

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 DECEMBER 30, 2008

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The Penn Township Board of Supervisors (PTS) met on Tuesday, December 30, 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), 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.

INTRODUCTION OF CANDIDATE FOR POSITION OF ACTING POLICE CHIEF

Chairman Holman introduced Paul Sheaffer, who is being considered for the position of Acting Police Chief. Mr. Sheaffer then introduced his family and gave the audience a brief biographical sketch of himself.

After the introduction, and upon a Holman/Novinger motion, the PTS unanimously approved the hiring of Paul Sheaffer for the position of Acting Police Chief.

FIRE COMPANY ISSUES

Chairman Holman reported that the PTS had received a letter from Duncannon Fire Company (DFC), stating that DFC had rejected a contractual offer in the amount of \$27,000 to provide fire protection to Penn Township in 2009. He asked DFC representatives if there had been any change in their position, and was told there had not. Chairman Holman told the audience that, although the contract was broken, the residents would not be without fire protection or emergency services. He stated that the PTS would further discuss the matter of fire protection at its annual reorganization meeting on January 5, 2009.

Chairman Holman reported that there were no DFC representatives at the advertised PTS meeting to discuss the 2009 budget. He then read from DFC's by-laws, which stated that one purpose of DFC "...shall be to provide aid and protection...to Penn Township." He noted that alterations to the by-laws require the signatures of five active members, must be read into the minutes and tabled for one month, and require a 2/3 majority vote. He asked if that had been done, and was told it had not.

Chairman Holman then provided the audience with a year by year breakdown of the amount of funding given to both the DFC and Perdix Fire Company (PFC) from 1991 to 2004 - \$120,500, and from 2005 to the present - \$300,000. He added that the 2009 proposed budget includes \$27,000 each for both DFC and PFC. He noted that it was hard for him to stand in front of the public and say that the PTS does not support the fire companies. He then noted that Wheatfield Township gives DFC \$20,000, Reed Township gives \$1,000, and Duncannon Borough gives \$23,000. He stated that additionally, DFC received around \$10,000 from state funding.

Chairman Holman read from parts of HB 1131,1133, and 1134 which state that "...townships shall be responsible for ensuring that fire and emergency medical services are provided to residents, to the means and extent determined by the township. Also, townships shall consult with fire and medical emergency service providers to discuss services needed in the township. Townships shall require any emergency provider receiving township funds to provide an annualized listing of expenses, before budgeting for additional funding."

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Chairman Holman then presented information on DFC's project to build a fire station along SR 274. He stated that DFC has spent at least \$387,000 on the building to-date, with another \$175,000 worth of site work to be done. He stated that PTS has worked with DFC to do everything possible to help DFC keep its costs down. In addition, he volunteered his own expertise, labor and equipment to help keep costs down. He offered his opinion that there were considerable unnecessary expenses tied

up in the project. He stated that he had seen an alternative sketch plan for the building, a plan supposedly preferred by a lot of DFC members that would have cost significantly less money.

Chairman Holman stated that he has not received any financial statements from DFC for the fiscal year 2007. He stated that the PTS does receive expense reports but no report that shows DFC's income. He then referenced problems regarding DFC's internal structure as the reason for the delay of the reports for 2007.

Chairman Holman reiterated that the PTS has supported the fire companies to the best of its ability. He then directed his comments to the subject of a fire tax. He offered that, while initiating a fire tax was not the PTS's idea, he feels that he could support one. He explained that a fire tax would be enacted by ordinance as outlined by the Second-Class Township Code, would be based on real estate millage, and would be collected by the township tax collector. As property values increase, and as more property is constructed, the income from the fire tax would also increase. He added that the PTS would be the holder of the funds, would put some of the revenue aside for future equipment purchase, and would apportion the funds as the fire companies need it. He also stated that the fire companies would be required to have financial audits conducted. He then selected several properties from the public tax rolls and told how much a fire tax would cost each owner.

Chairman Holman informed DFC that, if it was not going to provide fire protection to Penn Township, it needed to so inform the PTS and Perry County Dispatch. He then requested copies of the following information – 2007-08 logs, grants, all income sources, 990 forms, mortgage status, and expenses.

Chairman Holman then opened the floor to public comments. Monte Supko (PFC) stated that any decision made tonight by the PTS, to either increase funding or keep it at its current level, will effect PFC. He said that PFC representatives would meet the next day to decide if PFC can provide fire service as the Township's only provider. Chairman Holman responded that DFC's action is effecting PFC, since DFC terminated the contract, not the PTS.

A rental property manager stated that any increase in taxes will result in increased rent paid by the renter. Chairman Holman responded that the Township does not have the additional funds requested by the fire companies and would have to raise taxes to get it.

A resident of Petersburg Commons asked where she is supposed to get the money to pay for increased taxes.

A resident noted that he lives eight miles from PFC and questioned the response time to his house. He asked if his house would burn because DFC doesn't respond. He noted that fire companies can turn in bills to residents' insurance companies to recover some of their costs. He also stated that, if the volunteer firemen are not supported, a paid company is the only alternative. Chairman Holman reiterated that the PTS is trying to keep its tax rate at .75 mills; however, in order to pay the fire companies the amount being asked for, taxes will have to be raised.

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Representatives of several fire companies then stated that they don't receive any of these recovery costs, if they are even allowed to file for reimbursement.

The president of the New Bloomfield Fire Company stated that a meeting has been scheduled for January 2nd to decide if it can safely provide fire services as Penn Township's primary provider. He relayed that his fire chief does not feel that it can be safely done.

The fire chief of Marysville Fire Company stated that it provides mutual aid to Penn Township he does not feel that it can safely provide fire services as Penn Township's primary provider.

The deputy fire chief of the New Buffalo Fire Company echoed the feelings of previous speakers.

Jody Rissinger stated that PFC has letters and faxes from Halifax and Middle Paxton fire companies, also expressing the sentiment that they cannot safely be primary providers. She then reported to the audience that the Township's police chief had resigned earlier in the year and that she had requested the remaining money budgeted for him be used instead for fire services. She noted that there had been \$105,626 budgeted in 2008 for full- and part-time police wages, and the unused portion would have gone a long way toward the amount that the fire companies were requesting. She then added that, according to Second Class Township Code, police services are not required to be provided by the Township. Ms. Rissinger stated that the fire companies were not asking to be paid, just supported financially, so that they can perform the services the Township is required to provide.

Irene Graybill asked if PFC could be given the \$27,000 budgeted for DFC and could they provide service to the entire Township? PFC Fire Chief, Monte Supko, replied that PFC would need \$120,000 to serve the entire Township, but would only receive \$54,000 from the PTS. Ms. Graybill then asked for clarification concerning a fire tax and was told that an audit of the fire company finances would be conducted if a fire tax was levied.

Carl Fox offered that he felt the most equitable way to distribute fire protection costs would come through a fire tax. He stated that he felt an increase from \$27,000 to \$70,000 for each fire company was an unreasonable request. He proposed funding the fire companies with an amount equivalent to a .5 mill fire tax, or \$35,000 for each company. He also proposed that the PTS and the fire companies put together a multi-year contract that would contain incremental annual millage increases for the fire companies, so that the fire companies would know in advance what they would be receiving.

DFC chief, Byron Worner, stated that DFC has furnished the PTS with complete financial audits through 2007, although the only information required to be furnished is how the funding from the PTS is spent. He stated that the PTS has been invited to tour the fire station and look at the financial books. Mr. Worner stated that the fire companies have been trying to get increased funding for six years, not just for 2009. Mr. Worner clarified that a one mill fire tax is not needed since the amount currently being given equates to .435 mills. A fire tax would only need to increase taxes by .565 mills.

Chairman Holman ended the public comment period by stating that, in order to balance the budget each year, the PTS pulls from its reserves. He noted that within two years, the reserves will be depleted and the PTS will need to increase the real estate tax millage. At this point the fire company representatives left the meeting.

VISITORS

Craig Nace, Duncannon EMS (EMS)

Mr. Nace spoke on behalf of the EMS Board of Directors, stating that the EMS was not involved in the DFC's action. He added that the EMS was appreciative of the PTS's support and looked forward to its continued support. He then furnished the PTS with updated 2008 EMS Emergency Call statistics.

Robin Vorous, W. J. Moore Insurance Agency

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In Ms. Vorous's absence, the Secretary presented proposals for the 2009 insurance package from MRM Trust in the amount of \$12,817 and from National Casualty Insurance in the amount of \$15,019. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to accept the proposal from MRM Trust, at an annual cost of \$12,817. Chairman Holman noted that this was a decrease from the 2008 cost of \$13,740.

MINUTES

Approval of the November 19 and 26, 2008 minutes was tabled until the January 28th meeting.

INVOICES AND EXPENDITURES

The Treasurer pointed out the invoices that were paid with the December 5th and 19th payrolls, along with the ACH deductions since the November 26th meeting.

The PTS reviewed the Invoices and Expenditures report for the period November 27 through December 30, 2008. After due consideration, and upon a Holman/Novinger motion, the PTS voted unanimously to approve payment of checks 21462 through 21520 from the PLGIT General Account in the amount of \$32,146.07, ten ACH transfers from the Orrstown Bank General Account in the amount of \$3,929.38, and checks 1073 through 1076 from the Orrstown Bank PTPRB Checking Account in the amount of \$439.61.

TREASURER REPORT

Upon a Novinger/Plummer motion, the PTS voted unanimously to accept the Treasurer Report for the period November 27 through December 30, 2008 subject to yearly audit.

HIGHWAY DEPARTMENT REPORT

Mr. Plummer noted that salt had been delivered and was stored on the skids. Chairman Holman thanked Mr. Plummer for his efforts and work on the highway crew.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

The Secretary reported that there was no PTPC action to bring before the PTS.

ZONING OFFICER (ZO) REPORT

The December 2008 ZO Report was reviewed without comment.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The December 2008 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for December 2008 was reviewed.

The Secretary relayed that a luncheon conference with representatives of the PTPRB, Susquenita School District, and surrounding municipalities had been held yesterday and proved to be worthwhile. She stated that another meeting would be held in the future.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Ms. Novinger noted that the Authority's solicitor had sent out seventeen letters to residents concerning either their delinquent sewer accounts or their non-compliance with the Township's Connection Ordinance. She added that, while the Authority members were understanding of

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residents' hardships, they also understood that collection of debts and enforcement of the Connection Ordinance are necessary.

SECRETARY REPORT

Flood Plain Ordinance

The Secretary presented a letter from the Federal Emergency Management Agency (FEMA) stating that the PTS has until June 16, 2009 to have an updated Flood Plain Ordinance approved by FEMA. Failure to obtain approval will result in Penn Township being suspended from the National Flood Insurance Program. The Engineer noted that FEMA has an ordinance template and suggested that the PTS adapt it to fit the Township's situation.

2009 Budget

Carl Fox asked if the budget could be reopened to address DFC's request. Chairman Holman stated that it could, but offered that the amount of money requested was simply not available. Referring to Mr. Fox's proposal of a .5 mill fire tax, he offered that he did not feel the fire companies would be satisfied with that amount. Paul Soltis reported that he had just finished talking to DFC representatives out in the hall, and stated that they have now agreed to provide fire protection to Penn Township until January 5, 2009. He stated that DFC asked him to ask the PTS to consider a .7 mill fire tax for 2009, split between DFC and PFC, with both fire companies coming under contract. DFC has proposed the following millage rates: 2010: .8 mill, 2011: .9 mill, 2012: 1 mill. Mr. Soltis relayed that PFC has also agreed to provide fire service through January 5, 2009, but is requesting a 1 mill tax increase, effective in 2009.

Chairman Holman noted again that neither fire company attended the advertised budget meeting and stated that he was surprised when they were not there. He stated that, as per the Solicitor's request, he would provide the Solicitor with all the information from tonight's meeting, after which the Solicitor will recommend the direction the PTS needs to take. Chairman Holman stated his understanding that it is now too late to implement a fire tax for 2009.

Mr. Hollenbaugh asked if the budget could be left open while discussion continued. He was informed that the budget legally had to be approved by December 31, 2008.

Ms. Novinger noted that the PTS has delayed many needed road repairs and has a responsibility to the residents to complete the repairs. She felt that there was no extra money in the general fund to give to the fire companies.

One resident noted that either her insurance rate goes up or her taxes increase, but as of now she will lose her house in the fire. She asked if there could be some sort of compromise between the parties.

Ms. Novinger noted that the budget meeting was advertised and the fire companies did not attend. She stated that the budget meeting was the place for the fire companies to voice their concerns over funding for 2009.

Chairman Holman offered his opinion that there was no effort to reach a compromise on the part of the fire companies and he felt that the request for \$140,000 was a demand. He then stated that he was reluctant to approve the proposed budget because expenses were \$128,537 in excess of revenues.

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to adopt the 2009 budget as advertised.

DFC Request for Release of Letter of Credit (LOC)

In an effort to save the Engineer from making several trips to the DFC station site, Chairman Holman stated that he would make a site visit to see if the work done to-date was finished according to plan

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specifications. After that, if necessary, the Engineer will visit the site and make a recommendation on the LOC request.

Trailer Parking on Business Campus One (BCO) Streets

The Secretary reported that Barry Deaven, Perry County Economic Development Corporation, is concerned that the trailer parking on the streets of BCO is a visual distraction for potential lot purchasers. Chairman Holman stated he will direct the Acting Police Chief to pursue the matter as a violation of Township ordinances.

Cove Mountain Animal Hospital Request for Release of LOC

The Secretary reported that Dr. Schwartz has asked for a release of the LOC for the Cove Mountain Animal Hospital. Chairman Holman and the Engineer will perform a site visit to see if the seeding and mulching have been completed.

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 and has considered modifications to the animal regulations.

Sheetz Car Wash Stormwater Management Revisions

The Engineer reported that Sheetz engineer, Brian Soyka, has stated that he will notify the PTS when Sheetz's contractor would begin the work.

SOLICITOR REPORT

There was no Solicitor Report.

POLICE REPORT

The Monthly Police Incident Reports were reviewed without comment.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The November 2008 Permits Report was reviewed without comment.

CORRESPONDENCE

There was no correspondence to discuss.

OLD BUSINESS

Sewer Connections

The Secretary reported that Lester Sharar has now obtained the necessary permits for connection of his property to the sanitary sewer. She stated that 14 properties remain to be connected.

NEW BUSINESS

Spring 2009 Newsletter

The Secretary requested that articles for the spring newsletter be submitted by January 16, 2009.

Plaque Listing Past Supervisors

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The Secretary reported that she had compiled a listing of all past supervisors, and that a plaque listing the names and terms would be very expensive. She will research cheaper alternatives.

Executive Session

At 10:05 p.m. the PTS entered into executive session to discuss personnel issues. At 10:15 p.m. the meeting reconvened, with no action taken.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 10:15 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary