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

Henry A. Holman, Jr., Chairman Randy Plummer, Vice-Chairman Lucinda (CeCe) Novinger, Supervisor

MINUTES OF APRIL 30, 2008

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The Penn Township Board of Supervisors (PTS) met on Wednesday, April 30, 2008 at 7:00 p.m. in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman Randy Plummer, and Supervisor CeCe Novinger were in attendance. Other personnel present were Helen Klinepeter (Secretary), Susan Long (Treasurer), Rich Wagner (Solicitor), Max Shradley (Engineer), and Police Chief Alan Houck. The meeting was recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

APRIL 21, 2008 MEETING

Chairman Holman announced that there was not a quorum of the PTS at the advertised PTS meeting on April 21, 2008 with the Penn Township Planning Commission.

VISITORS

Paul Zeph

Mr. Zeph announced that he represented a coalition made up of DEP, DCNR, and the Central PA Conservancy, as well as citizens and municipalities throughout the Susquehanna Water Gap. He explained that the group was formed as a result of the increasing number of housing developments planned for the area and that the group would like to offer assistance to the municipalities involved. He stated that a meeting has been scheduled for June 5th in Marysville for public officials and key stakeholders in Penn and Rye Townships and Marysville and Duncannon Borough.

Mr. Zeph requested copies of the Township's zoning, and subdivision and land development (SALDO) ordinances, as well as a copy of the zoning map. He further requested that costs of the copies be waived. The issue will be discussed later in the agenda under "New Business".

Chad Smith, 1109 State Road

Mr. Smith presented a plot plan of his two properties. One lot borders State Road. The second lot lies behind the first lot, with a paper street separating the two parcels. He stated that he has to park along State Road because he has no access to the rear of his property. He added that he is required to connect to the sanitary sewer but has no access for the construction equipment. He asked what he has to do to get access to the rear of his property. The Solicitor noted that what Mr. Smith presented was a recorded plan, with a ROW shown on the plan but never opened or dedicated to the Township. He explained to Mr. Smith that there are specific provisions to obtain access to "unopened but recorded streets" and referred him to an attorney that handles those issues. He stressed that the Township does not have jurisdiction in this matter.

Paula Leicht, Counsel for Verizon Wireless

Ms. Leicht explained that Verizon Wireless had submitted a Conditional Use request on March 28th for a proposed telecommunications tower along State Road. She now requested that the PTS set a date for a hearing on the issue. Ms. Leight then stated that, on behalf of her client, she has been authorized to extend the 60-day time limit, which will expire on May 26th. After discussion, it was the consensus to hold the hearing at 6:00 p.m. on May 28th, immediately prior to the scheduled PTS meeting.

Gene Hollenbaugh, 25 Penn Manor Road

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Mr. Hollenbaugh stated his concern over damage being done to his driveway as a result of stormwater runoff from an adjoining property. He presented photographs of the damage and stated that both Mr. Plummer and the Secretary have performed site visits. He added that he removed seven five-gallon buckets of stone and dirt from his yard after the most recent rain. He requested assistance from the PTS for remediation of the problem.

The Solicitor recommended that the Engineer perform a site visit to determine the cause of the problem and to see if the Township has done anything to cause it. The Engineer will contact Chairman Holman and Mr. Plummer to schedule a suitable time for the visit.

Shawn Boyle

Mr. Boyle requested the use of the Township's field to hold a concert to benefit suicide prevention on August 30th. He explained that the concert would be held from noon until 10 p.m., that alcohol would not be allowed, and that there was a potential attendance of 800. Chairman Holman referred Mr. Boyle to Jim Renner, Chairman of the Park and Recreation Board.

Kraig Nace, Duncannon EMS

Mr. Nace presented the 2007 financial report for the EMS. He stated that he would be more than willing to answer any questions that the PTS has and added that it was his goal to attend as many future PTS meetings as possible.

MINUTES

Upon a Plummer/Novinger motion, the PTS voted to unanimously approve the minutes of the March 26, 2008 meeting as presented.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period March 27 through April 30, 2008 for approval. After due consideration, and upon a Novinger/Plummer motion, the PTS voted to approve payment of checks 20933 through 21015 from the PLGIT General Account in the amount of $82,979.95 and eight ACH transfers from the Orrstown Bank General Account in the amount of $5,606.21.

TREASURER REPORT

Upon a Plummer/Novinger motion, the PTS voted unanimously to accept the Treasurer's Report for the period March 27 through April 30, 2008, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The March 2008 Highway Department report was reviewed.

Linton Hill Road Bridge

Mr. Plummer reported that he had made a presentation at the last Perry County Planning Commission in an effort to have the Linton Hill Road bridge selected for replacement by PennDOT this year. However, even though this bridge is the worst in the county, it has been placed third on PennDOT's list, with anticipated replacement not for another four to eight years.

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Texas Eastern Pipeline
Chairman Holman reported that Texas Eastern wants to encase the pipeline under Rohrer Drive due to the increased traffic on the roadway. However, Texas Eastern does not anticipate encasing the pipeline until 2009. Because of this, only the portion of Rohrer Drive between Cove Road and the pipeline will be paved this year.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT
Charles Stoner Final Subdivision Plan, File #2008-01
The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to grant a time extension until July 30, 2008 for the Charles Stoner Final Subdivision Plan, File #2008-01.

The Solicitor reported that he had reviewed the Stormwater Management Agreement/Declaration of Easement. He noted that the document does not specify who accepts the responsibility for the maintenance of the stormwater management easements after all the lots are sold and recommended that the omission be addressed before final approval of the plan.

John Leiter FInal Subdivision Plan, File 2008-02
The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to grant a time extension until July 30, 2008 for the John Leiter Final Subdivision Plan, File #2008-02.

Carl Baker Final Subdivision Plan, File #2008-03
The Secretary presented a letter from the PTPC recommending approval of AORs for Sections 406 and 407 of the SALDO, and Ordinance 102, Stormwater Management. The letter further recommended approval of the above-mentioned plan, with six contingencies.

Engineer Charlie Cook explained that the Baker plan subdivides five acres from Mr. Baker's parcel and adds it to the adjoining property owned by Rock Morrison. He stated that there would be no change from the present use as a horse farm for the Baker property and that Mr. Morrison knows that he would need a land development plan if he desired to change the use of his property.

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to approve three AORs – for Sections 406 and 407 of the SALDO, and Ordinance 102.

During further discussion it was noted that the only contingencies remaining were that the surveyor's certification needs to be signed and sealed, and the certification of ownership and dedicatory statements needs to be signed and notarized. After discussion, and upon a Plummer/Novinger motion the PTS voted unanimously to approve the Carl Baker Final Subdivision Plan, File #2008-03, contingent upon the above items being completed, and payment of all fees. Mr. Cook accepted the contingencies on behalf of Mr. Baker.

Larry Miller Final Subdivision Plan, File #2008-04
The Secretary explained that Mr. Miller was subdividing a parcel on Railroad Street into three parcels. She presented a letter from the PTPC recommending approval of the DEP mailer for the plan. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to approve the DEP mailer for the Larry Miller Final Subdivision Plan, File #2008-04.

ZONING OFFICER (ZO) REPORT
The April 2008 ZO Report was reviewed without comment.

ZO Response to Grey Berrier

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The Secretary presented a letter from the ZO stating his opinion that the issue raised by Mr. Berrier at the March 26th PTS meeting is not a zoning issue in that the action had taken place before zoning was initiated by the PTS. She reminded the PTS that Mr. Berrier had asked for a response to his letter. It was the consensus that the Solicitor would reply to Mr. Berrier and inform him of the ZO's opinion.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The April 2008 SEO Report was reviewed without comment.

Daniel McDade Hearing for 104 Firehouse Road

The Secretary reported that the continuance of the hearing on the illegal discharge of sewage on the McDade property would be held at the District Judge's office on May 5th at 1:00 p.m. She stated that the Judge had ordered the McDades to connect to the sanitary sewer within sixty days and asked for direction if the property is not connected by May 5th. After discussion, it was the consensus that no additional time should be granted. The Solicitor recommended that the SEO should attend the hearing.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for April 2008 was reviewed.

Need for Additional Parking

Chairman Jim Renner again stressed the need for additional parking for users of the recreational fields, suggesting that additional parking could be obtained by cutting the bank along Municipal Building Road and using the debris to widen the area across from the Township building. Chairman Holman will meet with Mr. Renner to further evaluate the need for additional parking.

Chicken BBQ/Multi-Function Day

Mr. Renner reported that the PTPRB netted approximately $1,400 from the BBQ and an additional $900 from the remainder of the activities held that day. Chairman Holman again thanked the Solicitor for his donation of twenty-five dinners and reported on his delivery of the dinners to some of the elderly residents of the Township.

National Night Out

Mr. Renner noted that National Nght Out would be held on August 5th and that the PTPRB would be taking part in the activities and would be distributing "Frisbees" with the Township logo.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Chairman Holman reported that he had hoped the Inter-Municipal Agreement (IA) would be ready for ratification this evening but understood that there was disagreement over some of the wording. Authority Chairman Henry Holman, III reported that both the Authority and the Duncannon Borough (Borough) Sewer Authority had approved the IA and that settlement was very close. He stated that he expected Borough Council to approve the new language in time for the Authority meeting on May 7th and that the PTS should have a final copy for approval at its May 28th meeting.

Authority member Lee Wright reported that the Authority would be taking action on a proposed resolution establishing procedure for reduction of sewer and water rates at its May 7th meeting.

SECRETARY REPORT

Refund of Occupation Tax

The Secretary presented a request from Melissa Keck for a refund of her Occupation Tax as she is no longer employed. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to refund the 2008 Occupation Tax in the amount of $4.90 to Melissa Keck.

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Perry County Tax Claim Bureau (PCTCB)
The Secretary reported that PCTCB was unable to sell parcel 210,135.01-086.000 through judicial sale for delinquent real estate taxes and the parcel was put into Repository Sale status. To remove the parcel from this status for future sale will require PTS approval. After discussion, and upon a Holman/Plummer motion, the PTS voted to give written consent to PCTCB to sell the parcel out of the Repository. The Secretary will notify PCTCB.

Unpaid Invoices
The Secretary reported on unpaid invoices owed to the Township for the Engineer's review fees for two developers. After discussion, it was the consensus that the Solicitor will write to both developers and ask them to make their accounts current.

2007 Financial Audit
After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to invite representatives of Smith Elliott Kearns & Company to the May 28th meeting to present, and discuss the results of, the 2007 financial audit.

Conditional Use Requests
Upon a request for clarification by the Secretary, it was the consensus that the Engineer would review all future Conditional Use requests at the PTPC level.

Purchase of Office Computers
After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to purchase two Dell computers for office use at a cost of $891.00 apiece.

ENGINEER REPORT
The Engineer Report was reviewed with the following additional comments.

Sheetz Car Wash Stormwater Issues
The Engineer reported that he has received a revised plan to address the Sheetz Car Wash stormwater issues and will review it for compliance with Township ordinances.

Duncannon Fire Company (DFC), File # 2004-07
The Engineer reported that he had received the stormwater design plan and calculations for DFC from Madden Engineering. He stated that he has requested that the plan reflect the limits of paving and that a note be added indicating that downspouts should be directed into the basin. He recommended that the PTS allow DFC to pave the impervious surfaces up to the limits shown on the plan. The Engineer also recommended that the PTS should indicate that any work beyond what is shown on the plan will require further PTS approval.

Chairman Holman explained that DFC had requested a reduction in the amount of financial security required, but that a lot of work remained to be done. He stated that he has been helping the DFC as a private citizen to help reduce the workload and will abstain on any action taken by the PTS.

The Solicitor clarified that the improvements that had been noted on the original approved plan are no longer needed and that the original amount of financial security required can now be reduced.

After discussion, and upon a Plummer/Novinger motion, the PTS voted to approve the revised stormwater plan, subject to a letter from the Engineer stating that, after further review, several of the original improvements are not now needed and that the financial security will be reduced accordingly. Additionally, the letter will state that the rest of the plan must be complied with. Chairman Holman abstained from the vote.

Warden Subdivision Plan, File #2005-06
The Engineer stated that the Warden plan has significantly changed and noted the PTPC's understanding that it should be considered a re-submission unless the developer withdraws the original plan submitted in 2005. He stated that the original plan has not been withdrawn. He relayed that the developer has indicated that the layout of the plan has been re-designed based on the current economy.

Chairman Holman noted his concern over the major storm water changes and the increase in the number of grinder pumps needed for houses in the lower areas. He questioned if a new plan should be submitted. The Solicitor responded that he did not know if the issue is one of requiring a new plan. Rather, the PTS needs to guard against a plan getting approved due either to lack of action or through default, when amendments are made to it. He stressed that care needs to be taken that there are not two simultaneous plans, and that the developer needs to acknowledge that there is only one plan, either the original with amendments, or a new submission with the original plan withdrawn.

Chairman Holman asked about the status of the time frame. The Secretary responded that a request for a time extension was needed by the next month, with the Engineer adding that, if not received, the PTPC would recommend denial of the plan.

The Engineer offered his concern over knowing which ordinance to use for plan review. He stated his difficulty in re-creating the 2005 ordinance. The Solicitor stated that, if a plan is pending, it is under the ordinance in effect at the time of the submission.

A question arose as to whether the changes should be sent to Perry County Planning Commission (PCPC) for review. The Solicitor stated that PCPC has already reviewed the 2005 plan, but if the changes are sent to PCPC for review, it must review them under the 2005 ordinance.

After discussion, it was the consensus that the Engineer would contact the developer and ask for a written clarification of whether the changes in the plan constitute the original plan with amendments, or a new submission with the original plan withdrawn.

SOLICITOR REPORT
Police Standard Operating Procedure (SOP)
The Solicitor reported that he had reviewed the SOP as the result of a recommendation from the workmen's compensation insurance evaluation. He stated that the procedural matters dealing with arrests and warrants should be forwarded to the Perry County District Attorney for his approval.

Police Laptop Damaged in Transit
The Solicitor reported that, during the course of sending the police laptop back to the vendor for repair, it was damaged in transit and neither the warranty company or the shipping firm will make good on the claim. He recommended that the PTS send a letter to the warranty company, informing it of the PTS's dissatisfaction that the warranty will not be upheld and that the PTS will consider using other companies in the future. He also suggested that a copy of the letter be sent to the computer vendor and shipping firm.

Furnley Frisch Storm Water Runoff on Barnett Drive
The Solicitor reported that, as authorized, he had filed suit against Mr. Frisch for his stormwater management violations on Barnett Drive and that Mr. Frisch did not respond. He stated that he then filed a "ten-day condition of default," and has just received a message from Mr. Frisch's lawyer to contact him.

Susquenita School District (SSD)
The Solicitor reported that, as authorized, he had sent a letter to SSD informing its Board that the video surveillance link from the SSD to the police computers would be disconnected. Chairman Holman asked if the physical disconnection had been made. The Secretary reported that it had.

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Chairman Holman asked if the Secretary had received a letter from the Board acknowledging the disconnect. The Secretary reported that she had not yet received a letter. The Solicitor was requested to contact the SSD Board and ask that an acknowledgment letter be sent to the PTS.

POLICE REPORT

The Monthly Police Incident Reports were reviewed without comment.

Change of Status of Leah Rissinger

Chief Houck reported that part-time Officer Leah Rissinger had submitted her resignation. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to put Ms. Rissinger on inactive status, and to pay her wages for any open court cases involving the Township that she is required to participate in.

Sminkey ROW Encroachment

Chief Houck reported that a hearing for the citation of Mr. Sminkey for ROW encroachment on Hill Top Road would be held on May 5th at 3:00 p.m. at the office of the District Judge. He requested that a Township representative be present to provide testimony regarding the Township ROW, offering that he felt Mr. Sminkey would challenge the integrity and placement of Hill Top Road. He added that, in the event that Mr. Sminkey was found guilty, he would be seeking a daily fine. It was the consensus that Mr. Plummer would represent the Township at the hearing.

Crime Watch Signs

Mr. Plummer reported that five "Crime Watch" signs have been erected but an additional sign was needed for Municipal Building Road. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to purchase an additional "Crime Watch" sign for placement on Municipal Building Road.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The Secretary reviewed the March 2008 Permit reports.

CORRESPONDENCE

DEP Letter, Dersham Property Sewage Complaint

Discussion was held on a letter from DEP regarding an April 4th complaint about a raw sewage discharge on the Dersham property. The Secretary stated that the SEO has contacted DEP explaining that this issue involves a privately-owned sewer system. Chairman Holman noted that, in the letter, DEP states that Rye Township has primary responsibility for enforcement of the sewage facilities program. It was unknown as to why Rye Township was mentioned.

DEP Letter, Act 537 Implementation

The Secretary presented a letter from DEP regarding the Township's Act 537 Plan and its mention of the Decoven wastewater treatment plant and added that she forwarded a copy of the letter to the Authority. She stated that DEP has asked for a response within fifteen days and noted that the Authority does not meet until after that time.

Chairman Holman stated that the Authority has the responsibility for sewage enforcement for Act 537 as it applies to Decoven and that the Secretary should send a letter to DEP informing it that the issue has been forwarded to the Authority for its review and consideration.

Central PA Energy Consortium (CPEC)

The Secretary presented a list of fossil fuels receiving a valid bid for 2008-2009. She stated that diesel fuel would be re-bid, with the bid opening scheduled for May 12, 2008. Chairman Holman asked the

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PTS to consider the purchase of bio-diesel fuel, stating the benefits he has noticed in his experience using it.

Perry County Planning Commission

The Secretary reported that PCPC is updating the GIS zoning data layer with zoning districts and property locations and has requested Township review of the results. She stated that she has found several errors and will pass the information to the PTPC for its review. She also informed the PTS of the availability of the information in case any supervisor wished to review it.

Cumberland-Perry Counties Joint Task Force

The Secretary reported that the next Task Force meeting would be held on May 16th at 8:00 a.m. in the Carroll Township municipal building. After discussion, it was the consensus that the Secretary would represent the PTS at the Task Force meeting.

OLD BUSINESS

Perdix Sewer Connections

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

NEW BUSINESS

Certificates of Deposit (CD)

After discussion, and upon a Holman/Plummer motion the PTS voted unanimously to purchase four 90-day CDs from PLGIT at $98,000 each, two from the Liquid Fuels account and two from the Capital Reserve Account.

Unwanted Items for Bid

Randy noted that the Township has a roller, welder, and 2-25-gallon poly tanks that it has no use for. He will write a description of the unwanted items to be put out for bid.

Call-Box Changes

The Secretary presented a letter from Perdix Fire Company requesting changes in several of the call-boxes due to lack of manpower during daylight hours. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to forward the request to County Emergency Coordinator, Larry Smeigh.

Waiver of Ordinance Copy Fees

At this time discussion continued on the request from Mr. Zeph at the beginning of the meeting to waive ordinance copy fees. Upon a Holman/Novinger motion, the PTS voted unanimously to waive the costs of the SALDO, zoning ordinance and zoning map copy fees.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted to adjourn at 9:05 p.m.

Respectfully Submitted,

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Susan E. Long
Recording Secretary