

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

Henry A. Holman, Jr., Chairman

Lucinda (CeCe) Novinger, Vice-Chairman

Randy Plummer, Supervisor

MINUTES OF APRIL 29, 2009

Page 1 of 8

The Penn Township Board of Supervisors (PTS) met on Wednesday, April 29, 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), Max Shradley, (Engineer), P. Richard Wagner (Solicitor), 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.

CONCERNS ABOUT MARCH 25, 2009 PTS MEETING

Chairman Holman stated that he had been asked to include the discussion between Mr. Plummer and himself that took place at the March 25th PTS meeting in the minutes of that meeting. He stated that he disagreed, citing that the Open Records law allowed for copies of the tape to be sold, and stating that the discussion did not concern Township matters. He apologized to all the visitors who had attended that meeting, stating that the discussion was not characteristic of the PTS. He then apologized to his wife and her sister who were affected by the comments made at that time.

Chairman Holman offered that a letter of apology should be sent to Emergency Management Coordinator Paul Soltis, along with recognition for his years of service to Penn Township. Upon a Novinger/Plummer motion, the PTS voted unanimously to send a letter of apology from the PTS to Mr. Soltis, along with recognition of his service as Emergency Management Coordinator.

VISITORS

Denise Hassinger, Faculty Road

Ms. Hassinger was in attendance to request an extension to the time limit for the placement of the mobile home that is being repaired at the business owned by her husband and herself. She stated that the owner of the mobile home needed to obtain the proper permits from the Township office before it could be moved to its permanent location. Upon a Holman/Novinger motion, the PTS voted unanimously to grant a two-month extension to allow the Hassingers to keep the mobile home on their premises.

Byron Worner, Duncannon Fire Company (DFC)

Mr. Worner was in attendance to again ask for financial assistance to repair DFC's tower truck. He stated that three quotes had been received, but only the one from Interstate Fire Equipment was complete. The quote was in the amount of \$17,500.00, of which DFC has \$5,000.00 available. Mr. Worner stated that the repairs on the truck will take one month and that Interstate cannot start work until June. Interstate will need 50% of the cost within three weeks of beginning the repair, with the remainder due thirty days after completion.

Mr. Worner stated that Duncannon Borough is willing to provide financial assistance, but did not give DFC a dollar amount. He stated that he would request assistance from Wheatfield Township at its meeting the following Monday evening. He stated that he would like to see each of the three municipalities contribute \$4,000.00. Chairman Holman stated that he would like to touch base with officials from Duncannon and Wheatfield before making any commitment.

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MINUTES OF APRIL 29, 2009

Page 2 of 8

Kevin Bissonette, DFC

Mr. Bissonette asked Penn Township to consider adding DFC to Ordinance 2000-02, to allow DFC to bill for the costs of equipment and materials used at accidents. He explained that this action would allow DFC to recover some of its costs. He stated that billing of Township residents would end once a fire tax is instituted. The Solicitor will review the ordinance and forward his comments to the PTS.

Kraig Nace, Duncannon Emergency Medical Services (EMS)

Mr. Nace presented addendums to the 2008 financial statement previously submitted by the EMS. He also submitted information showing payments made by commercial insurance companies to individuals that were never reimbursed back to the EMS, along with co-payment and deductible information. He extended an offer for the PTS to contact him at any time with questions.

MINUTES

Upon a Novinger/Plummer motion, the PTS voted to unanimously approve the minutes of the March 25 and April 13, 2009 PTS meetings as presented.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period March 26 through April 29, 2009. After due consideration, and upon a Holman/Novinger motion, the PTS voted unanimously to approve payment of checks 21691 through 21749 from the PLGIT General Account in the amount of \$74,483.93, eleven ACH transfers from the Orrstown Bank General Account in the amount of \$4,835.38, and checks 1101 through 1115 from the Orrstown Bank PTPRB Checking Account in the amount of \$7,474.81.

TREASURER REPORT

Upon a Holman/Novinger motion, the PTS voted unanimously to accept the Treasurer Report for the period March 26 through April 29, 2009, subject to yearly audit.

Electronic Submission of Unemployment Compensation Tax

The Treasurer reported that the PA Department of Labor & Industry will soon be requiring electronic submission of payments and reports for unemployment compensation payroll taxes. Upon a Holman/Plummer motion, the PTS voted unanimously to authorize electronic remittance of unemployment compensation payroll taxes and any related reports.

