)**

Mr. Worner was present to discuss the proposed financial agreement between the DFC and the PTS. He stated that he took the proposed agreement presented to him at the November 28, 2007 PTS meeting back to the DFC for discussion at its meeting on December 10, 2007. He reported that the DFC would like two changes to the agreement – an expiration date of January 1, 2009, and removal of line item #4, giving the PTS authority to repudiate the contract if it feels the DFC has not satisfactorily served the Township. He stated that the DFC will sign the contract if the PTS agrees to those changes.

Chairman Holman noted that, at the November 28, 2007 PTS meeting, DFC was advised that the PTS had to be notified by December 10, 2007 if it wanted to amend the agreement. He stated that no notification was given up until this point. Mr. Worner responded that the DFC meeting was held on the evening of December 10<sup>th</sup> after the Township office was closed, so the DFC could not meet that deadline. Chairman Holman offered his opinion that, since notification was not received by December 10<sup>th</sup>, the old agreement remains in effect for \$20,000.00.

Mr. Worner stated that he would have to go back to the DFC and explain that to the members. He offered his opinion that the agreement had entered into the amending stages prior to December 10<sup>th</sup> because of the proposed increase in donations, thus waiving the deadline. Further discussion was held on whether conduct of both sides constituted an attempt to amend and the status of the proposed agreement. After discussion, it was the consensus that, if the DFC wanted to accept the the increased funding included in the proposed agreement as presented by the PTS, Mr. Worner should have the agreement executed by the appropriate DFC officials and return it to the PTS as soon as possible.

**Jodi Rissinger, Perdix Fire Company (PFC)**

Ms. Rissinger offered comments on the power outage of December 16-18, 2007. She stated that Shade Reidlinger notified residents of lower Perdix door-to-door of the availability of the Red Cross shelter. She noted that there was criticism of the manning of the PFC station and stated for the record that there were between one to four people there most of the time during the power outage. She also stated that kerosene and water was provided to one family.

**Carole Nguyen, Hill Top Road**

Ms. Nguyen was in attendance to discuss a letter from the PTS concerning Hill Top Road being a public road. Chairman Holman stated that the letter was a result of confusion of the property owners over the public and private part of the road. He stated that, if the owners all agreed that they would like the road to be private, the Township would turn it over to them. Ms. Nguyen stated that she was not disputing that Hill Top Road was public, but questioned the PTS's location of the road compared

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with the location shown on her deed. She was invited to go to the Township office the following day and get copies of all available documentation to forward to her lawyer for inclusion on the deed.

### Lee Wright

Mr. Wright thanked the Engineer for providing a breakdown of his invoice for engineering review of the Wright sub-division plan. He stated that he felt a \$570 charge for 5 ½ hours to review a plot of land 50' by 200' was excessive and was not right. The Engineer responded that that he had to ensure that the subdivision complies with the ordinance, and the same amount of time is necessary, whether it be for one lot or multiple lots. He stated that there was no abbreviated way to look at an "add-on" plan and that the fee charged to Mr. Wright was no different than the fee charged to others involved in subdivisions. He added that the rates reflected the time and effort spent on both submissions.

Mr. Wright stated that, for \$117/hour, the Engineer should know the ordinance. The Engineer responded that he does not work exclusively for Penn Township, and rather than assume that he knows the ordinance, he prefers to work through it step-by-step.

Mr. Wright asked if someone with a lower classification at Rettew Associates could review subdivisions that are as simple and straight-forward as his was. The Engineer responded that other staff members were also involved with the plan. He added that reviews are done by staff members available at the time the plan review is needed.

Chairman Holman stated that he had looked at the plan and agreed that, as a member of the public, he would also be upset over the cost of the review. He added however, that the fee was set by the engineering firm. Mr. Wright noted that his was the second comment tonight questioning engineering fees and suggested that the PTS should look into the matter.

### Darwin Oakes, Hill Top Road

Mr. Oakes stated that he was in attendance as a result of receiving a letter from the PTS concerning Hill Top Road being a public road. Chairman Holman reiterated that the letter was a result of some property owners thinking the road was private, to inform them of the public portion of the road, and to inform them that the road could be turned back to the owners if they so desired. Mr. Oakes asked what the procedure for taking back the road would be. The Solicitor reported that the property owners would need to file a petition to have the PTS abandon Hill Top Road, and that a public hearing would be held to take comments. If no petition is filed it will continue to be a public road.

Mr. Oakes expressed his concern over the lawnmower business at the intersection of US 11/15 and Hill Top Road and the challenge it presents to vehicles on Hill Top Road. He stated his understanding that businesses were required to have customer parking and questioned if the owner was required to provide restrooms for his customers. The Solicitor responded that the business was in operation before the PTS adopted a zoning ordinance and that only a limited number of regulations apply to the business. Regarding public restrooms, Mr. Shaffer stated that the PTS does not get involved with that issue and was not aware of any Department of Health requirements.

## MINUTES

Upon a Shaffer/Holman motion, the PTS voted unanimously to approve the minutes of the November 20 and 28 and December 6, 2007 meetings as presented.

## INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period November 29 through December 26, 2007 for approval. After due consideration, and upon a Shaffer/Holman motion, the PTS voted to approve payment of checks 20624 through 20702 from the PLGIT General Account in the amount of \$51,835.89 and seven ACH transfers from the Newport Bank General Account in the amount of \$5,049.49.

## TREASURER REPORT

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Upon a Shaffer/Holman motion, the PTS voted unanimously to accept the Treasurer's Report for the period November 29 through December 26, 2007, subject to yearly audit.

### **Capital Tax Collection Bureau (CTCB)**

Mr. Shaffer noted that a copy of CTCB's budget had been provided to the PTS and asked the Treasurer to keep the PTS informed of the results of the actions taken by the CTCB. The Treasurer replied that she had missed the past two CTCB meetings because of her attendance at Penn Township Municipal Authority meetings, but would provide reports after all future CTCB meetings.

### **HIGHWAY DEPARTMENT REPORT**

The December 2007 Highway Department report was reviewed.

### **Roadway Roller**

Mr. Plummer presented quotes for the purchase of a roller in the amount of \$21,972.00 from Machinery Stop, \$25,631.00 from Ingersoll, and an additional quote of \$32,597 from Ingersoll. He stated that any of them can be purchased through the PA piggy-back program. After discussion, and upon a Shaffer/Plummer motion, the PTS voted unanimously to purchase a roller from Machinery Stop in the amount of \$21,972.00.

### **Hill Top Road Speed Limit Ordinance, 2007-10**

After noting that it had been duly advertised, there was a Plummer/Holman motion to adopt Ordinance 2007-10 establishing a speed limit of ten miles per hour for Hill Top Road. Motion passed by unanimous vote of the Authority.

### **Shoulder Paver**

Mr. Plummer reported that approval was given at the November 28, 2007 meeting to offer Dickinson Township \$3,1000.00 for a shoulder paver. He stated that the amount would need to be amended to \$6,000.00. After discussion, and upon a Holman/Shaffer motion, the PTS voted unanimously to offer Dickinson Township \$6,000.00 for the shoulder paver.

### **Cove Road Bridge**

Mr. Shaffer asked if PennDOT had obtained a Township Highway Occupancy Permit (HOP) for the erection of the guide rail for the Cove Road Bridge. He stated his concern that PennDOT will erect the guide rail but make the cost of future repairs of the guide rail the responsibility of the Township. He then offered his opinion that PennDOT should have an HOP.

Mr. Shaffer suggested that the Township drop off a letter listing the Township's concerns at the construction trailer. A review of the ordinance showed that an HOP is needed when working in a Township right-of-way. The Secretary was asked to compose a letter informing PennDOT of the need to obtain an HOP. Mr. Plummer and Chairman Holman will deliver the letter.

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

#### **Time Extensions**

The Secretary presented letters from the PTPC recommending time extensions until March 26, 2008 for the Warden Preliminary Subdivision Plan, File #2005-06, and until March 31, 2008 for the Preserve At Mountainside, West and East, files # 2006-09 and 2006-10 respectively. After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to approve all three time extensions.

#### **Charles Stoner/Marcia Andri Preliminary Subdivision Plan, File #2007-05**

The Secretary presented a letter from the PTPC recommending approval of the sewer planning module for the above-mentioned plan. She also presented a resolution submitting the planning

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module as a revision to the Township's "Sewage Facilities Plan." After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to approve the planning module and resolution for the Charles Stoner/Marcia Andri Preliminary Subdivision Plan, File #2007-05.

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

The December ZO Report was reviewed without comment.

### **Zoning Hearing Board (ZHB) Alternate**

Appointment of an alternate to the ZHB was postponed until the annual re-organization meeting on January 7, 2008.

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

The December SEO Report was reviewed without comment.

### **Daniel McDade Septic Tank Malfunction**

The Secretary reported that the SEO is citing Mr. and Mrs. McDade for a malfunctioning septic tank on their property on Firehouse Road. She stated that the SEO has requested the presence of the Solicitor if a hearing becomes necessary. It was the consensus of the PTS to grant the request.

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

The PTPRB Report for December 2007 was reviewed without comment.

Mr. Shaffer noted a calendar he saw that provided pictures and bits of information about a particular township. He suggested that something of a similar nature might be a good fundraiser for the PTPRB. The Secretary will pass the information along to the chairman of the PTPRB.

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

Lee Wright announced that the Authority recently passed its 2008 budget with no increase in sewer or water rates.

### **SECRETARY REPORT**

#### **Shermanata Heights Update**

The Secretary presented a proposed schedule on the planned expansion of the Duncannon EMS building from Melham Associates. No discussion was held on the schedule.

#### **PSATS Annual Convention**

The Secretary reported that the PSATS' annual convention would be held from May 11 through 14, 2008. Upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Secretary to attend the convention as its voting delegate.

#### **PSATS Legal Defense Partnership**

After discussion, and upon a Shaffer/Holman motion, the PTS voted unanimously to join the PSAT's Legal Defense Partnership at an annual cost of \$75.00.

#### **Business Campus One (BCO) Street Light**

The Secretary presented a letter from the Perry County Economic Development Corporation stating that repairs have been completed on the streetlight on Business Campus Way in BCO. Chairman Holman reported that he is satisfied with the repair. The Secretary was requested to forward the agreement for repair and maintenance of the street light to Stanley Mutzabaugh.

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### **Duncannon Family Health Center**

The Secretary reported that the owner of the Duncannon Family Health Center has requested an occupancy permit. Chairman Holman and Mr. Plummer will perform an on-site visit, as well as the Engineer and Zoning Officer. The Engineer will prepare the document for financial security.

### **ENGINEER REPORT**

#### **Sheetz Car Wash**

The Engineer reported that he had provided comments to Sheetz's design engineer concerning Sheetz's proposed solution to the stormwater problem.

#### **Preserve at Mountainside (Preserve) Preliminary Subdivision, East and West**

The Engineer reported that Frank Chlebnikow has reviewed the ZHB appeal filed by the developer of the Preserve. The Solicitor reported that he had attended an informal meeting with the project manager and counsel for the Preserve. He stated that, in an attempt to "put everyone on the same page", a representative of the developer would like to meet with the PTS to present information that had been presented to Susquenita School Board members. After discussion, and upon a Plummer/Holman motion, the PTS voted unanimously to advertise a start time of 6:30 p.m. for the January 30, 2008 PTS meeting, with the presentation conducted at the beginning of the meeting.

The Solicitor noted that he had previously received authorization to meet with the Engineer to discuss the upcoming zoning hearing concerning the Preserve. He explained that he had asked for that authorization so that he would have the appropriate information at his disposal to protect the interest of the PTS as a party to the ZHB. He added that the ZO's opinion is being appealed and he is trying to avoid the appearance that the Engineer or himself influenced the opinion.

### **SOLICITOR REPORT**

#### **Tribute to Mr. Shaffer**

The Solicitor offered that it has been his distinct pleasure to work with Mr. Shaffer during the past years and that he appreciated his candor, challenges and humor. Chairman Holman offered that he is sorry to see Mr. Shaffer leave the PTS and said that he will address his comments privately to Mr. Shaffer. Chief Houck then read a tribute to Mr. Shaffer from the police department.

### **POLICE REPORT**

The Monthly Police Incident Report was reviewed without comment.

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

The November 2007 Permit reports were reviewed without comment.

### **CORRESPONDENCE**

#### **PennDOT Letter to East Pennsboro Township Police**

The Secretary presented a letter from PennDOT to the East Pennsboro Township Police department. Chief Houck explained that the letter was a result of a conversation between the East Pennsboro Chief of Police and the District Traffic Safety Supervisor concerning truck traffic on US 11/15.

#### **FEMA Flood Maps**

The Secretary reported that she had received new copies of the Flood Insurance Rate Maps. She said that the PTPC has requested that the Engineer review the maps for consistency with the current flood plain designation. Chairman Holman reported that he has since been requested by several PTPC members to review the maps with them, which he will do. The Secretary reported that the Township has received a time extension until January 25, 2008 to review the maps.

#### **PA Farm Show Public Officials Day**

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The Secretary reported that the PTS has been invited to a Public Official luncheon to be held on January 10, 2008. There was no interest in attending.

### **Municipalities Planning Code (MPC) Workshop**

The Secretary reported that the Department of Community and Economic Development is holding a workshop on the MPC on January 15, 2008. Mr. Shaffer recommended that the PTPC also be informed of the workshop since the subject is planning-related.

### **PSATS Workshop**

The Secretary reported that PSATS would be offering an introductory course designed for new supervisors on January 19 and 26, 2008. There was a Holman/Shaffer motion to authorize Mr. Plummer and newly-elected Supervisor, CeCe Novinger, to attend the workshop at a costs of \$135 per person. Motion passed by unanimous vote of the Authority.

### **Letter from United Water**

The Secretary presented a letter from United Water concerning its recent application to purchase the water system assets of BCO and supply water to portions of Penn Township. Mr. Shaffer asked if the Authority had sent a letter to the PUC offering the concerns presented by the PTS at its November 28, 2007 meeting about the proposed territory. The Treasurer reported that the Authority had authorized its solicitor to send the letter. The Secretary reported that, if it had been sent, she had not received a copy of the letter.

Mr. Shaffer stated that he is presuming the Authority will appear before the PUC and asked if the Secretary could confirm that. He offered his opinion that the PTS is operating solely in the role of a recommending board and that the Authority has the active role in this matter.

### **South Central Assembly**

The Secretary presented information from the South Central Assembly concerning a workshop entitled, "Barriers, Bridges and Best Practices on the Road to Productive Collaboration," on January 31 through February 1, 2008. She asked the PTS to advise her if they wished to attend.

## **OLD BUSINESS**

### **Perdix Sewer Connections**

The Secretary provided an updated spreadsheet listing forty-seven properties remaining to be connected to the sanitary sewer.

### **2008 Budget**

The Secretary stated that the proposed 2008 budget has been duly advertised and made available for the public. Upon a Holman/Plummer motion, the PTS voted unanimously to adopt the 2008 budget as advertised.

## **NEW BUSINESS**

### **Spring Newsletter**

The Secretary requested that articles for the spring newsletter be forwarded to her by January 14, 2008.

### **2008 Meeting Dates**

Meeting dates for 2008 were scheduled for the last Wednesday of each month, with the exception of the December meeting on Tuesday, December 30, 2008. The annual road survey will be held on March 29, 2008. The Secretary will advertise the meeting dates.

### **Susquenita School District Presentation**

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Chief Houck relayed that Dr. Daniel Sheats has requested to talk to the PTS about putting a police officer in the schools. It was the consensus that Chief Houck should have Dr. Sheats call the Secretary and asked to be placed on the January 30, 2008 meeting agenda.

**EXECUTIVE SESSION**

At 8:45 p.m. the PTS entered into executive session to discuss personnel issues. At 8:55 p.m. the meeting was reconvened with no action taken.

**ADJOURNMENT**

With no further business to be conducted, and upon a Holman/Shaffer motion, the PTS voted to adjourn at 8:56 p.m.

Respectfully Submitted,

Susan E. Long  
Recording Secretary