

**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 AUGUST 27, 2008**

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The Penn Township Board of Supervisors (PTS) met on Wednesday, August 27, 2008 in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman Randy Plummer (arrived late), and Supervisor CeCe Novinger were in attendance. Other personnel present were Helen Klinepeter (Secretary), Rich Wagner (Solicitor), and Max Shradley (Engineer). Chairman Holman called the meeting to order at 7:00 p.m. He then led the group in the recitation of the *Pledge of Allegiance* and a moment of silence and announced that the meeting was being recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

**PRESENTATION OF PLAQUE**

Chairman Holman presented a plaque of appreciation to Matthew Bothwell on behalf of the Penn Township Park and Recreation Board (PTPRB). Mr. Bothwell spent many hours beautifying the flower beds and was commended for his volunteer efforts. Lee Wright also gave his appreciation for the hours and quality of work done by Mr. Bothwell.

**VISITORS**

**Paula Leicht**

Ms. Leicht stated that she is representing Verizon Wireless, which filed a land development plan for a cellular communications tower site on Burley Road. She stated that compliance with the Township driveway ordinance's sight distance requirement will necessitate the relocation of the planned driveway, and presented a revised sketch showing its new location. The new location was satisfactory to the PTS.

Ms. Leicht then presented a speed study, conducted by Verizon's engineer, recommending that the speed limit on Burley Road between SR 11/15 and Schoolhouse Road be posted at 25 mph. After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to authorize the Secretary to prepare a draft ordinance establishing the speed limit on Burley Road at 25 mph.

**Amy Dayhoff, 1117 State Road**

Ms. Dayhoff stated that stormwater runoff is causing Chestnut Street to wash out and asked that a drainage pipe be installed along the roadway. Chairman Holman informed Ms. Dayhoff that Chestnut Street is not a Township street and the PTS is not responsible for its maintenance. The Solicitor told her that she would need to research deeds and agreements to see who has the right to use the street, and that responsibility for maintenance of the street falls upon the owner(s) or users.

**Kraig Nace, Duncannon EMS**

Mr. Nace presented statistics for the Duncannon EMS's 2008 emergency calls through June. He stated that he expected to have the statistics updated by the end of August. He stated that Duncannon EMS appreciated the PTS's support of its operations and thanked them for the improvements made to Linton Hill Road.

**MINUTES**

Upon a Holman/Novinger motion, the PTS voted to unanimously approve the minutes of the July 30, 2008 PTS meeting as presented.

**INVOICES AND EXPENDITURES**

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The PTS reviewed the Invoices and Expenditures report for the period July 31 through August 27, 2008. After due consideration, and upon a Novinger/Holman motion, the PTS voted to approve payment of checks 21228 through 212284 from the PLGIT General Account in the amount of \$24,317.55, twelve ACH transfers from the Orrstown Bank General Account in the amount of \$5,596.69, checks 1045 through 1050 from the Orrstown Bank PTPRB Checking Account in the amount of \$609.79, and checks 210 through 212 from the PLGIT Liquid Fuels Account in the amount of \$15,011.52.

**TREASURER REPORT**

Upon a Novinger/Holman motion, the PTS voted unanimously to accept the Treasurer Report for the period July 31 through August 27, 2008, subject to yearly audit.

**HIGHWAY DEPARTMENT REPORT**

Chairman Holman reported that brush was removed from Diffenderfer and Sawmill Roads. He updated the visitors on the paving that was done today on Rohrer Drive. He stated that, due to the amount of work done in-house by Township employees, the cost for the improvements to Rohrer Drive were approximately \$100,000, contrasted to the estimate of \$550,000 - \$600,000 of several years ago.

**Hill Top Road**

Chairman Holman reported that the contractor feels that Hill Top Road needs to be improved before it is paved. The Secretary noted that the bid for paving has already been awarded, although not signed, and asked what should be done. The Solicitor responded that a letter relieving the PTS from the bid award would be needed from the contractor, after which action could be taken to revoke the bid. Chairman Holman stated that Hill Top Road will be tarred and chipped to stabilize it for the winter, with further improvements to be made in 2009.

**Wolfpac Roller**

Chairman Holman requested the Secretary to advertise that the Township is accepting bids for the sale of its Wolfpac Roller, (minimum bid of \$21,972), with the advertisements to appear in The Patriot News, Advance Publications, and PSATS publication.

**Natural Gas Exploration Seminar**

Chairman Holman reported on the PSATS seminar he attended on natural gas exploration. He stated that the largest known natural gas reserves are located in PA and then discussed the procedures and problems associated with exploratory drilling.

**PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT**

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

The Secretary reported that the PTPC is recommending approval of a time extension for the above-mentioned plan until November 26, 2008 due to the applicant appearing before the Zoning Hearing Board. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to grant a time extension until November 26, 2008 for the Warden Property Preliminary Subdivision Plan, File #2005-06.

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**Jason Gehman Final Subdivision Plan, File #2006-08**

The Secretary presented a letter from the PTPC recommending denial of the above-mentioned plan. She also presented a letter from Mr. Gehman's attorney withdrawing the plan. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to accept the withdrawal of the Jason Gehman Final Subdivision Plan, File #2006-08.

**John Leiter Final Subdivision Plan, File #2008-02**

The Secretary presented a letter from the PTPC recommending approval of an AOR for Section 309. B.4, *Erosion and Sedimentation Control Plan, Erosion and Sedimentation Calculations and Details, and Soil Boundaries* of the Subdivision and Land Development Ordinance (SALDO) for the above-mentioned plan. The PTPC also recommended approval of the plan, contingent upon the surveyors certification being signed and sealed, the certification of title and dedicatory statement being signed and sealed, and the *Request for Planning Waiver and Non-building Declaration* being approved by DEP. Darrin Foster stated that all contingencies have been met except for the last.

After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to approve the three AORs. After further discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to approve the John Leiter Final Subdivision Plan, File #2008-02, contingent upon DEP approval of the *Planning Waiver* and all fees being paid. The developer's representative agreed to the contingencies.

The Secretary reported that DEP is requesting the PTS to sign-off on Lot 10 only. She noted that the Sewage Enforcement Officer has already signed-off on Lot 10. The PTS authorized the Secretary to complete the necessary paperwork needed by DEP on a Holman/Novinger motion. Motion passed unanimously.

**Elite Dialysis Medical Center Final Land Development Plan, File #2008-06**

The Secretary stated that the PTPC reviewed the above-mentioned plan and would like to know if the PTS requires sidewalks along the site. After discussion, Chairman Holman moved that, to the extent that the PTS has jurisdiction over the requirement for sidewalks in the Elite Dialysis Medical Center Plan, the PTS waives that requirement, with the express understanding that no zoning ordinance requirement is waived. Motion was seconded by Ms. Novinger. Motion passed unanimously.

**Lisa Laird Final Subdivision Plan, File #2008-07**

The Secretary presented a letter from the PTPC recommending approval of AORs for sections 306, 406, and 407 of the SALDO of the above-mentioned plan. The letter also recommended approval of the plan, contingent upon all engineering and zoning officer (ZO) comments being addressed.

After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to approve AORs for sections 306, 309.A.10, 309.A.11, 406, and 407 of the SALDO, based on comments from the PTPC.

After further discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to approve the Lisa Laird Final Subdivision Plan, File #2008-07, contingent upon the surveyor's certification being signed and sealed, the certification of ownership and dedicatory statements being signed and notarized, and all fees being paid. The developer's representative accepted the contingencies.

**Barry Sheaffer Final Subdivision Plan, File #2008-08**

The Secretary presented a letter from the PTPC recommending approval of AORs for sections 306, 406, and 407 of the SALDO for the above-mentioned plan. The letter also recommended approval of the Barry Sheaffer Final Subdivision Plan, File #2008-08 contingent upon all engineering and ZO comments being addressed.

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After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to approve AORs for sections 306, 406, and 407 of the SALDO, based on comments from the PTPC.

After further discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to approve the Barry Sheaffer Final Subdivision Plan, File #2008-08, contingent upon the surveyor's certification being signed and sealed, and all fees being paid. The developer's representative accepted the contingencies.

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

It was noted that Mr. Stoner had submitted a revised Erosion and Sedimentation (E&S) Control Plan. Upon a Plummer/Novinger motion, the PTS voted unanimously to rescind its previous approval of the Charles Stoner Subdivision Plan, File #2008-01, due to the E&S control plan being revised.

After further discussion, and upon a Holman/Novinger motion, the PTS voted to approve the same plan with inclusion of the revised E&S control plan, conditioned on the contingencies noted in its May 29, 2008 letter to Mr. Stoner. Mr. Stoner accepted the contingencies.

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

The August 2008 ZO Report was reviewed without comment.

### **Fishing Creek Valley Associates Variance Request**

The Secretary reported that the Zoning Hearing Board will meet on September 11, 2008 at 7:00 p.m. to continue the hearing on variance requests from Fishing Creek Valley Associates.

### **Radocha-Berrier Remandation Variance Request**

The Secretary reported that the Zoning Hearing Board will meet on September 11, 2008 to conduct a hearing on an appeal of a variance request from Mr. and Mrs Bernard Radocha. This hearing will be held immediately following the Fishing Creek Valley Associates hearing.

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

The August 2008 SEO Report was reviewed without comment.

### **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 Authority is pursuing legal avenues to obtain connection of all properties. The Solicitor reported that he has been in touch with the Authority's solicitor and the District Judge to discuss the enforcement section of the Township's connection ordinance.

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

The PTPRB Report for August 2008 was reviewed.

PTPRB member Nancy Valdez reported that a Halloween party for Township children would be held on Thursday, October 30<sup>th</sup> in The Wreck Room. She stated that a class in stained glass would be offered to Township residents in November.

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

#### **Inter-municipal Agreement and Arbitration Agreement**

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The Secretary reported on the minor changes made to the Inter-municipal Agreement and Arbitration Agreement by Duncannon Borough. Chairman Holman reported that he had been told by Borough officials that they had approved it without changes. The Solicitor offered his opinion that the changes were minor and not substantive, but that the PTS could re-approve the revised IA. Chairman Holman moved to accept the Inter-municipal and Arbitration agreements as revised, seconded by Ms. Novinger. Motion passed unanimously.

### **Authority Vacancy**

Chairman Holman reported that he had resigned as a member of the Authority and moved that Sam Auxt, a former Authority member, be appointed to fill the vacancy. Motion was seconded by Mr. Plummer, and passed unanimously.

### **SECRETARY REPORT**

#### **Fall Clean-Up**

The Secretary reported that Sylvester's Services had submitted the only bid for the fall clean-up. She estimated that, if the amount of materials dropped off is the same as last year, the cost will be \$4,800. She added that \$6,000 had been budgeted for the clean-up costs. Upon a Plummer/Novinger motion, the PTS voted unanimously to award the bid for the fall clean-up to Sylvester's Services.

#### **Escrow Accounts for Land Development Plans**

The Secretary reported that she was asked by Paula Leicht if an escrow account could be set up for costs associated with the Verizon Cell Tower land development plan. After discussion, and upon the Solicitor's suggestion, it was the consensus for the Secretary to inform Ms. Leicht that the PTS is not interested in establishing escrow accounts at the Township level.

### **ENGINEER REPORT**

The Engineer Report was reviewed with the following additional comments.

#### **Zoning Ordinance**

The Engineer reported that the PTPC is continuing to work 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.

### **SOLICITOR REPORT**

The Solicitor noted that there are times when the PTS is a party before the ZHB when it may take a position that can be considered antagonistic to the ZHB. In certain forums, it will be the role of the PTS to be adversarial, a role that the public might have a hard time accepting.

#### **Radocha-Berrier Remandation Hearing**

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The Secretary asked if the PTS would like the Solicitor to attend the Radocha-Berrier Remandation Hearing to be held before the ZHB on September 11<sup>th</sup>. The Solicitor replied that this case was remanded back to the ZHB from Judge Rehkamp, and that he is legally precluded from appearing before the Judge. If the PTS feels that it needs legal counsel at this hearing, other counsel will have to represent the Township.

### **Fire Tax Referendum**

Chairman Holman had previously asked the Solicitor to confirm the time frame for putting a fire tax referendum on the November 2008 ballot. The Solicitor reported that the deadline for a referendum was August 1, 2008.

The Solicitor and Engineer were dismissed at this time.

### **POLICE REPORT**

The Monthly Police Incident Reports were reviewed without comment.

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

The July 2008 Permits Report was reviewed without comment.

### **CORRESPONDENCE**

#### **Dellville Road Closing**

The Secretary reported that Kinsley Construction will be closing Dellville Road for a 2-week period beginning August 25<sup>th</sup> to demolish the existing 1-lane truss bridge over Shermans Creek.

#### **Perry County Multi-jurisdiction Hazard Mitigation Plan (HMP)**

The Secretary reported that the Perry County Commissioners have adopted the HMP and are requesting that county municipalities also adopt the HMP by resolution. She added that the Solicitor had reviewed the HMP resolution and found it satisfactory. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to adopt the HMP resolution.

### **OLD BUSINESS**

#### **Perdix Sewer Connections**

The Secretary provided an updated spreadsheet listing the eighteen properties remaining to be connected to the sanitary sewer system. Two of the eighteen properties have obtained building permits.

#### **Fire Tax Public Meeting**

After discussion, it was the consensus to advertise a public fire tax meeting for October 21, 2008 at 7:00 p.m.

### **NEW BUSINESS**

#### **Fall Newsletter**

The Secretary requested that corrections and revisions of the draft newsletter be turned back to her by September 5<sup>th</sup>.

#### **Duncannon EMS Expansion Grant**

Kraig Nace reported that Sen. Jake Corman will present a \$29,000 grant to the Duncannon EMS for its septic system expansion, on September 11<sup>th</sup> at 7:00 p.m. He invited any interested party to attend.

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**ADJOURNMENT**

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 8:30 p.m.

Respectfully Submitted,

Helen Klinepeter  
Recording Secretary