

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 JULY 9, 2008

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The Penn Township Board of Supervisors (PTS) met on Wednesday, July 9, 2008 at 8:00 a.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) and Rich Wagner (Solicitor). The meeting was recorded to aid in the preparation of the minutes. There were no visitors.

Chairman Holman called the meeting to order at 8:20 a.m.

BID PACKETS FOR ROHRER DRIVE AND HILL TOP ROAD

The PTS reviewed the bid packets for Rohrer Drive and Hill Top Road. The Solicitor asked what procedure the PTS will follow to verify that the contractor is paying prevailing wage. He suggested that wording be included to the effect that the contractor will provide such verification as requested by the PTS to ensure compliance with the provisions of the PA Prevailing Wage Act.

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to authorize the Secretary to advertise for bids for road improvements on Rohrer Drive and Hill Top Road.

SEAL COATING CHANGE ORDER

Mr. Plummer noted that the contract for seal coating had previously been awarded, although it has not yet been signed. He asked the Solicitor how the PTS could change the project and seal coat .19 mile of Shermanata Road instead of .22 mile of Ebersole Road. The Solicitor replied that a Change Order could be requested after the contract has been duly signed.

CELLCO PARTNERSHIP CONDITIONAL USE REQUEST RULING

The Solicitor noted that Chairman Holman has recused himself from any discussion or vote on the Cellco Partnership Conditional Use request and has physically removed himself from this morning's proceedings

The Solicitor reported that he had read the transcript of the Cellco Partnership Conditional Use Hearing held on May 28, 2008 and had prepared his proposed findings of fact for PTS review. He noted that both the Engineer and Zoning Officer testified during the hearing that they had no "heartburn" with the application. He explained that the PTS, in its role as judge, had the ability to accept evidence that was creditable and to reject evidence that it did not feel was creditable. In this hearing, there was no evidence presented from either side that was contrary to the applicant's position. The Solicitor stated that comments made by the Zoning Officer and/or Engineer after the hearing cannot be used to approve or disapprove the conditional use request. Because of that, the Solicitor offered his opinion that the PTS had no basis to disapprove the conditional use request.

After discussion, and upon a Plummer/Novinger motion, the PTS voted to accept the proposed findings and approve the Cellco Partnership Condition Use request. Chairman Holman had previously recused himself from the discussion and vote.

The Solicitor informed the PTS that, as per Township ordinance, any expenses related to the Hearing that were incurred by the Solicitor and Engineer could be passed on to the applicant.

ZONING HEARING BOARD – YINGST HEARING

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The Secretary reported that a hearing for consideration of a variance of the Zoning Ordinance for the proposed Yingst development would be held on July 17, 2008. The Solicitor explained the difference between a Conditional Use hearing and a Zoning Board hearing. In a Conditional Use hearing, the PTS is the judge with the professional staff as witnesses. It would be improper for the judge to contact

the witnesses prior to the hearing. In a Zoning Board hearing, the PTS is only a party to the hearing. As a party, it can call the professional staff as witnesses and can meet with them prior to the hearing to discuss the Township's position.

ROAD DEDICATION AND VACATION

Mr. Plummer asked the Solicitor if the PTS was required to take ownership of a road from a developer. The Solicitor replied that, according to 2nd Class Township law, if a developer constructs a road according to Township specifications, the PTS must take it over, if petitioned.

A Township may also vacate a road by ordinance, through a public hearing. Problems may occur if residents along the road oppose the vacation. The Solicitor explained that roads are usually vacated when relocation results in an unused spur, or when they are part of an approved development that was never constructed. Chairman Holman and Mr. Plummer noted several instances where a Township road turns into a cornfield or a resident's carport, and where there is no turn-around for Township vehicles. The Solicitor suggested that the PTS draft an ordinance listing the roads it wants to vacate, and advertise a public hearing for adoption of the ordinance.

REGIONAL POLICE FORCE

Chairman Holman reported that the PTS was approached by a Marysville Borough representative about the feasibility of a regional police force. He offered his concern over a regional force, citing lack of PTS control on hiring and the administration. The Solicitor responded that administration of a regional force could be designed so that the PTS would have as much control as it wanted. He then cited one advantage of a regional force – a wider tax base to fund the force and provide the means to hire personnel with better qualifications.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 9:15 a.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary