

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 SEPTEMBER 24, 2008

Page 1 of 9

The Penn Township Board of Supervisors (PTS) met on Wednesday, September 24, 2008 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), Rich Wagner (Solicitor), and Susan Long (Treasurer). 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.

VISITORS

Lynn Harbold

Mr. Harbold informed the PTS that he would like to set off fireworks in Perdix on New Year's Eve. He stated that the fireworks would be only Class C and asked for a letter from the PTS giving him authorization to set them off.

The Solicitor stated that the Township does not have any ordinances controlling fireworks. He cautioned Mr. Harbold that a letter from the PTS stating that it has no objections to his use of fireworks would not relieve him from the necessity of obtaining permits from other state agencies.

After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize Lynn Harbold to set off Class C fireworks in the Township, in light of the fact that there are no ordinance or permit requirements. Further, this authorization does not relieve Mr. Harbold of any obligation to obtain necessary permits at the state or federal levels.

David Weihbrecht

Mr. Weihbrecht explained that the Windsor Corporation would like to develop the Nevin White property. He relayed that Windsor would like to sponsor a public meeting for input into a development plan that would be suitable to both the residents and the PTS. He stated that Windsor is requesting assistance in drawing up a list of residents to invite to the meeting and is willing to reimburse the PTS for the Secretary's time in compiling the list.

The Solicitor stated that he had received an email from counsel for Windsor. He offered his understanding that Windsor is now considering withdrawing everything that has been submitted to date, and starting over from "square one". The Solicitor noted that, while a supervisor can participate on an individual basis at a public meeting, only one supervisor can attend. Otherwise, the forum would need to be advertised as a PTS meeting and there might not be meaningful dialogue.

Mr. Weihbrecht asked if the PTS could appoint a resident to represent it at a public meeting and give input into what the PTS would or would not like to see in the plans. The Solicitor responded that the supervisors cannot provide any input into a plan before it is in front of them for review and action.

Chairman Holman offered his opinion that the developer has a right to hold a public meeting, but it is the developer's responsibility to make the arrangements. He stated that the PTS supports the Township ordinances, ordinances which the developer has read and is aware of. He added that the PTS can't offer any input different than what is contained in the ordinances.

The Solicitor suggested to Mr. Weihbrecht that, after the public meeting, the developer could present the public's ideas to the Penn Township Planning Commission (PTPC) for its input.

Mr. Weihbrecht again asked if the Township Secretary could set up the meeting and provide a list of possible attendees, stating that the PTS would be reimbursed for her time. Chairman Holman responded that he was not sure what list the Secretary could compile without it becoming a

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MINUTES OF SEPTEMBER 24, 2008

Page 2 of 9

Township-sponsored meeting. Mr. Weihbrecht stated that Windsor did not know which groups it should invite to talk to. Chairman Holman responded that he did not know which groups to invite, either.

Ms. Novinger asked why an announcement of the meeting could not just be advertised in the Harrisburg and local papers, offering that it would be more suitable than trying to determine which groups to invite.

Chairman Holman stressed that the PTS must take a neutral position until any plan is referred to it for action from the PTPC, and thus can not recommend who should or should not be invited.

The Solicitor stated that he has no problem with the Secretary providing a list of residents who attended the last Zoning Hearing, as that was a public meeting. He also recommended that Windsor follow the suggestion to advertise the meeting to the public.

Mr. Weihbrecht stated that it appears that Windsor will have to advertise the meeting. He recommended that the PTS inform any groups that it wants to be in attendance about the meeting.

Christine Shaffer

Ms. Shaffer requested the use of a room in the Township building for Girl Scout Brownie Troop meetings on the 2nd and 4th Sunday of each month, from 5:30 to 8:00 p.m., starting October 13th until May 31st. She also requested that room rental charges be waived. Chairman Holman asked if Ms. Shaffer would accept responsibility for the use of the building, including locking up when the meetings are over. Ms. Shaffer stated that she would assume the responsibility. Jim Renner, Chairman of the Park and Recreation Board (PTPRB), suggested that the meetings could be held downstairs in the room the PTPRB is remodeling for public use.

On the advice of the Solicitor, and upon a Plummer/Novinger motion, the PTS voted unanimously to grant the use of the building and the waiver of rental fees, on a 30-day trial basis, for the Girl Scouts to hold meetings the 2nd and 4th Sunday of each month from 5:30-8:00 p.m.

Chris Shive, Duncannon Boy Scouts Troop #64

Mr. Shive stated that Troop 64 is submitting an application to the PSATS Youth Award Program for its community recycling program and its benefits to Penn Township. He noted that the application requires the signature of the Chairman. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously for Chairman Holman to sign the application in support of Troop 64.

Charles Stoner Subdivision Plan, File #2008-01

Mr. Stoner stated that he had built 1,160 feet of roadway in his Linton Hill development to Township specifications, with the exception of the wearing surface. He stated that there were only 300 feet remaining to be built and asked if his letter of credit could be reduced to reflect the amount of work done thus far. Chairman Holman noted that the Engineer was not present at tonight's meeting and the information would be forwarded to him. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to reduce the letter of credit, conditioned upon the amount approved by the Engineer.

Ruth Russell

Ms. Russell asked about the status of improvements to Hill Top Road and offered her opinion that a culvert needed to be constructed at the top of the hill. Mr. Plummer responded that a bid had been accepted for the paving of Hill Top Road. However, after the contractor reviewed its condition, his

MINUTES OF SEPTEMBER 24, 2008

Page 3 of 9

recommendation was to stabilize the road before paving is done. When asked if anything would be done before winter, Mr. Plummer responded that he would like to, because the present condition of the road makes winter plowing difficult.

Ms. Russell noted that the roadway washes out every time it rains and her father has been filling in the ditches. In addition, her car has incurred shock absorber and exhaust system repair expenses and Ms. Russell is considering forwarding future bills to the PTS. Ms. Russell offered her opinion that, if a culvert is not installed before the road is repaired, the PTS will be wasting money. She added that an underground spring was hit when the sewer was installed and water has been coming out of the ground since then.

Chairman Holman told Ms. Russell that the PTS is aware of the condition of Hill Top Road and would like to make some minor repairs and apply "oil and chip" before winter. He added that permanent repairs are on next year's agenda.

Lynn Harbold

Mr. Harbold asked about the status of Firehouse Road. He said that the residents had been told several years ago that the road would be fixed after the sewer was constructed. He stated that there are ditches 18" deep and the roadway is full of potholes.

Chairman Holman agreed that work needs to be done on that road also. He stated that work had been planned for this year, but the highway crew got tied up in other road work and the Township bore the brunt of many torrential rainstorms. He stated that Firehouse Road needs many culverts installed before work on the road surface can begin. Mr. Plummer stated that he would not commit to the work being done in 2009, due to the increasing price of asphalt. However, he informed Mr. Harbold that work would shortly begin on pothole repair.

MINUTES

Upon a Novinger/Plummer motion, the PTS voted to unanimously approve the minutes of the August 27, 2008 PTS meeting as presented.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period August 28 through September 24, 2008. After due consideration, and upon a Plummer/Novinger motion, the PTS voted unanimously to approve payment of checks 21285 through 21340 from the PLGIT General Account in the amount of \$34,833.49, ten ACH transfers from the Orrstown Bank General Account in the amount of \$3,749.28, checks 1051 through 1056 from the Orrstown Bank PTPRB Checking Account in the amount of \$222.25, and checks 213 through 215 from the PLGIT Liquid Fuels Account in the amount of \$49,621.36.

TREASURER REPORT

Upon a Holman/Novinger motion, the PTS voted unanimously to accept the Treasurer Report for the period August 28 through September 24, 2008, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

Rohrer Drive

It was noted that there was about one day's work remaining to restore lawns before the Rohrer Drive project would be completed for this year.

Wolfpac Roller

Mr. Plummer reported that no bids had been received for the sale of the Wolfpac Roller. He asked the Solicitor what would happen if someone would now offer to buy it. The Solicitor replied that, if the amount offered was in excess of \$10,000.00, the sale would have to be re-bid.

MINUTES OF SEPTEMBER 24, 2008

Page 4 of 9

Burley Road Speed Limit

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to advertise an ordinance setting the speed limit on Burley Road at 25 miles per hour.

SPEED Sentry Warranty Expiration

Mr. Plummer noted that the warranty on the SPEED Sentry would expire on December 7th and could be renewed for another year at a cost of \$400. Upon Mr. Plummer's recommendation, it was the consensus that a warranty would not be needed for the SPEED Sentry.

Michael Butcher's Probation Period

It was noted that highway employee Mike Butcher's 6-month probationary period was ending. Further discussion on the issue will be held in Executive Session at the end of the meeting.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Larry Miller Final Land-Development Plan, File #2008-04

The Secretary presented a letter from the PTPC recommending approval of AORs for the following sections of the Subdivision and Land Development Ordinance (SALDO).

- 309.A.13.b *Adequate Building Site*
- 405.A.5 *Private Right of Way Lot Limits*
- 406 *Stormwater Management Plan*

In addition, the PTPC recommended approval of the above-mentioned plan, subject to the following conditions.

- Certification of ownership and dedicatory statement need to be signed and sealed.
- Surveyor's certification needs to be signed and sealed.
- The Right of Way agreement needs to be recorded
- All fees need to be paid.

After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to approve all three AORS. After further discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to approve the Larry Miller Final Land-Development Plan, File #2008-04, subject to the above-mentioned conditions. The engineer for the developer accepted the conditions.

Verizon Wireless Land Development Plan, File # 2008-05

The Secretary presented a letter from the PTPC recommending approval of the above-mentioned plan, subject to the following conditions.

- Certification of ownership and dedicatory statement need to be signed and sealed.
- All profession certifications need to be completed.
- Proof of Planning Module or DEP exemption approval needs to be provided to the PTS.
- Financial Security in the amount of \$14,414.40 must be provided to the PTS.
- Verizon must contact Perdux Fire Company (PFC) to address its concerns.
- All fees must be paid.

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to approve the Verizon Wireless Land Development Plan, File # 2008-05, subject to the above-mentioned conditions. Paula Leicht accepted the conditions and will also contact the PFC.

MINUTES OF SEPTEMBER 24, 2008

Page 5 of 9

After further discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve the Non-Building Waiver and to authorize the Secretary to submit it to DEP.

Emergency Management Coordinator, Paul Soltis, asked if the PFC was going to be given access keys. Ms. Leicht said that was not Verizon's usual procedure. Mr. Soltis asked how access could be gained during an emergency situation, with Ms. Leicht responding that Verizon has a call system for emergencies. The Solicitor offered that the choice, and the consequence, of not providing an access key to the PFC belonged to Verizon.

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

The Secretary presented a letter from the PTPC recommending approval of the above-mentioned plan, subject to the following conditions.

- The requirements of the Fee-in-Lieu Ordinance must be satisfied.
- All profession certifications need to be completed.
- Proof of Erosion and Sedimentation Control Plan approval needs to be provided to the PTS.
- Certification of ownership and dedicatory statement need to be signed and sealed.
- The Stormwater Management Agreement and Easement needs to be recorded.
- Financial Security is to be set at \$249,530.70, as recommended by the Engineer.
- All fees must be paid.

After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve the Elite Dialysis Medical Center Final Land Development Plan, File #2008-06, subject to the above-mentioned conditions. The owner agreed to the conditions.

Susquenita School District AOR Request

The Secretary presented a letter from the PTPC recommending approval of an AOR request for waiver of a land development plan for construction of dugouts due to the minimum disturbance of the area. Approval was conditioned upon the receipt of a written request for the waiver and sufficient grading to direct stormwater into the existing control areas.

After discussion, and upon a Plummer/Holman motion, the PTS voted unanimously to approve the Susquenita School District AOR request for waiver of a land development plan.

Zoning Ordinance Amendment

The Secretary presented a draft ordinance to amend Zoning Ordinance 2003-06 regarding building height and domestic pets, and Section 1637.A.2.r regarding communication towers. The Solicitor recommended that the heading of the amendment should mention the changes. After discussion, and upon a Plummer/Holman motion, the PTS voted to submit the draft ordinance to Perry County Planning Commission for comments. Ms. Novinger voted in opposition to the motion. She explained that she was against setting a limit on the number of domestic pets in a household, especially when there are issues in the Township that are more health-threatening and that are not being enforced – disposal of garbage and standing water, for example. She stated that she felt the number of pets in a household should be a personal decision.

Mr. Plummer asked if Section 403 could be changed, with the Solicitor stating that it could be changed before it is advertised. He offered his opinion that the limit was set to prevent the establishment of "puppy mills". He suggested that, after the comments are received from County, the amendment could be advertised as approved, and if a lot of negative feedback is received at the hearing, it could be changed at that time.

ZONING OFFICER (ZO) REPORT

The September 2008 ZO Report was reviewed without comment.

MINUTES OF SEPTEMBER 24, 2008

Page 6 of 9

Penn 1155 Zoning Hearings

The Secretary reported that a Zoning Hearing would be held on October 1st at 7:00 p.m. for the four dockets for Penn 1155, a variance request and an appeal for both the Mountainside East and Mountainside West dockets. The Solicitor noted that there was some sentiment on the part of the developer to withdrawal its plans, but nothing has been received in writing.

Re-appointment of Part-Time Zoning Officer

The Secretary presented a letter from Zoning Officer, John Madden, stating that his firm is not seeking re-appointment for zoning services for 2009, due to the increased needs of the Township. Further discussion on the letter was tabled until after Chairman Holman has a chance to discuss the matter with Mr. Madden.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The September 2008 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for September 2008 was reviewed.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

UCC Inspection Reports

Mr. Plummer stated that it was brought to his attention by Field Representative Sam Auxt that not all residences having a UCC inspection were actually connected to the sanitary sewer. Chairman Holman responded that the UCC inspector checks for proper cleanout and slope and witnesses the pressure test of the connection, while the Authority has the enforcement responsibility to make sure the residences are connected. He stated that the UCC inspector has no requirement to wait for the line to the septic tank to be disconnected so the tank can be crushed or abandoned. He stated that it was the Authority's responsibility to make sure the house is tied in when it inspects the abandonment of the septic system. He stated that there was no agreement with the UCC inspector to witness the actual connection procedure.

Mr. Plummer also relayed that there is one property that has been connected to the sanitary sewer, but the final electrical inspection has not been made because of the unavailability of the owner. The Secretary reported that she has sent the owner a letter informing him that he must contact Glace Associates immediately for the final electrical inspection.

SECRETARY REPORT

Duncannon Fire Company Line of Credit (LOC)

The Secretary reported that the Duncannon Fire Company has requested that its LOC be reduced by \$2,124.40, due to additional work being completed on the land development plan. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to reduce the LOC for Duncannon Fire Company by \$2,124.40.

Cumberland/Perry Tapestry of Health (TOH)

The Secretary presented a letter from TOH requesting that their lease be extended for another twelve months at \$25.00 per month. TOH would continue to lease the space one day each month.

MINUTES OF SEPTEMBER 24, 2008

Page 7 of 9

After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to extend the lease for TOH for another twelve months at \$25.00 per month.

Kinkora Final Land Development Plan, File #2007 01

The Secretary reported that Yingst Homes is requesting a release of its LOC in the amount of \$47,255.00 because all work has been completed on the Kinkora plan. She relayed the Engineer's suggestion that Chairman Holman or Mr. Plummer walk the site and report back to him if they are satisfied. Chairman Holman stated that he had already performed a site inspection and found everything to be according to the plan. He stated his understanding that the Engineer was still required to perform a site inspection. The Solicitor responded that, according to PA statutes, that was correct. The Secretary will inform the Engineer that he must perform the site inspection.

Improvements for Large Conference Room

After discussion, the Secretary received approval to obtain estimates for a new rug in the large conference room. Discussion on her request to obtain estimates for window blinds was put off until a later date. Chairman Holman noted that the acoustics in that room are so bad it makes hearing any speaker difficult. He stated that he would like the PTS to consider installing a drop ceiling in 2009.

Shermanata Heights

The Secretary informed the PTS that Melham Associates has submitted its report for a third year of the extension for the Preliminary Subdivision Plan for Shermanata Heights, to keep it active. She added that an extension request will be required in 2009 or the plan will expire.

ENGINEER REPORT

The Engineer Report was reviewed with the following additional comments.

Agricultural-Rural (AR) Zoning District Update

The PTPC would like to update the AR zoning district regulations to provide greater controls to encourage and preserve the agricultural uses of the Township. The PTS was requested to share any ideas it had on the issue with the PTPC.

SOLICITOR REPORT

Ordinance 101 – Mandatory Sewer Connection

The Solicitor reported that the Authority has had some problems in applying the enforcement section of Ordinance 101 and is recommending that the PTS amend the ordinance to make failure to connect to the sanitary sewer a criminal offense. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to authorize the Secretary to draft wording for an ordinance that would amend Sections 401 and 402, and add Section 403, to Ordinance 101.

Taschek Violation of Ordinance 101

The Solicitor noted a letter from Authority solicitor, Dennis Shatto, stating that the Authority has filed a complaint with the District Judge against Mr. Taschek for failure to connect to the sanitary sewer. In addition, the Authority intends to enforce any judgment through the scheduling of a sheriff's sale of the Taschek real estate. However, as this is a lengthy process, and as raw sewage is reportedly flowing from the property, the letter suggested that the PTS might want to proceed separately through its SEO if that will result in faster compliance.

After discussion, it was the consensus to direct the SEO to proceed against Mr. Taschek as he would with any septic malfunction issue.

MINUTES OF SEPTEMBER 24, 2008

Page 8 of 9

Right to Know Appeals Officer

Upon the recommendation of the Solicitor, no discussion was held on appointment of a Right to Know appeals officer. He stated that he wanted time to review information presented by the Secretary that she had received at an open records workshop.

Charles Stoner Subdivision Plan, File #2008-01

Upon recommendation of the Solicitor, and a Holman/Plummer motion, the PTS voted unanimously that the roadway on the Stoner Subdivision Plan be approved consistent with the most recent change that was required by actual construction.

The Solicitor was dismissed at this time.

POLICE REPORT

The Monthly Police Incident Reports were reviewed without comment.

Veteran's Day Parade

The Secretary presented a request from the VFW for police assistance for traffic control at the Veteran's Day parade to be held on November 8th. She was requested to contact Bob Goerner to see if he would be available to help with the parade.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The August 2008 Permits Report was reviewed without comment.

CORRESPONDENCE

PA One Call System Nominations

The Secretary presented a letter from PA One Call Systems giving the PTS the opportunity to nominate candidates for its board of directors and officers of the corporation. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to not nominate any candidates and to vote for the incumbents listed on the ballot. The Secretary will complete the nominations form and forward it to PA One Call Systems.

OLD BUSINESS

Perdix Sewer Connections

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

NEW BUSINESS

PPL Prepayment Option

The Treasurer presented information on PPL's new payment options to help customers to adjust gradually to the higher electric costs expected in 2009. After discussion and upon a Holman/Novinger motion, the PTS voted unanimously to enroll in the payment option plan.

EXECUTIVE SESSION

At 8:35 p.m. the PTS entered into executive session to discuss personnel issues. At 8:50 p.m., the meeting reconvened.

Michael Butcher Probationary Period

MINUTES OF SEPTEMBER 24, 2008

Page 9 of 9

It was noted that Mr. Butcher has finished his six-month probationary period as a highway employee, and that he has also obtained his CDL license. It was decided that Mr. Butcher should receive a wage increase of \$.25 per hour.

Perdix Fire Company (PFC)

The Secretary reported that PFC representative, Jodi Rissinger, would like to meet with a supervisor prior to the public fire study meeting to be held on October 21st. Chairman Holman stated that, if two supervisors speak to Ms. Rissinger, it would need to be an advertised meeting. In addition, he hesitates to put himself in the position of speaking with a PFC representative and then running the risk of being mis-quoted. Ms. Novinger and Mr. Plummer concurred.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 8:55 p.m.

Respectfully Submitted,

Helen Klinepeter
Recording Secretary