

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 NOVEMBER 24, 2009

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The Penn Township Board of Supervisors (PTS) met on Tuesday, November 24, 2009 in the Municipal Building. Chairman Henry Holman, Jr. and Vice-Chairman CeCe Novinger 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.

VISITORS

Sally Fiscus, Petersburg Commons Homeowners' Association (PCHA)

Mrs. Fiscus had been present at the October 28th meeting to discuss PTS ownership of the culvert under Petersburg Lane. She asked if Chairman Holman had made a site visit as discussed at that meeting. Chairman Holman turned the meeting over to Engineer Max Shradley for his report of the visit. The Engineer reported that the culvert had been cleaned, the banks had been stabilized, and debris had been removed. He stated that the culvert appears to be in good structural condition.

Chairman Holman stated the PTS's understanding that, according to the PCHA agreement, the PTS was never to take over ownership of the culvert. Ms. Fiscus stated that there appears to be disagreement over that statement, and asked why the PTS would take over ownership of the road but not the culvert underneath.

The Solicitor quoted from paragraph 22 of the PCHA agreement, stating that all stormwater management facilities shall be maintained by the PCHA. He offered that he thinks homeowners since then feel that the PTS should have that responsibility and got the developer involved. However, the developer prepared the PCHA agreement so that all owners are aware that they have partial responsibility for maintenance of stormwater facilities when they purchase a home there.

Chairman Holman noted the difficulty and high cost of keeping the culvert clean. Ms. Fiscus stated that PCHA will have the responsibility to keep the culvert clean. Chairman Holman asked why the PTS should take over ownership, if that is the case. Ms. Fiscus asked who would be responsible if the culvert should collapse and no longer support the road. The Solicitor responded that the party who caused the damage would be responsible for repairing the damage. Ms. Fiscus asked if the PCHA would be relieved of responsibility if it kept the culvert cleaned out and the PTS inspected it annually. The Solicitor replied that he could not answer a speculative question.

After discussion, it was the consensus that Chairman Holman, any interested supervisor, and Supervisor-elect Bernhard would make another site visit and discuss the issue further at the December meeting. Ms. Fiscus asked Chairman Holman to forward a letter containing the findings of the visit to Allen Hench and Dale McGuire, (the developers), with a copy provided to the PCHA.

Kraig Nace, Duncannon EMS

Mr. Nace reported that the EMS passed its inspections for both Basic Life Support and Quick Response Service. He also reported that the wheelchair van previously purchased by EMS has now been repaired and is available for non-emergency transport for wheelchair users.

David Marshall, Faculty Road

Mr. Marshall noted that there is no longer any parking allowed in the cul-de-sac on Faculty Road. He asked what prompted the passage of the ordinance and if it affected all cul-de-sacs in Penn Township. He also asked if there had been chance for public comment. He stated that he had been

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contacted by Rohrer Bus Service (RBS) about their concerns with his vehicle parked there at night when the activity bus delivers students. He stated that he moved his vehicle forward and RBS no longer has a problem with it. He added that he would park it elsewhere during the winter so that the snowplow can get through. He also stated that there have been no complaints from his neighbors.

Mr. Marshall was told that complaints had been received from RBS and a neighbor. Mr. Marshall stated that no one ever came to talk to him and cannot understand why this was such a big issue.

The Solicitor noted that the ordinance was advertised before adoption. He stated that it is not uncommon for residents to not pay attention to the newspaper about potential ordinances and hearings at the municipal level. He stated that the ordinance was adopted at the October meeting, and that no one spoke against it. The Solicitor stated that Mr. Marshall had legitimate comments, but not at the right time. He informed Mr. Marshall that the ordinance was specific to the cul-de-sac on Faculty Road.

Mr. Marshall offered that he felt it was unfortunate that one resident can make a complaint, legitimate or not, and get an ordinance passed. He stated that the ordinance doesn't make sense, isn't fair, is a waste of money and asked if it can be rescinded. The Solicitor informed Mr. Marshall that he will have to ask the PTS to consider rescission of the ordinance but thought it might take significant evidence to overcome the action taken.

MINUTES

After discussion, and upon a Novinger/Holman motion, the PTS voted to unanimously approve the minutes of the October 15 and 28, and November 11, 2009 meetings as presented.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period October 29 through November 24, 2009. After due consideration, and upon a Holman/Novinger motion, the PTS voted to approve payment of checks 22149 through 22211 from the PLGIT General Account in the amount of \$24,923.99, ACH transfers from the Orrstown Bank General Account in the amount of \$6,674.80, and checks 1164 through 1172 from the Orrstown Bank PTPRB Checking Account in the amount of \$433.99.

It was the consensus that the Treasurer would make a list of expenses to be paid available for the visitors each month.

TREASURER REPORT

Upon a Novinger/Holman motion, the PTS voted unanimously to accept the Treasurer Report for the period October 29 through November 24, 2009, subject to yearly audit.

FIRE REPORT

Upon a Holman/Novinger motion, the PTS voted unanimously, due to the holidays, to dispense with a December meeting with the fire companies. The date for the next meeting will be scheduled at the December PTS meeting.

HIGHWAY DEPARTMENT REPORT

Road Repairs

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Chairman Holman gave a 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. He noted that the E-3 oil tank was removed off-site, and that anti-skid will be brought in for the winter.

The Highway Department will be assisting the Park and Recreation Department with tree removal and plumbing issues during the next several weeks.

NAPA CREDIT APPLICATION

Upon a Novinger/Holman motion, the PTS voted unanimously to apply for a NAPA account, for the purchase of automotive repair parts. It was noted that NAPA makes deliveries in the area every day, eliminating the need to go elsewhere to purchase the supplies.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

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

Upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Secretary to complete and mail the DEP Planning Module for the Morrison, Inc. Land Development Plan, File #2009-04.

Upon a Holman/Novinger motion, the PTS voted to adopt a DEP "Resolution for Plan Revision for New Land Development".

John Melham, engineer for Rock Morrison, requested permission for Mr. Morrison to start moving dirt, pouring the foundation, and laying the block walls for his warehouse, before he obtains a building permit. This is being requested so that these things can be done before cold weather sets in. Mr. Melham noted that the environmental permits with Perry County and Pennsylvania conservation agencies were in place. He stated that Mr. Morrison would not occupy the building until given a Township Certificate of Occupancy and the toilet and sink would not be installed.

The Secretary noted that, according to the UCC Code, she only has five days after the completion of the building to issue a Certificate of Occupancy. Mr. Melham informed the PTS that the building would not be completed by this request, thus relieving the Secretary of the five-day response requirement. He stated that Mr. Morrison is willing to sign a waiver to free the Township from any liability and would put up financial security.

Chairman Holman stated that the request puts the PTS in a difficult situation, especially since another visitor would also like to begin construction before her module is approved. Mr. Melham stated that the plan has been approved, the Penn Township Municipal Authority has approved the pump station, the easement was recorded ten years ago, and he did not see any potential harm. He repeated that the intent was not to occupy the building, but to move dirt and start the foundation work. Chairman Holman stated that he was concerned about setting precedent.

Sup. Novinger stated that, while she appreciates that the developer wants to start construction before winter, she feels that the PTS needs to be consistent in applying its rules. She stated that financial security is not the issue, the process is the issue.

It was then noted that precedent had been set several years previously when Otterbein Church was allowed to start construction before its sewage module was approved by DEP. The Solicitor suggested that an agreement be signed with the developer if the PTS decides to pursue approval of this request. He suggested that the agreement contain sufficient security in the event the plan does not get final approval. Additionally, it should include a waiver of the "Vested Rights" doctrine.

After discussion, Chairman Holman noted that there should be no risk to the Township if the request is approved and an agreement waiving liability is provided. Upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Secretary to issue a building permit to Mr. Morrison, contingent upon the Solicitor approving the wording of the agreement.

Charles Wolf Subdivision Plan, File #2009-09

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The Secretary presented a November 17, 2009 letter from the PTPC recommending approval of two AORs and approval of the above-mentioned plan, contingent upon the completion of two items. It was noted that the two contingencies have been met.

Upon a Novinger/Holman motion, the PTS voted unanimously to accept the recommendation of the PTPC and approve the two AORs. Upon a Holman/Novinger motion, the PTS voted unanimously to approve the Charles Wolf Subdivision Plan, File #2009-09, subject to all fees being paid. Mr. Wolf accepted the contingency.

Luther Byers Subdivision Plan, File #2009-09

The Secretary presented a November 17, 2009 letter from the PTPC recommending approval of four AORs and approval of the above-mentioned plan, contingent upon the completion of six items. The Engineer reported that only two contingencies remain - the plan needs to be signed by the owners and the Planning Module needs to be approved by DEP.

Upon a Holman/Novinger motion, the PTS voted unanimously to accept the recommendation of the PTPC and approve the four AORs. Upon a Novinger/Holman motion, the PTS voted unanimously to approve the Luther Byers Subdivision Plan, File #2009-09, subject to the two remain contingencies and all fees being paid. The developer's engineer accepted the contingencies.

Upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Secretary to complete and forward the DEP Sewage Module.

Comprehensive Plan Proposal for Scope of Services

The Engineer presented a proposal for a scope of services to be performed by the Engineer to prepare an update to the Comprehensive Plan. He asked the PTS to submit their comments to him by the December 21st PTPC meeting.

ZONING OFFICER (ZO) REPORT

The November 2009 ZO Report was reviewed without comment.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The November 2009 SEO Report was reviewed without comment.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for November 2009 was reviewed. Chairman Jim Renner introduced two residents, who showed the paintings they had made at the classes sponsored by the PTPRB. He informed the PTS that the deadline to plant the trees received from the tree grant was April 1st. Upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Secretary to finalize the paperwork for the grant.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

There was no Authority report

SECRETARY REPORT

Capital Tax Collection Bureau (CTCB) Resolution

Upon a Holman/Novinger motion, the PTS voted unanimously to adopt a resolution authorizing the CTCB to deduct its commission directly from the quarterly Local Services Tax distribution.

CTCB Resolution

Upon a Novinger/Holman resolution, the PTS voted unanimously to adopt a resolution authorizing the CTCB to impose costs associated with the collection of delinquent Earned Income Tax.

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Peddler's Ordinance

Upon a Novinger/Holman motion, the PTS voted unanimously to adopt Ordinance 2009-06, which amends Ordinance 82, known as the Peddler's Ordinance. This ordinance amends the fee for, and the term of, a peddler's license.

Humane Society Contract

The Secretary presented the new contract for 2010 for the Humane Society, at a cost of \$3,739.17. It was explained that this contract would allow residents to drop off cats and dogs to the Humane Society at no cost. Both Chairman Holman and Sup. Novinger agreed that this was a tremendous amount of money, but they did not like the alternative. Upon a Novinger/Holman motion, the PTS voted unanimously to renew the contract with the Humane Society, at a cost of \$3,739.17.

The Secretary was requested to research the PSATS discussion group for ordinances concerning spaying/neutering.

YMCA Drive Stop Sign Ordinance

The Secretary presented a draft ordinance for a stop sign to be erected at the intersection of YMCA Drive and the private road owned by the Perry County Recreation Association (PCRA). Discussion was held on whether, because of the configuration of the intersection, two stop signs should be erected or if a yield sign could be erected instead. Chief Sheaffer pointed out that the PA Vehicle Code prevents pulling out of a private drive onto a public road without yielding. He offered that a stop sign would be a reminder for the driver to stop.

Upon a Holman/Novinger motion, the PTS unanimously authorized the Secretary to advertise the ordinance. Chairman Holman and Chief Sheaffer will make a site visit, and further discussion will be held at the December meeting.

ENGINEER REPORT

The Engineer Report was reviewed, with the following action to be done.

Sheetz Car Wash

The Engineer reported that he will make a site visit to see if the stormwater revisions have been completed by Sheetz.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Part-Time Police Officers

Chief Sheaffer requested that Mark Jackson be considered for employment as a part-time police officer. He noted that the background check found everything to be in order. He stated that Mr. Jackson is a recent graduate of the Academy and feels he would be an asset to the Township. Upon a Holman/Novinger motion, the PTS voted unanimously to hire Mark Jackson as a part-time police officer, for not more than 30 hours per week, at an hourly cost of \$13.50, and with a six-month probation period. The Secretary will send the other interviewees a letter thanking them for their interest in employment.

Chief Sheaffer informed the PTS that there is a grant available to pay up to \$50,000 per year for two years for police employees. He was requested to apply for the grant.

Littering Ordinance

The Secretary provided a draft ordinance providing for the control of litter. Sup. Novinger stated that she felt the \$25.00 fine was too small. Chief Sheaffer stated that the law allows for a fine of up to

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\$200.00. Upon a Novinger/Holman motion, the PTS voted unanimously to authorize the Secretary to advertise the Littering Ordinance, with the \$25.00 fine being changed to \$200.00.

SOLICITOR REPORT

The Solicitor reported that all outstanding issues have been taken care of.

MEETING DATE CHANGE

Upon a Novinger/Holman motion, the PTS voted unanimously to change the date of the December meeting to December 29th.

The Solicitor and Engineer left the meeting at this time.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The October 2009 Permits Report was reviewed without comment.

CORRESPONDENCE

Perry Conservation District

The Perry Conservation District has received its annual state funding for the Dirt and Gravel Roads program. Each municipality is being given the opportunity to pick a project for funding.

Capital Region Economic Development Corporation (CREDC)

CREDC is holding its annual "Meet Your Elected Officials" reception on December 8th. Reservations are needed by December 1st. Supervisor-elect Bernhard will contact the Secretary for more information.

Tri-County Planning Commission (TCRPC)

TCRPC is requesting nominations for a representative from the Perry Southeast Plan Development Section. Nominations are to be submitted by January 31, 2010.

OLD BUSINESS

Sewer Connections

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

NEW BUSINESS

Quotes for Front Entrance Doors

The Secretary presented quotes for two front entrance doors. Quotes from Hershocks, Baker Door Company, and A.G. Mauro included labor, the quote from Juniata Lumber does not include labor. The quotes from Hershocks and Baker Door Company include new frames. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to award the contract for two front entrance doors to Hershocks, at a cost of \$5,204.00.

Township Office Counter/Safety Window

The PTS reviewed a sketch plan for remodeling the current counter top to include safety glass and a door as a barrier for non-employees. The Secretary noted that this has been recommended by the auditor for the Township's workmen's compensation insurance policy for the past several years. Upon a Holman/Novinger motion, the PTS voted unanimously to review the plans and the office area. After a consensus has been reached, the Secretary will obtain quotes for doing the work.

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Health Reimbursement Arrangement (HRA)

The PTS briefly reviewed a plan from Admin America for HRA coverage, or employer-provided medical reimbursement accounts. Because of the amount of information contained in the plan, there was a Holman/Novinger motion to table discussion until the December meeting. Motion carried by unanimous vote.

Hickory Drive

The Secretary relayed from DFC representative, Kevin Bissonnette, that the Army Corps of Engineers has determined there are no wetlands on the fire station property.

Chairman Holman will make a site visit to the Lewis property on Friday to look at stormwater problems.

Perry County EMS Council

Mr. Nace informed the PTS that the Perry County EMS Council is made up on 11 EMS agencies. It has formed a committee to review the changes that have been made to call boxes and the resultant responders.

2010 Budget

Upon a Holman/Novinger motion, the PTS voted unanimously to advertise the 2010 budget, as updated at the November 11th meeting and incorporating the change resulting from the increase in the Humane Society agreement approved tonight.

Payment of Additional Bills

The Treasurer reported that six invoices have been received since the financial reports were prepared. Upon a Holman/Novinger motion, the PTS voted unanimously to authorize payment to the following vendors with the December 4th payroll – Duncannon Borough, MRM WC Pooled Trust, Pennsy Supply, Smith's Farm Equipment, The Patriot News, and Valk Manufacturing.

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.

Respectfully Submitted,

Susan E. Long
Recording Secretary