

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 SEPTEMBER 30, 2009

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The Penn Township Board of Supervisors (PTS) met on Wednesday, September 30, 2009 in the Municipal Building. Chairman Henry Holman, Jr., and Supervisor Randy Plummer were in attendance. Other personnel present were Helen Klinepeter (Secretary), 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

Robert Shaffer, Sr.

Mr. Shaffer thanked the PTS for the recent completion of the paving of Rohrer Drive. He explained that he has requested a variance of the Zoning Ordinance as it relates to the amount of acreage required for cemeteries, offering that five acres is too many for a family cemetery. He stated his understanding that the Penn Township Planning Commission (PTPC) had recommended his request be denied. He asked the PTS to either take a position disagreeing with the request or to take no position at all.

Kraig Nace, Duncannon EMS

Mr. Nace thanked the PTS for their 2009 donation. He thanked Chief Sheaffer and Supervisor Novinger for their recent traffic control assistance on an emergency call made by the Duncannon EMS in Perdix. He also reported that EMS's insurance coverage costs with its current carrier jumped from \$8,000.00 to \$16,000.00 and the EMS is obtaining new quotes from other carriers.

MINUTES

Upon a Plummer/Holman motion, the PTS voted to unanimously approve the minutes of the August 26, 2009 Adams Conditional Use hearing, the August 26, 2009 PTS minutes, and the August 31, 2009 fire tax meeting minutes as presented.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period August 27 through September 30, 2009. Because Supervisor Novinger was absent, payment of check #22085 to J.H.C. was tabled. This was done because the payee is Chairman Holman's son. After due consideration, and upon a Plummer/Holman motion, the PTS voted unanimously to approve payment of checks 22021 through 22084 from the PLGIT General Account in the amount of \$62,780.12, ACH transfers from the Orrstown Bank General Account in the amount of \$4,214.88, checks 1148 through 1158 from the Orrstown Bank PTPRB Checking Account in the amount of \$1,438.43, and check #219 from the PLGIT Liquid Fuels account in the amount of \$128,777.13.

Upon a Holman/Plummer motion the PTS voted unanimously to pay future medical insurance invoices through Automated Clearing house (ACH) deductions.

TREASURER REPORT

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

FIRE MEETING REPORT

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Chairman Holman stated that he has been requested by the Perdix Fire Company (PFC) to make the following comments. While Chairman Holman was working on the roads in Perdix he had a conversation with PFC Chief, Monte Supko, concerning the fire companies' Sportsman Extravaganza fund-raiser. Chairman Holman had attended the fund-raiser and took note that an extreme amount of expense had been put forth in promoting the function. He stated that he had asked Mr. Supko how the fire companies made out, with the response that about \$72,000.00 was collected. Supervisor Holman then offered to Mr. Supko that if each company received \$10,000.00 it would be a pretty good profit. A few weeks later, after a PTS meeting held with the PTPC and Wheatfield township representatives, Chairman Holman relayed the conversation he had had with Mr. Supko to those who stayed after the meeting. He did not state at that time that money was inappropriately put into people's pockets. Several days after that, Mr. Supko approached Chairman Holman and told him that the word on the streets was that Chairman Holman had stated that the money was inappropriately distributed. Mr. Supko asked Chairman Holman to put on the record at tonight's meeting that he did not make any such statement, which has now been done. Chairman Holman applauded the fire companies for all of the effort they put into the fund-raiser, which indeed netted the companies a little over \$10,000.00 each.

Available dates for the next meeting were discussed. The Secretary will contact Supervisor Novinger to see which dates she is available.

Chairman Holman relayed that PFC has asked him to put into record that the paving done at the PFC station house was not paid for by the PTS. All labor and materials was paid for by PFC.

Chairman Holman announced that, after working hours on October 1st, he will be donating his equipment, fuel, and labor to help PFC on a project at the station house.

HIGHWAY DEPARTMENT REPORT

Faculty Road Ordinance

The Secretary reported that the draft speed study ordinance for Faculty Road has been amended to include a "no-parking" provision in the cul-de-sac. Upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Secretary to advertise an ordinance that includes a 35-mph speed limit on Faculty Road, and a prohibition on parking in the Faculty Road cul-de-sac.

Dellville Road Winter Maintenance

The Secretary presented a letter from PennDOT giving the PTS the opportunity to participate in its Winter Services Agreement Program. This program would pay Penn Township \$3,739.00 for plowing Dellville Road. It was the consensus to table discussion on this issue until a later meeting.

Burley Road

Chairman Holman explained that, when the bids were requested for the road paving project in Perdix, the section of Burley Road from SR 11/15 to the railroad was added as an alternative. When the bids came in lower than expected, Chairman Holman met with the contractor for an estimate to do the remainder of Burley Road, and it was decided it could be done within 10% overage of the original bid. He stated that no change order would be necessary, and the PennDOT Liquid Fuels representative had no problem with the additional tonnage to the road. Chairman Holman stated that he contacted Supervisor Novinger about adding the remainder of Burley Road to the project, and understood that

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she was to contact Supervisor Plummer. He added that he takes full responsibility for making the decision to have the remainder of Burley Road included with the project.

Road Repairs

Chairman Holman gave a detailed description of all the improvements that have been, and are being, made to the Township roads. He thanked his son for the use of his equipment to help with the preparations needed before the Perdix paving project could begin. He thanked PFC for allowing the contractor to keep his equipment there and for storing stone during the duration of the project. Chairman Holman stated that he will be sending a letter to Womex, Inc., thanking them for the professionalism of its workers. He also stated that he will be meeting with contractors in the near future to discuss possible paving projects for inclusion in the 2010 budget.

Chairman Holman noted that new home construction on Firehouse Road is damaging the road shoulders and that the highway department is going to delay its shoulder finishing until the construction is finished.

Full-Time Highway Employee

Vince Bernhard asked if the PTS had advertised the position vacated by Supervisor Plummer when he resigned from the highway department. Chairman Holman stated that the position had not been advertised, and asked why it should be when the work was being done at no cost to the township. Mr. Bernhard stated he felt that it was valid for the Township to have the position as full-time, not volunteer. He asked if the position would ever be filled. Chairman Holman replied that he was given the authority to work as Roadmaster and could fill the position. Mr. Bernhard replied that, if continued in this manner, the position should be "unfunded" in the 2010 budget. Chairman Holman noted that things could change after the November election and the next board might decide to hire a full-time employee, at which time the budgeted funds would be needed.

Chairman Holman stated that the issue of hiring another part-time employee will be discussed in executive session at the end of the meeting.

Burley Road Inclusion in Paving Project.

Mr. Bernhard noted that the Variation and Quantities Clause does not allow the scope of the contract to be widened. He offered that he thinks what Chairman Holman did with Burley Road was admirable, and in the long run it has worked out. However, he offered his opinion that the correct way to include the remainder of Burley Road would have been to amend the scope of the project and not use the Variation and Quantities provision. He stated that he wanted to make sure the PTS doesn't get itself "legally crosswise" in using the provision. Chairman Holman stated that the project was bid on tonnage, and asked the Solicitor for his thoughts. The Solicitor responded that he has no heartburn with what was done.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

Neufeld Final Subdivision Plan, File #2009-07

The Secretary presented a letter from the PTPC recommending approval of AORs and approval of the above-mentioned plan, contingent upon the completion of six items. It was noted that the conditions have all been fulfilled with the exception of item 3 – landowner certification of ownership. She explained that this plan involves the relocation of the property line.

After discussion, and upon a Plummer/Holman motion, the PTS voted unanimously to grant AORs for sections 406 and 407 of the Subdivision and Land Development Ordinance (SALDO). Upon a Plummer/Holman motion, the PTS voted unanimously to approve the Neufeld Final Subdivision Plan, File #2009-07, subject to landowner certification of ownership and payment of all fees. The engineer agreed to the contingencies.

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

The Secretary presented a letter from the PTPC recommending approval of AORs and approval of the above-mentioned plan, contingent upon the completion of ten items. The Secretary noted that items 1, 4, 5, 6, and 7 still need to be completed.

After discussion, and upon a Plummer/Holman motion, the PTS voted unanimously to grant AORs for sections 306 and 309.A.11 of the SALDO. Upon a Plummer/Holman motion, the PTS voted unanimously to approve the Mutzabaugh Fuel Depot Final Land Development Plan, File #2009-08, subject to completion of the remaining five contingencies and payment of all fees. The engineer agreed to the contingencies.

Upon the written recommendation of Township Engineer Max Shradley, there was a Holman/Plummer motion to set the amount of financial security at \$7,500.00. Motion passed by unanimous vote of the PTS.

SOLICITOR REPORT

Barnett Drive Issues

The Solicitor reported that the PTS has received a signed order from the Court of Common Pleas – a permanent injunction against allowing stormwater debris or runoff from the Frisch property onto Barnett Drive. He explained that, at the next occurrence of runoff, contempt proceedings can be filed. Mr. Frisch can then be fined for contempt, be required to pay costs, or possibly be incarcerated. In the event of another occurrence, he requested that the PTS keep a record of all costs involved in clean-up.

Scale House Lease Update

The Solicitor stated that he has no update at this time.

The Solicitor left the meeting at this time.

ZONING OFFICER (ZO) REPORT

The September 2009 ZO Report was reviewed with the comment that the lawyer for the individual who wishes to place a mobile home on Watts Drive was told that a land development plan would be needed, as well as a new septic system.

Brent Fox Zoning Hearing, Docket 2009-08

The Secretary reported that Mr. Fox has amended his application for a zoning hearing, at the suggestion of the PTPC, to increase the variance to 704 square feet. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to take no position on the issue and leave the decision to the zoning hearing board (ZHB).

Elmer Knaub Hearing, Docket 2009-11

The Secretary reported that Mr. Knaub is requesting a side setback requirement reduction from ten feet to eight feet. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to take no position on the issue and leave the decision to the ZHB.

Robert E. Shaffer Hearing, Docket 2009-12

Chairman Holman informed Mr. Shaffer that he heard his request earlier in the meeting and understands his wishes, but feels the issue should be decided by the ZHB. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to take no position on the issue and leave the decision to the ZHB.

Ryan Rohrer Hearing, Docket 2009-13

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The Secretary reported that Mr. Rohrer has asked for a new hearing and is requesting a lot width reduction to 98.57 feet, instead of 150 feet. Chairman Holman noted that the request does not alleviate the steep slope access problem and that there are still problems with the number of accesses allowed from a private right-of-way. Upon a Plummer/Holman motion, the PTS voted unanimously to have Chairman Holman represent the PTS at the hearing on October 8th, to relay the requirements that still need to be met.

Perry Foods Noise Level Test

The PTS had previously discussed a complaint received about the amount of noise being generated by storage trailers at Perry Foods. The Secretary presented a quote from Skelly and Loy for an octave band measurement over a 24-hour period, at the cost of \$2,500.00, or a scaled-down measurement at a cost of \$1,000.00. Chairman Holman stated that he has heard the loud noise coming from the property. He noted that Perry Foods has submitted a land development plan but has not submitted a building design, and therefore the PTS is unable to determine if the plan will correct the problem. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to authorize Skelly and Loy to conduct a noise level test at a cost of \$1,000.00.

Grey Berrier Appeal

The Secretary reported that Judge Reykamp, Perry County Court, has upheld the PTS's position, but Mr. Berrier has appealed the decision in Commonwealth Court. She stated that the ZHB Solicitor estimates an expense of \$3,000.00 to defend the PTS's position. She stated that money will be appropriated in the 2010 budget for the expense and added that \$1,800.00 has been spent to-date. The Secretary noted that, if Commonwealth Court upholds the County Court, there is a possibility of recouping some of the costs through civil proceedings.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The September 2009 SEO Report was reviewed with no comment.

Lions Club Campground Holding Tank Agreement

The Secretary reported that the Lions Club has an escrow account of \$200.00 for its holding tank and the agreement needs to be renewed. Supervisor Plummer asked if he was allowed to vote on the issue, since he rents a lot at the campgrounds. Chairman Holman noted that he had a lot there when the agreement was last voted on. He offered his opinion that it did not matter, because the Lions Club already had DEP approval and this agreement merely specifies the holding tank cleaner and its disposal site. Upon a Holman/Plummer motion, the PTS voted unanimously to renew the Lions Club holding tank agreement, for an additional two years.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for September 2009 was reviewed and Chairman Jim Renner updated the PTS on the activities planned for October 2009.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

The September 2009 PTMA report was reviewed. Chairman Holman noted that the delinquency amount totaled \$47,682.00 on August 31, 2009. Lee Wright reported that the Authority could possibly reduce rates by \$2.30 a month, but is concerned what effect the PPL rate cap removal will have on expenses and has decided not to reduce rates at this time.

Chairman Holman asked about the status of the Market Street sewer line project. Mr. Wright responded that the grand funds have been held up by the budget impasse.

SECRETARY REPORT

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Penn Tech Financial Security, and Security and Construction Agreements

Upon the written recommendation of Township Engineer Max Shradley, there was a Holman/Plummer motion to set the amount of financial security for Penn Tech at \$10,395.00 for stormwater, and erosion and sediment control. Motion passed by unanimous vote of the PTS.

Upon a Holman/Plummer motion, the PTS voted unanimously to accept and sign both the security and construction agreements for Penn Tech.

Business Campus Way Street Light

The Secretary presented quotes for the replacement of the Business Campus Way street light from Hite Co. in the amount of \$873.78, Edwin Heim in the amount of \$1,192.00, and G.R. Sponaugle in the amount of \$2,125.00. Supervisor Plummer noted that the Hite Co. quote did not mention that labor to install the light was included. The Secretary stated that the letter requesting the quotes specified that they should include labor and materials. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to accept the quote from Hite, contingent upon the price of \$873.78 including installation. If installation is not included, the quote from Edwin Heim will be accepted.

Quote for Copier

The Secretary reported that only one bid was received for the unneeded police copier, from Roxanne Holman. Since Mrs. Holman is Chairman Holman's wife and there are not enough supervisors in attendance for Chairman Holman to abstain from voting, the issue was tabled until the next meeting.

WIC Lease Renewal

Upon a Holman/Plummer motion, the PTS voted unanimously to renew WIC's lease for another 12-month period at a rental charge of \$25.00 per month.

Glenn Hockenberry Septic Tank

The Secretary reported that she had been requested to research the procedure needed to force Mr. Hockenberry to abandon his septic tank. She explained that the UCC code cannot be used to enforce the abandonment, and that it must be enforced through Connection Ordinance 101. Upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Secretary to file a violation of Ordinance 101 with the District Judge.

Vince Bernhard Request for Training Reimbursement

Mr. Bernhard is running unopposed for supervisor at the November election and has requested reimbursement of \$90.00 for a supervisor training course offered by PSATS on November 14th. Chairman Holman noted that supervisors have always been elected before training reimbursements are offered, and stated that he would have no problem with reimbursement for training that takes place after January 2010. Mr. Bernhard asked if he could take the training in November and request the reimbursement after he is elected. Chairman Holman stated that he was not able to make that decision. Supervisor Plummer stated that he had no problem granting the reimbursement at this time. Chairman Holman stated that he felt it was a question for the Solicitor. Supervisor Plummer informed Mr. Bernhard that PSATS would probably hold another training session at the beginning of the year.

Township Pension Plan Webinar

The Secretary requested permission to sign up for a webinar from 10:00 a.m. through 11:30 a.m. on October 5, 2009. She explained that it dealt with funding of pension plans, would be held on the Internet, and cost \$50.00. Upon a Plummer/Holman motion, the PTS voted unanimously to grant the request.

Open Records Training

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Upon a Holman/Plummer motion, the PTS voted unanimously to authorize the Secretary to attend an Open Records training at PSATS on November 12th from 8:30 a.m. to 12:00 p.m. at a cost of \$65.00.

Perry County Earned Income Tax (EIT) Collection Committee

The Secretary reported that Perry County EIT Collection Committee met on September 24th. Officers were elected to a one year term and the committee has started to work on by-laws. It was decided that each delegate would have one vote, as opposed to a weighted vote.

Benchmark Electric Consortium

The Secretary reported that Jamie Rubb, a Benchmark representative, will attend the October 28th PTS meeting to discuss bulk electricity purchase for 2010.

ENGINEER REPORT

The Engineer Report was reviewed without comment.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Part-Time Police Officers

Chief Sheaffer requested that four part-time police officers be hired to replace the current four who, while on the books, are not available for work. Sup. Plummer asked if Aaron Richards was the only one of the four part-time officers helping Chief Sheaffer. Chief Sheaffer replied that Mr. Richards had told him he would work every other Friday for football games, but Chief Sheaffer has not heard back from him what his schedule is. He stated that Aaron had not talked to him about the speed detail Chief Sheaffer would like to set up. He said that he heard through a third party, an officer in another department, that the chief did not authorize him to come up on Friday nights, so he is out of the loop as well.

Chairman Holman noted that the need for additional help has been previously discussed and that funds are in the 2009 budget. Upon a Holman/Plummer motion, the PTS voted unanimously to grant permission to Chief Sheaffer to compile a list of possible candidates for employment. All candidates would be required to undergo a background check through the Solicitor, after which their names will be submitted to the PTS for final approval.

Cyber Predators/Child Pornography Workshop

Upon a Holman/Plummer motion, the PTS voted unanimously to grant permission for Chief Sheaffer to attend a Cyber Predators/Child Pornography Workshop on November 23rd and 24th at a cost of \$295.00.

Chief Shaffer thanked the EMS and Perdix Fire Company for their recent assistance with a vehicular accident on State Road, for their evidence preservation, and detection of the smell of alcohol.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The August 2009 Permits Report was reviewed without comment.

CORRESPONDENCE

PA One Call Board of Directors Slate

By consensus, the Secretary was given authorization to complete the nomination form for the slate of directors for PA One Call.

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PSATS Defined Benefit Plan

The Secretary presented a letter from PSATS describing fund options/portfolios from Vanguard Mutual funds for the Township's defined benefit pension plan. After discussion, it was the consensus to continue with the current portfolio.

Susquehanna Water Gap Landscapes

The Secretary presented a written follow-up resulting from workshop exercises conducted by DEP. The follow-up contained lists of landscape features that should be protected along with historical and cultural places of interest. The lists are suggested for use by the Township for planning purposes. The letter was reviewed without comment.

OLD BUSINESS

Sewer Connections

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

Fall Newsletter

The Secretary reported that the fall newsletter was mailed yesterday to all residents of the Township. Supervisor Plummer noted that residents of Linton hill Road have not received the past several newsletters. He noted that the data base had previously been checked to insure that Linton Hill residents are included. She will contact the Post Office to see why they have not been delivered.

Perry County Tax Collection Committee (TCC)

The Secretary reported that the TCC met on September 24th and that each delegate will be entitled to one vote, as opposed to a weighted vote based on population. She presented a copy of the by-laws for the PTS to review and comment upon. She stated that \$2,000.00 would be included in the Township's 2010 budget to cover the Township's share of any expenses incurred by the TCC.

NEW BUSINESS

Perry County Animal Response Team (CART)

The Secretary reported that CART is holding a one-day training exercise with county fire and emergency service providers on October 11th at 9:00 a.m.

2010 Budget Meeting Dates

Dates for public discussion of the 2010 budget will be scheduled after more financial information is put into the budget.

Zoning Ordinance Clarification

The Secretary reported that the ZHB would like clarification of Section 1624.2.g regarding the meaning of "public assembly". It was the consensus to send the issue back to the PTPC, since it was responsible for drafting the zoning ordinance.

EXECUTIVE SESSION

At 9:20 p.m. the PTS entered into Executive session to discuss personnel matters. At 9:45 p.m. the meeting reconvened. At this time there was a Holman/Plummer motion to hire Steve Gardner as a part-time employee, on an as-needed basis, at an hourly rate of \$10.82. The motion passed unanimously.

ADJOURNMENT

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With no further business to be conducted, and upon a Holman/Plummer motion, the PTS voted unanimously to adjourn at 9:51 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary