

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 July 30, 2014

The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, July 30, 2014, at 7:00 PM. 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.

Chairman Holman stated he wanted to discuss the perjury issue raised by Jim Fickel at the June 25, 2014, Penn Township Supervisors (PTS) meeting regarding Mr. Fickel's Right-To-Know request. Chairman Holman began to read the June 25 PTS meeting minutes on this topic. Chairman Holman stated that Secretary Klinepeter did not commit perjury. He further stated that a fax was sent to the Township office which Secretary Klinepeter acknowledges she did receive. Chairman Holman also stated that Secretary Klinepeter handled the Right-To-Know appeal process correctly. He then asked Solicitor Wagner if it was his opinion that Secretary Klinepeter committed perjury. Solicitor Wagner stated he would need to review the item signed. Chairman Holman stated he did not commit perjury by signing his name as a witness to Secretary Klinepeter's signature.

VISITORS

Cindy Radle

Ms. Radle said she is requesting approval for a holding tank located where she intends to open a concession stand. She showed the Board pictures she took of the holding tank she intends to use if approved. Ms. Radle stated she does not have all of the required signatures for the permit application. Ms. Radle was informed that once she receives the required signatures and submits the permit application, this matter will be forwarded to the Sewage Enforcement Officer (SEO) who will forward to the Department of Environmental Protection (DEP) for approval.

Ms. Radle stated another item in question is the electrical inspector. Secretary Klinepeter stated she tried to verify that the inspector used was certified by the PA Department of Labor and Industry (L&I). Their inspector was not included on DEP's list. Chairman Holman stated Ms. Radle and Ms. Joyce Hand, her business partner, must use the Township's UCC code inspector. Ms. Radle was informed that she must complete the permit application in order for the UCC code inspector to re-inspect the proposed location.

Roy Krick

Mr. Krick said there is vegetation growing up through cracks in the roads in the Sunshine Hill area, and it is breaking up the road. Chairman Holman stated the Highway crew will be working on this after the road paving project has been completed. Mr. Krick said there is vegetation coming up through the new asphalt.

Mr. Krick stated his neighbors have two dogs who bark early in the morning. He also stated this same family has young children who ride their two-wheeled electric motorcycles in the streets, and he is concerned they will be hit by a car. Chief Pickles stated the police have already talked to the parents about their dogs.

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Karen Potteiger

Ms. Potteiger requested an update on the permits for Mr. Morrison. Chairman Holman stated he has paid a lot of attention to the permits. Mr. Morrison applied for a building permit in order to get an occupancy permit at the maintenance building. He added the mechanical inspection has not been done by the UCC inspector. We also do not have confirmation from the Penn Township Municipal Authority (PTMA) that states the sewer is approved, and Mr. Melham has been informed that we need that. Chairman Holman stated Mr. Morrison only won the items included in the Conditional Use, which did not include pouring concrete, electrical, the parking lot, etc. The new building permit application included these additional items which were not included in the original conditional use. Ms. Potteiger asked if the Township plans not to accept anything which was not included in the original conditional use for the barn.

Ms. Potteiger asked how the Township will monitor the activities at Mr. Morrison's property. Solicitor Wagner stated we may monitor the property to insure he is not doing more than what has been approved. Chief Pickles stated he has been there several times to check on the activities. Ms. Potteiger asked about the items that were done outside the permit. She asked if Mr. Morrison can get a permit to do the additional items that have been done. Solicitor Wagner stated Mr. Morrison would need another Conditional Use hearing.

Solicitor Wagner suggested that the local municipalities collectively get together and hire a part-time code inspector.

Ms. Potteiger asked if there is a time limit to meet the items included in permits. Secretary Klinepeter said the UCC code states there is a one-year time limit. Secretary Klinepeter stated there is no deadline for the barn since he has not been issued a permit. The deadline for the building permit for the maintenance building is July 10, 2015.

Solicitor Wagner suggested that a letter be sent to Mr. Morrison stating we have affirmative proof that he is using the property in violation of the Cease and Desist, and if he does not stop, the Township will file an injunction. A Holman/Maguire motion to send this letter was unanimously approved.

Secretary Klinepeter asked if the Township should send Mr. Morrison a letter instructing him to remove the heating system in the barn since it was not approved. A Holman/Peters motion was unanimously approved to send this letter.

Solicitor Wagner questioned the status of the sewer permit, which has not been approved as yet. Mr. Morrison has a portable toilet on this property for his employees but does not have a permit for it. Solicitor Wagner stated that despite the fact that he's not connected to the sewer, and he has a jiffy john without a permit, he is still using the building. Chairman Holman stated he has a sewer inspection report from the UCC inspector dated June 20, 2014, stating he tied into the sewer, even though the sewer has not been approved by the PTMA.

Solicitor Wagner asked why Mr. Morrison was issued a building permit when he completed work that was not covered by his 2010 building permit. He stated if the building permit was issued incorrectly, an appeal can be filed within 30 days from the date the permit was issued.

Jesse Boyer questioned how the building inspector, Pennoni Associates, could inspect the property without Mr. Morrison providing the permit number.

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Stanley Mutzabaugh

Mr. Mutzabaugh asked if the paperwork appointing Chief Pickles as the Emergency Management Officer has been filed with the County. Chairman Holman stated that it is now ready to be filed.

Mr. Mutzabaugh asked how the County Multi-Hazard Mitigation Plan affects the Township's plan. He was informed that the Township does not have its own plan and follows the County plan.

Mr. Mutzabaugh inquired as to the status of the negotiations with Blue Ridge Cable. Chairman Holman stated that will be addressed later.

Mr. Mutzabaugh asked if there were any emergencies that occurred during the recent power outage in Perdix. Chairman Holman stated the Township only received one complaint. No one else came forward with any type of complaint.

Mr. Mutzabaugh questioned the new revenue source that was discussed at the budget meeting. Lee Wright stated there was a line item for approximately \$700. Chief Pickles stated this was for an off-duty officer at special events at the school, e.g., home games, etc., which is then billed by the Township.

Mr. Mutzabaugh stated he heard there was a Penn Township police officer working Security at The Cabin. Chief Pickles stated none of our officers work there. Chairman Holman stated that a Penn Township police officer was called recently to assist the State Police with an incident outside the Township.

Jesse Boyer

Mr. Boyer asked if the bridge project is on schedule. Chief Pickles stated it appears to be on schedule. Chairman Holman stated he checked on this recently, and PennDot is hoping the project will be completed before school starts. Mr. Boyer stated his concerns for traffic accidents on Creek Road at Gambers Corner Road.

Kraig Nace

Mr. Nace presented the Board a copy of the EMS numbers for the first half of 2014.

Kris Oberholtzer

Mr. Oberholtzer asked about the status of the traffic study. Chief Pickles stated they are still using the equipment on Gambers Corner Road. Mr. Oberholtzer asked if Mr. Morrison applied for a Highway Occupancy Permit to use Quail Trail for his business. Secretary Klinepeter stated he has not.

Matt Rice

Mr. Rice asked who would approve the Highway Occupancy Permit if Mr. Morrison applied for one. Chairman Holman stated it would be the PTS. Ms. Potteiger stated she would need to keep checking with Secretary Klinepeter as to whether Mr. Morrison has applied for this permit and stated she hopes Secretary Klinepeter will be truthful about any permits for which Mr. Morrison has applied. Solicitor Wagner confirmed that Mr. Morrison can only perform items included in the permit application.

Mr. Rice mentioned that he attended the Penn Township Planning Commission (PTPC) meeting on July 21, 2014, where regulations were discussed regarding the distance that agriculture fertilizer can be spread from wellheads. Secretary Klinepeter stated it is 100 feet from the setback, not from

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the wellhead. Mr. Rice said there were measurements done, and there are properties where the wellheads were only 22 feet from where the fertilizer was spread. Mr. Rice asked who is responsible for testing the well water for those properties. Engineer Shradley asked what Mr. Morrison is using as fertilizer. Chairman Holman stated he would look into this for the next meeting. Solicitor Wagner stated the Perry County Conservation District Office should be contacted. Supervisor Peters suggested that Mr. Rice view the Department of Agriculture website.

At this time Chairman Holman read a thank you letter sent to the Duncannon Fire Company by Mechanicsburg residents for assisting them recently when they had car problems on Rt. 11/15. Chief Pickles shared that the Police Department also received a thank you letter for their assistance. Each letter included a monetary donation, and the full amount is being donated to the Duncannon Fire Company.

INVOICES AND EXPENDITURES

With unanimous approval of a Maguire/Peters motion, the PTS voted to approve payment of checks 27411 through 27487 totaling \$34,041.28 from the PLGIT General Fund Account, ACH payments totaling \$17,745.67 from the Orrstown Bank General Account, a transfer from Orrstown Bank General Account to PLGIT of \$40,000, PTPRB checks 1535 through 1539 in the amount of \$310.00, and a transfer from the Orrstown Bank General Fund to the PTPRB Checking Account for \$310.00.

TREASURER'S REPORT

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

CAPITAL RESERVE CD RENEWAL

There was a Maguire/Holman motion to approve renewal of the CD for an 18-month term at First National Bank of Mifflintown at a rate of 0.45%. Motion passed by unanimous vote of the PTS.

Chairman Holman stated that we could earn more interest by investing the Liquid Fuels checking account funds in a money market account. A Holman/Maguire motion to review money market account options was unanimously approved.

MINUTES

The minutes for both the June 25, 2014, Perry County Multi-Hazard Mitigation Plan Hearing and the June 25, 2014, PTS meeting were unanimously approved with a Maguire/Holman motion.

HIGHWAY REPORT

- Grader – there were no responses to the PSATS ad to sell this. Chairman Holman did receive a call from someone who wants to buy the tires and rims. Upon a unanimous Holman/Peters motion, approval was given to advertise the grader for sale locally.
- Paving – the Highway crew posted notices in the areas scheduled for paving on August 4, 2014.
- Poison Hemlock Removal – the Highway crew removed poison hemlock from numerous areas within the Township.
- Schoolhouse Road – finished the gutter cleaning along this road.

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- Roof Repair – repaired the roof on the north side of the garage.
- 2015 Budget – planning to pave Linton Hill dirt road during 2015.
- Paving of Ashmar Drive and Municipal Building Road – scheduled for Monday, August 4, 2014.

Chairman Holman stated he has reviewed the Township budget, and we are in a good financial condition.

Chairman Holman stated he has reviewed the EMS budget and has some questions. He will be meeting with Kraig Nace of the EMS to discuss.

PENN TOWNSHIP PLANNING COMMISSION (PTPC) – No report.

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 Tilkins requested approval to purchase a leaf blower and a weed wacker for use by the Park and Recreation (Park and Rec) committee. Chairman Holman stated the Highway crew has a weed wacker that may be used by Park and Rec. A Maguire/Peters motion to purchase a leaf blower was unanimously approved.

PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA) – No report. Chairman Holman asked CeCe Novinger to discuss Mr. Morrison's sewer approval at the August 6, 2014, PTMA meeting.

SECRETARY'S REPORT

HVAC and Oil Furnace Maintenance Contract

Upon a unanimous Maguire/Peters motion, the bid of \$3,067.00 was awarded to Comfort Tech, Inc., for three years; year one at \$992.00, year two at \$1,022.00, and year three at \$1,053.00.

Chairman Holman stated that due to the age of the current system, he feels it is time to replace the current units in the Police and the PTMA office. He has requested quotes to replace those units which will be reviewed at the next PTS meeting.

CPA for Township Audit

Upon a unanimous Maguire/Holman motion, the bid of \$25,200.00 was awarded to Robert Morris & Co. for three years; year one at \$8,200.00, year two at \$8,400.00, and year three at \$8,600.00.

Demolition of 204 Firehouse Road

Chief Pickles said the first floor of the property has been removed down to the basement, but there are several layers of block remaining. He stated there is trash surrounding the property that has not been removed. In addition, the PTMA has not been notified that the septic tank has been emptied. Since the condition of the property has changed since the first demolition bid advertisement, Chairman Holman stated he must create a new scope of work to re-advertise for demolition bids. A Peters/Maguire motion was unanimously approved to advertise for demolition bids to include completion of the house demolition, removal of all debris and trash, and pump and fill the septic tank.

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Kay Spease Per Capita Tax

Mrs. Spease overpaid her 2013 Per Capita Tax and is requesting a refund of \$5.00. A Holman/Peters motion to refund the \$5.00 was unanimously approved.

Park and Recreation CD Resolution

This resolution is required for the Park and Recreation CD that was renewed on July 22, 2014. The resolution was unanimously approved with a Maguire/Holman motion.

Fall Clean-Up Bid Packet

Secretary Klinepeter presented the draft Fall Clean-Up packet. The proposed dates are October 16-18. A Holman/Peters was unanimously approved to advertise for bids.

Capital Tax Collection Bureau (Cap Tax)

The PTS was provided financial reports from Cap Tax.

Back-Up of Computers

The initial back-up of the office computers has been completed and continues to back-up every morning.

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

Maguire's Ford Financial Security Estimate

Engineer Shradley recommended the PTS approve the Financial Security Estimate of \$113,084.35 with the condition that the estimate be signed and sealed by the engineer. A Holman/Peters motion was made to accept the amount and the condition described above. Supervisor Maguire abstained as he is a distant relative of the Maguires.

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

Grants

The Police are currently working on an Aggressive Driving grant from PennDot.

Lenker Property

Chief Pickles stated they found someone dumping on Mr. Lenker's property today. Chief Pickles determined that it was not Mr. Lenker. This person was instructed to remove the items he had dumped.

Kraig Nace asked Chief Pickles about the Statute of Limitations on a Misdemeanor, which is two years.

SOLICITOR'S REPORT

Ward Property

Solicitor Wagner stated he was reminded that the Ward issue is actually under the name MW2, Inc. He will give an update at next month's meeting.

Chairman Holman stated he would like to form a committee to investigate and provide the PTS with a list of businesses who could potentially open a location within the Township. These businesses could be invited to our Township to discuss possible locations. Chairman Holman stated he was looking for someone to Chair this committee. Solicitor Wagner stated the PTS does not have the

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authority to direct this committee to be created, but Township residents may create a committee of this type. A suggestion was made that we advertise this in the next newsletter.

Chairman Holman stated that Solicitor Wagner has another obligation and will be leaving at this time unless someone has any questions/issues for him.

Bob Johnson

Mr. Johnson requested that extra packets of reports be provided for residents to review prior to the meeting. Solicitor Wagner stated we could not provide items that have not been approved.

PERMIT REPORT – Secretary Klinepeter submitted the permit report.

CORRESPONDENCE

FEMA – Hazard Mitigation Plan

FEMA sent a letter indicating they have approved our Hazard Mitigation Plan.

Central Westmoreland Council Of Governments (COG)

The Central Westmoreland COG has sent us a letter and invoice to join their COG. A Holman/Peters motion to not join their COG was unanimously approved,

Act One – General Permit

Act One and Associates Consulting Engineers and Surveyors notified us by letter that Robert D. Kerlin has made application to the PA DEP for a General Permit (BWM-GP-5) for the installation of a sanitary sewer lateral under an unnamed tributary to the Susquehanna River located in Penn Township. The project site is located at 1620 State Road, and the proposed sanitary sewer lateral will flow to the Cove treatment plant.

E-mail Robert Dodson

Mr. Dodson sent the Township office an email requesting we update our website to include a link to a resource site dedicated to the issue of hate and bias crimes. A Peters/Holman motion was unanimously approved to table this issue to investigate further.

OLD BUSINESS

Police Officer Hires – to be discussed during Executive Session later this evening.

NEW BUSINESS

Split Heating/Cooling System for Police Office

Several quotes have been received for a new system for the Police Chief's office. A Maguire/Peters motion to table this issue was unanimously approved.

Fee Schedule Resolution

Secretary Klinepeter stated there are two proposed changes to the Township Fee Schedule.

1. \$16 fee for roof repairs (requiring no inspections)
2. \$125 fee for connection under the Wireless License

A Holman/Peters motion to approve these two fees was unanimously approved.

A Holman/Peters motion was made to adjourn for an Executive Session at 9:21 PM.

Chairman Holman re-opened the meeting at 10:28 PM.

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Chairman Holman stated there were two issues discussed during the Executive Session. The first item was Police hires. A Holman/Peters motion was unanimously approved giving Chief Pickles permission to hire officers Kurtz and Holley.

The second item was regarding Secretary Klinepeter's performance. A Holman/Maguire motion was unanimously approved allowing Secretary Klinepeter to continue in her current position under probation for a period of three months at which time her performance will be reviewed during an Executive Session. The motion included an additional review three months later prior to the Reorganization meeting.

Secretary Klinepeter stated she needs articles for the newsletter by August 22, 2014.

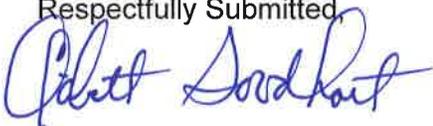
Kraig Nace offered to set up a meeting time to discuss the EMS report with the PTS.

Mr. Chrisman asked if there was a vote during the Executive Session regarding the personnel issue. Chairman Holman said there was not a vote, only discussion. Mr. Chrisman said it does not look good.

Ms. Potteiger added that Secretary Klinepeter lied to Mr. Chrisman, and they are concerned about how many other times Secretary Klinepeter may have lied that they may not be aware of. Supervisor Peters then mentioned that evidence produced during an Executive Session which is not shared with the general public may affect the Supervisors' decisions.

Upon a Holman/Peters motion, the PTS voted unanimously to adjourn the meeting at 10:35 PM.

Respectfully Submitted,



Elizabeth Goodhart
Treasurer/Recording Secretary