

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman

Lucinda (CeCe) Novinger, Vice-Chairman

Brian R. Maguire, Supervisor

MINUTES OF AUGUST 28, 2013

Page 1 of 8

The Penn Township Board of Supervisors (PTS) met on Wednesday, August 28, 2013 at 7:00 p.m. in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman CeCe Novinger, and Supervisor Brian Maguire were in attendance. Other personnel present were Helen Klinepeter (Secretary), Police Chief Richard Pickles, and P. Richard Wagner (Solicitor). Chairman Holman called the meeting 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.

Chairman Holman informed the audience that Solicitor Wagner has to leave early therefore we are moving his report to the front of the meeting.

SOLICITOR REPORT

Taschek Demolition Permit –Solicitor recommend that the demolition permit expires on September 26, 2013. The police had posted the property and should be notified in writing with proof of service of the requirement to demolish the house by the expiration date of the permit or the Township would proceed with measures to correct the matter such as summary conviction and/or removing the structure at cost plus 10% to the landowner. Upon a Novinger/Holman motion, the PTS voted unanimously to send a letter to Mrs. Taschek.

Cable Franchise – Solicitor offered that there are two different areas that require attention; the cable franchise and the wireless technology. The Cohen Law Group out of Pittsburg specializes in drafting ordinances and agreements along with assisting municipalities in collection of fees. He presented two documents to be copied and for the review of the PTS. He stated that there is no time limit but there are monies involved. There is a profile of possible revenue at the different percentages of a franchise agreement.

VISITORS

Charles Stoner and Randy Mladenoff - Mr. Mladenoff offered that he is looking for a solution to building on a lot off of Rupp Road. Mr. Holman offered that he researched the matter extensively and has to be shown where there is a 50-foot right-of-way (ROW). The plan shows a 33-foot ROW. The Township Road does not go around the bend. The plan indicates that the road was to be upgraded and dedicated to the Township. The dedication of the road never took place; and other agreements on the plan were not fulfilled. There are no dedicatory statements or a maintenance agreement for the private road was presented. He continued that he sat in Solicitor Wagner’s office with him, Mr. Stoner’s attorney, Solicitor Wagner and Mr. Mladenoff and discussed this whole issue. Mr. Holman said “When we left, Mr. Wagner and I thought the issue was resolved. When we left, Mr. Wagner and I thought the issue was resolved. Solicitor offered his understanding that there is a private ROW and we have the maximum number of lots

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MINUTES OF AUGUST 28, 2013

Page 2 of 8

using the road. Now there is a request to place another lot on the private ROW. It was noted that there was not a dedication to the Township of a portion of the road. Mr. Holman offered that the plan shows the ROW is being used on plan by the corner house (Qualls). The first portion of the ROW shows a 50- foot ROW. There is no evidence that there is 50'ROW. The developer agreed to the conditions on the plan at adoption and the conditions have not been met. There has been contention on this ROW since before Mr. Holman became a Supervisor.

Mr. Holman offered that it is the same matter in Mr. Stoner's other development off of Linton Hill Road. He has a private ROW, and houses are being built on it. The road is to be dedicated to the Township after improvements. If the road is never improved and dedicated, the road will never be a township road.

Mr. Charlie Cook (Mr. Stoner's Surveyor) stated that he has the 1973 plan and Mr. Benner's deed. Mr. Benner has a property line that goes to a "legal ROW line" as depicted on the plan which has turned the corner on Rupp Road. This is what has caused all the problems. Mr. Cook stated that his research in 2001 showed that Rupp Road did not turn the corner according to the road docket at the County or PennDOT. Mr. Benner's deed shows his property to a public road that was 33 feet wide. If the road never turned the corner, then Mr. Benner never had road frontage. Mr. Holman offered that Mr. Benner's lot came out on to a public road not a Township Road. The road was never deeded to the township. Mr. Holman offered that the plans change and now you need a 50-foot ROW. Mr. Cook offered that the hang-up on the plan was who was going to move the pole. The conditions on Plan approval were that Mr. Stoner would pay for the fees and Mr. Stoner was to remove the pole. Mr. Cook stated that the road was offered but never accepted by the Township. Solicitor Wagner stated that the plan stated the road would be offered or dedicated. The next step would be to bring that portion of the road up to Township specifications and be offered by deed or resolution with an "8x11" plot plan of the road. The Township accepts and records the road docket. The Township was not presented with a deed or resolution, and therefore has no obligation to accept the road.

Mr. Cook stated that Mr. Benner's deed says that his property fronted on a legal ROW line that turned the corner. Mr. Holman said, "No, we are not admitting that the Township road turns the corner. It is a public road not a Township Road.

Solicitor explained that if a person owns a lot, puts in a road and allows public uses, it is a public road, but if he does not bring the road up to Township specifications and dedicate it to the Township, then the road remains public, but it is not a Township Road. The Township does maintain the road.

Mr. Stoner stated PPL cannot move the pole because they cannot get the ROW. Mr. Holman stated that Mr. Cook just admitted the Township Road did not turn the corner. Mr. Holman

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MINUTES OF AUGUST 28, 2013

Page 3 of 8

offered that the plan states the road is private and that there would be a maintenance agreement. Mr. Stoner stated that a maintenance agreement is on the plan required that everyone on that road would have to help maintain the road. Mr. Holman asked if the documents had been drawn up. Mr. Stoner stated it is on the plan.

Mr. Mladenoff offered that he came into this in 2010, being told that he could build a house on this lot. Mr. Holman asked if the Township told him this. Mr. Mladenoff replied in the negative. Mr. Holman offered for him to come into the office and look at the documentation on this plan. Mr. Stoner offered that this plan went 12 years with no problem, then all of sudden there is a problem. Mr. Holman offered that Mr. Stoner sold the lot and someone is looking to build upon it. Mr. Stoner stated that he got a permit to build a pole barn on the property. Secretary confirmed that a pole barn was built on the property when it was part of the airport as an accessory use to the airport.

Solicitor Wagner stated that the solution is to bring the road up to Township specifications, dedicate it to the Township, and you can have as many houses as you wish. Mr. Holman offered that he sent a letter to Mr. Mladenoff after the meeting with the lawyers recommended working something out with the neighbors.

Mr. Mladenoff then stated that what needs to be done is to have a 50-foot ROW and someone not use the lane. Mr. Holman offered that the Township does not grant 33-foot ROW's any longer.

Mr. Holman asked if there were any other questions for the Solicitor.

Mr. John Gerner – Mr. Gerner asked about the status of the Deburk and Morrison Conditional Uses. Solicitor Wagner offered that they are still in court, and there is no decision yet.

Rick Wilson – He offered that the Township has bought the land at 1325 State Road. He wanted to know if there is any interest in sell the land. He was interested in building a garage on the property.

Mr. Holman offered he believes that size garage you are interested in would not fit on the property and that a garage is an accessory use and therefore not permitted by itself under the zoning. He continued that he has not heard any discussion on the selling of the lot.

Jesse Boyer- Mr. Boyer was wondering with the repair of the bridge at the end of the Borough by the SR 11/15 overpass; if there is any consideration of lowering the speed limit on Butchershop and Creek Road. Mr. Holman offered that there will be lines, delineators on the road. Those roads are going to be for local traffic only. These roads will not be used as a detour. Mr. Boyer stated that he is worried about 40 mph on Creek Road while the state has 35 mph through Perdix. He offered that he is worried about the walkers and bicyclists who use the

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MINUTES OF AUGUST 28, 2013

Page 4 of 8

roads. Mr. Holman offered that a speed study would have been done. Chief Pickles offered that those roads and Gambers Corner Road was planned to be done.

Stanley Mutzabaugh - Mr. Mutzabaugh asked what would warrant an officer to leave the Township to another Township. Chief Pickles offered that an officer would leave the Township to assist another officer. Mr. Mutzabaugh offered that on 8/12/13 at 7:19 p.m. there was an accident in Reed Township at the interchange of SR11/15 and SR 22/322. Chief Pickles stated he would look into the situation.

Mr. Mutzabaugh offered that he saw an officer sitting in the middle lane at the Susquenita School District, with no lights or flashers. He feels that this is very unsafe situation. Chief offered that he has a lot of calls of cars passing the school buses. People see the police vehicle and slow down.

Mr. Mutzabaugh offered that, at the Comprehensive Plan, Mr. Holman stated that the update of the Comprehensive Plan was not personal. Mr. Mutzabaugh showed a sign that was erected. Mr. Holman offered that when the sign was put up he did not approve and was not happy. Mr. Holman stated that he explained that if that plan came before the Township and met all the requirements he would have to sign the plan.

INVOICES AND EXPENDITURES

With unanimous approval of a Holman/Novinger motion, the PTS voted to approve payment from PLIGIT General Account of checks 26536 through 26610 in the amount of \$37,892.48, from the Orrstown Bank General Account the ACH transfers in the amount of 11,600.83. Checks 1478 to 1481 from the Orrstown Bank PTPRB Checking Account for a total of \$406.69 were also approved.

CD Maturity – A Park and Recreation CD matures on 9/8/13. The best rate is Marysville Bank with a .20%. With unanimous approval of a Holman/Maguire motion, the PTS voted to keep the CD to Marysville Bank for a six month term.

TREASURER'S REPORT

The August Treasurer's Report was accepted upon the passage of a Holman/Novinger motion, subject to audit.

MINUTES

Minutes for the July 31, 2013 PTS meeting were approved with a Novinger/Holman motion.

HIGHWAY REPORT

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Duncannon, PA 17020-1100

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MINUTES OF AUGUST 28, 2013

Page 5 of 8

Notes:

- The culvert on Sawmill Road was completed. There are no stones from Mr. Frisch's property from rain storms. Mr. Holman offered that people is asking about the dam. He explained that when the crew is working in a moving stream, a dam is placed to control erosion and the
- The crew has been doing repairs to Schoolhouse Road and cutting brush and high grass.
- Butchershop Road has been Tar and Chipped. This will seal the road for another 8 to 10 years. The contractor's crew caught the guide wire of an electric pole and left 180 people without electricity. The Highway crew has tar and chipped the mailbox pull offs and the driveways are joined correctly to the street.
- The crew removed a tree off the line on Schoolhouse Road. There are more trees that are leaning and we trying to work with the landowners to remove the trees.
- Side ditches throughout the Township need work.
- We received salt in for the winter.
- The 550 Truck is now working for the winter.

Mr. John Gerner asked if Sawmill Road will be worked on this year. Mr. Holman explained that the ATT will be placing fiber optics in the Township right-of-way. Therefore he is not going to widen the road and place blacktop in just to have it ripped out when the fiber optics are installed.

PENN TOWNSHIP PLANNING COMMISSION (PTPC)

Sam and Patricia Smith Land Development Plan, File# 2013-01 – Upon a Holman/Maguire motion, the PTS voted unanimously to accept the time extension until November 27, 2013.

A PennDOT response letter was sent to the Township for comments. Secretary explained that the PennDOT wanted to eliminate one of the three driveways. Therefore a new/amended Highway Occupancy would need to be obtained. The Planning Commission had not comments with what was proposed. Upon a Holman/Novinger motion, the PTS voted unanimously to send the comment letter with no comments to PennDOT.

Warden Properties (Stone Mill Estates) Subdivision and Land Development Plan, File # 2005-06 – Upon a Maguire/Novinger motion to accept the time extension until October 30, 2013.

ZONING REPORT

The Zoning Officer's report was accepted.

Joyce Hand Conditional Use, Docket 2013-02 – Secretary presented the request for a Conditional Use Hearing and informed the PTS that the 60 day time limit to hold the hearing is

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MINUTES OF AUGUST 28, 2013

Page 6 of 8

October 18, 2013. The consensus of the PTS was to hold the hearing on September 15, 2013 at 6:00 p.m.

SEWAGE ENFORCEMENT OFFICER'S REPORT (SEO)

David Kelly Holding Tank Renewal – With a Holman/Novinger motion, the PTS voted unanimously to renew the Holding Tank Agreement for the David Kelly.

The SEO report was accepted.

PARK AND RECREATION BOARD REPORT (PTPRB) - There was no meeting in August.

PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)

Appointment – Mr. Holman offered that the PTMA has been looking for a replacement on the Board and asked him for help finding someone. He offered that he took a gentleman off the PTMA Board and due to issues with the sewer project, a change was needed. Mr. Holman offered that he went to this gentleman and talked to him about coming back to the PTMA. Mr. Holman talked to Mr. Jim Kocher about past issues and coming back to the board. Upon a Holman/Maguire motion the PTS voted by majority to appoint Mr. Jim Kocher to the PTMA Board. Ms. Novinger voted nay.

Mr. Roy Krick asked if the Warden Property will be connected to the PTMA water service. Mr. Krick explained the history of the right-of-way for the water line on his property and that he was told the matter was dead. Mr. Holman offered that the developer changed his mind and was going to build wells. He continued that the developer then decided to do public water and had to have an agreement with the authority for the continuation of time extensions. Ms. Novinger offered that if the development is within a certain amount of distance has to connect to the public water. She continued that an Adhoc Committee was set up to work on an agreement and review the plans.

Chairman announced that there were two executives on 8/13/13 and 8/15/13 for the purpose of

SECRETARY'S REPORT

Treasurer Applications – Upon a Maguire/Novinger motion, the PTS voted to hire Julie Shoemaker-Harvey at the rate of \$11.66.

2013 Fall Clean-up – Secretary informed the PTS that one bid was received for the Fall Clean-up from Sylvester Services. Upon a Holman/Novinger motion, the PTS voted unanimously to award the contract to Sylvester Services.

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Duncannon, PA 17020-1100

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Lucinda (CeCe) Novinger, Vice-Chairman

Brian R. Maguire, Supervisor

MINUTES OF AUGUST 28, 2013

Page 7 of 8

Copier Quotes – Secretary presented the copier quotes to the PTS for review, with the explanation we received another quote for a used copier two days ago without time to inspect the offer. Upon a Maguire/Novinger motion, the PTS voted to unanimously to table this matter until the next month in order to research the new copier quote.

SR 274 Traffic Light – Secretary presented confirmation of the new PPL Electric Bill. Upon a Holman/Novinger motion, the PTS granted permission for the confirmation to be signed as the Township will be responsible for the electric bill. Secretary was to research the cost of the traffic light electric from Marysville Borough.

Mr. Worner asked what type of pre-emption device will be provided with the Traffic Signal for the fire company vehicles. Secretary is to contact the project manager and ask what type of pre-emption devices and if there is money for the installation of the devices on the Fire Company vehicles in the project. MR. Worner also asked who would install the devices.

ENGINEER’S REPORT

The Engineer report was accepted.

Chairman Holman offered that a phone call was received from a homeowner that a landowner cannot get onto his private road, as there is an injunction against him getting on his property signed by Mr. Holman. He continued that the injunction is only for the stone runoff from Furnley’s private road (Furnley’s Mountain). The injunction states, that if the stone is not cleared by Mr. Frisch, then the Township could clear it and charge Mr. Frisch. Mr. Holman offered that he has a copy to show Mrs. Cotton.

POLICE REPORT

Captain Karlsen presented the August 2013 Police Report to the PTS. There have been some nuisance complaints.

BUILDING, ZONING, DRIVEWAY AND SIGN PERMIT REPORT

The July 2013 permit reports were presented and accepted without comment.

CORRESPONDENCE

Cumberland/Perry Tapestry of Health – Secretary informed the PTS that the last date that WIC would rent the room from the Township will be in September.

Perry County E-mail – Announcing the Count’s Hazard Mitigation Plan public meeting.

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Duncannon, PA 17020-1100

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MINUTES OF AUGUST 28, 2013

Page 8 of 8

Duncannon Fire Company 2012 Federal Tax Return – Duncannon Fire Company presented their 2012 Federal Tax Return.

Band Booster – The Susquenita High School Band Booster’s invited the PTS to the open house.

OLD BUSINESS

Comprehensive Plan – Upon a Holman/Maguire motion, the PTS voted unanimously to send that Comprehensive Plan back to the Planning Commission for consideration of the comments and questions presented during the hearing.

Grass Growth Information – Secretary presented the information collected grass/weeds ordinances. MR. Holman offered that he visited Mrs. Hilbish’s neighbors and asked if they would consider cutting the grass.

Fall Newsletter – Secretary offered that the newsletter is at the printers.

Jodi Rissinger – Mrs. Rissinger asked if Paul Soltis was still the Emergency Management Coordinator. Mr. Holman offered the Mr. Soltis would stand in until we have someone to replace him.

NEW BUSINESS – No new business was reported.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 8:56 p.m.

Respectfully Submitted,


Helen Klinepeter
Secretary