FIRE MEETING REPORT

Chairman Holman noted that he had not received any of the information requested from the fire companies at the March 25th PTS meeting. Monte Supko, Perdix Fire Company (PFC) responded that he had some of the requested information for presentation this evening. However, he has been told by Homeland Security and FEMA that some of the requested information is considered confidential.

MINUTES OF APRIL 29, 2008

Page 3 of 8

The Solicitor noted that the Office of Open Records has ruled on April 3rd (Docket 0116 of 2009) that fire companies are considered to be public agencies, and as such cannot withhold any information that is not specifically provided for under the Right to Know Act. He suggested that PFC consult with its legal counsel for an update of that decision.

Regarding requested information about grant funding, Jodi Rissinger stated that PFC is willing to allow PTS to look at the grant application, but does not want to provide a copy that might be seen by the public. The Solicitor again referred PFC to its legal counsel for an update of the recent Office of Open Records ruling. Mr. Supko stated that he has provided three award letters showing amounts of grants received. He also noted that PFC can not apply for FEMA grants at this time because it does not have the required 10% "upfront money."

Mr. Bissonette stated that he is still waiting for some of the requested information, and did not bring any of it along. Mr. Worner noted that there might be several hundred pages of information and asked if the PTS could supply paper and ink. The Solicitor stated that the Right to Know Act makes provision for some reimbursement of costs. Chairman Holman expressed confusion, in that he thought it was a straight-forward request for a breakdown of fire calls.

HIGHWAY DEPARTMENT REPORT

Mr. Plummer presented a price list from Pennsy Supply showing cost of stone purchased through the state's COSTARS program. He also presented pictures of storm drains on Linton Hill Road that need replaced, as well as pictures of erosion of tree roots on Lavonne Drive.

Annual Road Survey Results

Mr. Plummer presented the findings of the annual road survey held on April 4th, detailing Township road conditions and needed repairs. He noted that one resident of Firehouse Road has indicated her intention to place a mobile home on a vacant lot, and another resident will be replacing his fire-damaged home with modular construction. Mr. Plummer questioned if the needed repairs should wait until these constructions are completed. Chairman Holman offered his opinion that the bids should be prepared for September and discussion about a completion date could be held at the pre-construction meeting.

Chairman Holman apologized for not attending the road survey meeting, explaining that he was involved with a barn fire on a neighboring property. He suggested that the following items be addressed by the highway department. There are side ditches to be cleaned and major potholes to be repaired. Hickory Drive residents need a response to their request, made last year, to address stormwater issues. The stream flowing under the Watts Road Bridge needs to be cleaned because built-up debris has diverted the course of the stream and is eroding the new headwall.

Chicken Bar-B-Que

Ms. Novinger presented a list of recipients of the twenty Chicken Bar-B-Que dinners that were donated by the Solicitor and delivered the day of the Bar-B-Que. She thanked the Solicitor for his generous donation.

Rohrer Drive Bids

Mr. Plummer presented a draft advertisement soliciting bids for paving of Rohrer Drive. It was noted that a preconstruction meeting will be held on May 18th at 9:00 a.m. Upon a Holman/Novinger motion, the PTS voted unanimously to approve advertisement of the bid solicitation for paving of Rohrer Drive.

Inlet Box Pricing

Mr. Plummer reported that the price of inlet boxes for Firehouse and Hill Top Roads quoted at last month's meeting was in error. The price is \$2,500.00 for six inlet boxes, not \$2,500.00 each. Upon a

MINUTES OF APRIL 29, 2009

Page 4 of 8

Holman/Novinger motion, the PTS voted unanimously to purchase six inlet boxes at a cost of \$2,500.00, with the money to be taken from the General Fund.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Ferster/Mervine Land Development Plan, 2009-03

Joe Burget, Burget & Associates, explained that this plan will allow the owners of Perry Foods to construct a thirty-foot by forty-foot addition to the facility to house a freezer. He stated that the plan will not increase the amount of impervious surface and offered his opinion that the floor of the addition is above the 100-year flood plain. Engineer Max Shradley explained that, while a complete study to confirm that the floor is one and one-half feet above the 100-year flood plain could cost several thousand dollars, he feels comfortable that the addition is in compliance with the requirements.

Upon a Plummer/Novinger motion, the PTS voted unanimously to approve the ten AORs that are detailed in the PTPC letter dated April 23, 2009.

Upon a Novinger/Holman motion, the PTS voted unanimously to approve the Ferster/Mervine Land Development Plan, 2009-03, contingent upon all fees being paid, a written confirmation from the Zoning Officer that the plan complies with Article 19 of the Zoning Ordinance, a signed agreement between the PTS (owner of an adjacent property) and another adjacent property owner allowing use of a marked easement. Mr. Burget accepted the contingencies.

Warren Snyder Final Subdivision Plan, 2009-02 DEP Module and Resolution

The Secretary explained that this plan is for four residential lots, one residual lot, and two lot additions. Mr. Plummer noted that no speed study has been done for the development. However, this issue will be included as part of the subdivision plan discussion in the future. Based on a recommendation for approval from the PTPC, and upon a Plummer/Novinger motion, the PTS approved the DEP module and attendant resolution for the Warren Snyder Final Subdivision Plan.

Morrison Land Development Plan, 2009-04 DEP Mailer

The Secretary noted that buildings associated with this plan will be connected to the Township's public sanitary sewer system and that a letter has been received from the Penn Township Municipal Authority stating that there is capacity in the Kinkora wastewater treatment plant. Based on a recommendation for approval from the PTPC, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve the DEP mailer for the Morrison Land Development Plan.

Arthur Myers DEP Module and Resolution

It was noted that this DEP Module is for a small-flows treatment plant. Based on a recommendation for approval from the PTPC, and upon a Plummer/Novinger motion, the PTS voted unanimously to approve the DEP Module and Resolution, contingent upon Section 9 of the Maintenance Agreement being amended to agree with the current PA requirement for cost of the inspection fee. The Engineer will provide the information on the requirement.

Township Comprehensive Plan

The Engineer reported that the PTPC has reviewed the Comprehensive Plan for sections that need to be revised. The Engineer recommended that the PTPC utilize the information previously compiled by Perry County and alter it to fit the Township's situation. The Secretary stated that the PTPC expects to schedule an extra meeting each month, with an estimated nine-month time frame for completion of the revisions by the PTPC. Upon a Holman/Novinger motion, the PTS voted unanimously to approve the written Comprehensive Plan review procedure as presented by the Engineer.

ZONING OFFICER (ZO) REPORT

MINUTES OF APRIL 29, 2009

Page 5 of 8

The April 2009 ZO Report was reviewed without comment.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The April 2009 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for April 2009 was reviewed without comment.

The Secretary reported that the grant application for the fitness trail required hourly wages for equipment and labor. To obtain these figures, she used information from FEMA for equipment rates, and information from the Center for Workplace Information for occupational wages. Upon a Novinger/Plummer motion, the PTS voted unanimously to utilize the rates for equipment and labor from the two above-mentioned sources.

PTPRB member Nancy Valdez reported that bleacher seats have been repaired and that the preliminary pieces for the skateboard park are in place. Mr. Plummer noted that the pieces are being moved by bicyclists and used for jumping over the picnic tables. Ms. Valdez suggested that a small fence could be put around the area, and added that the PTPRB was going to anchor the skateboard equipment.

Mr. Plummer noted that the PTPRB has erected a sign that protective equipment such as helmets and knee pads should be worn by the skateboarders.

The Solicitor stated that, when the Township becomes aware of a dangerous condition such as the bicycle jumping, it must take steps to alleviate it. Erecting a fence and installing a "No Trespassing" sign gives the public notice that the Township is aware of the dangerous condition. The Secretary will forward the Solicitor's comments to the PTPRB chairman.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Ms. Novinger announced that there are nine Perdix properties remaining to be connected to the sanitary sewer.

SECRETARY REPORT

Annual PLGIT Shareholders Meeting

The Secretary reported that PLGIT is requesting that the Township submit a proxy if it is not going to attend the annual shareholders meeting to be held on May 22, 2009. Upon a Novinger/Plummer motion, the PTS voted unanimously to forward the proxy to PLGIT.

Resignation of Emergency Management Coordinator

Upon a Holman/Plummer motion, the PTS voted unanimously to accept the resignation of Paul Soltis as Emergency Management Coordinator.

Floodplain Ordinance 2009-03

The Secretary reported that the PTPC has finalized the floodplain ordinance and asked for approval to advertise. Upon a Novinger/Plummer motion, the PTS voted unanimously to advertise the floodplain ordinance. The Secretary will forward copies to DCED and the Perry County Planning Commission.

ENGINEER REPORT

The Engineer Report was reviewed with the following additional comments.

Agricultural-Rural (AR) Zoning District Update

The Engineer reported that the PTPC continues to update the AR zoning district regulations, but has put this issue on the back burner as it focuses on revisions to the Comprehensive Plan.

MINUTES OF APRIL 29, 2009

Page 6 of 8

Sheetz Car Wash Stormwater Management Revisions

The Engineer reported that the corrections should be made to the Sheetz Car Wash stormwater detention pond by next week.

Fitness Trail

The Engineer reported that mapping for the grant application for the fitness trail was completed and submitted to the Township.

Dollar General Stormwater Drainage

The Engineer met with Chairman Holman on the Dollar General site to discuss solutions to the stormwater drainage issues. Chairman Holman reported that the pipe size and materials were obtained and that he will contact Mr. Hudson, counsel for Cocca Development, to prepare a hold-harmless agreement with the Township.

Faculty Road Speed Study

Mr. Plummer reported that Ms. Novinger and he did the background work for the speed study for Faculty Road last summer, but the ordinance still needs to be advertised. The Solicitor reminded the PTS that the Engineer still needs to review the calculations. Mr. Plummer stated that he did not think the Engineer's review was necessary. The Solicitor responded that he feels it is in the best interest of the PTS to have the Engineer's concurrence with the calculations. The Engineer will review the calculations.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Firehouse Road

Acting Chief Paul Sheaffer stated that there had been a speeding incident on Firehouse Road the previous evening, and without being posted, it can be driven at 55 mph. He offered his concern that, once the road is paved, the speeding incidents will increase.

Full-Time Police Chief

Chairman Holman noted that he has been observing the activities of the police department and has become convinced that there is a need for a full-time Police Chief. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to offer a full-time position as Police Chief to Paul Sheaffer. Mr. Sheaffer indicated that he would be willing to accept the position. Salary/wage issues will be discussed in executive session later in the evening.

SOLICITOR REPORT

Furnley Frisch

The Solicitor reported that he did not receive a response from Mr. Frisch's lawyer by April 10th and, as a result, he entered a default judgment against Mr. Frisch earlier today. The judgment was a result of an injunction preventing Mr. Frisch from allowing stormwater/debris to enter Barnett Drive.

Perdix Scale House Lease

The Solicitor stated that he has reviewed the deed for the Perdix scale house. The deed includes a reversionary clause stating that the property will revert back to the Township if it is not used for Township purposes. For that reason, he feels that it is logical to have the PTS as a party to the lease between PFC and Eagle's Nest. Mr. Supko asked the Solicitor to contact PFC counsel, Mr. Dissinger.

MINUTES OF APRIL 29, 2009

Page 7 of 8

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The March 2009 Permits Report was reviewed without comment.

CORRESPONDENCE

Electronic Recycling Day

The Secretary reported that the Perry County Commissioners have scheduled an Electronics Recycling day on June 13, 2009.

Duncannon Fire Police

The Secretary reported that the Duncannon Fire Police has requested financial assistance to replace/upgrade its equipment. Chairman Holman noted that there is money available in the police budget. Upon a Holman/Plummer motion, the PTS voted unanimously to donate \$500.00 to the Duncannon Fire Police.

County Tax Collection Committee (TCC) Representative

The Secretary reported that PA Act 32 requires each municipality to appoint a representative to its county TCC. The representative must be a Township resident. Upon a Holman/Plummer motion, the PTS voted unanimously to appoint Helen Klinepeter as the primary delegate, and Ms. Novinger as the first alternate. Upon a Novinger/Plummer motion, the PTS voted unanimously to appoint Chairman Holman as the second alternate.

OLD BUSINESS

Proposed Police Vehicle Garage

Chairman Holman reported that he is compiling a cost estimate for a new building to house the police vehicles, and still needs to obtain the cost of constructing a retaining wall. He stated that he feels the building will come in under budget.

NEW BUSINESS

Luther Daywalt

Mr. Plummer relayed that Mr. Daywalt would like to have the old pipe that is lying beside the highway shed. It was the consensus that the Township had no need for the pipe and that Mr. Daywalt could have it.

Minutes Tape Destruction Policy

It was the consensus that, in accordance with the policy regarding destruction of minutes tapes, the tapes of the March 25, 2009 meeting will be destroyed because the minutes of that meeting have now been approved.

Stormwater Ordinance

The Secretary reported that it has come to her attention that a Table and Chart referenced in Section 5.14 of the Stormwater Ordinance is missing. She stated that a copy of the missing pages is available from the Engineer. Upon a Holman/Novinger motion, the PTS authorized the Secretary to prepare a

MINUTES OF APRIL 29, 2009

Page 8 of 8

draft amendment to the Stormwater Ordinance to include the missing pages, for review at the May 27, 2009 meeting.

EXECUTIVE SESSION

At 9:00 p.m., the PTS entered into executive session to discuss personnel issues regarding the full-time Police Chief position. At 9:20 p.m., the PTS 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 9:21 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary