

**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 June 25, 2014

The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, June 25, 2014, at 7:04 PM immediately following the close of the Perry County Multi-Hazard Mitigation Plan Hearing. Chairman Henry Holman, Jr., Vice-Chairman Brian Maguire, and Supervisor Brian Peters were in attendance. Other personnel present were Helen Klinepeter (Secretary), Police Chief Richard Pickles, Solicitor Richard Wagner, Max Shradley (Engineer) and Elizabeth Goodhart (Treasurer/Recording Secretary). Chairman Holman called the meeting to order. 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

Karen Potteiger

Ms. Potteiger requested an Executive Session to discuss items related to the Morrison property prior to being discussed during the PTS meeting. Chairman Holman stated he will invite Ms. Potteiger into an Executive Session later this evening after all other business has been discussed.

Brenda Cummings

Ms. Cummings stated she has received five letters regarding individuals living in a Recreational Vehicle (RV) located on her property. She stated there has not been anyone living there and invited the Police to inspect the RV. Chief Pickles stated he would have an officer re-inspect the property.

Kraig Nace, Duncannon EMS

Mr. Nace stated that the case involving the EMS employee went to trial on June 2. He stated this employee was found not guilty on all four charges. Mr. Nace provided a copy of the docket sheet from the Court.

Kris Oberholtzer

Mr. Oberholtzer asked what is required to reduce the speed limit on Cove Road. Solicitor Wagner stated the Township would need to do traffic and engineering studies. Once completed, the Township would need to make a recommendation, and then propose and pass an ordinance setting the speed limit. Chief Pickles stated the Police can do the traffic study. Chairman Holman stated they will look into this issue.

Karen Taschek

Ms. Taschek asked if the Township would delay the demolition of her property. She said she would take care of the demolition, and it will be completed within a month. Chairman Holman stated the decision to award the demolition contract is scheduled to be made tonight. Solicitor Wagner asked how much money the Township has invested in this project, which is almost \$1,500.

Mr. Darrell Scott, who accompanied Ms. Taschek, said there are people in the Township who signed a petition stating they will help tear down the remaining structure. Chairman Holman stated the septic tank must also be emptied and filled. Supervisor Peters stated proper disposal must meet DEP regulations. Solicitor Wagner suggested Ms. Taschek be given 30 days and possibly save the Township some clean-up money. If they don't complete the demolition, then we should proceed with the demolition. Supervisors Peters said currently there are \$5500 in judgments

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against the property by the Penn Township Municipal Authority (PTMA). The Township has invested almost \$1,500 to date, totaling \$7,000. The property is valued at \$14,000, and if we award the demolition bid of almost \$7,000, there won't be any property value left for Ms. Taschek. Solicitor Wagner made it very clear that the liens placed by the PTMA will still be in place. In addition, a lien will also be placed by the Township for the expenses already incurred.

Because Ms. Taschek informed the Board that she had previously been in the hospital which prevented her from taking care of this issue, Solicitor Wagner asked Ms. Taschek if she is currently taking any medication which would affect her ability to make an informed decision. She said no.

Ms. Taschek was notified to contact the Sewage Enforcement Officer (SEO) Lenny Sizer to inquire as to what should be done regarding the septic system. She was informed the PTMA meeting is scheduled for July 9, 2014, at 7:00 PM. Chairman Holman stated they would waive the fee for the demolition permit.

There was a Maguire/Peters motion to give Ms. Taschek thirty (30) days to demolish the remains, have the septic tank pumped and filled, and for the Township to place a lien against the property for the money already spent (approximately \$1,500). Motion passed by unanimous vote. Ms. Taschek was given until the next PTS meeting to complete all items related to the demolition.

Paul Smith

Mr. Smith stated he gave an Appalachian Trail Community sign to Penn Township to post. Chairman Holman stated it was placed near the bridge project, but PennDot notified Mr. Smith that it had to be moved. Mr. Smith stated he would like to see the sign placed at the entrance to the Business Campus Way. Chairman Holman stated he would deliver it to Mutzabaugh's Market for placement.

INVOICES AND EXPENDITURES

With unanimous approval of a Maguire/Peters motion, the PTS voted to approve payment of checks 27280 through 27298 and checks 27338 through 27410 totaling \$48,308.22 from the PLGIT General Fund Account, ACH payments totaling \$10,873.02 from the Orrstown Bank General Account, PTPRB checks 1531 through 1534 in the amount of \$168.74, and a transfer from the Orrstown Bank General Fund to the PTPRB Checking Account for \$168.74.

TREASURER'S REPORT

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

P&R CD RENEWAL

There was a Maguire/Holman motion to approve renewal of the CD for a 6-month term at Marysville Bank at a rate of 0.20%. Motion passed by unanimous vote of the PTS.

MINUTES

The minutes for the May 28, 2014, PTS meeting, were unanimously approved with a Peters/Holman motion.

HIGHWAY REPORT

- Traffic Signal As-Built – Chairman Holman asked Engineer Max Shradley to give an update. Mr. Shradley stated he reviewed the plans which highlighted the minor changes that were made. He stated that nothing had actually changed. Chairman Holman added that the pre-emptor sensor

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was moved to the end of the arm. Mr. Shradley suggested we accept the traffic signal. There was a Maguire/Peters motion to approve the traffic signal as-built. Motion passed by unanimous vote of the PTS.

- Creek Road was mowed before detour was put in place
- Need to install underdrain on Creek Road
- Mowing on roads north of the mountain
- Culvert and drainage at Schoolhouse Road – started cleaning out leaves and muck
- Guardrails at Kinkora – cleared them from top to bottom and will be spraying the area
- Need line painting later this year
- Removing poison hemlock throughout Township
- Guardrail installed on Woodland and at the end of Firehouse Road
- Attended PennDot meeting regarding the sloping of the mountain in Marysville. There will be no blasting. Only loose rocks will be removed. PennDot may consider leaving one lane of Route 15 open throughout the project.

PENN TOWNSHIP PLANNING COMMISSION (PTPC)

The PTPC reviewed the Harrisburg Area Transportation Study (HATS) draft projections. They had no comments to forward to the Tri-County Regional Planning Commission. A Maguire/Holman motion to accept the projections was unanimously approved.

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

SEWAGE ENFORCEMENT OFFICER'S (SEO) REPORT -- The SEO report was presented to the Board.

PARK AND RECREATION BOARD (PTPRB) REPORT -- The PTPRB report was presented to the Board. Karen Tilkens mentioned that she and two other residents attended a Food Prep Class and will receive certifications by mail. She also announced that Karen Shields has resigned from the Park and Recreation Board due to family issues.

Supervisor Peters asked Mrs. Tilkens if the Township participates in National Night Out. Mrs. Tilkens stated the Park and Recreation Board will be discussing this at their next meeting.

PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)

Morrison Sewer Hook-up

Supervisor Peters mentioned the letter to Mr. Morrison regarding the sewer hookup. He said the inspections and testing need to be completed prior to hook-up.

Liens On Taschek Property

PTMA has requested a letter from the PTS if we want them to remove the liens on the property.

Septic Tank On Taschek Property

The septic tank was never pumped or filled. PTMA stated there could be other properties that were also missed. Supervisor Peters stated there were complaints of odors in that area and these septic tanks could be the source.

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PTMA Surveys

Members of the PTMA went door to door in a specified area taking surveys, which is a requirement to receive grant money. They felt the surveys went well and expect positive results in receiving the grant money.

Chairman Holman asked Secretary Klinepeter about the status of the permits for Mr. Morrison. She stated the applications were picked up and returned to the office. The zoning permit has been approved for the barn but has not been issued as yet. She also stated the building permits should be back to her in the next few days. They are in the process of being approved. She is waiting for building permits from Mr. Hollabaugh for the barn and for the mechanical building.

Solicitor Wagner stated the cease and desist letter to Mr. Morrison mentioned that he does not have a highway occupancy permit to use the road off of Quail Trail. Mr. Morrison replied that the road is used for agricultural purposes only, and therefore he feels he does not need the permit. Solicitor Wagner stated a Highway Occupancy Permit is required for any private road coming off a Township road.

One of the residents of Quail Trail asked if Mr. Morrison can use the road for commercial vehicles if he receives the highway occupancy permit for agricultural vehicles. Solicitor Wagner stated he did not know.

SECRETARY'S REPORT

HVAC and Oil Furnace Maintenance Contract

Since it is not critical for this bid to be awarded tonight, a Holman/Maguire motion to table this issue was unanimously approved.

CPA for Township Audit

Since it is not critical for this bid to be awarded tonight, a Holman/Peters motion to table this issue was unanimously approved.

Demolition of 204 Firehouse Road

No discussion.

MS4 Advertisement

According to the Capital Region Council of Governments (COG), if we need a DEP permit to monitor the MS4, we must provide public education/outreach. Ann Simonetti of COG asked if we would consider a ¼ page ad in the Harrisburg Patriot News at a cost of \$60. Max Shradley said DEP has not taken any action as yet, so the Township is not currently required to get the permit. A Holman/Peters motion not to run the ad was unanimously approved.

ENGINEER'S REPORT – The Engineer's report was presented to the Board.

POLICE REPORT - Chief Pickles presented the officer activity Police report.

Handicapped Zone

A permit for a handicapped zone was requested. After review of the location, it was recommended to deny the request. A Peters/Holman motion to deny the permit for a handicapped zone was unanimously approved.

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Grants

The Police will be starting a new Aggressive Driving grant from PennDot beginning July 2014.

Police Officer Hire

Interviews were held with three potential police officer candidates. Chief Pickles would like to hire Dory Thompson. A Holman/Maguire motion to hire Dory Thompson was unanimously approved. Chief Pickles confirmed there are officers who could potentially be leaving for other employment in the near future.

SOLICITOR'S REPORT

Morrison Highway Occupancy Permit

Solicitor Wagner stated a cursory review regarding the Highway Occupancy Permit question asked earlier this evening indicates that in 2008 the PTS adopted an amendment stating that if a driveway connects to a Township right-of-way, a Highway Occupancy Permit is required.

Police Officer Candidate Dory Thompson

Solicitor Wagner stated he reviewed some of the Police Officer applications the Police Department received, and said he received positive reviews for Dory Thompson.

Ward Property

Solicitor Wagner stated he will give an update at next month's meeting.

Chairman Holman stated that Solicitor Wagner has another obligation and will be leaving at this time unless someone has any questions/issues for him. Karen Potteiger stated she mailed a letter to each of the Supervisors on June 13, 2014. She allowed Solicitor Wagner to read the letter. Ms. Potteiger stated her attorney felt the Township could have a potential case for an appeal. Solicitor Wagner stated he had a conversation with her legal advisor and he understands the issues.

PERMIT REPORT – Secretary Klinepeter submitted the permit report.

At this time Chairman Holman asked Solicitor Wagner if Chief Pickles could attend the Executive Session. Solicitor Wagner stated it is permissible for him to attend.

CORRESPONDENCE

SEDA-COG email

Secretary Klinepeter stated SEDA-COG has invited a representative from the Township to attend a breakfast seminar.

Madden Letter – GP-11 Permit Registration

The GP-11 permit registration is for the replacement of a pipe under Linton Hill Road in both Wheatfield and Penn Townships. Chairman Holman stated he has checked out the area and found nothing that would affect any Township residents. A Holman/Peters motion was unanimously approved allowing Secretary Klinepeter to complete and return the survey indicating if the project conforms to Township ordinances.

Perry County – Updated Municipal Solid Waste Management Plan

Perry County is revising its Municipal Solid Waste Management Plan. The County will submit copies of the proposed plan revision to each Perry County municipality for their review and comments.

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OLD BUSINESS

Worker's Comp Safety Audit

Chairman Holman asked if the worker's comp auditor had any comments after her review of the Township facilities. Secretary Klinepeter stated the only comment was regarding the ripple in the carpet in the Township office and that the carpet should be replaced.

NEW BUSINESS

Multi-Hazard Mitigation Plan

Upon a Maguire/Peters motion, the Multi-Hazard Mitigation Plan was unanimously adopted.

Medical Insurance

Secretary Klinepeter will be contacting our insurance broker to obtain new rates for 2015.

Chairman Holman stated he wanted to clarify misunderstandings regarding the lack of commercial growth within the Township. He wanted to make it clear that the PTS is not responsible for keeping businesses from moving into the Township. He stated he would like to see a business campus similar to the one in Newport. He stated that at the next meeting he will present a list of items he would like a committee to review. He invited residents to serve on this committee.

Supervisor Peters mentioned he will be out of town from July 5-15, 2014.

A Holman/Peters motion was made to adjourn for an Executive Session at 8:40 PM.

Chairman Holman re-opened the meeting at 10:05 PM.

Chairman Holman stated there were two issues discussed during the Executive Session. The first item was that Treasurer Goodhart had completed her probationary period. A Maguire/Peters motion to end her probationary period and give her a three percent increase in pay was unanimously approved.

There were no decisions made on the second issue discussed during the Executive Session.

Karen Potteiger presented several items to the Board for review.

Item 1

On papers from the Court related to the appeals for Deberk and Morrison, the Board of Supervisors is not included in the distribution section even though they are the appellant. This is a key point for the Township to appeal the Morrison decision on a technicality. This is a time-sensitive issue in that we may have two years from the date of the Conditional Use Hearing to file an appeal. Chairman Holman stated he would need to discuss with Solicitor Wagner.

Item 2

Ms. Potteiger presented minutes from the Morrison Conditional Use Hearing held on November 29, 2012. She stated that those who were sworn in as witnesses in that Hearing were not informed of the outcome of the proceedings by Mr. Morrison's attorney.

Item 3

Ms. Potteiger sent the Township certificate of mailings with a letter stating her concerns following an attempt to get information on the time-sensitive Morrison issue. She also presented a text

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message from one of the Supervisors stating that Secretary Klinepeter did not inform him of the attempts by Ms. Potteiger to contact the PTS.

Item 4

On May 5, 2014, Mr. Chrisman stated he came to the Township office and asked Secretary Klinepeter if the Township had received any information pertinent to the appeal from the County. The Secretary stated she did not have any information on the appeal from the County regarding Mr. Morrison. Mr. Chrisman stated the Secretary informed him she could not provide any information until she read a 'paper'.

Ms. Potteiger stated the minutes from the November 27, 2013, PTS meeting do not correctly represent the position of the PTS. When Mr. Fickel stated that he had a Court document dated July 2013 in favor of Mr. Morrison, Secretary Klinepeter made a response that this was the first time she received notification on the Court decision. Supervisor Peters confirmed that at this same meeting, Board members CeCe Novinger and Brian Maguire stated they were not aware of the Court's decision.

Ms. Potteiger stated that in the December 2013 minutes, this issue was supposed to be reviewed again. This was discussed by the PTS with Secretary Klinepeter present. Ms. Potteiger wanted to be entered into record that Secretary Klinepeter lied to the public about something she knew did occur but chose not to disclose.

Item 5

Ms. Potteiger stated Mr. Lamar Brouse did a three-month investigation of items that were advertised by the Township in the Duncannon Record. She stated there was nothing advertised for both Deberk and Morrison. The three-month period included December 12, 2013, through February 13, 2014 (10 weeks). Secretary Klinepeter stated the Hearings were advertised in 2012.

Item 6

Ms. Potteiger stated that during the May 2014 meeting, an attendee stated that DEP modules were received by the Township but were not forwarded to Mr. Morrison via certified mail. CeCe Novinger has a letter sent to Mr. Morrison dated March 13, 2013, informing him the approved DEP module had been received and he had 180 days to be connected. Mrs. Novinger stated it was not forwarded timely to Mr. Morrison which pushed his 180-day deadline from July to August 2013.

Item 7

Ms. Potteiger asked which plan Mr. Morrison actually showed to the Township which he agreed to follow. She also asked how the Township approved anything without a sewer module in place. Chairman Holman stated that one of the Supervisors wanted the permit to be approved without having the footers in place. Solicitor Wagner did not agree with doing this. Chairman Holman stated he remembers that the Penn Township Planning Commission (PTPC) said they thought it was OK. Against Solicitor Wagner's advice, the PTS approved the permit. Chairman Holman stated that once Mr. Morrison poured the footer, he just went ahead and built the building. He stated the Township had this same situation before and there were no problems. He felt we should do the same for Mr. Morrison. He compared this situation to approving plans which include Alterations of Requirements. He said residents can have a plan approved but then they do what they want rather than what has been approved.

Ms. Potteiger then provided copies of the PTMA meeting minutes reflecting the process.

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Ms. Potteiger had questions on permits for which Mr. Morrison has recently applied. She asked if they are new permits or old permits which he never applied for.

Secretary Klinepeter stated Mr. Morrison had a permit for the mechanical building which expired. He is currently applying for a new permit for the items which were not completed. Mr. Morrison needs three permits to satisfy the Cease and Desist letter. He also needs a Highway Occupancy Permit to drive his commercial vehicles off of Quail Trail. Secretary Klinepeter stated he needs the following permits:

- zoning permit for barn
- building permit for barn
- building permit for mechanical building
- occupancy permit for the mechanical building
- highway occupancy permit for Quail Trail

Mr. Morrison sent a letter to the Township stating he is not going to use the road off of Quail Trail for commercial purposes and does not feel he needs a Highway Occupancy Permit.

Matt Rice asked why the Township would inform Mr. Morrison to get a Highway Occupancy Permit to use the road off of Quail Trail for his commercial vehicles when the residents do not want commercial vehicles on that road. Chairman Holman stated in order for the permit to be approved, Mr. Morrison would need to explain why he would want to take his commercial equipment past Kinkora and through a development to access his property. Chairman Holman also stated the only item that is currently approved is for Mr. Morrison to store commercial equipment in his barn, and the zoning is not being changed.

Ms. Potteiger presented minutes from the Morrison Conditional Use Hearing dated November 29, 2012. Page two of these minutes includes the statement, "He was again asked that since the building was in an agricultural/rural zone, it would strictly be used for storage, and he replied yes."

Ms. Potteiger asked the Board what plans they have to monitor that this property will only be used as indicated in the permits. Ms. Potteiger suggested the Police monitor the activities at this property. Chief Pickles stated that the Police would have the right to check the progress on a regular basis as a result of the permits. Chairman Holman stated he would discuss this issue with Solicitor Wagner.

Mr. Fickel asked if the inspectors should monitor this rather than the Police. Chairman Holman stated that eventually the UCC code inspectors will be called. At the present time the barn is to be used for storage only, and the Police can check to see if there is anything else that has not been permitted.

Item 8

Ms. Potteiger presented minutes from the May 7, 2012, Zoning Map Change Hearing for Harry Morrison, Jr. She directed the Board to an area she highlighted. She stated she attended the Monday June 16, 2014, PTPC meeting and made requests concerning issues she foresees.

During the May 7, 2012, Zoning Map Change Hearing, Solicitor Wagner stated to stay tuned for their concerns to be addressed at a later time. To date, they still have not been addressed.

Ms. Potteiger stated the Cove concerned neighbors would like their concerns to be addressed. She said there is currently no zoning or buffer zones for Agricultural property when commercial

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operations move in. At the PTPC meeting Ms. Potteiger asked if there are any agricultural buffer zones and was told Mr. Morrison would plant trees on the property which adjoins her property.

Ms. Potteiger stated she wants to address several items she foresees could occur. They are noise control and buffer zones to protect existing agricultural and residential properties when commercial activities move in. Chairman Holman stated the PTPC should be reviewing these items. Ms. Potteiger asked what type of development could go in behind the existing development, specifically Section 8 Housing, which would require a zoning change. Chairman Holman stated there currently are no applications to change the zoning of Mr. Morrison's property.

CeCe Novinger asked what will be done if the Police monitoring of Mr. Morrison's property shows that he is not in compliance.

Stanley Mutzabaugh thanked the residents concerned about the Morrison property for attending the meeting. He mentioned that he felt that they should have been attending during the course of this issue and hope that they will continue to attend. Ms. Potteiger stated that she and/or other concerned residents have been attending meetings on a regular basis and taking information back to the citizen's group.

Mr. Chrisman asked if Mr. Morrison has met his deadline to hook up to the sewer. He was informed that the deadline is June 30. Chairman Holman stated that it is the PTMA's responsibility to monitor if this deadline is met. Supervisor Peters asked if we have enforcement officers to enforce permits.

Supervisor Peters stated he feels the Board should review the structure of the office and possibly hire a Township Manager to give oversight of the office. Both Chairman Holman and former Supervisor CeCe Novinger stated that having a Township Manager in the past did not add value.

Jim Fickel

Mr. Fickel mentioned that Secretary Klinepeter replied to his Right-To-Know request the same day he got a copy of the requested letter from the District Attorney. Mr. Fickel stated that Chairman Holman and Secretary Klinepeter signed an unsworn affidavit under penalty of perjury that the letter was specifically for Chairman Holman. Mr. Fickel stated the letter was addressed to the Board of Supervisors and asked why Chairman Holman did not share it with former Supervisor CeCe Novinger and Supervisor Maguire. Chairman Holman stated it was faxed to the Township office, and he assumed Secretary Klinepeter gave a copy to the other Supervisors. Chairman Holman stated the fax was received the day before he received his letter. He said the letter was addressed to the PTS, but the envelope was addressed to him. Chairman Holman said he forwarded his letter to the proper authorities. Chairman Holman said Mr. Fickel made a request to the District Attorney even though the Right-to-Know Office in Harrisburg said we were correct in not providing a copy to Mr. Fickel.

Karen Potteiger

Ms. Potteiger re-stated three points for the PTS to take back to Solicitor Wagner:

1. Findings from right-to-know on a potential appeal by the PTS against Mr. Morrison
2. Township follow-up on buffer zones and noise control options
3. Police monitoring of the Conditional Use property

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Upon a Holman/Maguire motion, the PTS voted unanimously to adjourn the meeting at 11:32 PM.

Respectfully Submitted,



Elizabeth Goodhart
Treasurer/Recording Secretary