

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

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The Penn Township Board of Supervisors (PTS) met on Wednesday, June 25, 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 Officer Robert Goerner. The meeting was recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

ZONING ORDINANCE AMENDMENT HEARING

Chairman Holman announced that a hearing to consider revisions to the Zoning Ordinance had been held at 6:30 p.m.

VISITORS

Gene Hollenbaugh, Penn Manor Road

Mr. Hollenbaugh was present to ask about the status of the PTS's investigation of stormwater runoff caused by the newest-built residence on Penn Manor Road. Chairman Holman reported that he had made several visits to the site when it was raining. He stated that he did not notice any more water being diverted from the new house's unpaved driveway onto Mr. Hollenbaugh's property than from the other three houses. He noted that the Engineer had also visited the site and asked for his comments. The Engineer stated his opinion that the runoff is following the natural drainage pattern down through the hollow onto Mr. Hollenbaugh's property. Regarding the complaint that the problem was not in existence before the new house was built, he stated his observation that a detention basin had been constructed to handle the runoff from the roof drains.

Mr. Hollenbaugh offered his opinion that provisions for runoff for the new house were not properly planned. He stated that, before construction of the house, an embankment diverted stormwater onto SR 274. During construction the embankment and a row of trees were cut away and the stormwater is now being diverted onto his property and is eroding his driveway. The Engineer stated that he was unaware of the bank and offered his understanding that the current stormwater flow is the way it has always been.

Mr. Hollenbaugh reiterated his opinion that the new residence was not graded properly and that there was no authorized stormwater management plan in effect. It was discussed that a subdivision plan was not necessary for construction of the residence and that only building and driveway permits were required. The Solicitor asked that copies of those permits be forwarded to him. He offered his opinion that he was not sure what responsibility, if any, the PTS has.

After discussion, it was decided that Chairman Holman will meet with Mr. Hollenbaugh on site for further review.

Betty Smith, Eisenhower Boulevard

Ms. Smith asked for an update on the status of the proposed development of the Yingst property. The Secretary responded that the land development plan is on hold, and that a Zoning Hearing has been scheduled for July 10, 2008 to discuss the developer's request for a variance of the steep slope requirement of the zoning ordinance.

Carol Nguyen, Hill Top Road

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Ms. Nguyen asked about the status of Hill Top Road. Chairman Holman responded that the Township has all the necessary documentation proving that Hill Top Road is a Township road. However, because of the number of residents who feel that it is a private road, the PTS is considering paving Hill Top Road and then taking steps for its abandonment, thus making it a private road.

Jodi Rissinger, Perdix Fire Company

Ms. Rissinger asked if the PTS had given thought to scheduling another fire study meeting. Chairman Holman responded that he has scheduled a meeting with Perry County officials to find out the procedure to having a fire tax referendum put on the November 2008 ballot.

MINUTES

Upon a Holman/Plummer motion, the PTS voted to unanimously approve the minutes of the May 28, 2008 Cellco Conditional Use Hearing and the May 28, 2008 PTS meetings as presented.

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period May 26 through June 25, 2008 for approval. After due consideration, and upon a Plummer/Novinger motion, the PTS voted to approve payment of checks 21083 through 21147 from the PLGIT General Account in the amount of \$38,070.04 and ten ACH transfers from the Orrstown Bank General Account in the amount of \$5,254.49.

The Solicitor informed the PTS that, if the Cellco Conditional Use application is approved, the related fees of the Solicitor and Engineer are to be reimbursed by the applicant, and asked the Engineer to track his expenses.

TREASURER REPORT

Upon a Novinger/Plummer motion, the PTS voted unanimously to accept the Treasurer's Report for the period May 26 through June 25, 2008, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The June 2008 Highway Department report was reviewed.

Linton Hill Road Bridge

Mr. Plummer reported that the annual Linton Hill Road Bridge inspection has been completed by Pennoni Associates. Arrangements are being made for stopping its use by school buses, as there is a three-ton weight limit.

Nuisance Complaints

The Secretary reported that she had received complaints about tall grass on two properties. She noted there is no ordinance governing grass height and asked how she should respond to the letters. She was told to thank the people for calling the situation to the attention of the PTS, that there is no ordinance addressing high grass, and that the issue will be referred to the Penn Township Planning Commission.

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The Secretary reported that she had also received a complaint about stormwater runoff from Shearer Drive onto the complainant's property in Duncannon Borough. She was told to send the complainant a letter stating that the PTS will make a visit to the site to determine the source of the problem.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

The Secretary reported that there was no quorum at the June 16, 2008 PTPC meeting, and there were no recommendations for the following plans.

Larry Miller Final Subdivision Plan, File #2008-04

The Secretary reported that Mr. Miller has submitted his first request for a time extension until September 24, 2008. Upon a Plummer/Novinger motion, the PTS voted unanimously to approve a time extension until September 24, 2008 for the Larry Miller Final Subdivision Plan, File #2008-04

Jason Gehman Final Subdivision Plan, File #2006-08

The Secretary reported that Mr. Gehman has requested a time extension, his seventh, until September 25, 2008. Upon a Plummer/Novinger motion, the PTS voted unanimously to approve a time extension only until July 30, 2008.

Utility Line Stream Crossing

The Secretary reported that she had received notice that an application would be submitted to DEP for a permit to construct a sewer line across a stream at 303 Schoolhouse Road. She stated that the PTS has thirty days to respond with comments. Chairman Holman responded that it would be hard to make comments when the PTS has no idea as to how the crossing is to be constructed. The Secretary was asked to request that DEP deny the application until the PTS receives plans describing the stream crossing.

Charles Stoner Subdivision Plan, File #2008-01

The Secretary asked the PTS if it wanted to accept the stormwater, construction and financial security agreements for the Stoner Subdivision Plan. She noted that Perry Conservation District has not forwarded its approval of the Erosion and Sedimentation Control (E/S) Plan. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to table approval of any agreements until County approval of the E/S Plan is received. It was noted that the Subdivision Plan had been conditionally approved at the May 28, 2008 PTS meeting.

ZONING OFFICER (ZO) REPORT

The June 2008 ZO Report was reviewed without comment.

Zoning Hearing

The Secretary reported that a Zoning Hearing for a variance request for the proposed Yingst Development would be held on July 10, 2008 at 7:00 p.m. She added that comments from the Engineer were included in this evening's packets.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The June 2008 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for June 2008 was reviewed without comment.

PTPRB Chairman, Jim Renner, introduced Matt Bothwell, who will be working with the PTPRB as part of his senior project for Susquenita School District. Mr. Renner reported that he will be working on

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improvements to the electrical wiring in the basement, and that the PTPRB will be taking part in National Night Out activities in August.

Chairman Holman forwarded favorable comments on the condition of the grounds from a group which had recently utilized the picnic pavilion for a reunion.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Chairman Holman reported that the Intermunicipal Agreement with Duncannon Borough has still not been finalized, but felt that the parties were close to an agreement.

SECRETARY REPORT

Auditing Services

The Secretary presented quotes from financial firms for performing the 2008 Financial Audit. After discussion, and upon a Plummer/Novinger motion, the PTS voted to appoint Robert Morris & Co. to perform the 2008, 2009, and 2010 financial audits at a cost of \$7,250.00, \$7,615.00, and \$7,995.00 respectively.

Central PA Energy Consortium (CPEC)

The Secretary presented a letter from CPEC that it is pursuing legal action against Shipley Energy for refusing to honor the terms of the bid award. Upon the recommendation of the Solicitor, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize CPEC to proceed on its behalf.

Zoning Ordinance Amendments

As a result of the advertised hearing held earlier in the evening at 6:30 p.m., there was a Plummer/Novinger motion to adopt the revisions to the Zoning Ordinance, as advertised. Motion passed by unanimous vote.

Police Standard Operating Procedures (SOP)

The Secretary presented changes to the Police SOP, noting that the changes had been approved by former Police Chief Alan Houck, and District Attorney Chad Chenot. After discussion and upon a Novinger/Plummer motion, the PTS voted unanimously to adopt changes to Sections 16 and 17 of the Police SOP.

2007 Audit Finding Recommendations

As a result of the auditors' recommendation that the Secretary be bonded, there was a Plummer/Novinger motion to approve a quote of \$394.00 for a bond in the amount of \$250,000. Motion passed by unanimous vote.

After further discussion, the PTS decided that the most cost-effective way to have the annual financial reports prepared is to continue to have the auditing firm prepare them. The Supervisors understand that, due to the new accounting standards, this constitutes a material weakness in internal control that must be reported as part of each year's findings. The Treasurer will send a letter to the elected auditors, informing them of the actions taken as a result of the auditor's recommendations.

Fee Schedule Amendment

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to adopt a resolution amending the fee schedule to include a \$25.00 fee for a Driveway Paving Permit.

Duncannon Family Medical Center (FMC)

The Secretary presented a letter from the developer of the Duncannon FMC requesting the release of their letter of credit in the amount of \$9,000. After discussion, and upon a Novinger/Plummer

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motion, the PTS voted unanimously to release the Duncannon FMC letter of credit, conditioned upon the PTS's and Engineer's satisfaction that the final seeding and mulching has been completed.

American Red Cross Shelter Agreement

The Secretary reported that the American Red Cross has requested an agreement to use the Municipal Building, grounds, and equipment as a mass care shelter for disaster victims. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to enter into agreement with the American Red Cross to use the Municipal Building as a mass care shelter.

Mutzabaugh Street Light Maintenance Agreement

The Secretary reported that Stanley Mutzabaugh does not feel that it is necessary to have a signed agreement stipulating that he will provide electricity and the Township will provide maintenance for the street light on Business Campus Way. It was the consensus that, while a written agreement would be the best option, Mr. Mutzabaugh is trustworthy and an oral agreement would suffice. The Secretary will so inform Mr. Mutzabaugh.

ENGINEER REPORT

The Engineer Report was reviewed with the following additional comments.

Zoning Ordinance

The Engineer reported that the PTPC has been working on several updates to the Zoning Ordinance, to address issues that have been brought to its attention by the Zoning Officer and Zoning Hearing Board members. When completed, the revisions will be forwarded to the PTS.

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 informed Sheetz that it is satisfactory.

Yingst Zoning Hearing

The Solicitor recommended that the Engineer attend the Yingst Zoning Hearing, in case he is needed to provide evidence and for cross-examination. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Engineer to attend the Zoning Hearing for the proposed Yingst Development, to be held on July 10, 2008.

SOLICITOR REPORT

Barnett Drive Stormwater Issue

The Solicitor reported that Furnley Frisch's lawyer has only several days remaining to file a response to the PTS's complaint about his stormwater runoff on Barnett Drive. The Solicitor will contact him to remind him that, if the response is not received, the default judgment will take effect.

Cellco Conditional Use Hearing

The Solicitor stated that he has read the transcript of the Cellco Conditional Use Hearing and will forward his opinion to the PTS. He reminded the Supervisors that they only have forty-five days from the date of the hearing, May 28th, to make a decision. After discussion, it was decided to advertise a special meeting for July 9, 2008 at 8:00 a.m. to deliberate whether or not to approve the conditional use.

The Solicitor and Engineer were excused from the meeting at this time.

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POLICE REPORT

The Monthly Police Incident Reports were reviewed without comment. Chairman Holman introduced Part-time Officer Robert Goerner, who stated that he will submit his work schedule to the PTS as soon as possible.

Police Copier

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to purchase a police copier from Statewide Office Products in the amount of \$499.00.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The May 2008 Permits Report was reviewed without comment.

CORRESPONDENCE

PSATS Youth Award Program

The Secretary explained that this program recognizes youth groups that have made valuable contributions to their communities. She will forward the information about entry forms and requirements to local groups.

OLD BUSINESS

McDade Septic Hearing

The Secretary reported that District Judge McGuire ordered Ms. McDade to connect her property at 104 Firehouse Road to the sanitary sewer system by July 9, 2008. She stated that Ms. McDade has now obtained permits for connection of the property. The Secretary asked if the hearing scheduled for July 9th should be cancelled in the event Ms. McDade completes the connection. She was instructed to cancel the hearing if the connection is completed.

Perdix Sewer Connections

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

NEW BUSINESS

There was no new business.

EXECUTIVE SESSION

At 8:20 p.m. the PTS entered into executive session to discuss personnel issues, with the PTS meeting being re-convened at 8:50 p.m.

At this time there was a Novinger/Plummer motion to increase Officer Goerner's hourly rate by \$3.00, effective immediately. Motion passed by unanimous vote of the PTS.

ADJOURNMENT

With no further business to be conducted, and upon a Plummer/Novinger motion, the PTS voted unanimously to adjourn at 8:59 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary