

**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 OCTOBER 28, 2009**

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The Penn Township Board of Supervisors (PTS) met on Wednesday, October 28, 2009 in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman CeCe Novinger, and Supervisor Randy Plummer were in attendance. Other personnel present were Helen Klinepeter (Secretary), P. Richard Wagner (Solicitor), Max Shradley, Engineer, 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.

**ANNOUNCEMENTS**

Chairman Holman reported on the passing of Frances Shaffer, a former Penn Township employee. He also announced that it was Sup. Novinger's birthday.

**VISITORS**

**Vladislavs Korolovs**

Mr. Korolovs was present to discuss the dedication of public infrastructure at Petersburg Commons, specifically what remains to be done to the culvert for it to be taken over by the PTS. The Solicitor stated that the issue has been discussed for years and there has been no positive response from the PTS to take ownership of the culvert, because of maintenance difficulties. Homeowner Association (HA) President, Sally Fiscus, reported that the HA recently had the culvert cleaned and re-sloped the ground in the area of the discharge. The HA was in contact with DEP and the PA Fish and Game Commission while the work was being done. Ms. Fiscus stated that the galvanized pipe is in good condition.

Chairman Holman asked if there is an easement between the property lines from the culvert to the wetland, to allow for Township access. Dale McGuire responded that there is common ground that will be turned over to the HA, and believes it is a public easement. Ms. Fiscus stated that the HA board of directors is aware that ongoing maintenance is their responsibility.

One of the HA representatives noted that during heavy rains a lot of the silt comes down SR 849 and into Petersburg Commons. She stated that the HA has built up rocks to act as a dam and filter and asked if the PTS could address that problem. Chairman Holman noted that a proposed development on SR 849 has the potential to discharge a large amount of stormwater onto the roadway, and into Petersburg Commons. When asked who would accept the responsibility of the discharge, Chairman Holman replied that it was the responsibility of the developer to control the discharge.

Chairman Holman stated that he will make a site visit to look at the culvert. The Solicitor suggested that the Engineer accompany him and review the plan to make sure the appropriate easements are in place. Ms. Paden will meet them at the site and will provide contact information to the Secretary.

**Rock Morrison**

Mr. Morrison reported that DEP approval of the sewage module for his land development plan could take another two months. He asked if he could begin construction before he obtains a building permit, explaining that he would like to get concrete footers into the ground before cold weather sets in. Chairman Holman asked the Secretary what was needed before a building permit could be issued. She replied that the plan needed to be recorded, the financial and construction agreements needed to

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be finalized, the letter of credit (LOC) needed to be put in place, and DEP approval of the sewage module is needed.

Chairman Holman offered he was not sure the PTS could legally agree to the request. Sup. Novinger offered that agreeing to the request would set a precedent that's not good. The Solicitor offered that the PTS is bound by Township requirements to obtain the building permit before construction can begin. Based on the above concerns, it was the consensus to deny the request.

**Carolyn Carnes, Faculty Road**

Ms. Carnes noted that a speed limit ordinance for Faculty Road was on the agenda for approval later in the meeting. She asked how the PTS would enforce the speed limit, stating that it does no good to lower it from 45 mph to 35 mph if it is not enforced. Chairman Holman reported that the road would be patrolled by the police department, which has the ability to monitor it remotely. He stated that, while the current signs state that the speed limit is 45 mph, there was never a speed study done and the 45 mph limit is un-enforceable.

Police Chief Sheaffer asked Ms. Carnes to provide him with times during the day and evening that speeding is most prevalent so that he can patrol the area.

Ms. Carnes also reported that people entering Faculty Road from Rupp Road do not obey the stop sign, and requested that Chief Sheaffer patrol that area also.

**Ronald Dimm, YMCA Drive**

Mr. Dimm reported that there is a problem with vehicles leaving the Perry County Recreation Association (PCRA) property after sports events. He stated that drivers fail to yield to traffic on YMCA Drive and asked if a stop sign could be installed at the gate at the end of the PCRA field. Chairman Holman stated that he is not sure if the PTS could install a stop sign on private property. The Solicitor responded that the PTS could install the sign in the Township right-of-way (ROW) facing the private drive.

After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously to prepare an ordinance for installation of a stop sign on the Township ROW at the egress from the PCRA grounds.

**Gene Hollenbaugh, Penn Manor Road**

Mr. Hollenbaugh offered that he felt the fire tax survey was insufficient, in that it did not give the residents proper options. He noted that options one and two did not indicate how much revenue would be generated for the fire companies, so an educated opinion could not be made. He stated that he felt a third option should have been provided – to continue negotiations throughout the year and allocate funding through the budget process. He also noted that the survey did not indicate how much funding would be given to the ambulance club. He stated that the survey was not due back until October 16<sup>th</sup> but the PTS met with the fire company on October 15<sup>th</sup> before it had the results back. He offered his opinion that he felt the survey was slanted in favor of a fire tax and asked that the survey be re-issued.

Chairman Holman stated that the purpose of the survey was to get a general idea of the feeling of the residents concerning taxation for the funding of the fire companies. Sup. Novinger stated that the purpose of the survey was to obtain input concerning a fire tax, which was why there was no option three.

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### **Ellie Sands, Creek Road**

Ms. Sands noted that the Linton Hill Road bridge had been damaged and asked when it was going to be repaired. She stated that she is concerned that someone might slide off the bridge when it is wet or snow- and ice-covered. Chairman Holman stated that the Township will be purchasing guard rails and that he will donate I-beams for the repair of the bridge.

Chairman Holman reported that the PTS is in the process of finding out who was responsible for causing the damage, so that the party could be charged with the expense of the repair.

### **Sgt. Ringer, PA State Police**

Sgt. Ringer updated the PTS on the number of assists provided by PA State Police to the Township. He reported seven criminal assists, six crash assists, twenty-three "other" assists, and four referrals to local authorities. He then thanked the Township for the use of its all-terrain vehicle. Chairman Holman thanked the PA State Police for its support to the Township.

### **Jeremy Fuller, Mountain Street**

Mr. Fuller reported that Chief Sheaffer was on Mountain Street on several occasions for improper parking issues involving a handicapped parking space. He stated that when the vehicles were cited, Chief Sheaffer beeped his horn, a practice which Mr. Fuller felt was distasteful. He asked what the protocol was for such situations and stated that he is bringing it to the attention of the PTS since it was responsible for hiring Chief Sheaffer. He also requested that a line be painted on the roadway to provide a clear demarcation of what is legal parking and what is illegal.

Chief Sheaffer responded that he had been patrolling Mountain Street and noticed that a vehicle was parked in a handicapped spot. He stated that he does not have time to go house-to-house to determine the owner of the car. He explained that, by blowing the horn, someone might look out the window, see the police vehicle, and move the vehicle, which is the desired outcome. He stated that, on the first occurrence, the resident came out and moved the car. On the second occurrence, nobody came out to move the car, so it was ticketed. Chief Sheaffer stated that the owner of the vehicle came to the police office to report that she has difficulty parking in front of her residence because of blocking the access to steps. He relayed that she asked if the handicapped sign could be moved back to give her more space to park in front of her residence.

Mr. Fuller asked why Chief Sheaffer has been patrolling Mountain Street more frequently. He was told that the PTS has been receiving complaints that vehicles are parking in the handicapped spot. Mr. Fuller offered his opinion that the request for a handicapped spot was made by a relative of the resident who manipulated the PTS into providing a parking space for her to deliver groceries and medicine, since the resident does not drive or own a vehicle. He noted that the relative is not handicapped and feels that she is parking illegally, as he has not noticed any handicapped signs in or on the vehicle.

Mr. Fuller again stated that he feels there should be clearer demarcation of the handicapped space. He stated that the resident who was ticketed is his tenant, and feels that if the issue cannot be resolved, it can be considered as harassment, as it affects his interest in the rental unit.

Chief Sheaffer stated that he will ticket any vehicle parked in the handicapped space without a handicapped license plate or mirror placard.

### **Kraig Nace, Duncannon EMS**

Mr. Nace thanked the PTS for its ongoing support.

### **Carl Fox, Penn Manor Road**

Mr. Fox noted that a PA One Call was reported for Business Campus Way. He relayed that PA One Call claims it does not have mapping for any street other than Friendly Drive. The Secretary will contact PA One Call.

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### **Letter from Township Code Enforcement Officer (CEO) to Jeremy Fuller**

Chairman Holman stated that he became aware that a letter was sent from the Township's CEO to Mr. Fuller concerning the possibility that Mr. Fuller was operating a home business. He informed Mr. Fuller that he had no part in issuing the letter and did not know it was generated. He asked the other two supervisors if they had seen the letter or were part of it; the response was negative. Chairman Holman stated that he is bringing up this issue because the letter was shown to other people with the comment that this is how it is when one supervisor runs the Township. He noted that the Secretary was following normal procedure when the letter was sent and asked that it be read aloud at this time. Before reading the letter she explained that Mr. Fuller paid a bill with a check that contained the name of his business and used his home address. She stated that she contacted the Township's Zoning Officer (ZO) to see if he had received any request from Mr. Fuller about operating an in-home business and occupation. She asked the ZO if he wanted to write a letter to Mr. Fuller; his reply was that a letter from the Township had a faster response time. The Secretary then read the letter to the visitors. (The letter is on file in the Township office.) She reported that Mr. Fuller contacted the ZO, that there is no home occupation, and that the matter is taken care of.

Chairman Holman asked how the letter was signed. She reported that she signed her name as Township Secretary. Chairman Holman suggested that future letters should be signed in her position as Code Enforcement Officer. He also suggested that future letters eliminate the penalty information in the first mailing.

Mr. Fuller stated that as a citizen he assumed that the letter was generated by the PTS, specifically the chairman, because it was signed by Ms. Klinepeter as "Secretary", not Ms. Klinepeter as "Code Enforcement Officer. He stated that he was shocked to receive a letter stating the Township did not know he was self-employed, since the Township was one of his first customers several years ago.

Sup. Novinger stated that, in the future, she would like the PTS to review such letters before they are mailed. She made a motion to that effect, Sup. Plummer seconded the motion. The motion passed by unanimous vote of the PTS.

### **MINUTES**

There were no minutes presented for approval.

### **INVOICES AND EXPENDITURES**

The PTS reviewed the Invoices and Expenditures report for the period September 31 through October 28, 2009. After due consideration, and upon a Novinger/Plummer motion, the PTS voted to approve payment of checks 22085 through 22148 from the PLGIT General Account in the amount of \$23,017.92, ACH transfers from the Orrstown Bank General Account in the amount of \$7,074.55, and checks 1159 through 1163 from the Orrstown Bank PTPRB Checking Account in the amount of \$1,438.43. Chairman Holman abstained from voting because check 22085 was issued to his son. He noted for the record that he was not involved in hiring his son to do the excavating work.

### **TREASURER REPORT**

Upon a Novinger/Plummer motion, the PTS voted unanimously to accept the Treasurer Report for the period September 29 through October 28, 2009, subject to yearly audit.

### **SCHEDULE OF MEETINGS**

A meeting to discuss the 2010 budget is scheduled for November 11<sup>th</sup> at 6:30 p.m. The next meeting with the fire companies is scheduled for November 19<sup>th</sup> from 7:00 p.m. to 8:30 p.m. The next PTS meeting is scheduled for Tuesday, November 24<sup>th</sup>.

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### **HIGHWAY DEPARTMENT REPORT**

#### **Ebersole Road**

Chairman Holman reported that Glenn Ebersole asked why Ebersole Road was not paved this year, when he had been told that it was on 2008 paving schedule. Chairman Holman reported that in 2008 PennDOT was in the process of repairing a nearby bridge over Shermans Creek. Because of this, Sup. Plummer had suggested that tarring and chipping of Ebersole Road be delayed, with the result that Shermanata Drive was improved instead.

#### **Road Repairs**

Chairman Holman gave a detailed description of all the improvements that have been, and are being, made to the Township roads. Road patching will continue as long as the weather cooperates, after which shoulder grading and gutter cleaning will begin. Chairman Holman announced that 2010 bid proposals have been started for Ebersole Road, Faculty Road, and YMCA Drive. He explained that he has been meeting with contractors to walk the roads to get information for the 2010 budget.

#### **Battery Warranty**

Chairman Holman reported that a battery was purchased from Kisner's Garage, who kept the purchase records and replaced and installed a new battery at no charge.

### **CHAIRMAN'S COMMENTS**

#### **PPL Utility Permit**

Chairman Holman stated that he has been challenged to clear the record about a political advertisement in the Duncannon Record. The advertisement stated that Sup. Plummer was the only supervisor to vote against PPL's encroachment of a farmer's field. Chairman Holman clarified that the encroachment was not onto the farm, but involved the installation of poles on a Township ROW. He reported that negotiations with PPL and Garry Raub, the farm owner, went from September 2008 to July 2009, with the PTS acting as mediator. At the PTS meeting where the vote was taken on issuing a (utility) permit to PPL, PPL was prepared to file a lawsuit against the Township if the permit was not approved. Chairman Holman stated that PPL had a legal right to install poles in the Township's ROW; denying the permit would involve litigation with PPL.

#### **Road Studies**

Chairman Holman reported that a previous political ad stated that the PTS has hired an engineer and keeps him on board to do Township road studies. He stated, for the record, that the last time an engineering road study was performed was in 2001. He presented several road studies and asked the other supervisors who performed them. Sup. Novinger responded that Sup. Plummer did them. Chairman Holman asked what the cost of the engineering was. Sup. Plummer responded that he could go get the information.

Chairman Holman stated that there was a cost in 2008-09 for a quick review of the Faculty Road study by the engineer. He quoted from Section 6109 of the *PA Consolidated Statute Vehicle Code* which said that action by local authorities under this section shall be taken only after completing an engineering and traffic investigation. He stated that engineering approval is needed to verify the traffic study in order for it to be held up in court.

Chairman Holman stated that speed limits are also affected by the *Code*. "...the basis of an engineering and traffic investigation may determine if the maximum speed permitted under this chapter is greater or less."

Chairman Holman stated that he felt what was done was legal and proper. He stated that there was no engineer hired to do that particular job and there is no engineer waiting in the wings to do traffic studies.

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### **PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT**

#### **Warden Preliminary Subdivision Plan, File #2005-06**

Upon a Novinger/Plummer motion, the PTS unanimously approved a time extension until January 28, 2010 for the Warden Preliminary Subdivision Plan, File #2005-06. The extension was granted to give the applicant time to address staff comments and perform a water feasibility study.

#### **Ferster & Mervine Land Development Plan, File #2009-03**

Upon a Novinger/Plummer motion, the PTS voted unanimously to approve a ROW Relocation Agreement for the Ferster & Mervine Land Development Plan, File #2009-03. This agreement allows the owners of Perry Foods to have ROW access across Township property.

Chairman Holman thanked Mr. Mervine for his cooperation in trying to resolve the refrigeration unit noise of the food storage trailers. He stated that Mr. Mervine has presented decibel information on the planned food storage building. He added that the neighbors have agreed to take a "wait and see" attitude on the noise level until the new building is in use and the storage trailers are removed.

#### **Morrison Inc. Land Development Plan, File #2009-04**

Upon a Novinger/Plummer motion, the PTS voted unanimously to approve a *Stormwater Management Agreement and Declaration of Easement*, as well as an *Agreement for Construction for the Morrison Inc. Land Development Plan*, File #2009-04, subject to Solicitor review.

#### **Penn Tech Land Development Plan, File #2009-05**

Upon a Holman/Novinger motion, the PTS voted unanimously to approve a *Stormwater Management Agreement and Declaration of Easement* for the Penn Tech Land Development Plan, File #2009-05, subject to Solicitor review.

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

Upon a Novinger/Holman motion, the PTS voted unanimously to approve an *Agreement for Security* and an *Agreement for Construction* for the Mutzabaugh Fuel Depot Final Land Development Plan, File #2009-08 as corrected, subject to Solicitor review.

### **ZONING OFFICER (ZO) REPORT**

The October 2009 ZO Report was reviewed without comment. The Secretary reported that Jonathan Bigley does not wish to be re-appointed to the Zoning Hearing Board (ZHB) in 2010.

### **SEWAGE ENFORCEMENT OFFICER (SEO) REPORT**

The October 2009 SEO Report was reviewed without comment.

### **PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT**

The PTPRB Report for October 2009 was reviewed and Chairman Jim Renner updated the PTS on the activities planned for November 2009. He stated that the PTPRB is researching costs of a new front door for the Township building and for putting lighting inside the pavilion.

Upon the recommendation of the PTPRB and Sup. Novinger, and upon a Novinger/Holman motion, the PTS voted unanimously to appoint Sean Beaver to the PTPRB.

Upon a Holman/Novinger motion, the PTS voted unanimously to authorize Mr. Renner to attend a PSATS workshop about recruiting volunteers at a cost of \$50.00. The cost will be paid with PTPRB funds.

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### **PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)**

The October 2009 PTMA report was reviewed. Sup. Novinger reported that the Authority is requesting the PTS to consider enacting several ordinances. They include the denial of individual wells where there is dense building on small lots, the requirement to connect to existing sewer and water systems, and the requirement that hydrological studies are done by firms chosen by the PTS, not the developer. At the end of discussion, it was the consensus to forward the requests to the PTPC. The Solicitor cautioned that the PTS cannot impose regulations on a developer that are not in place at the time of plan submission.

Chairman Holman asked about the status of the Market Street sewer line project. Mr. Wright responded that the grant funds have still not been turned over to Perry County officials.

### **SECRETARY REPORT**

#### **Quote for Copier**

The Secretary reported that only one bid was received for the used police copier, from Roxanne Holman. Upon a Novinger/Plummer motion, the PTS voted to award the bid for the used copier to Roxanne Holman, for \$155.00. Chairman Holman abstained from voting because Ms. Holman is his wife.

#### **Fire Tax Survey Tabulation**

The Secretary reported that 1,275 surveys were mailed and 127 survey responses were received. Seven responses were not tabulated. Three were received after the cut-off date and four had cut off or erased the control number. 58 respondents voted in favor of a tax, 63 voted against a tax, 4 respondents had no comment, and 1 stated that "it depends".

When asked what weight would be put on the survey, Chairman Holman responded that each supervisor will look at the comments and decide individually what to do at the budget meeting. The Solicitor stressed that the survey was to be used for information gathering, not as a gauge as to whether or not a fire tax should be enacted.

Mr. Hollenbaugh re-offered his services as a citizen as a negotiator for both parties during fire company funding meetings.

#### **Faculty Road Speed Limit Ordinance 2009-04**

Upon a Novinger/Plummer motion, the PTS voted unanimously to adopt an ordinance setting the speed limit at 35 mph on Faculty Road and providing for no parking in the cul-de-sac.

#### **Capital Tax Collection Bureau (CTCB) Resolution for Automatic Commission Deductions**

The Secretary presented a resolution authorizing CTCB to deduct its commission directly from the quarterly local services tax distribution. Upon a Novinger/Holman motion, the PTS voted unanimously to advertise the resolution.

#### **CTCB Resolution to Impose Costs and Fees**

The Secretary presented a resolution authorizing CTCB to impose costs and fees associated with the collection of delinquent taxes. Upon a Holman/Plummer motion, the PTS voted unanimously to advertise the resolution and related fee schedule.

#### **Amendment to Township Ordinance 82, Peddler's Ordinance**

Upon a Plummer/Novinger motion, the PTS voted unanimously to advertise an amendment to Peddler's Ordinance 82, requiring a background check to obtain a peddler's license.

### **ENGINEER REPORT**

The Engineer Report was reviewed, with the following items discussed.

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### **Comprehensive Plan Update**

The Engineer reported that Rettew Associates was asked to provide a revised scope of services and fee for the update to the Comprehensive Plan for the November 16<sup>th</sup> PTPC meeting. He provided a tentative revised scope of service to the PTS for its review. When the scope of services is finalized, the Engineer will provide the costs to perform the update. Depending on the final scope, the costs could possibly be 50% less than originally thought.

Sup. Plummer asked if grant money would be sought. The Engineer reported his understanding that the grant funding was cut back from \$3 million to \$200,000.00 - \$300,000.00 and the PTPC decided to move forward on its own. The Engineer reported that there is no requirement to request public input, and he suggests no more than two public meetings.

Lee Wright asked if the update would be bid out and if it would be better to wait until after the 2010 census data is released. The Engineer replied that the data wouldn't be available until a year after the census was completed and would entail an additional cost to compile the background data. Chairman Holman stated that he felt it was more cost-effective to do the update at this time.

Ms. Rissinger asked what protection a comprehensive plan affords. The Solicitor replied that a comprehensive plan is the blueprint to designate locations for specific land use and provides for orderly development. Chairman Holman reported that the zoning ordinance and subdivision and land development ordinance have outpaced the comprehensive plan, and that it now needs to be revised to reflect those ordinances.

### **POLICE REPORT**

The Monthly Police Reports were reviewed without comment.

### **Electrical Upgrade to Police Office**

Chief Sheaffer reported that he recently had a technician connect his computer to the new police printer. The technician offered his concerns about the number of plugs going into extension cords. Chief Sheaffer was asked to research what electrical upgrades should be made to his office.

### **Part-Time Police Officers**

Chief Sheaffer presented several applications from individuals interested in employment as part-time officers. They were forwarded to the Solicitor for background checks.

### **SOLICITOR REPORT**

#### **Barnett Drive Issues**

The Solicitor re-reported that the PTS has 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. In the event of another occurrence, he requested that the PTS keep a record of all costs involved in clean-up. He added that the injunction is not retroactive.

The Solicitor and Engineer left the meeting at this time.

### **BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT**

The September 2009 Permits Report was reviewed without comment.

### **CORRESPONDENCE**

#### **U.S. Board of Geographic Names**

The U.S. Board of Geographic Names is requesting input into the proposal to change Sherman Creek to Shermans Creek. Upon a Homan/Novinger motion/ the PTS voted unanimously to support the name as Shermans Creek.

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### **Perry County Planning Commission**

The Perry County Planning Commission is offering a Municipal Planning Advisory Service for \$1,000.00 or an on-call agreement for \$500.00. It was noted that the PTS had enrolled in the service in the past, but did not get much use out of it. After discussion, and upon a Holman/Plummer motion, the PTS voted unanimously not to participate in the Municipal Planning Advisory Service.

### **Perry County EMA Training**

Perry County EMS is sponsoring a workshop for rural responders on public health emergencies on November 11<sup>th</sup>. There was no interest in attending.

### **Perry County Recycling Program**

The Perry County Commissioners have reported that they no longer have the financial resources to fund the county-wide recycling program and are asking each municipality to consider supporting the program at a local level. Chairman Holman commented on the number of Township residents who drop off recyclables at the recycling center. No decision on financial support was made at this time.

### **OLD BUSINESS**

#### **Sewer Connections**

The Secretary reported that there are six properties in Perdix that remain to be connected to the sanitary sewer. The Treasurer relayed that, because of safety issues for the contractors, the Authority prefers not to enter onto these properties to make the physical connection to the sanitary sewer. The Authority prefers to continue its present policy of entering the properties for sheriff's sale.

#### **Perry County Animal Response Team (CART)**

Sup. Novinger updated the PTS on the CART training exercise held on October 11<sup>th</sup> at 9:00 a.m. She stated that she felt that CART, EMS, and fire personnel found the training to be valuable.

### **NEW BUSINESS**

#### **New Blooms Holding Tank Agreement**

Upon a Holman/Novinger motion, the PTS voted unanimously to renew the holding tank agreement with New Blooms and to reduce the Letter of Credit to \$200.00.

#### **ADJOURNMENT**

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 9:55 p.m.

Respectfully Submitted,

Susan E. Long  
Recording Secretary