

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman

Randy Plummer, Vice Chairman

CeCe Novinger, Supervisor

MINUTES OF JANUARY 28, 2009

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The Penn Township Board of Supervisors (PTS) met on Wednesday, January 28, 2009 in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman CeCe Novinger, and Supervisor Randy Plummer were in attendance. Other personnel present were Helen Klinepeter (Secretary), Frank Chlebnikow, (Engineer), Paul Sheaffer, (Acting Police Chief) 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.

EXECUTIVE SESSION

Chairman Holman announced that an executive session was held with the Solicitor immediately prior to this evening's meeting, because the Solicitor was unable to stay for the meeting.

VISITORS

Kevin Bissonette, Duncannon Fire Company (DFC)

Mr. Bissonette presented DFC's 2008 call statistics to the PTS. He noted that DFC responded to 245 calls in 2008, 77 of which were in Penn Township. He stated that, due to budget limitations, the tower truck will be out of service indefinitely and that estimates for repair range from \$17,000 to \$20,000.

Garry Raub

Mr. Raub requested that the PTS deny permission for PPL to install proposed poles in the Township right-of-way (ROW) along Butchershop Road and gave the following reasons:

- PPL has said there are other possible routes for the electrical transmission lines.
- The electricity being transmitted is not for this area, but will be used elsewhere.
- The new poles will restrict ingress and egress of the fields.
- PPL does not maintain around the poles; he will have to keep the weeds eliminated and vegetation trimmed.
- The guy wires will cause the loss of productive and arable farm land because equipment will not be able to get close to the poles.

Chairman Holman acknowledged that these problems would be eliminated if the service lines were installed underground; however, it appears that only part of the line will be underground. Mr. Plummer noted that PPL and Embarq are giving him conflicting information on the number of poles to be installed. Chairman Holman noted that PPL wants to install the poles where there is no PPL or Embarq ROW and stated that the PTS has asked PPL to look for an alternate route. He stated that the PTS would take the request under consideration in executive session later in the meeting.

Jodi Rissinger, Perdix Fire Company (PFC)

Ms. Rissinger stated that PFC has some confusion over the intent of the letter sent by the PTS asking for contact personnel and acknowledgment of the PTS's 2009 donation. She asked if the letter meant the 2009 budget was going to be reopened and stated the PFC did not understand the reference to the agreement and to Solicitor Wagner.

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Chairman Holman stated that the agreement referred to was the verbal agreement given by PFC at the January 5, 2009 meeting accepting the PTS's 2009 donation. Additionally, PFC had stated at that meeting that it would provide a list of contact personnel for discussion of a fire tax.

Ms. Rissinger responded that the contacts will be Shade Reidlinger, Monte Supko and herself. She stressed that the three of them would not have authority to make decisions during the discussions, but would need to take those items to the membership for approval. Ms. Rissinger stated that the PFC would not turn down the \$27,000 donation but wanted it on record that \$27,000 is simply not sufficient to provide adequate fire protection for a year.

MINUTES

Upon a Plummer/Novinger motion, the PTS voted to unanimously approve the minutes of the November 19 and November 26, 2008 PTS meetings as presented.

INVOICES AND EXPENDITURES

The Treasurer pointed out the invoices that were paid with the January 2 and 16, 2009 payrolls, along with the ACH deductions since the December 30th meeting.

The PTS reviewed the Invoices and Expenditures report for the period January 1 through January 31, 2009. After due consideration, and upon a Holman/Plummer motion, the PTS voted unanimously to approve payment of checks 21521 through 21576 from the PLGIT General Account in the amount of \$39,544.25, thirteen ACH transfers from the Orrstown Bank General Account in the amount of \$5,832.50, and checks 1078 through 1085 from the Orrstown Bank PTPRB Checking Account in the amount of \$657.87.

Chairman Holman noted that there is no written policy concerning checks that are written for payment between meetings, and nothing to prevent a supervisor from asking for a check and then having only one other supervisor sign it. He explained that he wanted to prevent the type of problems that occurred in the past. After discussion, there was a Plummer/Novinger motion to draft a resolution stating that all three supervisors must be involved with mid-meeting checks, with the "do not exceed" amount of the check to be determined later. Motion passed unanimously. After the amount is decided upon, the draft resolution will be forwarded to the Solicitor for his review and comments.

TREASURER REPORT

Upon a Novinger/Holman motion, the PTS voted unanimously to accept the Treasurer Report for the period January 1 through January 28, 2009, subject to yearly audit.

Ms. Rissinger asked for the total of all bank accounts as of December 31, 2008. The Treasurer replied that information was not at hand at the meeting, but the total of all accounts as of January 28, 2009 was \$890,057.55. Ms. Rissinger asked if there was an overage in 2008. The Treasurer replied that she did not have the 2008 budget status with her. However, the Township's 2008 financial audit was expected to be completed within two weeks and a copy would be provided to Ms. Rissinger after it was approved.

Chairman Holman informed Ms. Rissinger that the \$70,000 budgeted for transfer in 2008 from the general fund to the capital reserve fund was not made in December, because of not wanting to deplete the general fund.

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HIGHWAY DEPARTMENT REPORT

Road Issues

Mr. Plummer reported that the new section of Gambers Corner Road has developed a crack, which will need attention. Potholes have been filled in on Linton Hill Road, but the catch basins all need fixed. The drain pipes along the dirt section of Linton Hill Road are in need of repair.

Street Light on Friendly Drive

Mr. Plummer reported that the paper work for the street light at Mutzabaugh's Market on Business Campus Way cannot be found. Chairman Holman stated that the light has had problems since it was installed. He added that Mr. Mutzabaugh has agreed to supply electricity to the light and the PTS has agreed to perform maintenance. Based on the fact that the light has not worked correctly since installation, it was the consensus that a letter would be sent to the Perry County Economic Development Corporation, asking it for financial compensation for maintenance of the light. The Secretary will write the letter.

Handicapped Resident on Mountain Street

The Secretary stated that the family of a handicapped resident on Mountain Street has asked for a handicapped parking sign for the space in front of the residence. She stated that a letter has been requested from the resident's doctor, attesting to the handicap, but no response has been received. The Secretary was requested to send a letter to the family, telling them that the issue is under consideration. In the meantime, the procedure for installation of handicapped signs will be researched.

Job Codes for Highway Work Performed

Mr. Plummer stated that he is in the process of assigning job codes to the types of work being performed by the highway department. Chairman Holman offered his assistance.

Road Condition Assessment

Chairman Holman requested that the highway department compile a list of all Township roads and their current conditions, with recommendations of which ones will be repaired and when. He stated that this will be useful for 2010 budget discussions.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Leonard Rife Final Subdivision Plan, File #2008-10

Charlie Cook stated that this plan involved moving a lot line, with no earth disturbance. He explained that Mr. Rife was selling a fifty-foot section of property to his neighbor. After discussion, the following AORs of the Subdivision and Land Development Ordinance (SALDO) were approved unanimously on a Novinger/Holman motion- sections 309.A.9, 309.A.11, 309.A.18, 309.B.3, and 309.B.1-12.

The Secretary reported that the certification of ownership and the dedicatory statement have been signed and notarized. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve the Leonard Rife Final Subdivision Plan, File #2008-10, contingent upon payment of all fees. Mr. Cook accepted the contingency on behalf of Mr. Rife.

Warden Final Subdivision Plan, File #2005-06

Upon a Novinger/Holman motion, the PTS accepted the recommendation of the PTPC and approved a ninety-day time extension until April 28, 2009 for the Warden Final Subdivision Plan, File #2005-06.

Request for Time Extension Form

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The Secretary reported that some engineers and developers are not using the approved time extension request form and stated that the PTPC is recommending that the PTS require this standard form. Upon a Holman/Novinger motion, the PTS voted unanimously to concur with the form requested by the PTPC. The Secretary will send a letter to engineering firms, advising them of the need to use the approved forms.

Pet Ordinance

The Secretary reported that the PTPC has revised Ordinance 90 by changing some of the definitions and substituting "pet" for "dog" in the text of the ordinance. After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to advertise the new pet ordinance, with the changes as presented. Ms. Novinger thanked the members of the PTPC for their hard work and diligence.

ZONING OFFICER (ZO) REPORT

The January 2009 ZO Report was reviewed without comment.

Abundant Harvest Church

The Secretary presented a letter from the PTPC recommending approval of the conditional use request submitted by Abundant Harvest Church, conditioned upon compliance with the regulations specified in Section 1401 of the Zoning Ordinance. After discussion, the PTS set a Conditional Use hearing for Monday, February 23, 2009 at 7:00 p.m.

Cell Tower Amendment Hearing

The Secretary reported that a hearing date needed to be scheduled for the purpose of amending the Zoning Ordinance to include the changes made to regulations on cell tower height and Section 1637.2.r.

It was the consensus to schedule the hearing for this amendment to the Zoning Ordinance for February 23, 2009 at 6:30 p.m.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The January 2009 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for January 2009 was reviewed.

Chairman Jim Renner reported that a meeting was held with representatives from Perry County, Duncannon Borough, PCRA and DCNR to discuss Susquehanna Greenway projects.

Mr. Renner stated that he is meeting with a representative from Suburban Propane to discuss installation of a gas heater in the basement meeting room.

Mr. Renner stated that the annual Chicken BBQ/Flea Market will be held on March 28, 2009.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Henry Holman III, Authority Chairman, reported that the Authority is in the process of conducting an income survey of some of its customers. He explained that the income surveys are needed in conjunction with the application for Community Development Block Grant funding for improvements to the water/sewer system.

Authority member Lee Wright stated that he feels the Authority is in a position to lower its sewer rates a little bit, and hopes to have that action approved at the Authority's February meeting.

SECRETARY REPORT

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Humane Society

The Secretary reported that the Humane Society has reduced the Township's annual membership fee to \$1,502.36. After discussion, and upon a Novinger/Plummer motion, the PTs voted unanimously to approve a one-year contract with the Humane Society.

Elite Dialysis Stormwater Agreement

The Secretary reported that Dr. Cummings has signed and notarized the Stormwater Agreement. After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to accept the *Stormwater Management Agreement and Declaration of Easement* for Elite Dialysis.

Website inclusion of Zoning Ordinance

The Secretary reported that Gavin Yingling has submitted a quote of \$40.00 an hour to upload the Zoning Ordinance onto the Township's website. Upon a Holman/Novinger motion, the PTS voted to authorize Gavin Yingling to upload the Zoning Ordinance, at a cost of \$40.00 per hour, not to exceed \$140.00. The Secretary stated that a disclaimer would be put on the website, stating that the current, official copy of the Ordinance is available at the Township office.

Furnley Frisch Invoice

The Secretary reported that Mr. Frisch has not responded to the second request for payment of his overdue balance for engineering fees for plan #2007-06. The Secretary was requested to refer the matter to the Solicitor, and to also find out the status of the stormwater complaint for Barnett Drive filed against Mr. Frisch.

ENGINEER REPORT

The Engineer Report was reviewed with the following additional comments.

Agricultural-Rural (AR) Zoning District Update

The Engineer reported that the PTPC has finalized modifications to the pet ordinance and continues to update the AR zoning district regulations.

Sheetz Car Wash Stormwater Management Revisions

The Engineer reported that Sheetz's contractor will contact the Township as to the schedule for the corrections that will be made to the stormwater detention pond.

DFC Request for Release of Letter of Credit (LOC)

Upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Engineer to perform a site visit to ascertain whether the DFC station house project has been completed according to the plan filed in the Township office. The Engineer will then make a recommendation as to whether the request to release the LOC should be approved or denied.

PTPC Presentation

Chairman Ed Chism stated that the PTPC has become aware that the PTS is considering a change in engineering firms due to increased engineering costs. He noted that one specific concern is the cost for review of small lot additions or the re-location of lot lines.

Mr. Chism stated that the PTPC met with representatives of three engineering firms – Rettew Associates, Brehm-Lebo Engineering, and Madden Engineering – and asked how engineering costs could be reduced for small subdivision plans. It was agreed that cost savings is related more to the extent of the review than to the hourly rate of the engineer. The following proposals are the result of the meetings. These proposals should decrease the time needed for engineering review and thereby reduce engineering costs.

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- All matters related to zoning will now be reviewed by the Zoning Officer.
- All matters related to sewage issues will be reviewed by the Authority or Sewage Enforcement Officer.
- Perry County Planning Commission comments will be used for completion of the SALDO checklist items.
- Plans for small lot additions or boundary line relocation will first be sent to the Perry County Planning Commission and the Zoning Officer for review. These plans will be sent to the Engineer only if the PTPC feels that additional review is needed. The advantage of this procedure will be the elimination or reduction of engineering costs for these small plans. The disadvantage is the delay caused if additional review is determined to be needed by the Engineer.
- The Engineer would still be used to review the plan during the PTPC's monthly meeting.

Because Rettew Associates has greatly assisted Penn Township in being well-positioned to meet the challenges of proposed intensive residential development, because Rettew Associates is the only firm interviewed that has planners and traffic engineers on staff as well as back-up engineers for meeting date conflicts, because of the anticipated reduction in engineering costs, and because of Rettew Associates' fourteen-year relationship with the Township, the PTPC recommended that Rettew Associates be retained as Township Engineer.

Mr. Plummer asked why these cost-reduction steps were not taken previously. Chairman Holman responded that it was the fault of both the PTS and the PTPC for maintaining the status quo. He noted that past PTS boards directed the Engineer to take on a lot of unnecessary work. He stated that, since he was elected to office, he has started to reduce the workload assigned to the Engineer. Mr. Chism responded that the PTPC takes responsibility for the duplication of services. The PTPC was not aware of the engineering fees being charged to the developer, and thus allowed it to continue. He stated that the PTPC was willing to meet with any supervisor at any time to answer any questions about the above-mentioned proposals.

Chairman Holman thanked the PTPC and stated that the issue would be further discussed in executive session later in the meeting.

SOLICITOR REPORT

There was no Solicitor Report.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Dog Kennel License

The Secretary reported that the Department of Agriculture changed its dog law regulations in 2008. The Township dog kennel is now required to have a veterinarian-approved exercise program for any animal kept in the kennel. A fire extinguisher is also now required for the kennel. The Secretary reported that she contacted the Department of Agriculture to see if the requirements could be waived, since the Township has an outside kennel and houses very few dogs each year. However, the requirements cannot be waived.

Acting Chief Sheaffer asked the average length of time dogs were kept in the kennel and was told five days at the longest. Chairman Holman volunteered to discuss the exercise plan with Dr. Cook and will report back at the February 25, 2009 meeting.

Acting Police Chief Report

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Mr. Sheaffer stated that he is in the process of checking if deadlines have been met and is keeping up with incoming correspondence.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The December 2009 Permits Report was reviewed without comment.

CORRESPONDENCE

There was no correspondence to discuss.

OLD BUSINESS

Sewer Connections

The Secretary reported that thirteen properties remain to be connected.

Pole Building

Chairman Holman stated that he is going to obtain the price of a pole building to house police vehicles.

Dick Messner, Linton Hill Road

Chairman Holman stated that he has taken Mr. Messner's request for a re-numbering of his street address under consideration. He stated that he has been in contact with Wheatfield Township officials about the re-numbering request, and that he will accompany Mr. Messner to a Wheatfield Township supervisors' meeting.

Generator Hookup

Chairman Holman noted that the issue of a generator hook-up for the Township building needs to be addressed. He noted that the Township has a working generator and the building has been approved by Red Cross as a temporary emergency shelter. Chairman Holman is going to review the quotes received for the electrical work to ensure that the correct disconnects are included in the specifications.

NEW BUSINESS

Scale House Lease

The Secretary reported that it has come to her attention that the 2007 lease for the scale house property between PFC and Eagle's Nest was not signed by the Township, as had been done for previous leases. Monte Supko responded that PFC's solicitor felt that since PFC is incorporated as a business, it has a right to utilize the property. Ms. Rissinger stated that she will find out why the solicitor stopped having the PTS sign the lease. The Secretary will also have the Township Solicitor review the issue.

Volunteer Fire, Emergency Services, and Local Government Training

After discussion, and upon a Novinger/Holman motion, the PTS voted unanimously to authorize Mr. Plummer to attend a PSATS-sponsored workshop on fire and emergency services to be held on February 25, 2009 at a cost of \$75.00. Mr. Plummer asked that his February 2009 supervisor's compensation be reduced to cover the cost of the Workshop.

Unified Construction Code (UCC) Board of Appeals Re-appointment

The Secretary reported that the UCC Board of Appeals has recommended that Jeff Holman be re-appointed to the UCC Board of Appeals. After discussion, and upon a Plummer/Novinger, the PTS

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voted to re-appoint Jeff Holman to the UCC Board of Appeals. Chairman Holman abstained from voting, on the basis that Jeff Holman is his son.

Spring 2009 Newsletter

The Secretary requested that she would like comments on the draft spring newsletter by February 6, 2009.

EXECUTIVE SESSION

At 8:38 p.m. the PTS entered into executive session to discuss legal issues. At 9:48 p.m. the meeting reconvened.

PPL Pole Installation

Upon a Holman/Plummer motion, the PTS voted unanimously to deny PPL's permit application for installation of poles in the Township's ROW along Butchershop Road for overhead electrical wires. Chairman Holman stated that the PTS will give consideration to the request if the wires are installed underground. Mr. Raub will be given a copy of the letter notifying PPL of its decision.

Fire Tax Issues

Chairman Holman announced that each supervisor is going to compile a list of his/her ideas on the procedure for implementation of a fire tax. After discussion, it was the consensus that the first meeting would be held in the Township building on February 16, 2009 from 7:00 to 8:30 p.m. The meeting will be held in executive session. Participants will be limited to the three supervisors and points of contact of both fire companies. There will be no solicitors or outside parties included in the discussions. There will be no official minutes, but participants will be allowed to take notes.

Engineering Firm Retainer

The PTS will ask Rettew Associates for a guarantee that the engineering firm is in agreement with the cost-reduction proposals recommended by the PTPC earlier in the meeting. In light of the time needed for a response, there was a Holman/Novinger motion to retain Rettew Associates as the Township's engineering firm for another month. Motion passed unanimously.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 10:08 p.m.

Respectfully Submitted,

Susan E. Long Recording Secretary