

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

Henry A. Holman, Jr., Chairman

Lucinda (CeCe) Novinger, Vice-Chairman

Brian Maguire, Supervisor

MINUTES OF OCTOBER 30, 2013

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The Penn Township Board of Supervisors (PTS) met on Wednesday, October 30, 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, Captain Clifford Karlsen 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.

VISITOR

Charles Stoner/Randy Mladenoff – Mr. Mladenoff offered that Mr. Stoner and he have been trying to find a resolution of the private right-of-way issue on Rupp Road. He had the surveyor come out and place survey stakes in the ground, and it appears that another private lane could be put in place alongside the original right-of-way. Mr. Mladenoff asked the Board what would need to be done for this solution.

Mr. Holman offered that any solution after the end of the Township road is between the neighbors. Other solutions would need to be brought before the Planning Commission and he cannot comment on anything without seeing the proposal. The discussion commenced on where the township road ended.

Mr. Benner offered that the road has been in use for 40 years and no one has ever objected to where the road is located. He offered that from the start, he has maintained the grass and cleaned the junk away. He purchased the ground so that he could put in a private driveway.

Mr. Stoner said, "In 2001 the Township asked Mr. Cook to bend the road to give Mr. Benner frontage on a Township road. Mr. Holman asked Mr. Robert Shaffer, who was a supervisor at that time, "When did the Township ask a surveyor to bend a road to show it was a Township Road?" Mr. Shaffer answered that he was not aware of any instances.

Solicitor offered that in 2001 a plan was presented; seeking approval based upon current regulations, and the plan was approved and recorded. Solicitor stated, "Now 12 years later you want to change the rules." Solicitor offered that on the 2001 plan Note 1 states that lot 1 would have no development.

Mr. Stoner offered that Note 1 stated there was no development planned at the time of the subdivision but did not prohibit development in the future. Solicitor stated, "That is correct and when development is desired, a new plan would have to be presented. What is being asked is to put development on that lot without putting in a plan."

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Jim Fickel – Mr. Fickel offered that there was budget meeting October 15. Ms. Novinger was not in attendance, and when he saw her the next day, he asked her why she did not attend. Mr. Fickel offered that Ms. Novinger commented that she was told that it would not matter if she was there or not, and besides there were two meetings she did not know anything about. Ms. Novinger offered that there was one meeting that she knew nothing about. She was told the budget meeting would not make much sense to her.

Mr. Holman offered that the meeting in question was not a budget meeting. It was a discussion between the Police Department and the point of contact. He invited the other two supervisors to attend if they wished. He offered that he made phone calls to Ms. Novinger and left messages in front of Mr. Pickles and Mr. Karlsen. He offered that he asked Mr. Maguire to contact Ms. Novinger. Mr. Maguire confirmed the he was asked to contact Ms. Novinger.

Ms. Novinger stated that she was not contacted about the October 9 meeting. She was in the Penn Township Park with her cousin when she ran into Mr. Maguire and he was surprised to see her and asked if she was there for the meeting. Ms. Jodi Rissinger asked if the meeting was advertised. Mr. Holman offered the meetings were executive sessions for financial and legal issues. Ms. Rissinger asked if the sessions were announced at the next meeting. Secretary stated that she did not believe so. Ms. Rissinger asked if there was more than one Supervisor attending. Mr. Holman replied in the affirmative.

Mr. Holman offered, “While we are on the subject, an executive session was held on October 23, 2013 on personnel. “

Stanley Mutzabaugh – Mr. Mutzabaugh asked why the police cars do not have AED machines. Chief Pickles replied that there is an AED unit in the vehicles.

Andrew Brown – Mr. Brown asked for an update on the complaints he filed. Secretary replied that the Taschek property has been cited. Captain Karlsen explained that the property owner failed to demolish within the permit limits, a letter was sent giving them 15 days to comply or to be cited. There was no response and the citation was issued. The matter is in the hand of the District Justice. We are waiting for a hearing date. Mr. Brown asked what options the Judge has. Captain Karlsen responded on the different options available to the judge.

Mr. Brown then asked regarding the neighbor on the other side concerning the second camper. Secretary replied that the “renter” has submitted an application to the Zoning Officer who has denied the application. Solicitor offered the different options available. After discussion, upon a Holman/Novinger motion, the PTS voted unanimously to send a letter stating that the property owner has fifteen days to comply or he will be cited.

Jodi Rissinger – She thanked the Police Department for helping out at the Halloween Party.

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INVOICES AND EXPENDITURES

With unanimous approval of a Novinger/Holman motion, the PTS voted to approve payment from PLGIT General Account of checks 26677 through 26770 in the amount of \$99,770.98, from the Orrstown Bank General Account, the ACH transfers in the amount of \$68,920.70. Checks 1486--1488 from the Orrstown Bank PTPRB Checking Account for a total of \$968.87 and Liquid Fuels check 228 in the amount of \$1,801.84 were also approved subject to audit.

TREASURER'S REPORT

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

MINUTES

Minutes for the August 21, August 28, September 25 Conditional Use, September 25 and October 15, 2013 PTS meetings were presented. Upon a Maguire/Holman motion, the minutes were approved with Ms. Novinger abstaining from the October 15, 2013 as she was not present at that meeting.

HIGHWAY REPORT

Notes:

Cleaned culverts

Signs were relocated in relation to the one-lane bridge, along Mutzabaugh Market, Cove Road and along Sawmill Road.

The dirt road portion of Linton Hill Road was graded.

The Fall Clean-up was light this year.

PennDOT met with the Police Department regarding signage at SR 274 and Main Street and signage for brake retarders along SR 11/15.

Century Link replied regarding the tree in Perdix that has been a concern. They will not remove the tree until it falls.

The Giant Hogweed was brought to the attention of the Township by the Liquid Fuels man.

The Ford 550 will have one more winter and Mr. Holman offered that come spring he would like to advertise it for sale.

The Argo has not been used and there are maintenance responsibilities. Mr. Holman mad a motion to re-advertise the Argo for sale with the money to be put into capital reserve. Mr. Maguire seconded the motion and the Board voted unanimously.

PLANNING COMMISSION

Warden Property (Stone Mill Estate) Preliminary Plan, File # 2005-06 – Secretary presented the granting of a 90-day time extension with the Planning Commission recommendation. Ms. Novinger offered that after reading their explanation for the request and comparing that with the minutes of the Municipal Authority, she noticed that there are discrepancies in the accounts. Therefore she is not comfortable with a 90-day time extension but would make a motion to accept a 30-day time extension. She believes that this plan has changed a great deal since the plan was first presented and that it needs to be presented as a new plan. Mr. Holman seconded the motion to accept a 30-day time extension. The PTS voted unanimously to accept a 30-day time extension.

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Century Link Request for Waiver – Secretary presented the request for a waiver of the land development plan and the Planning Commission recommendation. Upon a Holman/Novinger motion, the PTS voted unanimously to grant the waiver request subject to proof that the Game Commission agreed to the placement of the “H” frame and the Zoning Officer’s interpretation for the need of a Zoning Permit.

ZONING REPORT

The Zoning Officer’s report was accepted.

Karen Tilkens Zoning Variance Request, Docket 2013-03 – Secretary presented the Zoning Variance request for the placement of the shed. Upon a Holman/Maguire motion, the PTS voted unanimously not to be a party to this hearing.

Giovanni Ortenzi Variance Request, Docket 2013-04 – Secretary presented the Zoning Variance request for the placement of a shed. Secretary presented the concerns of the Planning Commission of the Right-of-Way of SR 11/15 in front of the residence, the sight distance issue of the shed at the present location and if the shed could be moved closer to the residence to be more compliant with the Zoning Ordinance. Upon a Holman/Maguire motion, the PTS voted to present those concerns to the Zoning Hearing Board.

SEWAGE ENFORCEMENT OFFICER'S REPORT (SEO)

The SEO report was accepted.

Forrer Dodge Holding Tank Renewal – Secretary presented the renewal of the Holding Tank Agreement with a request to reduce or eliminate the letter of the credit. Upon a Holman/Novinger motion, the PTS voted to renew the Holding Tank Agreement and to eliminate the letter of credit requirement.

Bill Warner, Port-a-John – Mr. Holman offered that he checked into the issue of Mr. Warner’s port-a-john. Mr. Warner has started the process to obtain a holding tank permit. He was thankful that the matter was brought to his attention.

PARK AND RECREATION BOARD REPORT (PTPRB) – Mrs. Tilkens presented her report. She offered that a stove was purchased for the building and that the Halloween Party was a success.

PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA) – Secretary presented a request for the Township to pass a mandatory water connection Ordinance. The second item was a letter of support to be approved and signed regarding the CDBG Grant.

Upon a Holman/Maguire motion, the PTS voted to sign the CDBG Grant letter of support and consider the mandatory water connection ordinance. Mrs. Novinger abstained as she is on the Municipal Authority Board.

SECRETARY’S REPORT

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Faculty Road Performance Bond – Secretary offered that it has been a year since the Faculty Road Paving Project has been completed and wished to know if the Board would like to release the Performance Bond. Upon a Holman/Maguire motion, the PTS voted unanimously to release the Performance Bond.

Verizon Performance Bond – Secretary presented the request for the release of the Verizon Wireless Bond. Upon a Holman/Novinger motion, the PTS voted unanimously to release the Performance Bond.

Amendment to the Holding Tank Ordinance – Secretary presented a draft amendment to the Holding Tank Ordinance and asked that it be reviewed and changes submitted.

Right To Know Form – Secretary reported that the Office of Open Records has changed their form and asked if the Board would like to change our form to match. Upon a Novinger/Maguire motion, the PTS voted unanimously to amend the Township form.

Traffic Signal Maintenance Contract – Secretary presented the quote details for the Traffic Signal Maintenance Contract and asked for any changes to be presented.

Treasurer Position – Mr. Holman offered the PTS had met with the applicant for further discussion. Upon a Holman/Novinger motion, the PTS voted unanimously to inform the applicant that the position would not be offered. Upon a Holman/Novinger motion, the PTS voted unanimously to re-advertise for the position of Treasurer with the applications to be in by the Budget meeting on November 12, 2013 at 6:30 p.m.

Duncannon Fire Company Letter of Credit – Secretary presented the DFC request for the letter of credit to be reduced or eliminated. Discussion on the outstanding items commenced and upon a Maguire/Holman motion, this matter was tabled until verification could be accomplished.

CAPTAX Meeting and Perry County Committee Meeting – Secretary presented the information from the meeting for review.

ENGINEER'S REPORT

MS4 - Engineer reported that the permits for MS4 are behind in being issued.

Mr. Holman offered that he would like the Engineer to meet with him to review a stormwater situation on Cove Road. Upon a Novinger/Maguire motion, the PTS voted unanimously to allow Mr. Holman to meet with the Engineer.

POLICE REPORT

Chief presented the October 2013 Police Report to the PTS. Chief Pickles offered that he has met with PennDOT regarding the signage at the intersection of SR 274 and Main Street. Chief Pickles offered that discussion commenced with PennDOT on signage along SR 11/15 for "No Brake Retard" Signs.

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BUILDING, ZONING, DRIVEWAY AND SIGN PERMIT REPORT

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

SOLICITOR – Mr. Wagner offered that a dear friend of his, Charlie Snyder, has been diagnosed with stomach cancer and asked that people would keep him in their thoughts.

Mr. Holman asked the status of the issue regarding the recycling center on State Road. Solicitor offered that the suit has been filed and that he would have to check to see if a response has been filed.

Morrison Letter of Credit - Mr. Holman offered that Mr. Morrison has complied with the agreement. Mrs. Novinger asked what he was to accomplish. Mr. Holman answered that he was to get DEP approval. A discussion commenced on what was to be completed. At the suggestion of the Solicitor and upon a Holman/Maguire motion, the PTS voted to table this matter for further review.

CORRESPONDENCE

HATS – Supplying meeting dates for the committee meetings.

SUN Home, and Health & Hospice – Asking for donation in 2014.

E-Mail from Mr. Chappuis – Requesting “No Brake Retard” signage on SR 11/15 in the Perdix area. Chief offered that he was told that a study would have to be done by PennDOT.

Perry County Planning Commission - Municipal Comprehensive Plans with the update to the Perry County Comprehensive Plan.

Perry County Planning Commission – Municipal Planning Support Service

Tri-County Planning Commission – Nomination of the Tri-County Regional Planning Commission. Upon a Holman/Maguire motion, the PTS voted to have the proxy vote in favor of Mr. Bob Rhoads.

Perry County Tax Assessment – Asking if there is interest in attending Tax Appeal Hearings. Upon a Novinger/Maguire motion, the PTS voted not to attend the Hearings.

Perry County Planning Commission – Stating that the Multi-Hazard Mitigation Plan was available for review.

Cumberland/Perry County Task Force – Announcing the CPTF meeting date of October 31, 2013.

OLD BUSINESS

COMPREHENSIVE PLAN – Secretary offered that the Plan has been advertised. Upon a Novinger/Maguire motion, the PTS voted unanimously to adopt the Comprehensive Plan.

Mr. Holman offered that he received a call from a resident, who is a well known businessman. The resident stated that an employee came to him and stated that the zoning is being changed in the Township and that he was told he would not be able to do anything with his land as everything is being changed to Agriculture. Mr. Holman offered that all the land in Penn Township can be developed unless the landowner has placed the property in land preservation. He continued that he

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met with Mr. Finnerty of the County Planning Commission who stated that we don't have an agriculture program. We have an urban development plan that is called agriculture. All the land in Penn Township can be built upon. The only restrictions are what the landowner has placed upon the land through land preservation or Clean and Green. The Comprehensive Plan does not change any of the zoning and nobody has been hurt by this plan.

Duncannon EMS – Mr. Kraig Nace asked if the donation to the EMS is still being considered to be released in November. Mr. Holman offered that at the present time yes.

NEW BUSINESS

Internet – Mrs. Annemarie Frisch asked if there was restriction on internet providers in the Township. Mr. Holman replied in the negative. Mrs. Frisch was told to talk to the town hall. Other carriers are saying they cannot come in without an invite. Captain Karlsen offered that the carriers need to contact the Township to start discussions.

Jodi Rissinger – Mrs. Rissinger asked the amount of Foreign Fire Insurance. Secretary replied that the amount is \$20,917.21. Mrs. Rissinger asked questions regarding the Argo bid. Mrs. Rissinger asked where the other problem trees are located. Secretary replied to a question from the budget meeting concerning the difference in the 2012 and 2013 Police Department Budget. The difference is \$13,434.

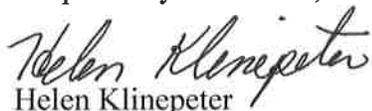
Lee Wright – Mr. Wright asked if the \$30,000 under cable franchise is the price of a franchise agreement. Captain Karlsen offered that is a ballpark number for the budget preparation. Mr. Wright asked if there is a tax advantage for being in Clean and Green. Mr. Holman offered there is a tax advantage with some restriction.

Kim Lenker – Mrs. Novinger asked the status of Mr. Lenker's property along State Road. Secretary offered the Zoning Officer's e-mail is provided in the meeting packet. Mr. Imes of County Conservation stated that the original Erosion and Sedimentation Control Plan is on file at the County and that he took our letter as a complaint. Mr. Imes was to have a meeting on October 14, 2013. He did not contact the Township Office. Secretary was directed to contact Mr. Imes and find out the status of the matter.

ADJOURNMENT

With no further business to be conducted, and upon a Holman/Novinger motion, the PTS voted unanimously to adjourn at 9:05 p.m.

Respectfully Submitted,


Helen Klinepeter
Secretary