

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 DECEMBER 29, 2009

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The Penn Township Board of Supervisors (PTS) met on Tuesday, December 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), P. Richard Wagner (Solicitor), Max Shradley, Engineer, and Susan Long (Treasurer). Chairman Holman called the meeting to order at 6:30 p.m.

DISCUSSION ON WARDEN SUBDIVISION PLAN, FILE #2005-06

Solicitor Wagner noted that several weeks ago a meeting had been held in his office with Engineer Shradley, representatives of the developer of the former Warden property, and representatives of the Penn Township Municipal Authority (Authority). The meeting was held to discuss the Township's Subdivision and Land Development Ordinance (SALDO) as it relates to the proposed plan for the Warden property. As a result of that meeting, the applicant was encouraged to attend tonight's special meeting with the PTS.

Forrest Troutman, solicitor for Yingst Homes introduced Todd Wilson, engineer for Alpha Consulting, Inc. and stated that the developer was trying to move the plan forward. He presented a sketch plan and noted that it included individual wells as a water source. He stated that since the meeting at the Solicitor's office, he has met with the Authority to resolve water issues. As those meetings will continue, he did not feel that water supply issues to the development needed to be discussed this evening.

Mr. Troutman stated that there are two outstanding issues that did need to be discussed, site access and street width. He stated that there is an access to the development from SR 849, granted as a waiver of the Zoning Ordinance, but the Engineer feels that there should be a second access. Mr. Troutman stated that the SALDO does not require a second access, and while he understands the Engineer's reasoning and is not opposed to a second access, there is no other location for one.

The Engineer offered that the development has 156 lots and feels another access is needed from a public health and safety aspect. He stated that, at the very least, an access utilized only by emergency vehicles should be included. The Engineer referred to the sketch plan and suggested an area that might be able to be used for emergency access, although there were steep slopes involved.

The Solicitor asked if his understanding is correct that a second access is not required. The Engineer responded that there is nothing specific in the SALDO requiring two accesses. However, there is a requirement that cul-de-sacs be limited in length and this plan could be considered to be a string of cul-de-sacs chained together, with one access point and an ending turn-around point.

The Solicitor asked if an emergency entrance could run parallel to the main access, adjacent to it. Mr. Wilson stated that it could probably be done, but would require another variance of the Zoning Ordinance.

The Solicitor informed the PTS that a plan that meets the requirements of the Township ordinances must be approved. He noted that the Engineer's argument over health and safety, while having merit, might not be able to be legally sustained and could entail significant litigation.

The Engineer noted that the developer has not explored an emergency access through the cemetery. Mr. Troutman stated that Yingst Homes has not yet contacted the owner of the cemetery to see if an easement could be obtained through that property because the developer has been concentrating on the design of the plan. He reiterated that the Engineer's concerns are not being taken lightly and the developer is not opposed to searching for a secondary access. He is more

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concerned over whether it is worth the time and effort to move forward with other parts of the plan, if this issue will trip the developer up at the end. Mr. Troutman stated that the developer would like clear direction from the PTS whether a second access is required.

The other issue Mr. Troutman feels should be discussed is street width. He noted that there is one collector street in the development; the remainder are minor streets. The collector street will not have parking on either side. He stated that there is a difference of opinion on interpretation of the SALDO. Section 401.5.B.1 says the right-of-way (ROW) with curbs should be 60', with a 24' cartway, no shoulders, and a 10' parking lane. The developer is not using a parking lane, and would like to make a 28' cartway. Mr. Troutman stated that the Engineer feels a parking lane is required and the cartway should be 24'. The parties cannot come to terms on whether there can be no parking lanes, with the cartway wider than required. Mr. Wilson stated that there would be parking on only one side of the minor streets, with a 28' cartway. Mr. Troutman stated that the Engineer's suggestion is to request a waiver. While the developer is not opposed to requesting a waiver, he does not know what to request, because he feels he is in compliance with the SALDO.

The Engineer noted that the SALDO states parking "lanes" as a plural, and feels that two parking lanes are required, each 4' in width. He feels that if only one parking lane is wanted, a waiver is required.

Chairman Holman then offered comment on snow plowing. He noted the difficulty in plowing the entire width of the road when vehicles are parked on it. He would like to see no parking on the streets of the development. When vehicles are in a parking lane, the snowplow pushes the snow up against the vehicles. However, if there are parking lanes, it would be the responsibility of the owners to clear the snow from them.

On the issue of one access, Chairman Holman offered that, when any of the streets are blocked by an obstacle such as fire or emergency vehicles, the homeowners will not be able to get in or get out.

Mr. Troutman noted that the SALDO states that cartway widths can be reduced if paved off-street parking areas are provided. He stated that each home includes off-street parking for two vehicles, with Chairman Holman responding that most homes now have three vehicles. Mr. Troutman stated that, if the PTS interprets the SALDO as requiring two parking lanes, the developer will request a waiver.

Mr. Troutman stated that the developer cannot redesign the plan until tonight's issues are resolved – is a second access required and does the SALDO require two parking lanes?

At the end of the discussion, it was the consensus to refer the issues back to the Penn Township Planning Committee for its recommendations, after which the PTS will make a determination on the issues.

CALL MEETING TO ORDER

At 7:10 p.m. Chairman Holman called the regular meeting of the PTS to order with the Pledge of Allegiance and a moment of silence. He 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

Robin Vorous, W. J. Moore Insurance Co.

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Ms. Vorous was present to discuss the Township's insurance package. She presented quotes from MRM Trust for \$12,712.00 and National Casualty for \$15,037.00. Both quotes included property, inland marine, crime, automobile, liability, and umbrella coverage. The Secretary reported that the quote from MRM Trust was \$100.00 less than the 2009 cost. After discussion and upon a Novinger/Plummer motion, the PTS voted unanimously to accept the MRM Trust quote for its insurance package in the amount of \$12,712.00.

Cheryl Snyder

Ms. Snyder questioned the amount of the overall acreage on the Warren Snyder Estate Plan, File # 2009-02 and questioned the lot additions, stating that she cannot get answers from the estate's executor. The Solicitor informed Ms. Snyder that the PTS has conditionally approved the above-mentioned plan and her questions might be outside the scope of the plan. He explained that the information on the plan was certified by the developer's engineer and the PTS could not comment on any discrepancies she feels are there. He stated that the PTS cannot resolve questions between her and the executor of the estate. When Ms. Snyder asked if she could reject the plan, the Solicitor noted that the plan has been approved and that she should speak to an attorney as soon as possible if she wants to appeal the plan.

Lee Wright

Mr. Wright asked if the PTS had received a quote from the Engineer for the cost of the Comprehensive Plan. The Engineer reported that the Penn Township Planning Committee did not meet in December and the subject would be discussed at the January 2010 meeting.

MINUTES

After discussion, and upon a Novinger/Holman motion, the PTS voted to unanimously approve the minutes of the November 19 and 24, 2009 meetings, with a correction to the November 24th minutes that the quote for the new front door was \$5,204.00.

INVOICES AND EXPENDITURES

The PTS reviewed the Invoices and Expenditures report for the period November 25 through December 29, 2009. After due consideration, and upon a Novinger/Plummer motion, the PTS voted to approve payment of checks 22112 through 22288 from the PLGIT General Account in the amount of \$25,140.05, ACH transfers from the Orrstown Bank General Account in the amount of \$6,504.64, and checks 1173 through 1176 from the Orrstown Bank PTPRB Checking Account in the amount of \$146.28.

TREASURER REPORT

Upon a Novinger/Holman motion, the PTS voted unanimously to accept the Treasurer Report for the period November 25 through December 29, 2009, subject to yearly audit.

Members 1st Credit Union CD

The Treasurer reported that a Liquid Fuels CD in the amount of \$100,000.00 would mature on January 17, 2010. Further discussion was tabled until the January 4th reorganization meeting.

FIRE REPORT

Upon a Novinger/Holman motion, the PTS voted unanimously to set the date for the next fire meeting at the January 4th reorganization meeting.

HIGHWAY DEPARTMENT REPORT

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Release of Rohrer Drive Paving Bond

The Secretary reported that the paving project for the first half of Rohrer Drive was completed on August 28, 2008 and asked if the performance bond could be released. Upon the Solicitor's recommendation that the maintenance portion of the bond be researched to determine its term, further discussion was tabled until the January 4th meeting.

Road Repairs

Chairman Holman gave a description of all the improvements that have been, and are being, made to the Township roads. He thanked the residents for their tips regarding the perpetrator of the damage to the Linton Hill Road bridge and stated that charges are being filed against the individual.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) REPORT

As the PTPC did not meet in December, there was no report.

ZONING OFFICER (ZO) REPORT

The December 2009 ZO Report was reviewed without comment.

SEWAGE ENFORCEMENT OFFICER (SEO) REPORT

The December 2009 SEO Report was reviewed without comment.

Eagle's Nest Holding Tank Cleaning Contract

The Secretary presented a retaining tank cleaning contract from Eagle's Nest for renewal. Upon recommendation by the Solicitor that the SEO provide written approval of the contract, further discussion was tabled until the January 4th meeting.

PENN TOWNSHIP PARK AND RECREATION BOARD (PTPRB) REPORT

The PTPRB Report for December 2009 was reviewed. Chairman Jim Renner noted that there were two vacancies on the board and presented lists of equipment wanted and projects to be completed in 2010. Chairman Holman stated that the highway crew would be assisting the PTPRB in the removal of trees on December 30th.

PENN TOWNSHIP MUNICIPAL AUTHORITY (AUTHORITY)

Authority Chairman Sam Auxt reported that the Authority has entered into on-going discussion with the developer of the Warden property regarding water supply issues. He also informed the PTS that bids for the replacement of the shared sewer line on Market Street would be opened on January 12th. He stated that funding for the project is from Community Development Block Grant (CDBG) monies.

Chairman Holman noted that the Authority purchased kits that would modify the height of the sewer riser rings to prevent damage to the snow plows. Upon a Novinger/Plummer motion, the PTS voted unanimously to approve the highway department to install the kits.

SECRETARY REPORT

YMCA Drive Stop Sign Ordinance 2009-08

The Secretary reported that she had advertised the ordinance calling for erection of a stop sign to control traffic on YMCA Drive and the private road owned by the Perry County Recreation Association (PCRA).

Lester Nace asked if the sign is to be placed such that PCRA traffic would be stopped before entering YMCA Drive. He noted that he is on the PCRA board of directors and was not aware of any accidents that have happened during the past 26 years. He referred to a past PTS meeting in which a visitor stated that he was turning left from YMCA Drive onto a private driveway and almost got hit by a

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vehicle exiting from the PCRA grounds. Mr. Nace stated that YMCA Drive is two lanes wide and the attempted turn was across opposing traffic, a move that he feels is not permitted by the vehicle code without clearance.

Chief Sheaffer reported that any vehicle leaving a private roadway, such as the one on the PCRA property, must yield the right-of-way to vehicles onto the public roadway. He stated that this ordinance is for safety reasons and not to gain revenue.

Mr. Nace presented PRCA's view that the erection of a stop sign will not help and is opposed to a stop sign.

Chairman Holman offered that possibly a sign could be erected stating that the PCRA road is not a public road. He asked Chief Sheaffer to conduct a site visit with him the next day and moved to table action on the ordinance until January 4th. The Secretary stated that the advertisement for the ordinance stated that action would be taken this evening.

Ronald Dimm informed the PTS that approximately 100 cars use the PCRA road on days when soccer games are played, none of which stop when entering YMCA Drive.

After a sidebar where everyone gathered around a sketch presented by Mr. Nace, Chairman Holman announced that a motion was on the floor to place a stop sign, as recommended by Chief Sheaffer. He stated that he felt a second stop sign could be placed on YMCA Drive but the ordinance is worded for only one. The Solicitor stated that one sign could be erected for enforcement purposes and a second sign could be erected on the other side of the roadway for notification purposes, eliminating the need for a second ordinance.

Supervisor Novinger seconded the motion. Motion passed by unanimous vote of the PTS.

Lease Agreement with County of Perry

The Secretary presented a 2-year lease agreement with the County of Perry for room rental for election purposes. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to approve the lease agreement with the County of Perry at the rate of \$100.00 per election usage.

PSATS 2010 Dues

The Secretary presented the invoice for the 2010 dues for PSATS and asked if the PTS wanted to continue paying for "Township Legal Defense Partnership" at a cost of \$85.00. After discussion, and upon a Novinger/Plummer motion, the PTS voted to include the legal defense cost of \$85.00 with the 2010 PSATS dues.

Pre-Paid Legal Services

The Secretary reported a request from Pre-Paid Legal Services to offer private legal services to employees, with the cost to be paid through payroll deductions. After discussion, and upon a Holman/Novinger motion, the PTS voted unanimously to authorize the Secretary to poll employees to determine interest in the program.

Unemployment Compensation (UC) Contribution Rate

The Secretary reported that the Township's 2010 contribution rate for UC will be 8.50%, due to the fact that Township contributions for 2006-2008 were \$4,559.76 compared to paid claims of \$10,537.72 for the same period.

Lester Sharar Hearing

The Secretary reported that the hearing for Mr. Sharar's non-compliance of a pressure-testing requirement has been scheduled for January 25th at 11:00 a.m. She requested the presence of legal council at the hearing. Upon a Holman/Novinger motion, the PTS voted unanimously to support the Secretary with legal counsel, as this has been a lengthy process.

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ENGINEER REPORT

The Engineer Report was reviewed, with the note that there were no changes from November.

POLICE REPORT

The Monthly Police Reports were reviewed without comment.

Part-Time Police Officers

Chief Sheaffer announced that Mark Jackson has been employed as a part-time officer for three weeks. Chairman Holman reported on the vehicular accident involving both officers, and welcomed Officer Jackson to the Township.

Littering Ordinance

The Secretary reported that Littering Ordinance 2009-07 has been advertised for adoption. Upon a Novinger/Holman motion, the PTS voted unanimously to adopt Ordinance 2009-07, providing for the control of litter and establishing a \$200.00 fine for violation.

Field Training Officer (FTO) Workshop

Upon a Novinger/Holman motion, the PTS unanimously voted to authorize Chief Sheaffer to attend an FTO workshop at Harrisburg Area Community College on May 10 -12 at a cost of \$150.00.

SOLICITOR REPORT

Duncannon Fire Company (DFC) Agreement

The Solicitor stated that he was concerned about 2010 fire coverage by the non-township fire department, DFC. He stated that he spoke to DFC officers and prepared an agreement for fire protection services for 2010. He presented it to the PTS and recommended that it execute the agreement. He also noted that there are no monetary provisions contained in the agreement. After lengthy review of the document, there was a Novinger motion to accept the agreement as written.

Supervisor Plummer stated that he did not agree with Section 5, to get rid of Perdix Fire Company (PFC). Chairman Holman started to comment but was reminded that a second was needed to the motion.

After seconding the motion, Chairman Holman offered that, at the December 31, 2008 meeting, Supervisor Plummer had foresight that Chairman Holman did not have when he made a recommendation at that time to disband PFC and have DFC provide fire protection service to the Township. Chairman Holman stated that he disagreed with the recommendation at that time, because he felt that fire protection should be provided on a 50-50 basis. However, after another year of meetings with the fire companies, he now agrees in hindsight.

Chairman Holman stated that every chance he had this year, he asked for compassion for the tax payers, for a calm atmosphere, and for a working relationship between the two fire companies. He stated that most meetings were made up of rebuttals, instead of negotiating finances. However, at one meeting he saw movement by one company, which stated that they would operate regardless of funds, would restore full services, and would run their trucks until they were out of fuel.

The Solicitor explained that this agreement provides for DFC to provide service to Penn Township as per section 66803 of the Second Class Township Code, which allows a township to contract with fire companies not within the bounds of the township. He noted that the agreement was signed by the president, treasurer, and chief of the DFC. He added that, if the PTS signs it, it becomes a binding contract.

Chairman Holman referred to Section 11 that each party will take immediate effort to notify the appropriate emergency management authority that DFC #1, Inc. shall be the primary fire protection

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volunteer fire company in Penn Township. He asked if this letter of notification should be conveyed to Perry County Dispatch tonight. The Solicitor replied that it should be conveyed tonight if the agreement is signed tonight.

Supervisor Plummer suggested that action on the motion be tabled until the January 4th meeting. He explained that his term as supervisor is expiring and that in-coming supervisor Vince Bernhard would then have a chance to provide input. He asked if there was a fatal accident beside the station, who would be responsible if the fire station can't respond. The Solicitor responded that it would not be the Township's responsibility because it would have contracted with DFC to get there. The same would be true if there was an accident somewhere that PFC could not get to. The PTS would not be responsible in that case.

The Solicitor explained that the Township Code does not say, "shall provide", it says, "may provide". This agreement provides that service throughout the Township. The Solicitor stated that, if approved, the first step would be for the PTS to sign the agreement. The next step would be the notification of Perry County Dispatch, after which the PTS would advertise to adopt an ordinance indicating that no other fire company other than DFC has jurisdiction in Penn Township.

Commenting that the fire companies were battling in 1976 when he first took office and that maybe this is the way to get on track and move ahead, Chairman Holman called for the vote. Motion passed, with Supervisor Plummer voting against the motion.

At this time, copies of the agreement were executed, with copies going to DFC, PFC, and Perry County. There was next a Holman/Novinger motion to authorize the Secretary to draft a letter to be hand-carried to Perry County Dispatch. Motion passed.

The Solicitor noted that, in keeping with the provisions of the 2nd Class Township Code, section 66.803.C, the PTS has express authority to control fire departments within the jurisdiction of the Township. He presented an ordinance to be advertised for adoption, making DFC the sole and exclusive fire department to fight fires in the jurisdiction of Penn Township. He stated that the ordinance must be advertised at least once in a newspaper of general circulation, at least 7 days and no greater than 60 days prior to any public meeting where adoption would take place.

Chairman Holman questioned section 3 of the proposed ordinance and how it related to the Township's property at Eagle's Nest. The Solicitor responded that Eagle's Nest should be immediately notified that it will be dealing with the PTS upon approval of the ordinance.

Upon a Novinger/Holman motion, the PTS voted to advertise the ordinance.

Upon a Novinger/Holman motion, the PTS voted to advertise a special meeting for January 8th at 2:30 p.m. Jodi Rissinger offered her concern that the meeting was being held during the day. Chairman Holman entertained a motion to change the meeting time, but none was made.

Ms. Rissinger asked when PFC would be notified in writing and was told by the Solicitor that the letter would be sent out the next day.

BUILDING, ZONING, DRIVEWAY, AND SIGN PERMIT REPORT

The November 2009 Permits Report was reviewed without comment.

CORRESPONDENCE

CDBG Application

The Secretary reported that the application for the next round of CDBG funding was forwarded to the Authority. Lee Wright reported that the application is being finalized.

OLD BUSINESS

Sewer Connections

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

Health Reimbursement Arrangement (HRA)

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The Secretary reported that the plan from Admin America for HRA coverage, or employer-provided medical reimbursement accounts, had been tabled until tonight's meeting. Upon consensus, it was again tabled until the January 4th meeting.

Petersburg Commons Culvert Takeover Request

Chairman Holman explained that the Petersburg Commons Homeowners' Agreement calls for the Homeowners Association to be responsible for stormwater management, but the Association is now requesting that the PTS take over ownership of the culvert. The PTS will conduct an on-site visit on January 4th at 2:00 p.m.

NEW BUSINESS

Elected Auditors

The Secretary reported that there were no elected auditors on the November ballot and that the write-in candidates have been disqualified or declined. She stated that the current auditors were willing to serve again. Upon a Holman/Novinger motion, the PTS voted unanimously to appoint Robert Shaffer, Sr., Bradley Dipaolo, and Sharon Graff as 2010 elected auditors.

Spring Newsletter

The Secretary reminded everyone that articles for the spring newsletter were due by January 11th.

Oreck Upright Vacuum

Upon a Holman/Novinger motion, the PTS voted unanimously to offer the unused Oreck upright cleaner to the PTPRB.

2010 Census

The Secretary reported that the preliminary results of the census show that 83 addresses should be eliminated. She stated that she disagrees with 32 of them, and will appeal.

2010 Budget

The Secretary reported that the 2010 budget was duly advertised. Upon a Novinger/Holman motion, the PTS voted unanimously to adopt the 2010 budget as advertised.

ADJOURNMENT

With no further business to be conducted, and upon a Novinger/Holman motion, the PTS voted unanimously to adjourn at 8:45 p.m.

Respectfully Submitted,

Susan E. Long
Recording Secretary

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