

**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 February 26, 2014**

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The Penn Township Board of Supervisors (PTS) met on Wednesday, February 26, 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), 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.

**EXECUTIVE SESSION**

Chairman Holman stated that the Board had a conference call with the Cohen Law Group in Pittsburgh regarding the Wireless Ordinance.

**VISITORS**

**Jennifer Phoenix**

Ms. Phoenix was not present but had previously communicated to Secretary Klinepeter that she wanted to rent a room for her business. However, she did not share the details, so this item must be tabled.

**Randy Mladenoff**

Mr. Mladenoff stated the Rupp Road issue was tabled at the last meeting in order to give Solicitor Wagner an opportunity to review the documents. Chairman Holman asked Mr. Mladenoff why he is stating this issue is to "legalize" this existing dirt and stone driveway. Mr. Mladenoff stated that if the residents do not use Rupp Road, that they do have access to their property by using a driveway that exists but has never been permitted. He stated that he wants to "cross the t's and dot the i's" if in the future the residents state they do not have permitted access to their property.

Chairman Holman stated the document from Martha Qualls does not indicate that this is to legalize the driveway. He stated the document states it is to keep the residents from using the other road.

Mr. Mladenoff stated he could install a split rail fence. Chairman Holman asked Mr. Mladenoff if the residents know they will never be able to use this access again. Mr. Mladenoff stated he would pay them to not use his private right-of-way and use the other driveway instead.

Chairman Holman stated he has discussed this issue with Solicitor Wagner who has the documents to review. Secretary Klinepeter stated she has not received any feedback from the Solicitor. Upon a Holman/Maguire motion, this issue was tabled until the next meeting since Solicitor Wagner was not present tonight.

**CHIEF PICKLES**

Chairman Holman wanted to comment on Chief Pickles' situation prior to continuing with visitors. He stated Chief Pickles has been enrolled in an ARD program. Chairman Holman had a discussion with the independent counsel today and also with Solicitor Wagner. Both are currently discussing whether there is any action required by the PTS.

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Supervisor Peters asked who was appointed as the independent counsel and when he was appointed. Chairman Holman stated that in December Scott Cramer was identified but only if an independent counsel was needed. Supervisor Peters then asked for clarification as to whether Solicitor Wagner was also Chief Pickles' attorney. Chairman Holman stated the Solicitor's office represents Mr. Pickles and that Scott Cramer represents the Township in this matter.

Supervisor Peters then asked if the Board was aware that Scott Cramer was charged with DUI in 2012. He also stated that Solicitor Wagner, who is representing Chief Pickles, also represented Scott Cramer. Supervisor Peters stated he feels this is a conflict of interest and we should excuse Scott Cramer as the independent counsel and request from the District Attorney a list of names from which to select a new independent counsel. Supervisor Peters made a motion to dismiss Scott Cramer and seek a new independent counsel. Supervisor Maguire asked whether it was proper to refer this to Solicitor Wagner. Supervisor Peters mentioned that in newspaper articles, Solicitor Wagner was stated to be the Township Solicitor. Shortly before this time, he was also mentioned as representing Chief Pickles. Supervisor Peters again stated he felt this was a conflict of interest and that the Township could be opening itself up to liability issues and felt the Township should be seeking legal advice from the District Attorney as in providing a list of names from which to choose a new independent counsel.

Chairman Holman stated he would contact Solicitor Wagner immediately. He also stated that the Township should not be passing judgment that someone is guilty who has not been found guilty of anything, and we need to be careful on that side. A discussion commenced regarding a conversation held after a previous meeting. Chairman Holman said he made his statement and that is where it needs to be until there is further contact with the Solicitor and Scott Cramer in this matter.

Again, Supervisor Peters made a motion to suspend the agreement with Mr. Cramer as independent counsel and seek recommendations from the District Attorney for other independent counsel options. Motion died due to lack of a second. Chairman Holman stated that as soon as he receives any information from the Solicitor and Mr. Cramer, he will share with the PTS.

**VISITORS (continued)**

**Stanley Mutzabaugh**

Mr. Mutzabaugh asked if Chief Pickles has a contract with the Township for his services or if he is an employee. Chairman Holman stated he was hired by the Board and that he is not aware of a contract.

Mr. Mutzabaugh asked about the status of the cable franchise tax negotiations. Chairman Holman stated it is being reviewed at the current time and that it should be resolved within four months.

At this time Supervisor Peters offered his condolences to the Bruce Rogers family and the Mutzabaugh store family.

**Lee Wright**

Mr. Wright inquired as to the status of the bridge project going into Duncannon. Chairman Holman stated he is waiting for information from PennDot. Duncannon Borough Mayor Kraig Nace stated it is out for bids until March 3. Chairman Holman stated he has not heard anything and feels they will be in contact with us closer to the time.

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**Jesse Boyer**

Mr. Boyer asked if they are still planning on a three-month construction schedule. Chairman Holman stated that is his understanding. Mr. Boyer then asked if there are any plans for the fire truck to get out of town. Chairman Holman stated that all of that has been discussed with PennDot as far as getting emergency vehicles out of town. Mr. Boyer asked if emergency vehicles will be housed at the Fire Department located on Rt. 274. Chairman Holman stated that routes have been discussed as far as getting emergency vehicles in and out of town.

**Jim Fickel**

Mr. Fickel stated he has four questions:

- 1) What type of material is being used by the road crew for anti-skid because it is very dirty? He stated there were two feet of snow left on the end of the road, and they stopped plowing at the bottom of his road. They backed up and drove around, turned off the spreader, and there is no anti-skid at the end of the road the length of the truck.
- 2) Are there any plans to fix the shoulders for stormwater drainage?
- 3) Meeting minutes are not up to date on the web page. Last one posted is May 2013. Secretary Klinepeter stated the minutes would be posted on the website by Friday, February 28.
- 4) Why do we need a police force for 3,000 residents when the State Police will cover us at no charge? He stated, "We're spending tens of thousands of dollars on cruisers and equipment, and now we're paying for 'big wigs'." He mentioned a speech given by Chief Pickles which included the message that you should not drink and drive. Mr. Fickel feels that a police chief should be setting an example.

Chairman Holman replied by stating that the black-colored anti-skid does not cost anything and it is approved by PennDot. He stated the purchase of anti-skid is not included in the budget. Chairman Holman discussed some of the complaints he received and how the changes in temperature affected the icing. He stated he would have to meet with Mr. Fickel to see what type of problem he has with the shoulder. He said a lot of shoulders should be cut back, but people made lawns out of them right out to the road and when the grass is cut back to where it should be, residents are unhappy. Chairman Holman stated they do the best they can to keep residents' cosmetic appearance. He said if he took every 33' right-of-way and moved the gutters back to where they should be, people would complain, even though we have the right to create that drainage. Chairman Holman also stated that many of the complaints are a result of residents plowing their driveways and putting the snow in the street after the Township had already plowed the roads. He stated the School and Rohrer Bus are happy with the condition of the roads.

Mr. Fickel questioned why the snow plows can't get the middle of the road. He also stated that the water runs down his driveway because of the shoulders. Chairman Holman explained that due to the design of the plow cutting edge, they can't get close enough to the edge of the road without damaging residents' mailboxes, trees, shrubbery, etc. He stated that when they get to a mailbox, they need to swerve out around it. He said the problem is with the truck with the big sweep, not the straight plow. Mr. Fickel said that around his driveway there are no mailboxes, and there is a 6-1/2' right-of-way with the shoulder. Mr. Fickel stated that if you plow the shoulder within the 6-1/2' right-of-way, and you tear up the grass that goes out to the road, he will not complain because that is the Township's right-of-way.

Mr. Fickel stated that last summer the driveway the neighbors are putting in was inspected. Although they have the swale, once it gets past the driveway, you have 6-8" of shoulder and there's no place for the water to go so it goes onto the road, across the road, etc. Chairman Holman

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stated, "That's because the people didn't know they needed a permit." He offered to meet Mr. Fickel to show him where the water can't get into the swale.

Mr. Fickel stated that other municipalities with populations under 10,000 utilize the State Police. Chairman Holman stated that he did not know how long it would be available at no charge. Mr. Fickel mentioned the "Click It or Ticket" grant and that he would see a police officer on Route 11/15 every morning. He stated that since that grant ended, he has not seen the police on Route 11/15. Chairman Holman invited Mr. Fickel to come into the office and review the numbers. He stated that previously there was one part-time and one full-time officer with a budget of \$130,000. At that time there was no revenue coming in and the full amount was being spent. Today the Township has 24/7 coverage for just a little more money. Chairman Holman then mentioned that he got a phone call from a resident thanking the police officers for responding to a recent medical emergency.

Reporter Katie Kyros of Fox 43 News asked Chairman Holman how much the Township has spent on legal fees related to Chief Pickles. He replied that we have not paid anything to date. She then stated that Chairman Holman had previously mentioned that if Chief Pickles was suspended, that would be like passing judgment and saying that he was guilty. Chairman Holman stated that it has always been his opinion that someone should not be judged guilty, suspended, or lose their job before they have been proven guilty. Ms. Kyros stated that Chief Pickles recently was sentenced and that he pled to two misdemeanor counts. Chairman Holman stated that he was not aware of that. Ms. Kyros stated that Chief Pickles received probation. Chairman Holman asked where she found this information. She said that court documents indicate that he received 12 months probation, must perform 40 hours of community service, and pay \$1600 in fines resulting from a hearing on February 6. Chairman Holman said that he offered all that he knows tonight and can't say much more. He stated, "They are now waiting to hear from Solicitor Wagner."

**Kraig Nace, Duncannon EMS**

Mr. Nace thanked Chairman Holman and the Township crew for their quick response in assisting with two ambulances that were stuck in the snow. He also thanked the Duncannon and New Buffalo Fire Departments. He stated that during the recent forecast of 12" of snow, an automatic dispatch of vehicles with 4WD from both fire departments was established. He also thanked the police for their assistance when responding to EMS calls,

Mr. Nace said they are working on the subscriptions for the 2014-2015 year. The term runs from May 1 to April 30. Prices are being finalized.

**Stanley Mutzabaugh**

Mr. Mutzabaugh asked Captain Karlsen if someone in Dauphin County can carry firearms if they are in the ARD program. He stated he did not know.

Supervisor Peters stated that a Right to Know request should be submitted to Dauphin County Probation and the District Attorney's office to get a copy of the conditions for Chief Pickles' ARD program.

**INVOICES AND EXPENDITURES**

With unanimous approval of a Peters/Maguire motion, the PTS voted to approve payment of checks 27012 through 27087 in the amount of \$46,740.55 from the PLGIT General Fund Account, ACH payments totaling \$8,748.73 from the Orrstown Bank General Account, a transfer from the Orrstown Bank General Fund to PLGIT totaling \$10,000.00, PTPRB check 1507 in the amount of

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\$68.22, and a transfer from the Orrstown Bank General Fund to the PTPRB Checking Account for \$68.22.

**TREASURER’S REPORT**

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

A Park and Recreation Board CD will mature on March 8, 2014. The Park and Recreation Board requested that this CD remain at Marysville Bank for a 12-month term. Upon unanimous approval of a Holman/Peters motion, the CD will remain at Marysville Bank for a period of 12 months, unless a better interest rate becomes available.

**MINUTES**

The minutes for the January 6, 2014, PTS meeting, the January 6, 2014, Perdix Fire Company Conditional Use Hearing, and the January 29, 2014, PTS meeting were unanimously approved with a Maguire/Holman motion.

**HIGHWAY REPORT**

**Notes**

- Annual road survey will take place the day of the chicken BBQ, Saturday, March 29, 2014
- Main activities have been plowing snow and replenishing the anti-skid and salt
- Minor truck repairs, e.g., brake lines, etc.
- Truck maintenance
- Century Link contacted Chairman Holman about a bad phone line. Chairman Holman would like to coordinate their repairs with the installation of culvert pipes.
- Stone contracts will be put out for bid in March. With unanimous approval of a Holman/Maguire motion, Secretary Klinepeter will advertise.

**PENN TOWNSHIP PLANNING COMMISSION (PTPC) – No activity.**

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

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

**PARK AND RECREATION BOARD REPORT (PTPRB) -** The PTPRB report was presented to the Board. The Duncannon fire Company will be helping with the chicken BBQ on March 29, 2014.

**PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)**

**Perdix Fire Company Planning Module**

The PTMA said they do have the capacity and are ready for Secretary Klinepeter to sign the document and mail it to DEP. Upon a Holman/Peters motion, permission to sign and mail the document to DEP was unanimously approved.

**SECRETARY’S REPORT**

**MRM Trust Worker's Compensation & MRM Trust Property and Liability**

The annual meeting of both of these groups is scheduled during April 2014. Both groups have invited one representative from the Township to cast a vote for the election of Trustees. If unable to attend, we can execute proxy forms for both Trusts to have a quorum. Upon a Holman/Maguire motion, a proxy was unanimously approved for both meetings.

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**Boots Policy**

A boots policy was prepared with a \$75 limit/year/employee for boots for applicable Township employees. This policy was unanimously approved with a Maguire/Peters motion.

**Comprehensive Plan Resolution**

To get the Comprehensive Plan recorded, the Secretary stated we should draft a resolution and adopt it. The resolution was sent to Solicitor Wagner for review, but we have received no feedback as yet. Upon unanimous approval of a Maguire/Holman motion, this has been tabled until we hear from Solicitor Wagner.

**Orrstown Signatory Resolutions**

Resolutions have been prepared for each of the Orrstown bank accounts to remove CeCe Novinger and add Supervisor Peters. A Holman/Maguire motion to adopt the resolutions was unanimously approved.

**CPEC – used for gasoline**

This group goes out for bids for gasoline and then reports back to the PTS with the costs. Information regarding the projected number of gallons required for the period July 2014 through June 2015 was sent to CPEC on February 25 as required. This information included diesel fuel, heating oil, and regular gasoline.

**ENGINEER’S REPORT** – The report was presented.

**POLICE REPORT** - Captain Karlsen presented the Police Report. He stated that they have been very busy with traffic accidents.

Supervisor Peters asked Captain Karlsen if the police officers have the authority to make decisions on a call or if they need to consult with him or Chief Pickles. Captain Karlsen stated that they can do either, depending on the findings of their investigation. Supervisor Peters stated he has received complaints from residents of Duncannon Borough regarding the Burn Ordinance. Captain Karlsen stated it is enforced by the Duncannon Borough Codes Enforcement Officer, and he will remind the patrol officers to refer residents to the Borough.

Supervisor Peters also agreed to share details with Captain Karlsen of an incident involving a police officer's message on the voicemail of a resident.

Supervisor Peters questioned Captain Karlsen about an officer's handling of a Penn Township resident involved in an incident at Zeiderelli's. Captain Karlsen explained the actions of the police officer.

**SOLICITOR REPORT** – Solicitor was not present to give a report.

**Wireless Ordinance**

Chairman Holman stated a date must be set for the hearing. Solicitor Wagner informed Chairman Holman he would be available at 6:00 PM on next PTS meeting date. Upon a unanimous Maguire/Holman motion, the hearing is scheduled for 6:00 PM, Wednesday, March 26, 2014.

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

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**CORRESPONDENCE**

**Lenker Excavating**

Madden Engineering Services, Inc. previously sent a letter to Kim Lenker dated January 21, 2014, instructing him to contact the Penn Township office to obtain forms for a zoning permit and Conditional Use and/or waiver of Land Development. Mr. Lenker replied by letter dated February 2, 2014.

**PSATS Bylaws Amendments**

Secretary Klinepeter stated there a few changes to the Bylaws. One of the changes is the proposed dues for 2015.

**OLD BUSINESS**

**AG Security Update**

Secretary Klinepeter stated the notification and advertisement have been completed. At the end of the 45-day review, the PTS must set a hearing. This hearing date can be set at the March PTS meeting. Anyone who would like to join the AG Security area must apply by March 15.

**Newsletter**

The draft newsletter was presented. Any changes must be submitted to Secretary Klinepeter by Tuesday, March 4.

**NEW BUSINESS**

**County Convention**

Secretary Klinepeter gave a report on the highlights of the county convention held on February 22.

**ADDITIONAL HIGHWAY REPORT**

Chairman Holman stated we have not received a bill from Century Link for the new telephone pole which was damaged by a Township truck. He also stated the truck has been repaired without an insurance claim.

Upon a Holman/Maguire motion, the PTS voted unanimously to adjourn the meeting at 8:16 PM.

Respectfully Submitted,

Elizabeth Goodhart  
Treasurer/Recording Secretary