

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 30, 2008

Page 1 of 8

The Penn Township Board of Supervisors (PTS) met on Wednesday, July 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 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.

VISITORS

John Klingler, Klingler & Associates

Cindy Pagano, Klingler & Associates

Mr. Klingler explained that his firm had been retained to perform what is known as "Agreed-Upon Procedures" for certain financial records of the Penn Township Municipal Authority (Authority). There were five procedures performed, as follows. The loan proceeds and repayments on an interim loan with the First National Bank of Marysville were traced, from its inception through final repayment. Full or scheduled payments of tapping fees were traced to deposits from 1/1/03 through 10/31/07. Loan documents were researched to see what restrictions might be placed on the use of tapping fees, and expenditures of tapping fees were researched. Penn Vest payments into the Authority's account from inception through 10/31/07 were traced. Bank accounts were scanned for unusual items for the period from 01/01/03 to 10/31/07.

Mr. Klingler reviewed the five procedures, discussed his findings and recommendations, and answered questions from the audience. The final report is available in both the Township and Authority offices for public inspection.

Corporal Rich Crain, PA State Police

Cpl. Crain reported on the 71 incidents in Penn Township that the PA State Police responded to in July 2008. He then explained and reported on the activities of Crime Stoppers and urged the visitors to be vigilant and report any unusual activities they see in their neighborhoods.

Byron Worner, Duncannon Fire Company (DFC)

Mr. Worner requested that the PTS reduce DFC's letter-of-credit (LOC) by \$50,000.00, based on the work that has been completed or eliminated in conjunction with its land development plan. Mr. Worner explained that lowering the amount of the LOC will free up DFC's credit, thereby allowing it to complete more of the remaining work. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to reduce DFC's LOC by \$50,000.00, contingent upon the Engineer's approval that \$50,000.00 worth of work has been completed or eliminated. The Engineer will contact Mr. Worner if he has any questions about what has been done. Mr. Worner will notify Chairman Holman when DFC continues with the work that still needs to be done.

Mr. Worner then stated his concern that he feels the PTS thinks that DFC is asking for a larger donation so that it can have paid firemen. He stated that is not the case; DFC is only asking for funds to purchase the equipment that it needs to do its job. DFC is trying to work with the PTS in regards to its protection level in Penn Township, regardless of the support given by Wheatfield and Reed Townships, or Duncannon Borough. He stated that the PTS should be concerned because it does not own a single piece of fire-fighting apparatus or infrastructure, which goes against the current

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MINUTES OF JULY 30, 2008

Page 2 of 8

trend. He noted that there are proposed developments which will double the Township's population, but the Township still has not accomplished anything recommended in the 2003 Fire Study.

Chairman Holman stated that the fire companies have proposed a one mill fire tax. He stated that the PTS is researching the procedures necessary to have a fire tax referendum included in the November ballot. He stated that he would like the fire companies to circulate a referendum petition for signatures. Mr. Worner responded that the fire companies cannot keep operating at their current financial level. He added that they did not necessarily ask for a tax; they requested a one mill fire tax "or equivalent."

SOLICITOR REPORT

The Solicitor Report was moved ahead on the agenda to allow the Solicitor to leave the meeting at an earlier time.

Inter-municipal Agreement (IA)

The Solicitor commented on the proposed IA between the PTS, the Authority, and Duncannon Borough and its Sewer Authority. He noted that there have been several recent revisions to the proposal and cautioned that the latest one be adopted.

Authority Chairman, Henry Holman III, asked the Solicitor if he was aware that the Authority approved the IA contingent upon approval of the Water Street arbitration settlement. The Solicitor responded that he was aware of the contingency and suggested that, if the PTS wanted to approve the IA, it should also include the contingency.

After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve the latest revision of the IA, conditioned upon approval of the Water Street arbitration agreement, and that the agreement relating to the Water Street arbitration is conditioned upon approval of the IA.

Charles Stoner Subdivision Plan

The Solicitor noted that, in regards to the *Agreement for Construction*, there is an inconsistency between paragraphs 3 and 6. Paragraph 3 states that improvements shall be in accordance with the specifications as required by the Engineer, while paragraph 6 states that the standards shall be in accordance with the subdivision plan.

Regarding the *Agreement for Security*, the Solicitor recommended the following wording be added to the end of paragraph 1. "...in accordance with the standards as set forth in the approved subdivision plan." In paragraph 3, the Solicitor recommended that "appropriate" security be defined.

Regarding the *Stormwater Management Agreement and Declaration of Easement*, the Solicitor suggested that the PTS make sure it contains verbiage allowing the PTS to enter the premises of the easements to make any necessary repairs.

Chairman Holman noted that the easements are located such that access would require entering other people's property. The Solicitor responded that his comments were related to the document, and not to the plan.

MINUTES

Upon a Novinger/Plummer motion, the PTS voted to unanimously approve the minutes of the June 25, 2008 Zoning Ordinance Amendment Hearing, and the June 25 and July 9, 2008 PTS meetings, as presented.

MINUTES OF JULY 30, 2008

Page 3 of 8

INVOICES AND EXPENDITURES

The Treasurer provided the PTS with a list of Invoices and Expenditures for the period June 26 through July 30, 2008 for approval. After due consideration, and upon a Plummer/Novinger motion, the PTS voted to approve payment of checks 21148 through 212277 from the PLGIT General Account in the amount of \$41,954.48 and ten ACH transfers from the Orrstown Bank General Account in the amount of \$3,762.47.

TREASURER REPORT

Upon a Holman/Novinger motion, the PTS voted unanimously to accept the Treasurer's Report for the period June 26 through July 30, 2008, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

The July 2008 Highway Department report was reviewed.

Fee Schedule Amendment

The Secretary reported that the PTS approved an increase in Highway Occupancy fees at the beginning of the year. She has since learned that the rates are higher than allowed by PennDOT. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to approve the Fee Schedule Amendment Resolution, reducing the Highway Occupancy fees to the PennDOT approved amount, as mandated by PA Code, Subsection 441.4.

Eugene Hollenbaugh Property, Penn Manor

Chairman Holman noted that a letter had been received from Mr. Hollenbaugh as a follow-up to an on-site meeting with Chairman Holman and Vice-Chairman Randy Plummer. The letter explained Mr. Hollenbaugh's understanding of the stormwater issue affecting his property and the remedies to be performed by the Township. Chairman Holman requested that the entire letter be attached to tonight's minutes and entered into the official Township Minute Book.

Chairman Holman stated that stormwater runoff and management issues are becoming a problem for the Township, with the result that all future stormwater management plans will be diligently reviewed.

Road Improvement Bids

The Secretary reported that Jay Fulkroad & Sons was the sole bidder for the Rohrer Drive and Hill Top Road improvement projects. It was discussed that the high price of liquid asphalt kept other firms from submitting bids. After discussion, and upon a Novinger/Plummer motion, the PTS voted to award the bid for improvements to Rohrer Drive and Hill Top Road to Jay Fulkroad & Sons, at a cost of \$41,412.00 and \$18,018.98, respectively. The award is contingent upon Mr. Fulkroad participating in a pre-construction meeting. The Secretary was requested to contact Mr. Fulkroad to schedule a pre-construction meeting.

Watts Drive Bridge

Chairman Holman reported that the highway crew and he had repaired the bridge on Watts Drive and detailed the work that was done. He estimated that \$100,000 was saved by doing the repairs in-house and thanked the highway department for its efforts.

Linton Hill Road Bridge

MINUTES OF JULY 30, 2008

Page 4 of 8

Chairman Holman reported that the Linton Hill Road Bridge is on the list for PennDOT grant funding for Perry County, but that it could take 15 years for it to be realized. Mr. Plummer stated that the estimated replacement cost without engineering fees is \$1.2 million. Chairman Holman stated he had some ideas on how the Township could repair the bridge, as he does not feel it will last for 15 more years.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Jason Gehman Final Subdivision Plan, File #2006-08

The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plan. Mr. Gehman had requested the time extension to evaluate the feasibility and projected cost of required road improvements. It was noted that Mr. Gehman has not addressed any engineering comments made to-date. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to grant a time extension until August 31, 2008 for the Jason Gehman Final Subdivision Plan, File #2006-08.

Preserves at Mountainside, West and East, Files #2006-09 and 2006-10

The Secretary presented a letter from the PTPC recommending approval of a time extension for the above-mentioned plans. The extension was requested. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to grant a time extension until October 31, 2008 for the Preserves at Mountainside, West and East, Files #2006-09 and 2006-10.

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 Plummer/Holman motion, the PTS voted unanimously to grant a time extension until September 30, 2008 for the John Leiter Final Subdivision Plan, File #2008-02.

Charles Stoner Subdivision Plan, File #2008-01

Chairman Holman stated that he would like to meet with Mr. Stoner on-site to discuss the stormwater management plan and easements. He will contact Mr. Stoner and schedule a meeting.

Mr. Stoner stated that his bank would like to issue a performance LOC and asked if that would be acceptable. The Secretary responded that she receives a number of performance LOCs from financial institutions. Chairman Holman stated that he had no problem with it as long as it was defined as per the Solicitor's earlier recommendations.

After discussion, there was a Holman/Plummer motion to table action on the plan until issues discussed this evening are resolved.

ZONING OFFICER (ZO) REPORT

The July 2008 ZO Report was reviewed without comment.

Fishing Creek Valley Associates Variance Request

The Secretary reported that the Zoning Hearing Board will meet on August 12, 2008 at 7:00 p.m. to conduct a hearing on variance requests from Fishing Creek Valley Associates.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The July 2008 SEO Report was reviewed without comment.

MINUTES OF JULY 30, 2008

Page 5 of 8

Non-Compliance of Connection Ordinance

The Secretary relayed that the SEO would like to know if he should begin to cite the remaining Perdix residents who have a septic malfunction and have not yet connected to the sanitary sewer. Chairman Holman reported that the issue will be discussed at the August 6, 2008 Authority meeting, after which the Township will be in a better position to decide how to proceed against the property owners remaining to be connected.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for July 2008 was reviewed.

PTPRB Chairman, Jim Renner, reported that the PTPRB would like to install a walking trail around the outside perimeter of the park – a little over ½ mile in length. The trail would be 5' wide and 6" deep and require 45 cubic yds. of aggregate to complete. The work would be done in-house.

Mr. Renner stated that he would like to present a plaque to Matt Bothwell, in recognition of the landscaping work that he did around the municipal building. Chairman Holman stated that he would like to have a picture of Mr. Bothwell with his plaque included in the fall Township newsletter.

Mr. Renner stated that the PTPRB would like to have a Halloween party for Township children on October 31st. He asked if Trick or Treat night could be scheduled on another night. After discussion, it was the consensus to schedule Trick or Treat for October 31st, in conjunction with Duncannon Borough and Wheatfield Township, with the Halloween party to be held the same night.

Mr. Renner reported that the PTPRB is in need of a second part-time employee for 15-20 hours per month to maintain the banks and flower beds, and other maintenance jobs.

Chairman Holman again thanked Mr. Renner for his efforts in maintaining the grounds around the Township building and added that his efforts have not gone un-noticed.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Chairman Holman noted that there is a vacancy on the Authority and moved that Supervisor Novinger, a ratepayer, be appointed to fill the remaining time of that vacancy. Mr. Plummer seconded the motion. Motion passed unanimously. The Secretary will notify the Authority of the appointment.

SECRETARY REPORT

Meeting to Discuss Fire Company Funding

Chairman Holman stated that he will check with Perry County officials for the timeline to have a referendum put on the November 2008 election ballot. There was a Plummer/Novinger motion to advertise a public meeting to discuss funding of the fire companies. Motion passed unanimously. The Secretary will contact the fire companies for dates they are available for the meeting.

Refund of Real Estate Tax – Carol Nguyen

The Secretary explained that Mrs. Nguyen has requested a partial refund of her 2007 Township real estate tax, due to a fire in May 2007 that demolished the house. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to refund Carol and Xuan Nguyen \$23.13 of their 2007 Real Estate Tax.

Medical Insurance

The Secretary presented a spreadsheet comparing costs of medical, dental and vision insurance. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to accept the Highmark Blue Shield PPO Blue Value 500 Package at a monthly cost of \$1,780.67, the Davis Vision

MINUTES OF JULY 30, 2008

Page 6 of 8

Package at a monthly cost of \$33.32, and the Concordia Preferred Dental Package at a monthly cost of \$154.45.

Fall Clean-up

The Secretary reported that the annual Fall clean-up would be held October 16-18, 2008 and requested authorization to advertise for bids. Upon a Holman/Plummer motion, the PTS voted unanimously to advertise for bids for the Fall clean-up.

Police Pension

The Secretary reported that, if proposed changes to the police pension were adopted, allowable survivor benefits only take place if the officer dies on duty and is eligible for retirement but has not yet retired. After discussion, it was the consensus that the Secretary would contact Donna Savage at PSATS and schedule a meeting to discuss the police pension options in further detail.

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. Sheetz was told to notify the Engineer prior to starting modifications.

DEP MS4 Permit Exemption

The Engineer reported that DEP has granted an additional one-year extension until March 2010 for the Township to apply for a MS4 Exemption.

POLICE REPORT

The Monthly Police Incident Reports were reviewed without comment.

Chairman Holman reported that the Game Commission is conducting its five-year process of painting tree lines. He added that Appalachian Trail representatives are working on maintenance of the Trail. He asked that the Police department give consideration to vehicles used by these agencies if they are found to be in violation of Township vehicle ordinances. Officer Goerner stated that he had also been contacted by an Appalachian Trail representative relative to parking on Inn Road and will send him a letter granting permission to park there.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The June 2008 Permits Report was reviewed without comment.

CORRESPONDENCE

Duncannon EMS Support Letter

The Secretary reported that the Duncannon EMS is requesting a letter of support for purchase of a new ambulance. Kraig Nace explained that the EMS is procuring a loan from the USDA Rural Development Program and that the letter should state that Duncannon EMS provides coverage to the

MINUTES OF JULY 30, 2008

Page 7 of 8

Township. He added that it does not have to indicate financial support. After discussion, it was the consensus to provide the letter of support. Mr. Nace will email a sample letter that was used by Duncannon Borough and Wheatfield Township and can be used by the Township.

Central PA Energy Consortium (CPEC)

The Secretary reported that CPEC will be holding a workshop at Harrisburg Community College on August 6th to discuss energy needs, financial constraints, and Township participation in CPEC. There was no interest in attending.

Central Westmoreland C.O.G.

The Secretary reported that the Township had joined Central Westmoreland C.O.G. for one-year in 2006 in order to purchase the police cruiser through it. She stated that the C.O.G. is making available a permanent associate membership to those entities that had participated in its vehicle bid program. There was no interest in joining.

Harrisburg Regional Chamber

The Secretary reported that the Harrisburg Regional Chamber is sponsoring a "Meet Your Elected Officials" reception on September 23rd at 5:00 p.m. to provide opportunity to converse with constituents as well as other elected officials. There was no interest in attending.

Zoning Hearing Board (ZHB)

The Secretary reported that the ZHB Solicitor would like a list of available dates in September and October for the ZHB to meet and consider the variance applications of Penn 1155 LLC. The Engineer will provide his available dates to the Secretary.

OLD BUSINESS

Perdix Sewer Connections

The Secretary provided an updated spreadsheet listing the twenty properties remaining to be connected to the sanitary sewer system. After discussion, it was the consensus to remove the two Franklin Reidlinger properties, based on the Authority waiving the connection requirement for his properties on State Road.

NEW BUSINESS

Tax Collector Audit

The Secretary presented the findings of the elected auditors, relative to its audit of the Township Tax Collector and her collections of real estate, per capita, and occupation taxes.

Fall Newsletter

The Secretary requested that articles for the fall newsletter be given to her by August 11th.

Susquehanna Water Gap Landscapes Initiative (SWG)

The Secretary stated that several PTPC and Authority members attended a June 5th workshop in Marysville sponsored by the Susquehanna Water Gap Landscapes Initiative. She reported that SWG has provided a summary of feedback from that workshop and is requesting that the PTS sign a resolution of participation for the next twelve months.

Chairman Holman did not feel the PTS could participate without setting itself up as being pro-development or pro-conservation, instead of maintaining a position in the middle. He stated that he has nothing against SWG as a group but feels the Solicitor should be contacted for his input into PTS participation. Ms. Novinger agreed that the matter needs the Solicitor's attention. The Engineer

MINUTES OF JULY 30, 2008

Page 8 of 8

offered his opinion that SWG is a consultant working for a government program that is being funded by the state. He asked why the PTS would not want to take advantage of the state paying for information that otherwise would have to be paid for by the PTS. He added that the PTS can take the information, but does not have to do anything with it.

Chairman Holman stated that SWG has provided him with a questionnaire containing loaded questions, such as "What don't you like about your ordinances?" The Chairman will contact the Solicitor tomorrow for his opinion.

PSATS Gas Exploration Workshop

The Secretary reported that PSATS was sponsoring a workshop on Natural Gas Exploration and Drilling. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to authorize Chairman Holman to attend the session in Tioga Co. on August 21st at a cost of \$25.00.

Megonnel Building Permit

The Secretary reported that Mr. Megonnel has not completed the building permit process – there has been no final inspection and no Certificate of Occupancy has been issued, but the house is occupied. The Secretary stated that certified mail has been returned. Upon the advice of the Solicitor, she is going to have Officer Goerner personally deliver a letter informing Mr. Megonnel of what he must do to complete the building permit process.

Sminkey Property, State Road

The Secretary reported that the time has expired for Mr. Sminkey to comply with the District Judge's order regarding the encroachment complaint filed against Mr. Sminkey. The District Judge has recommended that Officer Goerner perform a site visit and report his findings back to the District Judge

National Night Out

The Treasurer was asked to confirm with Duncannon Borough that all three Supervisors will attend National Night Out.

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 10:10 p.m.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 10:12 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary