

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 JULY 29, 2009

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The Penn Township Board of Supervisors (PTS) met on Wednesday, July 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 (Police Chief), and Susan Long (Treasurer). Chairman Holman called the meeting to order at 7:00 p.m. 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

Lester Nace

Mr. Nace thanked Chief Sheaffer for his assistance with emergency calls made by the Duncannon EMS.

Kevin Bissonette, Duncannon Fire Company (DFC)

Mr. Bissonette reported that DFC's tower truck was placed back into service, and a copy of the itemized repair bill was forwarded to the Secretary. He again requested that the PTS provide financial assistance towards the repair.

Brenton Horting, Hartmann Agency

Mr. Horting presented a detailed list of quotes for medical insurance packages. He stated that Township employee demographics have changed, and as a result, the current provider has substantially increased its rates. He explained that his job was to make sure that the current provider's quotes were accurate and to research whether other companies could provide the same coverage for lower rates. He then reviewed quotes from other carriers.

After discussion on the quotes, and upon a Novinger/Holman motion, the PTS voted unanimously to select the Highmark PPO 1500 plan with a Health Reimbursement Arrangement (HRA), at a quoted monthly cost of \$2,706.54.

MINUTES

Upon a Novinger/Plummer motion, the PTS voted to unanimously approve the minutes of the June 24, 2009 Duncan Oil Conditional Use meeting, and the June 24, 2009 PTS meeting as presented.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period June 25 through July 29, 2009. After due consideration, and upon a Novinger/Holman motion, the PTS voted unanimously to approve payment of checks 21873 through 21948 from the PLGIT General Account in the amount of \$28,876.41, ACH transfers from the Orrstown Bank General Account in the amount of \$5,459.23, and checks 1133 through 1138 from the Orrstown Bank PTPRB Checking Account in the amount of \$926.01.

TREASURER REPORT

Upon a Holman/Novinger motion, the PTS voted unanimously to accept the Treasurer Report for the period June 25 through July 27, 2009, subject to yearly audit.

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FIRE MEETING REPORT

Chairman Holman reviewed the bill from DFC for the repair of the tower truck. The total expenses were \$16,650.97, with Wheatfield Township donating \$4,000.00 and Duncannon Borough (Borough) providing a loan for the remaining amount. After review of the bill, there was a Holman/Novinger motion to donate \$4,000.00 to DFC towards the repair of the tower truck.

The next fire tax meeting will be held on August 31, 2009 from 7:00 p.m. to 8:30 p.m. The Secretary will advertise the meeting in the same format as the July 27th meeting.

Kevin Bissonnette noted that, at the May 27th PTS meeting, DFC asked the PTS to enact an ordinance allowing the fire company to bill insurance companies for expenses incurred when responding to vehicular accidents. He stated that the Solicitor had responded by suggesting that DFC research Title 72, Statute 3943. He stated that he reviewed the statute, but subsection D makes it clear that DFC must be able to collect from the insurance companies prior to collecting from PennDOT. Therefore, the ordinance is still needed. The Solicitor stated that he is not sure that the PTS has the authority to include DFC in an ordinance, since it is not located in Penn Township. Byron Worner offered his opinion that the PTS does have the authority since DFC has a contract with the PTS and because it's "first due" district is in Penn Township. Mr. Bissonnette noted that the Borough is preparing an ordinance for DFC; the Solicitor asked that DFC forward a copy to the Secretary for his review, explaining that the municipalities could coordinate their efforts.

HIGHWAY DEPARTMENT REPORT

Perdix Road Paving Bids

The Solicitor reported that he had reviewed the bids that were opened on July 27th and found them to be satisfactory. He noted for the record that, while not a current client, he had done work for Womex, Inc. a number of years ago. Additionally, he played baseball with the brother-in-law of the owner for many years. Neither of these factors, however, came into play when he was reviewing the bids.

Bids, with milling included, were submitted as follows: Womex, Inc. - \$117,511.35, G&R Charles - \$124,407.50, Kinsey Construction - \$134,764.00, Eastern Industries - \$135,042.00, Handwerk - \$142,488.75, and Mid-State Paving - \$147,351.17. After discussion, and upon a Novinger/Holman motion, the PTS voted to accept the bid from Womex, Inc., at a price of \$117,511.35. Supervisor Plummer abstained from voting as he is a friend of the owner.

Chairman Holman reported that shoulders are being widened and catch basins and drain pipes are being installed on the roads involved in the project. He added that a swale was installed on Hill Top Road, along with side ditches being repaired.

Chairman Holman reported that he met with the Liquid Fuels representative, who informed him that there is no requirement that roads being bid must have a crown. He added that crowns will be installed where space is available.

Chairman Holman reported that he will check with PennDOT on the process needed to be followed to widen the entrance onto Firehouse Road. When asked if PennDOT would install emergency flashing lights at the entrance, he stated that he would ask PennDOT about that also.

Rohrer Drive Paving

Chairman Holman reported that the paving project on Rohrer Drive has been completed with the exception of shoulder work, which will be finished when ground conditions improve.

Intersection of SR 274 and Municipal Building Road

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Chairman Holman reported that he is working with PennDOT to reduce the slope of the bank at the intersection of SR274 and Municipal Building Road. This measure is being taken to improve the sight distance.

Use of Personal Backhoe

Due to the logistics of moving Township equipment to various locations, Chairman Holman reported that he has been using his personal backhoe for work projects. He requested compensation for forty gallons of fuel for the backhoe. Upon a Plummer/Novinger motion, the PTS voted to reimburse Chairman Holman by giving him forty gallons of diesel fuel from the Township tank. Chairman Holman abstained from the vote.

PPL Highway Occupancy Permit (HOP) Application

Chairman Holman noted that PPL had submitted an application for a HOP to install poles along Butchershop Road. He stated his understanding that there is nothing the PTS can do to keep PPL from encroaching in the right-of-way. The Solicitor offered that, if the permit is not approved, there is a likelihood that PPL will file for litigation against the PTS. If the permit is approved, any aggrieved landowner can take any action felt necessary, and it lessens the PTS's involvement and litigation fees. He recommended that the PTS approve the permit. Chairman Holman addressed Garry Raub, a resident of Butchershop Road who was in attendance. He told Mr. Raub that, while the PTS understands Mr. Raub's concerns, the PTS wishes to avoid any litigation with PPL.

After discussion, and upon a Novinger/Holman motion, the PTS voted to approve the HOP application from PPL. Supervisor Plummer voted against the motion.

Embarq HOP Application

After discussion, there was a Novinger/Plummer motion to approve the HOP application from Embarq for installation of two new poles along Butchershop Road. Motion passed by unanimous vote of the PTS.

Rohrer Drive Paving Invoice

The invoice from Womex, Inc. for the Rohrer Drive paving project came in \$1,025.25 higher than the bid, due to increased costs of blacktop and binder. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to pay Womex, Inc. the sum of \$37,054.40 from the Liquid Fuels account.

SOLICITOR REPORT

The Solicitor's report was moved up on the agenda to allow the Solicitor to attend a later meeting in Camp Hill.

Judicial Sale

The Solicitor noted a letter from the solicitor for the Perry County Commissioners concerning the sale of two Penn Township properties at Judicial Sale on August 25, 2009. These properties are being sold in an attempt to place them back on the tax rolls. The Solicitor offered his opinion that there was no need for him to attend the sale as a party for the PTS.

Frisch Invoices and Barnett Drive Issues

The Solicitor had previously reported that a default judgment had been taken against Mr. Frisch. He will now file a motion to make that judgment absolute. He will request a quick hearing to make the injunction against allowing stormwater debris onto Barnett Drive permanent.

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Scale House Lease Update

The Solicitor apologized because he forgot to discuss this issue with the solicitor for Perdix Fire Company. He will report on the subject at the next meeting.

Bulk Energy Purchase

The Solicitor noted that there is a strong movement for consortium purchase of bulk energy. He suggested that the PTS might consider having Benchmark make a presentation at a future meeting, or contact Rye Township or Bloomfield Borough. The Treasurer suggested that the PTS might also contact Duncannon Borough, who supplies the Township's electricity. She stated that the Borough has locked in a price with their carrier that will carry over after the rate caps are to expire.

Mutzabaugh Fuel Depot Land Development Plan, File #2009-08

The Solicitor noted that the Zoning Officer (ZO) sent a letter dated July 20, 2009 to the PTS, containing his opinion that a variance be received from the Zoning Hearing Board. The Solicitor stated that he has reviewed the applicable section of the Zoning Ordinance, and while he has the deepest respect for the ZO and his opinion, he does not feel that a variance is in the best interest of the PTS. He explained that the zoning ordinance states that motor vehicle service stations are not permitted within 300' of a school, church, hospital or place of public assembly designated for simultaneous use and occupancy by more than 100 persons. The Solicitor offered his understanding that the intent of that section is to prohibit service stations within 300' of facilities that are going to have 100 people. He stated that the ZO interpreted it to mean that Mutzabaugh's Market might conceivably have 100 customers and therefore would need a variance to the ordinance. He reiterated that he disagrees with that opinion, but that the applicant will have to determine the best course of action to be taken.

Lester Sharar Property

The Secretary reported that Mr. Sharar never completed the air pressure testing when he connected his property to the sanitary sewer, although she has sent him many letters. She asked the Solicitor for the procedure to cite Mr. Sharar with the District Judge. The Solicitor asked her to contact him on Friday afternoon.

The Solicitor left the meeting at this time.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Warden Property Preliminary Subdivision Plan, File #2005-06

Upon a letter of recommendation from the PTPC, and upon a Novinger/Plummer motion, the PTS voted unanimously to approve a time extension until October 28, 2009 for the Warden Property Preliminary Subdivision Plan, File #2005-06. This was done to give additional time for the applicant to address comments from Township staff.

ZONING OFFICER (ZO) REPORT

The July 2009 ZO Report was reviewed without comment.

Duncan Oil Conditional Use Decision

The PTS had held a Conditional Use hearing on June 24, 2009 to take testimony on the request by Duncan Oil to construct a motor fuel depot at Mutzabaugh's Market. Upon a Plummer/Novinger motion, the PTS voted unanimously to approve the conditional use.

Brian Adams Conditional Use

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The Secretary reported that Brian Adams has requested a conditional use for a home business. The Conditional Use hearing was scheduled for August 26, 2009 at 6:30 p.m., immediately prior to the PTS meeting.

Hazzard Zoning Hearing, File #2009-07

The Secretary reported that Mr. Hazzard would like to construct a garage at the front of his home and that a zoning hearing has been scheduled for August 13, 2009. After discussion, it was the consensus that the PTS would not take a position at the hearing, and would allow the Zoning Hearing Board (ZHB) to make the decision.

Ryan Rohrer Zoning Hearing, Docket 2009-04

The Secretary reported that the Rohrer zoning variance request was denied by the ZHB on July 9, 2009 because alternatives were available to Mr. Rohrer.

Shermanata Grange Zoning Hearing, Docket 2009-06

The Secretary reported that Shermanata Grange's request to install an additional sign was denied by the ZHB on July 9, 2009. The ZHB did, however, decide that the sign could be classified as a "business" sign, which would permit 50 square feet of signage.

Shaffer Private Burial Lot

The Secretary reported that the ZO has stated that Mr. Shaffer would need to get a variance from the ZHB if he does not want to comply with the conditions for a cemetery as detailed in the zoning ordinance. Chairman Holman explained that Mr. Shaffer agrees to all the conditions, but does not have the required five acres. Mr. Shaffer was told that he will need to obtain a variance from the ZHB. The ZO will send Mr. Shaffer a letter telling him what needs to be done.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The June 2009 SEO Report was reviewed with the comment that the malfunction complaint was unfounded.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for July 2009 was reviewed without comment. Chairman Jim Renner reported that the application for a tree grant was revised to meet DCNR requirements. He stated that he would like to use correctional institute inmates to help repair the BBQ pit building. Chairman Holman will provide contact information to Mr. Renner. Chairman Renner stated that flower beds have been re-mulched and that plans are being finalized for a Penn Township Block Party on National Night Out, August 4th. Chairman Holman stated that he will dispose of the old bleachers lying beside the highway shed.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

There was no Authority report.

SECRETARY REPORT

Paul Wolf Per Capita and Real Estate Tax

The Secretary reported Mr. Wolf is a disabled veteran who has requested a refund of his per capita tax payment. Upon a Novinger/Plummer motion, the PTs voted unanimously to refund the \$4.90 per capita tax payment made by Mr. Wolf.

The Secretary noted a letter from the PA Department of Military And Veterans Affairs stating that Mr. Wolf is permanently disabled and has demonstrated financial need. The letter recommended that

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the applicant be approved for the exemption of all real estate taxes. The Secretary added that the Perry County Commissioners have already exempted Mr. Wolf from the County real estate tax.

After discussion, and upon a Novinger/Plummer motion, the PTS voted unanimously to exonerate Mr. Wolf from paying his real estate tax levy of \$67.29.

Perry County Earned Income Tax (EIT) Collection Committee

The Secretary reported that she would attend the first meeting of the Perry County EIT Collection Committee, to be held on August 6, 2009 at 7:00 p.m.

Ebay Sale of Chevrolet Impala

The Secretary reported that she has concerns about selling the police car on Ebay. She stated that there is a \$125.00 seller's fee, and that the bid cannot be cut off before twelve hours has elapsed. She questioned what would happen if the PTS received a bid over \$4,000.00 and how it would impact the requirement that three bids are needed. Other auction sites were discussed, included Craigslist, and the Manheim or Keystone Auto Auctions. It was the consensus that the Secretary would do further research on ways to sell the vehicle.

Police Pension Plan

The Secretary presented a letter from PSATS detailing annual costs for a police pension plan. It was discussed that an employee would need to work for Penn Township for twenty years and be sixty-five years old to collect. After discussion, there was a Novinger/Plummer motion to table the issue of a police pension plan until it is needed in the future.

Trailer on Hassinger Property, Faculty Road

The Secretary reported that she received a call from Mrs. Hassinger stating that the trailer will be removed from her property on July 31, 2009. The deadline for removal had previously been set for August 1st. If the trailer has not been removed by that date, Chief Shaffer will file against the Hassingers.

Business Campus One (BCO) Street Light

The Secretary presented a letter from the Solicitor for the Perry County Economic Development Corporation (PCEDC) stating that it is not liable for replacement of the street light on Business Campus Way in BCO, nor will it contribute to the replacement cost.

Chairman Holman offered his opinion that the PTS should live up to its obligation to Stanley Mutzabaugh to maintain the light. According to Sponaule, it will charge \$2,125.00 to replace the light. The Secretary was requested to contact additional contractors for a replacement cost.

Sheetz Letter of Credit (LOC)

The Secretary presented a letter from Sheetz requesting a release of its LOC, as all repairs have been made to the storm water drainage basin. She stated that the LOC is in the amount of \$66,922.10 and is good until June 2010. The Engineer reported that he had made a site visit prior to tonight's meeting and noted that the large basin is still retaining water. He took photographs, which he will forward to Sheetz along with a request to complete the repairs. If no favorable response is received, the Engineer will recommend retaining some of the LOC for repair.

Stephanie Miller Real Estate Transfer Tax

The Secretary presented a letter from Arthur Feld, solicitor for Stephanie Miller. The letter stated that Penn Township had erroneously been overpaid when the transfer tax was paid for Stephanie Miller

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and asked for a refund of \$352.50. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to refund \$352.50 in overpayment to Arthur Feld, per his request.

Luther and Rebecca Daywalt Per Capita Tax

The Secretary presented a request from Mr. and Mrs. Luther Daywalt that they be exempted from payment of the Township \$5.00 per capita tax – Mrs. Daywalt on the grounds that she is disabled and has no income, and Mr. Daywalt on the grounds that he is disabled and has a monthly income of \$926.00. The Secretary stated that the PTS has the option of holding a hearing with the Daywalts and that the Township tax ordinance does not provide for a low-income exemption. Chairman Holman noted that many senior citizens are on low fixed incomes but still pay the per capita tax. It was the consensus to table further discussion while the PTS takes a harder look at this issue.

2009 Fall Cleanup Bid Packet

The Secretary asked for authorization to advertise for bids for the fall cleanup, which is scheduled for October 15, 16, 17, 2009. She stated that the proposal is the same as for previous years. Upon a Holman/Novinger motion, the PTS voted unanimously to advertise for bids for the fall cleanup.

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 the Comprehensive Plan Update. The PTPC has requested Wheatfield Township and the Borough to indicate their intention to pursue a joint grant, and is awaiting a response.

Faculty Road Speed Study

The Engineer reported that he has reviewed the speed study for Faculty Road east and west of SR274 and has several minor revisions. He will have it back to the PTS for the August meeting.

NPDES Phase II MS4 Permit

The Engineer reported that, several years ago, the PTS had applied for, and received, an exemption for the NPDES Phase II MS4 Permit for storm sewers in the Perdix area. He stated that the permit will be coming up for renewal and the PTS will need to apply for another exemption. Upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Engineer to complete the application for waiver of the NPDES Phase II MS4 Permit.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Susquenita Football Schedule

The Police Chief's schedule for appearances at Susquenita home football games was reviewed without comment.

Legislation for Municipalities to Pay for State Police Coverage

Chairman Holman recommended that the PTS contact its legislators and inform them that Penn Township is opposed to any levy to pay for state police services in Penn Township. The Secretary will write the letters.

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Sminkey Lawn Mowers, Hill Top Road

Chief Sheaffer reported that he has done measurements and found that Mr. Sminkey's lawn mowers are encroaching on the Township right-of-way. He stated that the mowers will be in the way when the paving project begins. He will contact Mr. Sminkey that the lawn mowers need to be removed and give him ten days to comply.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The June 2009 Permits Report was reviewed without comment.

CORRESPONDENCE

All correspondence was reviewed without comment.

OLD BUSINESS

Sewer Connections

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

Correction of Roadmaster Wages

The Secretary reported that Roadmaster pay rate set by the Elected Auditors is \$17.00 per hour, not the \$11.25 rate that was mentioned at the June 24, 2009 meeting.

Chairman Holman stated that, when Supervisor Plummer resigned as foreman of the highway department, someone had to step in until the position could be filled. He said that he stepped in to oversee the department and asked that, if anyone has an objection to him doing it, he would like it to be known as part of the public record. There were no comments.

Emergency Management Coordinator

The Secretary asked if any headway has been made in securing an Emergency Management Coordinator. Chairman Holman stated that he is in discussion with an interested individual.

NEW BUSINESS

Fall Newsletter

The Secretary requested articles for the fall newsletter by August 17, 2009.

Lester Sharar Non-Compliance

On the previously-mentioned issue where Mr. Sharar has failed to have his sewer connection pressure tested, there was a Holman/Novinger motion to cite Mr. Sharar for non-compliance with the UCC Code. Motion passed by unanimous vote.

Per Capita Tax Ordinance

The Secretary reported that the tax ordinance does not mention exemption for low incomes. She asked if the PTS would like to amend the ordinance to include a low-income provision. It was the consensus of the PTS to table the issue at this time.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 9:00 p.m.

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Respectfully Submitted,

Susan E. Long
Recording Secretary