

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 OCTOBER 29, 2008

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The Penn Township Board of Supervisors (PTS) met on Wednesday, October 29, 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), Max Shradley, (Engineer), 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

Paula Leicht

Ms. Leicht was in attendance to make sure that the three agreements (Security, Construction, and Tower Removal) for Verizon Wireless were acceptable. It was noted that the Solicitor had reviewed them and that they were in order. The agreements will be acted upon later in the meeting.

Christine Shaffer

Ms. Shaffer had previously requested the use of a room in the Township building for Girl Scout Brownie Troop meetings. These meetings would be held on the 2nd and 4th Sunday of each month, from 5:30 to 8:00 p.m., starting October 13th until May 31st. The request had been approved, subject to a 30-day trial period. Ms. Shaffer was in attendance to see if any problems had arisen during the first month. As none were noted, the room will be used by the Brownie Troop through May 31st.

Nancy Valdez

Ms. Valdez stated that the response for the stained glass class was excellent and the class was almost full.

Gene Hollenbaugh, Penn Manor Road

Mr. Hollenbaugh was present to publicly thank the PTS for its help to alleviate the stormwater runoff problem on Penn Manor Road.

Fire Tax Issues

Chairman Holman noted that the PTS has been meeting with Duncannon and Perdix fire companies to discuss the fire study, an increase in the PTS's donation, and a possible fire tax. He stated that he has recently been questioned by many residents about why the PTS wants to tax them. Chairman Holman stated, for the record, that the request for a one-mill fire tax came from the fire companies. He offered that, after consideration, he could agree to a fire tax as the PTS could set the millage rate, and appropriate the funds to the companies.

Chairman Holman noted that the fire companies are now stating that they want the "equivalent" to a one-mill fire tax, which would mean that real estate taxes would have to be raised. He stated that a fire tax, if implemented, would put the PTS in control of the funding. If implemented correctly, he would be in favor of it.

Chairman Holman noted that the fire companies have informed the PTS that a referendum is illegal. However, according to his interpretation of the Solicitor's opinion, a referendum is needed for the amount of millage requested by the fire companies.

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MINUTES

Upon a Plummer/Holman motion, the PTS voted to unanimously approve the minutes of the September 24, 2008 PTS meeting as presented.

INVOICES AND EXPENDITURES

The Treasurer stated that she has been remiss every month by not noting the invoices that were paid in the middle of each month with payroll. She then pointed out the invoices that were paid with the October 10th and 24th payrolls. The Treasurer explained that, even though these invoices were not publicly noted each month, they always appeared on the Invoices and Expenditures Report for approval.

The PTS reviewed the Invoices and Expenditures report for the period September 25 through October 29, 2008. After due consideration, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve payment of checks 21341 through 21401 from the PLGIT General Account in the amount of \$48,670.24, ten ACH transfers from the Orrstown Bank General Account in the amount of \$4,274.99, checks 1057 through 1063 from the Orrstown Bank PTPRB Checking Account in the amount of \$721.36, and check 216 from the PLGIT Liquid Fuels Account in the amount of \$14,034.65.

Unemployment Compensation Payroll Taxes

The Treasurer reported that the Department of Labor and Industry, to which unemployment compensation payroll taxes are remitted, will be instituting mandatory electronic transmittals in 2009. She asked for authorization to begin ACH deductions from the Orrstown Checking Account. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to authorize ACH deductions for unemployment compensation payroll tax remittance.

ATT Cell Phone ACH Payments

The Treasurer reported that ATT is offering the option to transfer payment of the monthly cell phone invoice electronically. It was the consensus to discuss the issue further during budget meetings.

Police Laptop Computer Broadband Service

The Treasurer noted that Verizon sends a monthly invoice in the amount of \$59.99 for broadband service for the police laptop computer. She explained that former Police Chief Alan Houck had obtained a \$600.00 credit from Verizon when the service was first initiated. This credit was applied against each monthly invoice, with the remaining credit now being \$15.83. The Secretary reported that Officer Goerner does not use the laptop computer and questioned whether the service should be discontinued. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to discontinue the broadband service for the police laptop computer.

TREASURER REPORT

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Upon a Novinger/Plummer motion, the PTS voted unanimously to accept the Treasurer Report for the period September 25 through October 29, 2008, subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

Burley Road Speed Limit Ordinance

The Secretary reported that the ordinance setting the speed limit on Burley Road at 25 miles per hour has been advertised. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to adopt ordinance 2008-03, establishing a speed limit on Burley Road and setting forth penalties for violation.

PennDOT Winter Partnership Meeting

The Secretary reported that PennDOT is holding a winter partnership meeting on November 14th and asked if there was any interest in attending. It was the consensus that topics to be discussed were not applicable to the Township and that no one would attend.

PPL Pole Relocation, Butchershop Road

Mr. Plummer reported that PPL wants to install five new poles in the Township right-of-way along Butchershop Road. Chairman Holman added that guy wires for the poles will be on private property. The Solicitor offered that it would be up to the property owners to file their arguments against pole placement with the PUC. He noted, however, that the PTS could write a letter on behalf of the residents, requesting that PPL seek an alternative route for the electrical upgrade. The Secretary will write the letter.

E-3 Oil Tank

Mr. Plummer reported that the tank storing the E-3 oil will be removed from Township property until spring. Removal will prevent the structure from being considered a "permanent" structure.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Warden Preliminary Subdivision Plan, File #2005-06

The Secretary reported that the PTPC is recommending a 90-day time extension for the above-mentioned plan. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to grant a 90-day time extension until January 27, 2009 for the Warden Preliminary Subdivision Plan, File #2005-06.

Preserve at Mountainside West, Preliminary Subdivision Plan, File #2006-09

Preserve at Mountainside East, Preliminary Subdivision Plan, File #2006-10

The Secretary reported that a letter had been received from Windsor Companies, LLC, withdrawing the development applications for the above-mentioned plans. She added that the PTPC is recommending that the PTS accept withdrawal of the plans.

After discussion, and upon a Novinger/Plummer motion, the PTS voted to accept the withdrawal of the development applications for the Preserve at Mountainside West, Preliminary Subdivision Plan, File #2006-09, and the Preserve at Mountainside East, Preliminary Subdivision Plan, File #2006-10.

Zoning Ordinance Amendment

The Secretary reported that comments have been received from Perry County Planning Commission on a draft ordinance to amend Zoning Ordinance 2003-06 regarding building height and domestic pets, and Section 1637.A.2.r regarding communication towers. She stated that the County Commission recommended changing the definitions of Building Height, Story, and Half Story. It also recommended changing Article VI to IV in Section 2B, and replacing "length" with "height" in Section

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10.A.2.r. The Secretary reported that the PTPC would like to retain its own definitions, but was in favor of the other typographical changes.

The Secretary informed the PTS that she would need authorization to advertise the proposed ordinance amendment and that it would need to set the date for a hearing to accept public comments.

Ms. Novinger stated that she would like changes made to Sections 403, 503, 603 and 703, which limit the number of adult pets to four in each zoning district. The Solicitor responded that the PTS could send the draft ordinance back to the PTPC for further discussion, or make a motion to advertise the ordinance with the deletion of those sections.

At this time there was a Novinger/Plummer motion to advertise the ordinance as prepared and as recommended by the PTPC, with the deletion of Sections 403, 503, 603, and 703 as they relate to pets. Chairman Holman asked the PTS to take into consideration the time and effort expended by the PTPC. He offered his opinion that the sections on pets were added in response to complaints from residents, and were made in an effort to eliminate problems with feces and odors. He asked the PTS to consider sending the ordinance back to the PTPC for modifications. Ms. Novinger stated that she feels pet owners need responsibility and accountability and offered to talk to the PTPC and present ordinances from several other municipalities.

Chairman Holman called for the vote. The motion to advertise the zoning ordinance amendment was voted down unanimously and the proposed amendment will go back to the PTPC for further discussion.

ZONING OFFICER (ZO) REPORT

The October 2008 ZO Report was reviewed without comment.

John Jones Variance Hearing

The Secretary reported that a Zoning Hearing would be held on November 13th at 7:00 p.m. for a variance request from John Jones. Mr. Jones is requesting that the front building setback be reduced from 25 feet to 9 feet.

Chairman Holman noted that there previously was a house on the property which has since been demolished. He asked if the fact that a foundation might still be in existence would make any difference on where a new structure could be located. The Solicitor responded that the property is now a vacant lot, and the new owner would need to comply with the current zoning ordinance. It would be the duty of the new owner to prove to the Zoning Hearing Board that a variance is necessary due to the uniqueness of the lot dimensions.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The October 2008 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for October 2008 was reviewed.

Chairman Jim Renner stated that a Halloween party for township children would be held on October 30th. He stated that he will notify Perry County officials that the section of Municipal Building Road around the Township building will be closed from 6:00 p.m. – 9:00 p.m. Mr. Renner also reported that he would be talking to the Township insurance providers about liability problems that could be incurred if moveable skateboard ramps were installed. He will keep the PTS informed.

Chairman Holman again thanked Mr. Renner for the good work done by the PTPRB.

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PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Intermunicipal Agreement

The Secretary reported that the Authority, Duncannon Borough Council, and the Borough Authority have all signed the Intermunicipal Agreement and that the only signatures still needed were those of the PTS. Chairman Holman noted that approval of the agreement had previously been made by the PTS and no action was needed this evening, accept for the signatures.

Ms. Novinger reported that interviews for the Executive Secretary position had been held the previous evening, but she had been unable to attend.

SECRETARY REPORT

Carpet Replacement

The Secretary presented quotes from three businesses for replacement of the carpet in the large conference room. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to accept the bid from Perry Floor Systems in the amount of \$2,846.63 for removal of the old carpet and installation of new carpet in the large conference room.

Humane Society Agreement

The Secretary reported that the cost of the annual agreement with the Humane Society has increased from this year's amount of \$745.00 to \$2,492.44 in 2009. She noted that the listing of animals that were taken to the Society in 2008 was incorrect and that the Society was notified. However, the revision only brought the cost down to the above-quoted amount. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to table further discussion until the next meeting.

Amendment to Ordinance 101

The Secretary presented a draft ordinance amending Ordinance 101, the sewer connection ordinance. It was noted that the proposed draft ordinance included the words "civil enforcement proceeding" instead of "criminal enforcement proceeding". After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to advertise a draft ordinance amending Ordinance 101, with the wording changed to "criminal enforcement proceeding".

Robert Shaffer, Sr. Real Estate Tax Refund

The Secretary reported that Mr. Shaffer had placed 15.5 acres into the County's Clean and Green program; however, the Tax Assessment office had based their calculations on 11.5 acres from 2005 to the present. She stated that Mr. Shaffer was requesting a refund of Township real estate taxes in the amount of \$60.32. After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to refund \$60.32 in over-paid Township real estate taxes to Mr. Shaffer.

VFW Veteran's Day Parade

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to allow the VFW to use South Main Street on November 8th for its Veterans' Day Parade. Chairman Holman noted that signs are ready for detouring traffic and that PennDOT would be notified fifteen minutes before the start of the parade and immediately after the parade has ended.

Webpage Update

The Secretary reported that the cost to add the Subdivision and Land Development Ordinance (SALDO) to the webpage would be \$40.00 per hour, not to exceed \$100.00. Upon a Novinger/Plummer motion, the PTS voted to authorize Gavin Yingling to add the SALDO to the webpage, at a cost not to exceed \$100.00.

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Magonnell Property, Shermans Creek Road

The Secretary reported that Mr. Magonnell has not had a final inspection for an occupancy permit, although it appears that the house is inhabited. She stated that Officer Goerner has been unable to hand deliver a letter informing the owner of the need for a final inspection.

The Solicitor recommended that Officer Goerner deliver a letter informing the owner/occupants that, because there is no certificate of occupancy, the property must be vacated immediately. If the premises are not vacated, the PTS can then cite the owner for violation of the ordinance. After discussion, and upon a Plummer/Holman motion, the PTS voted unanimously for Officer Goerner to deliver the letter, as recommended by the Solicitor.

Verizon Wireless Land Development Plan, File # 2008-05 Agreements

After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve the Tower Removal, Construction and Financial Security agreements for Verizon Wireless.

Larry Miller Right-of-Way (ROW) Maintenance Agreement

The Solicitor stated that he has reviewed the maintenance agreement and has found no problem with it. After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to accept the Larry Miller Private ROW Maintenance Agreement.

ENGINEER REPORT

The Engineer Report was reviewed with the following additional comments.

Agricultural-Rural (AR) Zoning District Update

The Engineer reported that the PTPC is in the process of updating the AR zoning district regulations to provide greater controls and to encourage and preserve the agricultural uses of the Township.

Sheetz Car Wash Stormwater Management Revisions

The Engineer reported that Sheetz anticipates completion of its stormwater management revisions at the car wash by the end of 2008. He stated that Brian Soyka was requested to notify the PTS when Sheetz's contractor would begin the work.

Kinkora Land Development Plan Financial Security

The Engineer reported that he had performed a final site inspection of the Kinkora Plan and found that all items have been completed successfully. He recommended that the financial security be released. After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to release the financial security for Kinkora in the amount of \$47,255.00.

MS4 NPDES Permit

The Engineer reported that the current exemption for the NPDES Phase II MS4 permit has been extended until March 9, 2010. He stated that the PTS will need to make application by September 10, 2009 for another exemption.

SOLICITOR REPORT

Fire Tax Issues

The Solicitor noted that the PTS must notify Perry County Board of Elections sixty days prior to an election if it wants a fire tax referendum on the ballot. He explained that a referendum is needed if the tax will be larger than 3 mills. If it is three mills or under, the PTS has the right to levy the fire tax

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without referendum. The Solicitor was unsure if the Board of Elections would allow a referendum for under three mills.

Chairman Holman announced that his comments earlier in the meeting that a referendum was needed for a one mill fire tax were in error.

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 September 2008 Permits Report was reviewed without comment.

Ms. Novinger asked about the status of the banner hanging on the van at the Barrick property along State Road. The Secretary reported that the PTS has just received notification of delivery of the letter to Mr. Barrick, informing him that he is in violation of the Sign Ordinance. She stated that the PTS must wait to see if Mr. Barrick complies with the ordinance before proceeding further.

CORRESPONDENCE

PSATS Pension Seminar

The Secretary presented information on a seminar being held by PSATS on its new pension plan. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to authorize the secretary to attend the PSATS pension seminar, to be held on October 31, 2008.

Perry County Animal Response Team (CART)

The Secretary presented a request from CART asking for donations. The Treasurer pointed out that \$100.00 had been approved for CART in the 2008 budget, but payment had not been made due to lack of a remittance address. The Treasurer will send the \$100.00 to CART.

Municipal Planning Advisory Service 2009

The Secretary presented a letter from Perry County Planning Commission inviting municipalities to enroll in its Municipal Planning Advisory Service program. She stated that the PTS had enrolled several years ago, but was not currently enrolled. She stated that an on-call agreement would cost \$500.00 per year, while full assistance would cost \$1,000.00 per year.

After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously not to participate in the Municipal Planning Advisory Service for 2009.

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. Ms. Novinger will address the issue of these seventeen properties at the next Authority meeting.

NEW BUSINESS

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2009 Budget Meeting

A public meeting was scheduled for November 19, 2008 to discuss the 2009 budget. The Secretary will advertise the meeting.

Liquid Fuels Certificates of Deposit (CDs)

The Treasurer reported that the two Liquid Fuels CDs would mature on November 24, 2008 and asked if the PTS would like to renew or redeem them at that time. After discussion, it was the consensus to renew the two Liquid Fuels CDs for an additional 180 days.

Spring Newsletter

It was the consensus that information detailing the provisions that are included in a fire tax would be provided in the spring newsletter.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 8:35 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary