

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 MAY 27, 2009

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The Penn Township Board of Supervisors (PTS) met on Wednesday, May 27, 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, (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.

VISITORS

Kraig Nace, Duncannon Emergency Medical Services (EMS)

Mr. Nace presented Form 990, *Return of Organization Exempt from Income Tax*, for 2008 for the PTS's review.

MINUTES

Upon a Novinger/Plummer motion, the PTS voted to unanimously approve the minutes of the April 29, 2009 PTS meetings as presented.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period April 30 through May 27, 2009. The Treasurer reported that a bill from Kisner's Garage in the amount of \$95.00 for a tire for the police vehicle had been received after the report had been completed. She asked for authorization to pay that bill and stated that the information would appear on next month's report.

After due consideration, and upon a Plummer/Novinger motion, the PTS voted unanimously to approve payment of checks 21750 through 21805 from the PLGIT General Account in the amount of \$43,651.71, eleven ACH transfers from the Orrstown Bank General Account in the amount of \$4,114.33, and checks 1116 through 1125 from the Orrstown Bank PTPRB Checking Account in the amount of \$407.47.

TREASURER REPORT

Upon a Novinger/Plummer motion, the PTS voted unanimously to accept the Treasurer Report for the period April 30 through May 27, 2009, subject to yearly audit.

Embarq Multi-Line Bundle Pricing Proposal

The Secretary presented information received from the Township's Embarq representative comparing current costs with costs that could be obtained from a multi-line bundling package. The representative estimated that monthly costs could be reduced by \$63.24. Additionally, Long Distance charges could possibly be reduced from \$.30 per minute to \$.10 per minute. The Secretary reported that the DSL speed for Internet and email transmissions could be upgraded, although this would reduce the savings somewhat.

After discussion, and upon a Plummer/Novinger motion, the PTS voted unanimously to authorize the Secretary to accept the Multi-Line Bundle Pricing proposal.

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FIRE MEETING REPORT

Chairman Holman had no comments on the previous fire meeting. The next meeting will be held on June 2, 2009 from 7:00 p.m. to 8:30 p.m.

HIGHWAY DEPARTMENT REPORT

Rohrer Drive Bid Opening Results

The PTS reviewed six bids for the Rohrer Drive paving project that were opened on May 26th at 1:00 p.m. The amount of the six bids ranged from \$36,028.90 to \$48,728.72. It was noted that the bid packet specified that work must be completed by September 30th. Chairman Holman asked if a start date was included in the packet and was told there was not. The Solicitor offered that the contractor can legally start as soon as the contract is accepted. Chairman Holman asked if preparations necessary for paving would be completed by the highway department in time for the contractor to begin. Mr. Plummer responded that the only remaining work to be done is a final cut at the end of the road, which would be filled with stone until the contractor starts work. Chairman Holman asked if the preparatory work would be completed by June 10th and was told by Mr. Plummer that it would be.

Chairman Holman asked the Solicitor if he had reviewed the bids. The Solicitor responded that everything appears to be in order. He added that Womex, Inc. is a former client of his office, but that did not influence his decision when reviewing the documents. Mr. Plummer stated that he is good friends with Womex, Inc. employees and would abstain from voting.

Upon a Novinger/Holman motion, the PTS voted to accept the low bid of \$36,028.90 from Womex, Inc., subject to submission of the insurance bond. Mr. Plummer abstained from voting.

PPL Highway Occupancy Permit (HOP) Application

The PTS discussed a letter from PPL requesting that the PTS review a permit application and map showing a re-design for proposed electric utilities along Butchershop Road. This request had previously been discussed at a March 17th meeting with PPL representatives, along with resident Garry Raub and his attorney.

The Solicitor stated that the PTS has a choice to either accept or reject the application. If the HOP application meets the requirements of Township ordinances, it must be approved. He offered his opinion that, if rejected, the PTS would probably become involved in some sort of litigation with PPL.

Both Chairman Holman and Mr. Plummer were in agreement that the sketch plan included with the letter was ambiguous in that it shows poles and guy wires for sections of the utility that are to be installed underground. The Solicitor noted that this ambiguity could be a basis to table any action on the permit until the confusion is clarified by PPL. He also noted that the application fee has not been paid.

Upon a Holman/Plummer motion, the PTS voted unanimously to table any decision on PPL's HOP application, pending a meeting with PPL representatives. Mr. Plummer will contact PPL and explain the confusion over the poles. He will also inform PPL that the application fee needs to be paid. The Solicitor noted that Mr. Raub's attorney was present as a visitor and asked that she be notified if the issue will be discussed at the June 24th PTS meeting.

Inlet Box Pricing

Mr. Plummer reported that the inlet boxes ordered for Firehouse and Hill Top Roads have not yet been received from Monarch.

Resignation of Randy Plummer

Chairman Holman reported that a letter of resignation has been received from Randy Plummer from his position on the highway department, effective June 11th. The resignation was approved on a Novinger/Holman motion. Chairman Holman stated that discussion on hiring a replacement would be held in executive session at the end of the meeting.

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Chairman Holman reported that his intention before receiving the letter was to propose the hiring of a part-time employee, with himself working full-time and donating his time and equipment. He stated that he will still donate his time and equipment. He requested that Mr. Plummer update the PTS on road conditions and proposed projects before terminating his employment.

Chairman Holman then made a motion to rescind the motion made on January 5th appointing Mr. Plummer as a Roadmaster. He stated that, if Mr. Plummer is no longer working for the highway department, there is no need for the Roadmaster to be overseeing the highway department. The motion was seconded by Ms. Novinger. The motion passed.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Penn Township Comprehensive Plan

The PTS reviewed a proposal from Rettew in the amount of \$29,760.00 to prepare an update to the Township's Comprehensive Plan. Frank Chlebnikow explained that Rettew's approach is different from in the past in that it will incorporate part of the planning already done by the Perry County Planning Commission. He added that the cost could possibly be reduced by cutting back on the number of meetings.

Chairman Holman noted that the Comprehensive Plan has not been updated for at least twelve years and offered that it should be done. He stated that he would like to refer the proposal to the PTPC for review to see if costs could be reduced. Chairman Holman also noted the possibility that grant funding might be available from DCED for a joint comprehensive plan with Wheatfield Township and Duncannon Borough. He suggested that the Secretary should research the availability of DCED funding.

Upon a Holman/Novinger motion, the PTS voted unanimously to table a decision on the Rettew proposal, pending review of the proposal by the PTPC and research of available DCED grant funding by the Secretary.

Jodi Rissinger, Perdix Fire Company (PFC) asked if funding for an update of the Comprehensive Plan had been included as a line item in the 2009 budget. Chairman Holman reported that it was not included as a line item in the General Fund budget, and the cost would be taken from the Capital Reserve funds.

ZONING OFFICER (ZO) REPORT

The May 2009 ZO Report was reviewed without comment.

Cherise Robinson Zoning Hearing, Docket 2009-02

The Secretary reported that Ms. Robinson has requested a variance of Section 1703 of the Zoning Ordinance for non-conforming use. A letter was received from the PTPC recommending approval of the requested variance, because the lot was in existence prior to zoning, and is of comparable or larger size than surrounding lots. The Solicitor stated that, if the PTS disagrees with Ms. Robinson's request, it has the right to be present as a party at the zoning hearing and state its position. Upon a Novinger/Plummer motion, the PTS voted unanimously to concur with the recommendation of the PTPC to the Zoning Hearing Board.

Duncan Oil Conditional Use, Docket 2009-63

The Secretary stated that the PTS must schedule a hearing before July 11th to consider the request of Duncan Oil for a conditional use for a gas station to be constructed on Friendly Drive. A letter was received from the PTPC recommending approval of the conditional use, conditioned upon the ZO's recommendation. It was the consensus to schedule the hearing at 6:30 p.m. on June 24th, immediately prior to the PTS meeting. The Secretary will advertise the hearing and obtain a written recommendation from the ZO if he is unable to attend the hearing.

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Ryan Rohrer Zoning Hearing, Docket 2009-04

The Secretary reported that Mr. Rohrer is requesting permission to construct a fifty-foot right-of-way (ROW) beside an existing twenty-foot ROW. A letter was received from the PTPC recommending denial of the request because there are currently two ROWs at the location and the request could create a total of four or more on a private ROW. Upon a Holman/Plummer motion, the PTS voted unanimously to concur with the PTPC recommendation and to authorize Mr. Plummer to attend the hearing and present the Township's position.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

There was no May 2009 SEO Report.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for May 2009 was reviewed without comment. Chairman Jim Renner reported that one vacancy for the PTPRB was being advertised and that there were two chronic absentee members. Mr. Renner stated that the power grader has arrived and the PTPRB is currently storing it in the highway shed. He expressed concern that the PTPRB is in need of a larger storage structure than the shed that is currently being used. Mr. Renner stated that the split rail fences are being broken by people sitting on them. He said that he will be making benches to put along the fence. Mr. Renner apologized for the weeds in the flower beds and stated that the PTPRB is looking for someone to maintain them.

Mr. Plummer recalled a previous discussion concerning safety issues with the skateboard equipment. He asked the Solicitor if he had recommended that the equipment be bolted down and have a fence installed around it, or if bolting it down was sufficient. The Solicitor responded that his recommendation was just to prevent the equipment from being moved. Mr. Renner stated that the equipment has been cemented in place.

Craig Raynor Resignation

Upon a Novinger/Plummer motion, the PTS voted unanimously to accept the resignation of Craig Raynor as a member of the PTPRB.

Municipal Building Roof

Chairman Holman reported that the rubber roof on the municipal building is in good shape for its age. However, since the seams joining the sections are in need of replacement, he has asked Bill Warner to give an estimate on re-sealing the seams.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Ms. Novinger announced that there are eight Perdix properties remaining to be connected to the sanitary sewer. Authority member Lee Wright announced that the Authority has received a \$101,000.00 joint DCED grant with Duncannon Borough for sewer line replacement on Market Street. Chairman Holman commended the Authority members for the effort expended in obtaining the grant funding.

SECRETARY REPORT

Floodplain Ordinance, 2009-03

The Secretary reported that the floodplain ordinance was duly advertised and was ready for adoption. She reported that DCED has reviewed the proposed ordinance and is satisfied with it. She reported that errors discovered during a review by the Perry County Planning Commission have been

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corrected. Upon a Plummer/Novinger motion, the PTS voted unanimously to adopt Floodplain Ordinance, 2009-03.

Amendment to the Stormwater Ordinance of 1992

The Secretary reported that this amendment adds Tables 1 and 2, and Chart 1 to the Stormwater Ordinance. Upon a Novinger/Plummer motion, the PTS voted unanimously to advertise the proposed amendment to the Stormwater Ordinance of 1992.

Police Pension Revision

The Secretary reported that, with the hiring of a full-time police chief, the police pension is in need of being revised. She noted that PSATS has suggested an Act 600 pension plan. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously for the Secretary to schedule a meeting with Diane Calhoun of PSATS after 2:00 p.m. on a mutually agreeable day, and then advertise it.

Adobe Acrobat

Upon a Plummer/Novinger motion, the PTS voted unanimously to authorize the Secretary to purchase Adobe Acrobat 9 Pro, at a cost of \$222.29 through the COSTARS program.

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.

Sheetz Car Wash Stormwater Management Revisions

The Engineer reported that corrections are being made to the Sheetz Car Wash stormwater detention pond and that he continues to review the site and is in contact with the contractor.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Firehouse Road

Police Chief Paul Sheaffer stated that he had the highway department install a Speed Sentry on Firehouse Road, as a result of complaints about speeding. He reported that the average speed was clocked at 16 mph.

Mountain Street Abandoned Vehicle

Chief Sheaffer reported that the abandoned vehicle on Mountain Street will be removed by the owner.

Police Office Staff

Chairman Holman welcomed Chief Sheaffer as a full-time officer and stated that his presence has been noted throughout the Township. He also stated that Leah Rissinger is still interested in part-time employment when her probationary period with her current employer is finished.

SOLICITOR REPORT

Furnley Frisch

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The Solicitor reported that he did not receive a response from Mr. Frisch's lawyer and, as a result, a default judgment was entered against Mr. Frisch. The judgment requests Perry County Court to enjoin Mr. Frisch from allowing further stormwater/debris from his property onto Barnett Drive.

Chairman Holman reported that the highway crew had to clean up the debris resulting from the recent heavy rain.

Perdix Scale House Lease

The Solicitor reported that a Court order regarding the Perdix scale house had been entered in 1985. Unfortunately, the Prothonotary cannot find record of it. In addition, the Solicitor's office lost all of its records during the flood of 1996. The Solicitor has asked the Secretary to check the minutes from 1985 to see if there is any mention of the Court order. He offered his recollection that the matter was initiated by the PTS, not as an adversarial move, but as a cautionary measure to prevent citizens from objecting to the lease agreement.

Reimbursement to Emergency Service Providers

Kevin Bissonnette, Duncannon Fire Company (DFC), asked the Solicitor about DFC's prior request to be added to Ordinance 2000-02 to allow it to bill for the costs of equipment and materials used at accidents.

The Solicitor asked the Secretary to forward a copy of his letter to the PTS concerning Title 72. He stated that Title 72 includes provisions concerning contracts between local fire departments and the Department of Transportation for reimbursement for emergency services provided on state highways.

Mr. Bissonnette asked for clarification on whether DFC can be added to Ordinance 2000-02. The Solicitor apologized for not having researched the request. He will check if DFC can bill insurance companies for reimbursement for expenses incurred in Penn Township, or if state statute limits that ability to fire companies that are located in the Township.

Sign Complaints

Jodi Rissinger asked about the status of the complaint concerning the over-sized political sign that was installed on State Road. The Secretary reported that the complaint was forwarded to Chief Sheaffer. The sign was removed within forty-eight hours.

Ms. Novinger asked about the status of the lift vehicle parked at the Dawg House advertising the establishment. The Secretary reported the Zoning Officer has not yet been contacted about the vehicle. Ms. Novinger added that the vehicle is also unlicensed. Chief Sheaffer will investigate the matter.

Fire Company Information

Follow-up discussion was held on a request made at a previous meeting by Chairman Holman for various financial-related fire company records. Chairman Holman updated the fire companies on the information still outstanding. He requested that it be given to the Secretary so that it can be logged in and disseminated to the PTS.

Ms. Rissinger presented a summary of the 2003, 2004, and 2005 grant applications for state funding. She stated that she is not presenting copies of the federal grant applications because of Homeland Security regulations, but was willing to sit down and review the applications with the PTS.

Ms. Rissinger explained that requested information concerning the firefighter's relief association will be provided after completion of their audit.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The April 2009 Permits Report was reviewed without comment.

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CORRESPONDENCE

PSATS Pension Plan Trustees

The Secretary reported that PSATS is asking the PTS to ratify the appointments of Jack Walter and William Groves as trustees of both the uniform and non-uniform pension plans

Upon a Holman/Novinger motion, the PTS voted unanimously to ratify PSATS' appointments for the trustees of the pension plans.

Duncannon EMS Request for Crack Patching

The PTS reviewed a letter from the Duncannon EMS requesting that the highway crew patch cracks in the EMS parking lot when it is working in the area. Chairman Holman relayed the Solicitor's concern that approval of the request sets a "dangerous precedent". PFC representative, Monte Supko, stated his opinion that the EMS and fire companies are public safety organizations, and since the Township provides donations to them, it could also provide this type of service. Chairman Holman offered his opinion that, if the PTS provides this service, the taxpayers could decide to no longer give donations to the emergency service providers, since their tax money is being used for the repair.

Kraig Nace explained that the requested repairs are for the area at the entrance to the EMS, along the roadway, not the parking lot. Mr. Plummer will make a site visit and see if the damaged area is in the Township ROW, in which case the repairs could be made.

Perry County Boroughs Association Workshop

The Secretary reported that local emergency management coordinators have been invited to a workshop about public notification during emergencies. She stated that Paul Liddick will be representing the PTS as its alternate coordinator and asked if the PTS wished to send anyone else. It was the consensus that Mr. Liddick's attendance would be sufficient.

Harrisburg Area Transportation Study (HATS)

The Secretary reported that HATS is anticipating additional federal economic stimulus funding and is looking for "shovel-ready" projects from the municipalities. It was the consensus that, at this time, the Township had no such project for submission.

OLD BUSINESS

Sewer Connections

The Secretary reported that there were eight properties in Perdix that remain to be connected to the sanitary sewer.

DFC Tower Truck Repair

Mr. Bissonnette stated that DFC continues to ask for funding for repair of the tower truck. He said that Duncannon Borough has offered to loan any needed funds to DFC to cover the cost of the repair. Chairman Holman noted that three bids were received. He asked how the bids were put out, and if the bidding companies actually looked at the truck to see what needs to be done. He also noted the disparity in bids for the same items. He stated that the PTS gave \$10,000.00 towards the purchase of the tower truck. It also gave an equal amount to PFC. He offered that the PTS has therefore invested \$20,000.00 in the truck, in an effort to treat each fire company equally. Chairman Holman stated that, if the PTS gives money towards the repair of the truck, it will need to decide if it is going to give an equal amount to PFC. He said that he is anxious to see which bid Duncannon Borough will accept and is willing to sit down with DFC and review the bids.

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Mr. Bissonnette stated that all three bidding companies were given a copy of the inspection report, but only one company made a site visit to look at the truck. He stated that it is not unusual for different companies to quote different prices on the same items. He stated that he is also willing to review the bids with Chairman Holman. He stated that Duncannon Borough is not going to decide who gets the bid; DFC has that responsibility.

Mr. Bissonnette stated that he will be attending Wheatfield Township's meeting on June 1st, but that he is finding it difficult to establish contact with Reed Township. Mr. Bissonnette stated that the highest bid came in at \$17,000.00. He said that DFC has \$5,000.00 available for the project at this time, and that Duncannon Borough will lend the remaining \$12,000.00. Chairman Holman stated that he is still interested in the other municipalities' responses to the funding request.

NEW BUSINESS

Dedication of Revolutionary War Tombstone

Chairman Holman invited everyone in attendance to the dedication of a tombstone for Revolutionary War veteran, Alex Galey. He stated that the dedication would be held in the Cove Cemetery on June 7th at 2:00 p.m.

Members 1st Credit Union

The Treasurer reported that Members 1st Credit Union has accepted Penn Township as a member. She reported that two CDs invested with PLGIT have matured and suggested that the proceeds should be re-invested. She noted that the highest rate available at this time is at Members 1st, at a 2.1% rate for 11 months. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Treasurer to research investment rates and to transfer funds accordingly, contingent upon a final consensus of the PTS.

EXECUTIVE SESSION

At 8:45 p.m., the PTS entered into executive session to discuss personnel issues. At 9:20 p.m., the PTS reconvened.

Part-Time Highway Position

Upon a Holman/Plummer motion, and after considering the application, the PTS voted unanimously to hire Thomas Rissinger as a part-time employee with the highway department. This employment could possibly lead to a full-time position. Chairman Holman will contact Mr. Rissinger to discuss his work schedule. No action was taken on Mr. Rissinger's hourly wage.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Plummer motion, the PTS voted unanimously to adjourn at 9:22 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary