

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

Henry A. Holman, Jr., Chairman

Brian Maguire, Vice-Chairman

Brian K. Peters, Supervisor

Minutes of January 29, 2014

The Penn Township Board of Supervisors (PTS) met on Wednesday, January 29, 2014, at 7:00 PM in the Municipal Building. Chairman Henry Holman, Jr., Vice Chairman Brian Maguire, and Supervisor Brian Peters were in attendance. Other personnel present were Helen Klinepeter (Secretary), Richard Wagner (Solicitor), Max Shradley (Engineer), Police Captain Cliff Karlsen, and Elizabeth Goodhart (Treasurer/Recording Secretary). 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 stated there will be a continuance of an Executive Session regarding personnel at the end of this meeting.

VISITORS

Kraig Nace, Duncannon EMS

Mr. Nace mentioned he had been contacted regarding the discussion which occurred at the reorganizational meeting related to the EMS contribution by Penn Township. He stated he had conversation with Brian Maguire regarding this and that he was hoping to discuss this with Henry. He thanked the Board for their support and stated that he would meet with them either on the record or apart from the meeting. Chairman Holman stated that he had previously discussed the issues with Mr. Nace. Mr. Nace stated that he hoped his open records requests were not affecting this. Supervisor Peters asked for an explanation of the issues since he was not aware of any. Chairman Holman stated he would share his comments with Supervisor Peters during an Executive Session.

Stanley Mutzabaugh

Mr. Mutzabaugh stated his wife asked why the Penn Township police reports are not listed in the newspaper. He said he was just mentioning this since she made the comment.

Mr. Mutzabaugh mentioned the newsletter that was mailed to all residents on behalf of the Planning Commission. He stated that residents who don't come to the Township meetings would not understand the contents of the newsletter. Chairman Holman suggested Mr. Mutzabaugh take this issue to the Planning Commission for any action required.

Regarding the comments made at the reorganizational meeting related to the EMS, Mr. Mutzabaugh stated that Chairman Holman stated "I have an issue". Mr. Mutzabaugh asked if the "I" referred to by Chairman Holman was referring to himself only or to the Board. Chairman Holman stated the issues were discussed with the other members of the Board.

Byron Worner, Duncannon Fire Company

Mr. Worner stated he dropped off the annual report today and will follow-up with the audit report and the 990 report. He then gave a brief update of the annual report.

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INVOICES AND EXPENDITURES

With unanimous approval of a Maguire/Peters motion, the PTS voted to approve payment of checks 26926 through 27011 in the amount of \$65,734.87 from the PLGIT general fund account, ACH payments totaling \$12,485.28 from the Orrstown Bank General Account, transfers from the Orrstown Bank general fund to PLGIT totaling \$62,000.00, PTPRB checks 1504 through 1506 in the amount of \$139.04, and a transfer from the Orrstown Bank general fund to the PTPRB Checking Account for a total of \$139.04.

TREASURER'S REPORT

A Park and Recreation Board CD will mature on February 1, 2014. Upon unanimous approval of a Holman/Maguire motion, the CD will remain at Marysville Bank for a period of 6 months, unless a better interest rate becomes available.

A Liquid Fuels CD will mature on February 4, 2014. Upon unanimous approval of a Maguire/Peters motion, the CD will be moved to Members 1st Credit Union for a period of 19 months at 1.0%.

The Treasurer's Report was unanimously approved, subject to audit, upon the passage of a Maguire/Peters motion.

Treasurer Goodhart requested permission to remit funds for the Sunoco bill via ACH. The ACH was approved with a Maguire/Peters motion.

Chairman Holman stated that Solicitor Wagner previously stated he felt it was acceptable to pay any bills throughout the month that would otherwise be late. Solicitor Wagner stated that was correct. Chairman Holman stated that went into effect about five years ago.

MINUTES

With typographical updates, the minutes for the December 26, 2013, PTS meeting were approved with a Maguire/Holman motion. Upon a Maguire/Peters motion, the minutes for the January 6, 2014, PTS meeting were tabled until the next meeting.

HIGHWAY REPORT

Notes

- Highway crew has been handling snow and ice.
- Anti-skid bin will be filled again this week.
- Minor snow plow repairs.
- Minor truck repairs, e.g., wipers, etc.
- Met with Rich Levine to look at Ashmar Drive. Too much snow piled up alongside the road to take any measurements. Will meet again with Mr. Levine after the snow has melted.
- Traffic light at Business Campus was not working properly but has been fixed.
- Chairman Holman commented on the newspaper article on the Township's budget.
- In response to a question from Robert Gouse, Chairman Holman stated that one of the Township trucks was damaged recently, but it is still being used until he has time to make the repairs.

PENN TOWNSHIP PLANNING COMMISSION (PTPC)

Rupp Road – Solicitor Wagner stated that most of the questions from the PTPC are for his response and requested that this be tabled until he has time to review the documents. This request was unanimously approved with a Holman/Peters motion.

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Warden Property Preliminary Plan

PTPC recommended approval of the preliminary plan of Stone Mill Estates, subject to the Alterations Of Requirement (AORs). Township Engineer Max Shradley stated they have eliminated all items that were addressed in the recent submission to the Board. Chairman Holman stated he has a letter from the Penn Township Municipal Authority to provide water to Stone Mill Estates and approves the conceptual plan for both water and sewer service; however, extensive further refinements to this concept will be required. Solicitor Wagner asked Mr. Shradley to confirm that he is satisfied with what is being proposed. Mr. Shradley stated the outstanding engineering items can be addressed easily and more appropriately in the final plan. Solicitor Wagner then suggested that attendees be asked if anyone has any comments/objections to the plan before the Board takes a vote.

Sean Shultz stated he had comments on behalf of Garry Raub.

- 1) When Harry Beers' lot was subdivided as part of this parcel, that approval provided that it was the third and final lot that could be approved by the Township without a road extending through his client's property.
- 2) Mr. Shultz stated that when you look at this subdivision, it is really one big cul-de-sac, which is in violation of the Township's Subdivision Land Development Ordinance.
- 3) The Developer has not identified any undue hardship for the waiver that they will be requesting for the lot limits to be serviced by private roads. The limit is three lots to be serviced by private roads. Mr. Shultz stated that despite the move to have an agreement with the Home Owner's Association (HOA), they still are private roads. If the HOA is dissolved in the future, there will be 70+ households coming to the Township for services.
- 4) Mr. Shultz stated the Township should be deciding what you want this township to look like in the future. He stated this is slippery slope; it is the beginning or continuation of sprawl. Although there may be some short-term revenue gain from developments like this, studies show that in the long-term, there is a greater burden on the taxpayers. Mr. Shultz stated he feels the PTS need to decide what the Township is going to do to insure the agricultural and rural nature is preserved. He stated there will be no turning back once a decision is made.

John Murphy, of Alpha Consulting Engineers, who represents the Development, stated they have worked very hard and diligently with the PTS and the Planning Commission, and the plan meets the Township's ordinances. He stated it is in concert with the direction they believe the Township is taking. He stated the three waivers requested will be in concert with DEP, Zoning Hearing Board and also the direction the Board is taking regarding the street waiver. He stated all other comments at a preliminary level have been addressed and requested PTS favorable action tonight on the preliminary plan.

Supervisor Peters asked Sean Shultz to explain the long-term financial gains that could be a burden on the Township. He replied that residential developments tend to be a burden on the infrastructure of the municipality, not only at the school district level, but also at the Township level. It includes additional services that need to be provided. He stated the developer still has not addressed the undue hardship regarding the private roads (which is a requirement under the Municipal Planning Code) that will occur if the HOA is dissolved and the position that the Township will face. Mr. Shultz stated other residents may want to band together to have more lots serviced by a private road, and they could also form an HOA.

Chairman Holman added that as a Township Supervisor, he does not want to take over these roads. During a snow storm, one truck would be tied up to take care of these roads. He has

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discussed this issue with Solicitor Wagner and stated that we already have this situation with Petersburg commons where the HOA wanted the Township to take over maintenance of the stormwater.

Solicitor Wagner stated we have the discretion to approve this. He stated this is not a new concept. He feels the biggest peril is to the Developer, because the Developer will state on the plans that these streets are not to be dedicated to the Township and will not be serviced by us.

Supervisor Maguire asked the Solicitor about the HOA disbanding in the future and the impact on those residents. The Solicitor stated that the residents are taking a risk of not having Township services if that does occur. Supervisor Maguire also questioned whether a particular item mentioned in the Madden Engineering Services, Inc., letter dated January 21, 2014, had been addressed. This item was confirmed by John Murphy.

Mr. Mladenoff questioned whether Rupp Road could be treated this way also as it pertains to an HOA. Solicitor Wagner stated that if it's presented and there are unique circumstances that prohibit someone from complying with the Township ordinance, then it is something that could be looked at.

Supervisor Maguire questioned Engineer Max Shradley about an item contained in the January 29 letter. Mr. Shradley stated that Item 44 is not on the cover sheet since it had been addressed.

Solicitor Wagner asked Mr. Shradley if his comments on page 2 are to be properly addressed in the final plan or are they an addition to be applied to this plan. Max stated they are comments that have come up during the review and to the extent that they were comments, they are somewhat conditions for the approval of a plan that they acknowledge they will be addressing in the final. Solicitor Wagner asked Mr. Shradley if this plan is approved, will it be conditioned upon the requirements for final approval plus these items which are required by the ordinance. He also asked if the plan were approved tonight, would the idea of an HOA document be required under the final and does not need to be a condition of this. Mr. Shradley replied that he believed so.

Attorney Shultz provided Solicitor Wagner a copy of the letter from the Conservation District for review.

Supervisor Peters asked who would comprise the HOA and asked about their track record. Mr. Murphy stated it would be created and submitted with the final plan submission for Township review. Supervisor Peters asked if there was no one specific intended to manage it. Mr. Murphy said the current Developer has managed and turned over many HOA's over the past 20-30 years. They do have a good track record and will be starting this one up as they have others.

Solicitor Wagner's final comment was that if the PTS does approve the preliminary plan tonight, he wants to make it clear that the seven (7) items under "Subdivision and Land Development" as addressed by Mr. Shradley and the five (5) items of the "Stormwater Management Ordinance" should be a condition for final approval even though they may not be required as a final plan requirement,.

Mr. Murphy offered that the January 29 Rettew letter can be a basis for condition of approval.

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Chairman Holman stated that this plan has been eight years in the making and mentioned that there are a number of conditional items. He also stated that the items mentioned by Solicitor Wagner should be included in the approval.

Solicitor Wagner stated there are three or four Alteration of Requirements (AORs) and stated the PTS must either accept or reject them. If rejected, that would be the basis for rejection of plan. If they accept the AORs, then the PTS must approve or reject the preliminary plan. He also stated that if the preliminary plan is approved, the requirements of the January 29, 2014, letter must be met, in addition to other final plan requirements.

Supervisor Peters asked if the comments included in the Conservation District letter are valid. Solicitor Wagner was not sure since he had not seen the letter prior to this evening.

Solicitor Wagner stated approval of the AORs should be kept separate from approval of the plan.

After discussion and upon a Maguire/Peters motion, the PTS voted unanimously to approve AORs for Section 507.E.8, Section 401.D.1.a and Section 401.A.5.

After discussion and upon a Peters/Maguire motion, the PTS voted unanimously to approve the Warden Property (Stone Mill Estates) Preliminary Plan, File # 2005-06, contingent upon following items being completed:

1. The RETTEW Review No. 14 dated January 29, 2014, outstanding comments being addressed.
2. The Perry County Conservation Letter dated January 27, 2014, letter being addressed.
3. All Fees being paid.

Solicitor Wagner asked Mr. Murphy if he has the authority on behalf of the developer to agree to the conditions contained in the Rettew letter dated January 29, 2014, and the January 27, 2014, letter from the Conservation District as conditions that must be met before final approval is given. Mr. Murphy stated that he did.

John Murphy of Alpha Consulting Engineers, stated they agree to the January 29, 2014, letter from Rettew and any conditions of the January 27, 2014, Conservation District letter, if applicable. Solicitor Wagner asked Mr. Murphy if he had the authority on behalf of the Developer, to which he replied that he did.

Perdix Fire Company

Solicitor Wagner asked Joe Burget if any of the eight conditions have been met, referring to the seven AORs and eight additional items detailed in the January 24, 2014, letter from the Penn Township Planning Commission. Mr. Burget stated all have been met, except the signatures.

After discussion and upon a Maguire/Peters motion, the PTS voted unanimously to approve the AORs for Section 306, Section 309.A.a, Section 309.A.7, Section 309.B.4, Section 406, Section 509, and Section 510, as well as the eight conditions stated in the PTPC letter dated January 24, 2014.

After discussion and upon a Maguire/Peters motion, the PTS voted unanimously to approve the Perdix Fire Company Land Development Plan, File # 2014-01, contingent upon following items being completed: (Mr. Burget accepted these conditions.)

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1. Handicap Signs and pavement will be per ADA regulations and a detail placed on the plan.
2. The Conditional Use Decision being signed.
3. Any Zoning Officer requirements to be completed.
4. A note placed on the plan stating that all site lighting will comply with the Township Zoning Ordinance.
5. The Surveyor is required to certify the survey plan and the engineer is required to certify the engineering details of the plan.
6. A note placed on the plan stating that all signs will comply with the Township Zoning Ordinance.
7. The Landowner is required to certify ownership by signature prior to approval of the final plan.
8. Planning Module approval.
9. A signature line is placed on the plan for the Board of Supervisors as landowners.
10. All Fees to be paid.

Samuel Smith Land Development Plan

After discussion and upon a Maguire/Holman motion, the PTS voted unanimously to approve the AORs for Section 306, Section 309.A.a, Section 309.A.7, Section 507.E.5, Section 507.E.6.a, Section 507.E.6.b, Section 507.E.7, and Section 402.

After discussion and upon a Maguire/Holman motion, the PTS voted unanimously to approve the Samuel B. & Patricia Smith Land Development Plan, File # 2013-01, contingent upon the following items being completed, as well as Section 1310.2.a and Section 1314.2 from the Madden letter dated January 21, 2014. Mr. Burget accepted these conditions.

1. Engineer's seal and certification, and surveyor's certification shall be provided and signed.
2. The certification of title and the dedicatory statement should be signed and notarized.
3. The applicant shall consult with the PTMA and/or DEP to discuss the need for submitting a sewage planning module.
4. The applicant is proposing improvements to the existing stormwater detention facility. The PTPC may want to consider having the improvements bonded if necessary and providing the Township with a certified As-Built Plan of pond.
5. An ownership and maintenance program in a recordable form suitable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion control facilities needs to be provided.
6. Comply with all comments included in the Zoning Officer letter of January 21, 2014.
7. All fees paid.

Mr. Burget stated in reference to condition #3 above, that he has been asked to provide sewage flows. He also asked Solicitor Wagner about condition #5 above, to which Mr. Wagner stated it should remain as a condition.

Solicitor Wagner also stated that bonding should remain a condition in case it is necessary.

ZONING REPORT - The Zoning Officer's report was presented to the Board.

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SEWAGE ENFORCEMENT OFFICER'S REPORT (SEO) – No activity

PARK AND RECREATION BOARD REPORT (PTPRB) - The PTPRB report was presented to the Board. The chicken BBQ is scheduled for March 29, 2014.

PENN TOWNSHIP MUNICIPAL AUTHORITY

Water Connection Ordinance

Secretary Klinepeter indicated the new Water Connection Ordinance has been advertised and reviewed by Solicitor Wagner. Upon a Holman/Peters motion, this was unanimously approved.

Decoven Wastewater Treatment Facility

The PTMA has requested that a connection letter be sent to Mike Ward. With unanimous approval of a Maguire/Holman motion, a letter will be sent to Mr. Ward.

NPDES Notification

The PTMA is applying to renew the NPDES permits for both the Cove WWTF and the Kinkora WWTF.

SECRETARY'S REPORT

Holding Tank Ordinance Amendment

Secretary Klinepeter stated this has been advertised. Upon a Holman/Maguire motion, Ordinance 2014-02 was unanimously approved.

Humane Society

This item was previously tabled. Upon a Maguire/Peters motion, acceptance of the 2014 Municipal Domestic Animal Protective Service Agreement was unanimously approved.

Perry County Election Board

The Perry County Voter Registration Office would like to renew their lease for the room for two years at \$100 per election usage, the same price as paid in previous years. Upon a Holman/Peters motion, this was unanimously approved.

UCC Board of Appeal

They held their reorganizational meeting and are recommending Jesse Boyer III to be reappointed to the UCC Board of Appeals for three years until 2016. Upon a Holman/Peters motion, this was unanimously approved.

UCC Quarterly Reporting

This report and funds are processed/remitted to DCED every quarter by Secretary Klinepeter. They now want this reported electronically which requires the routing # and check # be included when this is reported electronically. Secretary Klinepeter requested permission from the PTS to provide this information. Upon a Holman/Peters motion, this was unanimously approved.

Liquid Fuels Audit

The Auditor General will be coming to the Township building to perform this audit on February 10, 2014. The audit will include years 2011 and 2012.

ENGINEER'S REPORT - Mr. Shradley presented the Engineer's Report to the Board.

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POLICE REPORT - Captain Karlsen presented the Police Report to the Board. He also reported that Officer Shawn Stake has resigned. Chairman Holman then read a letter he received from a Township resident who recognized Officer Zampogna's professional performance during a recent incident.

SOLICITOR REPORT - All items had previously been addressed earlier tonight as agenda items. As Solicitor Wagner was leaving, Lee Wright asked who attorney Scott Cramer would be representing in the case involving Chief Pickles. Solicitor Wagner stated that he would be representing the Township.

PERMIT REPORT - The permit reports were presented and accepted without comment.

CORRESPONDENCE

Cumberland Perry Task Force

The January meeting is scheduled for Thursday, January 30, 2014.

Madden Letter dated January 21, 2014

This letter was sent by the Zoning Officer to Kim Lenker regarding his property.

OLD BUSINESS

PSATS Convention

Decision must be made who will attend. Supervisor Peters and Treasurer Goodhart will be attending. In addition, Supervisor Peters will be our Voting Delegate.

NEW BUSINESS

AG Security Update

The 7-year update is due in 2014. Solicitor Wagner recommended that the start of the review process be advertised two times. Supervisor Holman and Secretary Klinepeter will discuss where postings must be made. Secretary Klinepeter reviewed the items that must be completed in January. Upon a Holman/Maguire motion, advertisement of the review process was unanimously approved.

The AG Security Committee must be appointed. Secretary Klinepeter stated she and Chairman Holman spoke to the current committee members and stated Warren Watts, Glenn Ebersole, Garry Raub, and Ken Martz agreed to be on this committee. Chairman Holman is currently a member of this committee and offered to continue if the Board agrees he should continue. Upon unanimous approval of a Maguire/Peters motion, the previously mentioned members as well as Chairman Holman will remain on this committee.

Newsletter

All articles for the newsletter must be submitted by February 14.

Pay Increases

During the reorganization meeting on January 6, pay raises of 3% were approved for the Highway employees. An increase of 2% was approved for Linda Riggins, the cleaning lady, which is not consistent with the other increases. Upon a Peters/Maguire motion, a correction of a 3% increase to Linda's salary retroactive to January 1, 2014, was unanimously approved.

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Supervisor Peters asked Secretary Klinepeter to draft a letter on his behalf expressing his apologies.

Fire Hydrants at the Business Campus

Byron Worner stated he contacted United Water about the situation. He asked them for a flow test of the hydrants and the appropriate color codes placed on the hydrants. He was told they would have to run the flow test by their superiors, and that the color codes could be a legal issue, which he did not understand. Mr. Worner stated ISO contacted him about their evaluation which affects fire insurance rates. This evaluation will be done in March 2014. Mr. Worner will continue to pursue this with United Water since working hydrants will reduce insurance premiums.

Mr. Worner stated he was contacted by several people about forming a fire service committee which should include Supervisors from each municipality, Congressmen, business leaders, and fire company representatives. He has already spoken to several people about this. Mr. Worner stated the Duncannon Fire Company will need major infrastructure work in the next 5-6 years and the taxpayers cannot afford it.

Chairman Holman made a motion to adjourn at 8:50 PM for a brief Executive Session.

The meeting reconvened at 9:20.

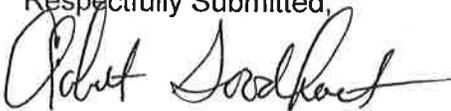
NEW BUSINESS continued

Safety Shoes

Chairman Holman stated there are provisions for the Highway employees to get one pair of steel tip shoes each year but there is no dollar limit. He feels the Board should set an annual reimbursement limit. With a Peters/Maguire motion, an annual limit of \$75 was unanimously approved, as well as an update to the employee manual.

Upon a Holman/Maguire motion, the PTS voted unanimously to adjourn the meeting at 9:25 PM.

Respectfully Submitted,



Elizabeth Goodhart
Treasurer/Recording Secretary

