

## MINUTES OF MAY 28, 2008

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The Penn Township Board of Supervisors (PTS) met on Wednesday, May 28, 2008 at 7:55 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.

### **CELLCO PARTNERSHIP CONDITIONAL USE HEARING**

Chairman Holman announced that a conditional use hearing for Cellco Partnership had been held from 6:00 p.m. until 7:50 p.m. He apologized for the late start of the PTS meeting.

### **SOLICITOR REPORT**

The Solicitor reported that the items he had been requested to do at the previous meeting have been completed. Due to a prior commitment, he was excused from the meeting at this time.

### **CHAIRMAN'S COMMENTS**

Chairman Holman stated that he has been approached by many taxpayers who feel that the replacement of Rohrer Drive is a waste of their money. He disagreed, stating that Rohrer Drive is one of the worst roads in the Township and it needs to be brought up to standards. He informed the visitors that, to date, the Township has spent 55 hours performing preparatory work on Rohrer Drive. He informed them that Liquid Fuels funds are being used for the paving, not tax dollars. He then challenged the visitors to show the PTS how to repair Rohrer Drive at a cheaper cost or where the Township is wasting money.

### **VISITORS**

#### **Craig Witmer, Smith Elliott Kearns & Company (SEK)**

Mr. Witmer was present to discuss the financial statements resulting from the 2007 Township audit. As always, he noted that the financial statements do not include any financial information for the Penn Township Municipal Authority, the Township's separate component unit. He then told the PTS that SEK has issued an unqualified report, the best the Township can get. He noted that, compared to fiscal year 2006, revenues were up while expenses were down.

. At the end of his presentation he made the following recommendations. He suggested that the Secretary should be bonded in the amount of \$250,000. He suggested that each monthly bank reconciliation performed by the Treasurer should be reviewed and approved by either the Secretary or a supervisor. He suggested that the monthly general journal entries should be reviewed and approved, by someone other than the Treasurer.

Mr. Witmer noted that SEK is engaged to prepare the Township's financial statement because the Township has no employee with an appropriate level of knowledge of accounting principles that would allow that person to prepare the statements or even oversee their preparation. He suggested that the Township perform a "cost versus benefit" analysis to see whether it would be better to hire a knowledgeable employee to prepare the financial statements, or to continue to have its auditors do the preparation. He stated that relying on the auditors is acceptable and might be a cost effective way of dealing with this issue.

Elected Auditor Robert Shaffer, Sr., commended the PTS for the Township's 2007 ending cash balance of \$789,312. He noted the amount paid into the Township's pension fund and asked the PTS to consider researching 401K-type plans for the future.

Mr. Shaffer asked the PTS to inform the elected auditors by letter of the actions it will take on SEK's recommendations.

Ms. Novinger asked Mr. Witmer for his recommendation on the "custodial credit risk" noted in the statements. He replied that bank accounts are FIDC-insured up to \$100,000, but PA Act 72 requires

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banks to set aside a pool of collateral for all governmental entities. He stated that SEK is required to include the "custodial credit risk" note but did not feel the PTS needed to make any changes to its accounts.

The consensus of the elected auditors was that the financial reports were satisfactory to them, contingent upon the PTS informing them of the actions it will take on SEK's recommendations.

### **Dale Ramp, Reba Pace, Schoolhouse Road**

Mr. Ramp explained that he and his realtor, Reba Pace, are attempting to sell the Homer Bornman property on Schoolhouse Road. They have been informed that the on-lot septic system has failed and a new on-lot system may not be installed. Mr. Ramp informed the PTS that they had attended the May 7<sup>th</sup> meeting of the Penn Township Municipal Authority (Authority), which has agreed to accept them as sewer customers. At that meeting, they were told they needed authorization to access the Township right-of-way (ROW), which was the reason for their attendance this evening. Mr. Ramp asked what their next step should be.

Chairman Holman informed Mr. Ramp that the next steps should be obtaining a permit from DEP to cross the stream at the edge of the property and securing an engineer to draft a plan showing the location of the sewer line and detailing the procedure for replacement of any damaged roadway. When that is completed, the PTS will review the plan and either approve or disprove it. In addition, Mr. Ramp was instructed to obtain a copy of the Authority's Rules and Regulations for construction specifications for the sewer facilities.

### **Kim Kenee, Mike Conroy, Hickory Drive**

Mr. Kenee stated that he and Mr. Conroy were present to discuss their concerns over a drainage problem on Hickory Drive caused by an inadequate culvert during periods of heavy rain. Mr. Conroy relayed his concern about erosion leading to the possible loss of Hickory Drive.

Chairman Holman asked Mr. Kenee if he had enlarged the channel, since the channel can't carry as much volume as the culvert. Mr. Kenee responded he has enlarged the channel, but the culvert is not large enough and can't handle the amount of water it needs to carry. He stated that the water backs up on his property and then flows out onto the roadway.

Chairman Holman reiterated that the channel cannot hold the flow being directed into it from PennDOT and from the other areas. Mr. Kenee stated that he is going to enlarge the channel and line it with stones but is still concerned that the culvert is not large enough.

Chairman Holman informed Mr. Kenee and Mr. Conroy that he will make a site visit to review the issue.

### **Ann Knight, Center Street**

Ms. Knight had requested to be on tonight's agenda to discuss stormwater runoff from Penn Manor, but was not in attendance. Chairman Holman stated that he would contact Ms. Knight to discuss the issue.

### **Jay Mutzabaugh, Ken Shrauder**

Mr. Mutzabaugh and Mr. Shrauder had requested to be on tonight's agenda, but were not in attendance.

### **Kraig Nace, Duncannon EMS**

Mr. Nace presented the PTS with a letter of appreciation for its \$10,000 donation to the Duncannon EMS.

### **Paul Soltis**

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Mr. Soltis commented on the May 20<sup>th</sup> fire tax meeting and offered his opinion that the PTS correctly approached the issue of increased funding for the fire companies. He agreed that the PTS should schedule additional meetings to keep the public informed. Chairman Holman stated that he is going to check with Perry County officials on the procedure for adding a referendum to the fall election.

### MINUTES

Upon a Plummer/Novinger motion, the PTS voted to unanimously approve the minutes of the April 30 and May 20, 2008 meetings as presented.

### INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period May 1 through May 25, 2008 for approval. After due consideration, and upon a Novinger/Plummer motion, the PTS voted to approve payment of checks 21016 through 21082 from the PLGIT General Account in the amount of \$44,937.50 and nine ACH transfers from the Orrstown Bank General Account in the amount of \$4,954.60.

### TREASURER REPORT

Upon a Plummer/Novinger motion, the PTS voted unanimously to accept the Treasurer's Report for the period May 1 through May 25, 2008, subject to yearly audit.

### HIGHWAY DEPARTMENT REPORT

The May 2008 Highway Department report was reviewed.

### Linton Hill Road

Mr. Plummer reported that the "Children Ahead" signs have been erected on Linton Hill Road. Chairman Holman added that those types of signs are usually paid for by the requesting parties, but in this case, Mr. Plummer and himself are donating the cost of the signs.

### Road Repair

Chairman Holman stated that Mr. Plummer and himself will be working on Rohrer Drive while the remaining highway crew will be filling potholes and repairing roadway shoulders throughout the Township.

### PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

#### Warden Preliminary Subdivision Plan, File #2005-06

The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to grant a time extension until August 27, 2008 for the Warden Preliminary Subdivision Plan, File #2005-06.

#### Charles Stoner Final Subdivision Plan, File #2008-01

The Secretary presented a letter from the PTPC recommending approval of the above-mentioned plan, with contingencies. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to approve the Charles Stoner Final Subdivision Plan, File #2008-01, conditioned upon the following being completed.

- The certification of ownership and dedicatory statement needs to be signed and notarized.

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- The Erosion and Sedimentation Control plan must be approved by Perry Conservation District.
- The remaining Water Feasibility Study comments from the Engineer must be addressed.
- The Stormwater, Financial Security, and Construction agreements must be approved and signed.
- All fees must be paid.

The developer accepted the conditions. Financial security was set at \$262,259.00.

### **Tri-County Regional Planning Commission (TCRPC)**

The Secretary reported that the PTPC has reviewed the zoning data received from TCRPC to ascertain if it is current with the Township's zoning districts and parcel locations. The Engineer offered that he hopes TCRPC understands that its map is only a representation of the Township's zoning districts and that the official zoning map is located in the Township office. Chairman Holman offered his concern that Township roads are not indicated accurately on TCRPC's information. He will mark the maps to show the correct locations and terminuses.

### **Mixed-Use Commercial (MUC) Zoning Ordinance Amendment**

The Secretary reported that the PTPC had reviewed the Perry County Planning Commission (PCPC) comments on the proposed MUC amendment and has recommended that the PTS approve the amendment. The Secretary then summarized the PCPC comments for the PTS. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Secretary to advertise a hearing on the MUC Zoning Ordinance amendment for June 25, 2008 at 6:30 p.m.

### **Duncannon EMS Expansion**

The Secretary reported that the PTPC has reviewed the application for federal assistance submitted by the Duncannon EMS to the USDA and found it to be compatible with the Township's land use planning objectives. The PTPC recommended that the PTS review the application and comment as necessary. Because the Act 537 Plan is mentioned in the project, the PTPC also recommended that the application be forwarded to the Authority for review and comment at its next meeting.

### **Time Limit on Comments**

The Secretary reported that the Solicitor has not yet offered an opinion as to whether the PTPC can limit visitor's comments to five minutes each and developer's segments to fifteen minutes each.

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

The May 2008 ZO Report was reviewed without comment.

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

The May 2008 SEO Report was reviewed without comment.

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

The PTPRB Report for May 2008 was reviewed without comment.

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

The Secretary presented a letter from the Authority stating that the 2007 financial audit would be performed in late May or early June, and the final report would be forwarded to the PTS when available.

### **SECRETARY REPORT**

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### **Cornerstone Christian Church**

The Secretary reported that Cornerstone Christian Church has requested a release of its letter of credit (LOC) with the First National Bank of Marysville. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to release the LOC, based on the Engineer's recommendation and letter of August 30, 2007.

### **McDade Septic Hearing for 104 Firehouse Road**

The Secretary reported that the continuance of the hearing on the illegal discharge of sewage on the McDade property was held at the District Judge's office on May 5<sup>th</sup> at 1:00 p.m. She stated that Ms. McDade did not attend the hearing and that Judge Maguire fined her \$500.00 plus costs.

The Secretary reported that the PTS now has the option of citing Ms. McDade on a per diem basis. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to cite Ms. McDade on a daily basis until the illegal sewage discharge stops.

### **Update on Bid Opening for Unused Equipment**

The Secretary reported that bids were received for the chainsaw, portable sprayers, and the tar buggy. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to accept the offer of \$25.00 for the Echo chainsaw, the offer of \$50.00 for the two portable sprayers, and the offer of \$12.00 for the tar buggy, all from Larry Watts. The items that received no bids will be re-advertised for sale.

### **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 from Sheetz's engineer to address its Car Wash stormwater issues, has reviewed it for compliance with Township ordinances, and has sent his comments back to Sheetz.

The Secretary reported that Sheetz has renewed its LOC.

### **Penn Manor Stormwater Issues**

The Engineer reported that he had met with Township staff on-site in Penn Manor to review a stormwater complaint from one of the residents. No discussion was held on this issue.

### **POLICE REPORT**

The Monthly Police Incident Reports were reviewed without comment.

### **Sminkey ROW Encroachment**

Chief Houck reported that a hearing for the citation of Mr. Sminkey for ROW encroachment on Hill Top Road was held on May 5<sup>th</sup> at 3:00 p.m. at the office of the District Judge. He stated that Mr. Sminkey is now on his 23<sup>rd</sup> day of fines. Chief Houck contacted Judge Maguire, who admitted to being behind in his work and who will send a letter to Mr. Sminkey on Monday, June 2<sup>nd</sup>.

### **Grace Gallagher Complaint, Firehouse Road**

Chief Houck stated that Ms. Gallagher continues to send letters complaining about the number of dogs being kept on a neighbor's property. The Secretary reported that the PTPC is reviewing the zoning ordinance for the "reasonable" number of dogs allowed per household.

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

The Secretary reviewed the April 2008 Permit reports.

### **CORRESPONDENCE**

#### **TCRPC Outreach Meeting**

The Secretary stated that TCRPC would be holding a meeting on June 12, 2008 from 7:00 p.m. – 9:00 p.m. at the Veteran's Memorial Building to discuss the County's comprehensive plan, and subdivision and land development and zoning ordinances. Interested parties were urged to attend.

#### **Luther Byers, Haas Drive**

The letter from Luther Byers concerning reimbursement for his land has been referred to the Solicitor.

### **OLD BUSINESS**

#### **Perdix Sewer Connections**

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

### **NEW BUSINESS**

#### **2008 Financial Audit**

The Secretary was requested to solicit proposals for the 2008 financial audit.

#### **Executive Session**

At 9:40 p.m. the PTS entered into executive session to discuss personnel issues, with the PTS meeting being re-convened at 10:37 p.m.

#### **Resignation of Alan Houck**

After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to accept the resignation of Alan Houck effective June 12, 2008 from his positions of police officer and Chief of Police. Upon the Solicitor's recommendations, certain requests made by Chief Houck in his resignation letter were denied.

### **ADJOURNMENT**

With no further business to be conducted, and upon a Novinger/Plummer motion, the PTS voted to adjourn at 10:49 p.m.

Respectfully Submitted,

Susan E. Long  
Recording Secretary