

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 August 27, 2014

The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, August 27, 2014, at 6:15 PM immediately following the Cable Franchise Agreement Hearing. 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, Solicitor Richard Wagner, Max Shradley (Engineer) 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 that Solicitor Wagner has a personal commitment and asked that any questions/issues for the Solicitor be presented at this time.

Chairman Holman stated there were no Executive Sessions held since the last meeting.

Chairman Holman stated that while Solicitor Wagner was present, he wanted to discuss the recent article in the Duncannon Record. He stated the article did not correctly report the information requested in Mr. Fickel's Right-To-Know request. The article stated "Mr. Fickel submitted a Right-To-Know request to learn what disciplinary action was taken against Police Chief Richard Pickles after he was charged with DUI last June." Chairman Holman stated that was incorrect. Chairman Holman read from the actual Right-To-Know request that Mr. Fickel had requested "a copy of any correspondence from the office of the Perry County District Attorney to the Supervisors of Penn Township, Perry County, PA, from June 1, 2013, to present pertaining to the DUI stop sign violation arrest of Penn Township Chief Richard Pickles in Dauphin County."

Chairman Holman mentioned that same article in the Duncannon Record reported he said a Township Manager would cost too much. Chairman Holman stated that when the EMS report was reviewed at a previous meeting, Chairman Holman said it would cost the Township \$65,000/year plus benefits to hire a Township Manager, not that it was too expensive. He then stated there is nothing the Township can't afford if you want to raise taxes. He said taxes would need to be raised by one mil. Chairman Holman then said he does not take phone calls from reporters, but they are welcome to come into the office to meet with him to review the facts.

Supervisor Peters asked Chairman Holman who fulfills the responsibilities of a Township Manager at the present time. Chairman Holman replied that those duties are now being done by the Township Supervisors. Supervisor Peters then asked Secretary Klinepeter what her response is when he calls the office. He stated that when he calls her, she usually states that she must check with Chairman Holman. He then stated the Second Class Act states that all three Supervisors are equal in authority. He said she always says she must check with Chairman Holman. He then asked why she does not give him copies of all Right-To-Know denials since she gave him the one for a Duncannon Borough Council member who requested information from the Police Dept. Secretary Klinepeter stated she did not know that he wanted copies of all Right-To-Know denials. Supervisor Peters said that he keeps mentioning a Township/Office Manager since there is no oversight taking place in the office.

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Supervisor Peters stated he consulted with a Labor Relations Attorney. He said some residents were upset with him for not voting to take disciplinary action after last month's meeting. He asked Secretary Klinepeter when employee files were last updated with employee reviews. He mentioned that employee reviews are not done annually. Chairman Holman stated job reviews are not required annually. Supervisor Peters asked the Secretary if she was given anything recently to include in her personnel file, to which she replied no. Supervisor Peters asked who the liaison is for the office, to which Supervisor Maguire stated he was. Supervisor Peters stated that the Township would be at risk if an employee took legal action since there was no documentation in employee files. Supervisor Peters asked Solicitor Wagner for his comment.

Solicitor Wagner said employee handbooks are not contracts under the law for purposes of terms and conditions of employment. He also stated that the majority of law suits for inappropriate firing is for seeking and collecting unemployment compensation.

Supervisor Peters said that his reason for continuing to mention the hiring of a Township/Office Manager is due to erroneous oversights occurring within the office. He wondered how much money the Township spends to go to court and lose cases compared to a one mil tax increase.

CeCe Novinger asked why we need two people to do the same job. Supervisor Peters said PSATS has a good job description for a Township/Office Manager which includes responsibilities other than overseeing the office. After a short discussion on the pros/cons of hiring a Township/Office Manager, Chairman Holman stated the issues within the office were addressed in January 2014, and there had been no complaints from Supervisors Maguire and Peters through June 2014.

VISITORS

John Gerner

Mr. Gerner asked if the Solicitor provides a monthly report to the Board. The Solicitor stated that he does not. Mr. Gerner then asked if he could provide a report listing any legal issues between the Township and its residents so the Board could report on the status of those issues. Solicitor Wagner stated he could provide this type of report if he was instructed to do so by the Board.

Stanley Mutzabaugh

Mr. Mutzabaugh stated he felt that if the Township had a Zoning Officer to oversee the Morrison activities, the expenses would be minimized. Chairman Holman stated that the Township's legal fees are usually incurred when the Township must take legal action against others. Chairman Holman stated he attended the Penn Township Municipal Authority (PTMA) meeting to discuss the Morrison project. As a result, Mr. Morrison has now been issued the Occupancy Permit.

Jesse Boyer

Mr. Boyer asked how Glace Associates did the inspections for Mr. Morrison without a permit. Chairman Holman stated Mr. Morrison contacted Glace Associates directly.

Jay Mutzabaugh

Mr. Mutzabaugh asked Solicitor Wagner how he would obtain a portion of the Right-of-Way next to his property. The Solicitor suggested Mr. Mutzabaugh contact his attorney on this issue as the issue is a private road.

John Gerner

Mr. Gerner asked Solicitor Wagner about the status of the injunction against MW2, Inc., for the recycling center. The Solicitor stated it has been filed.

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Stanley Mutzabaugh

Mr. Mutzabaugh asked Solicitor Wagner who pays for the televising of his Township meetings. Engineer Shradley thought it was paid by the television station.

CeCe Novinger

Mrs. Novinger stated the April 30, 2014, minutes indicate the Ward property was listed under Old Business and asked when it had been discussed before. Secretary Klinepeter stated it was discussed at the March 29, 2014, Roadmaster meeting.

Lee Wright

Mr. Wright mentioned that he was informed there is a recycling center moving in next to the new location of Mr. Wright's business. He asked if the recycling center (Deberk) will be subject to the plan submitted previously. Secretary Klinepeter stated Deberk will be subject to the conditional use plan and that he has not yet submitted a land development plan. She also stated he had a plan that was part of the conditional use application. Mr. Wright asked if there will be a barrier between the properties. Secretary Klinepeter stated when Deberk submits the land development plan, it must include plans for the barrier. Jodi Rissinger added that Deberk does not own the property and is only leasing the property.

Kraig Nace

Mr. Nace offered to meet with Chairman Holman to discuss the EMS numbers for the first half of 2014. He then asked Captain Karlsen about the status of the case involving Police Officer Moench and Greg Myers. Captain Karlsen stated that he is aware of the situation but cannot provide any information since it is an ongoing investigation.

Supervisor Peters thanked the EMS Department, the Duncannon Fire Department, and the Penn Township Police for their assistance during his recent car accident.

Tammy Balsbaugh

Ms. Balsbaugh requested the use of a room in the Township building for weekly meetings of the Girl Scouts from October 7, 2014, through the end of June 2015 and requested the rental fees be waived. Upon unanimous approval of a Holman/Peters motion, all fees will be waived.

Karen Taschek

Ms. Taschek said she is in the process of filling the septic tanks and removing the debris. Chairman Holman stated the barrels of glass and debris have not been removed, and the remaining foundation is still there. Ms. Taschek said she does not want to remove the foundation and is planning to use it when she rebuilds. Chairman Holman stated the remaining structure, including the foundation, has been condemned by the UCC Code Inspector.

Ms. Taschek said she wanted to continue to do the clean-up. Chairman Holman stated the Township received a new bid of \$10,200 which is higher than the previous bid of \$6,500. Ms. Taschek said when she received the 30-day demolition permit, she thought she only had to take the house down and fill the septic tanks. Chairman Holman said she needs to look at the scope of work that still needs to be done, and she cannot get it done without equipment to remove the debris. Chairman Holman said the scope of work has always been to take the house down to the ground. He then read the actual "Description of Work" provided to the contractors submitting bids.

Supervisor Peters told Ms. Taschek his concern is that it has been 60+ days since we last saw her, at which time she was given 30 days to complete the clean-up. He said the Board has not heard

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anything from her, and the demolition has not been completed. Supervisor Peters said he agrees with Chairman Holman that we should not give Ms. Taschek a time extension and feels we should proceed with the award of the demolition bid. He said she has not followed through with what she said she would do. Secretary Klinepeter stated Ms. Taschek called the Township office when she was not available to take the call. She tried to return the call three times but received voicemail and left a message each time. Secretary Klinepeter did not receive a call back.

Chairman Holman stated the clean-up would need a small track hoe to clean out the property. He said the Township does not have the equipment to do this and would have to rent it.

Jodi Rissinger said she knows of several other properties damaged by fire in the Township and feels we should follow past practice in this type of situation.

Karen Potteiger asked Ms. Taschek if she had a plan on how she would finish the demolition and the cost she would incur. Ms. Taschek said she is going to rent equipment to take down the remaining structure and use a trailer to remove the debris.

Supervisor Peters said he would be willing to give Ms. Taschek another 30 days to finish the demolition, but only if she can prove that she has the means and/or equipment to complete the job. He said there have been promises from her previously that were broken and she must prove she has the resources to complete the demolition. Chairman Holman said there is a tremendous amount of work to be completed and is certain she would need to hire a contractor in order to complete the work within 30 days.

Upon a Peters/Maguire motion, unanimous approval was given to allow Ms. Taschek until the close of business Wednesday, September 3, 2014, to provide a contract as described below, and to have the demolition completed before the next PTS meeting on September 24, 2014. If a valid contract is not provided by the close of business on September 03, 2014, the Board will continue with awarding the bid received for the demolition.

Contract details -- Ms. Taschek must provide the Township with a written contract describing the work to be done, how it will be done, the cost, etc, and must be signed by both the contractor and Ms. Taschek. The contract must include a statement that the debris will be disposed of properly and specify where it will be disposed. A copy of the "Description of Work" was provided to Ms. Taschek for the contractor. Ms. Taschek was instructed to have the contractor appear at the Township office and then accompany Chairman Holman and one other unspecified person to view the property.

If Ms. Taschek is able to meet all of these conditions, the demolition bid will be rejected.

INVOICES AND EXPENDITURES

With unanimous approval of a Maguire/Holman motion, the PTS voted to approve payment of checks 27488 through 27570 totaling \$39,604.58 from the PLGIT General Fund Account, ACH payments totaling \$11,135.11 from the Orrstown Bank General Account, Liquid Fuels check 00234 in the amount of \$2,042.50, PTPRB checks 1540 through 1546 in the amount of \$455.69, and a transfer from the Orrstown Bank General Fund to the PTPRB Checking Account for \$455.69.

TREASURER'S REPORT

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

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Based on a recommendation previously made by Chairman Holman, Treasurer Goodhart provided documentation on alternate solutions for investing the Liquid Fuels checking account money which earns very little interest. Upon a Holman/Maguire motion, unanimous approval was given to leave \$45,000 in the Liquid Fuels checking account, plus an additional \$36,485 for the paving project and move all remaining funds into the Municipal Easy Access CD at Mifflintown Bank earning .65% interest.

MINUTES

The minutes for both the July 30, 2014, and the August 11, 2014, PTS meetings were unanimously approved with a Maguire/Peters motion.

HIGHWAY REPORT

- Chairman Holman delivered the thank you note and the \$100 donation to the Duncannon Fire Company which was sent by the Mechanicsburg couple who was recently assisted by the Fire Department and the Penn Township Police. A note was sent to the couple thanking them for the donation.
- Ashmar Drive and Municipal Road have been paved
- Have been working on Sawmill Road
- Will be working on Muhlenberg Road
- Will be working on the shoulders of Creek Road and Gambers Corner after bridge is completed
- Buried and burned poison hemlock which was dried out
- Must repair Highland Avenue
- Anti-skid is no longer available from Camp Hill Prison. DEP is not allowing it to be used. Currently looking for another source for anti-skid. The closest source is in Newport which is open Tuesdays and Thursdays. Will be getting bids for anti-skid.
- Ford 350 pick-up truck – head gasket needs repairs at a cost of \$6,000. New heads cost \$8,600. If new truck is purchased, the additional Liquid Fuels money we will receive going forward will pay for the truck over the next three years.

Upon a Maguire/Peters motion, the Board voted unanimously to purchase a new truck.

HIGHWAY REPORT (Cont.)

- Will be getting prices on line painting

Supervisor Peters stated he spoke to the PennDot foreman on the Market Street bridge project. The foreman stated the bridge will be opened Saturday, September 6, 2014.

PENN TOWNSHIP PLANNING COMMISSION (PTPC)

Zoning Ordinance Update

The PTPC has requested the Supervisors' desire in pursuing regulations on outdoor furnaces, wind turbines and solar energy systems. DEP currently regulates outdoor furnaces. A Peters/Maguire motion to table this until the next meeting 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.

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PARK AND RECREATION BOARD (PTPRB) REPORT -- The PTPRB report was presented to the Board. Karen Tilkins stated she will be advertising for two open positions on the Park and Recreation Board. She also thanked Chairman Holman, Vice-Chairman Brian Maguire, Secretary Klinepeter and Treasurer Goodhart for participating in the ALS ice bucket challenge.

Chairman Holman stated the leftover paving material was used on some private driveways and did not require any additional Township funds.

Chairman Holman stated he will be purchasing an Echo leaf blower for use by the PTPRB.

PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)

Communication Letter

The PTMA has requested draft copies of the PTS meeting minutes and in return, they will provide the PTS with draft copies of their meeting minutes. A Holman/Maguire motion to provide draft copies of the PTS meeting minutes was unanimously approved.

Land Development Letter

The PTMA will be submitting a land development plan for the upgrade to the system for the Sunshine Hills Water Company and has requested a waiver of the fees. A Holman/Peters motion to waive this fee was unanimously approved.

SECRETARY'S REPORT

Fall Clean-up Bid Packet

There was one bid received from Sylvester's Services for the Fall clean-up which included the same rates as the previous year. The bid was unanimously awarded to Sylvester's Services upon a Maguire/Holman motion.

HRA Amendment

With the higher medical insurance deductible effective September 2014, Secretary Klinepeter asked if the employee portion will remain at \$750. A Holman/Maguire motion to keep the employee portion at \$750 was unanimously approved.

A Maguire/Peters motion to adopt the resolution to amend the Health Reimbursement Agreement was unanimously approved.

PSATS Resolution – Pension Trust

PSATS is requesting all Townships adopt a resolution to update the Pension Trust in order to remain compliant with federal and state changes. Solicitor Wagner reviewed the resolution and did not have any issues. A Maguire/Peters motion to adopt this resolution was unanimously approved.

PSATS Resolution – Health/Life/Disability

PSATS is requesting all Townships adopt a resolution to update the Health/Life/Disability Trust. Solicitor Wagner reviewed the resolution and did not have any issues. A Holman/Maguire motion to adopt this resolution was unanimously approved.

Lenker NPDES Survey

We received an NPDES Permit Application notification for "Construction of an area of land to support Mr. Lenker's excavation, demolition and utilities business for the purpose of reprocessing clean building materials for stockpiling for future off-site use." This form asks if we have a Subdivision Ordinance, a Comprehensive Plan, and Zoning Plan and asks if this project conforms

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with the Zoning Ordinance. Mr. Lenker did receive conditional use approval and has received variances, but has not submitted a land development plan to determine if he is compliant with the Zoning Ordinance. We must respond to this notification by September 19, 2014, or Mr. Lenker's attorneys will submit the permit application noting that the Township has no conflicts with the application. Chairman Holman stated we must note on this form the items that Mr. Lenker still needs to do. CeCe Novinger stated Mr. Lenker is still doing business even though he does not have a permit to do so. Chairman Holman stated Mr. Lenker had approval from the County to stockpile materials. Ms. Novinger stated his piles are taller than 20' tall which is in violation of Zoning Ordinance Section 1314.2.

Stanley Mutzabaugh asked if a Zoning Officer would take care of this. Secretary Klinepeter stated our Zoning Officer, Lenny Sizer, instructed Mr. Lenker to file a Zoning Hearing Request but Mr. Lenker refuses to pay the fee required to file it.

A Maguire/Holman motion was unanimously approved to direct the Zoning Officer to inspect the site and determine if Mr. Lenker is in violation of the Zoning Ordinance. If he is, The Zoning Officer should issue a citation which gives Mr. Lenker 30 days to comply.

Demolition Bid

Issue discussed earlier tonight.

ENGINEER'S REPORT – No written report was presented.

POLICE REPORT – Captain Karlsen presented the officer activity Police report.

Grants

The Police are currently working on an Aggressive Driving grant from PennDot which ends Sunday, August 31.

We are currently training two new officers and are losing one officer to another Police Department.

John Gerner stated he would like to see a more detailed monthly police report. He was informed that this type of report is provided at meetings. A suggestion was made to post the police report on the police website. Secretary Klinepeter said she will post the reports going forward if Chief Pickles approves.

Lee Wright asked how often the Penn Township Police back up the Pennsylvania State Police. Captain Karlsen replied they requested our assistance approximately six times.

SOLICITOR'S REPORT

Issue discussed earlier tonight.

PERMIT REPORT – Secretary Klinepeter submitted the permit report.

CORRESPONDENCE

E-mail – Tire/Drug Collections

There will be a tire collection on September 20 from 8AM-Noon at the Oliver Township building. There will be a drug take back collection on September 27 from 10AM-2PM. Collection locations can be found on line at http://www.deadiversions.usdoj.gov/drug_disposal/takeback/index.html

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OLD BUSINESS

Web Page

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 not to comply with this request.

Split Heating/Cooling System for Police Office

Chairman Holman said that the heating/cooling system is 25 years old and expensive to use. Proposals were received from three vendors to replace the system in the Police Office and in the PTMA office. The system recommended by the vendors is very energy efficient and will greatly reduce our current costs. The best quote of \$6,800 for both units was received from Mahoney's Plumbing, Heating and Air Conditioning. A Peters/Maguire motion to award the bid to Mahoney's was unanimously approved. A Holman/Maguire motion to pay this from the Capital Reserve account was unanimously approved.

John Gerner asked for a description of the \$125 wireless fee that was adopted at the last meeting. Chairman Holman stated it is a connection fee from the pole to the tower.

Karen Potteiger asked for an update on new permits. Chairman Holman replied that the Occupancy Permit was issued to Mr. Morrison for the Maintenance building after he met all requirements for the permit, after the UCC code inspections were done, and after all reports came back to the Township. He also stated the PTMA accepted the sewer.

Chairman Holman stated the Cease and Desist is still in effect for the Barn. He stated some issues have arisen which he will share with Supervisors Maguire and Peters during an Executive Session this evening. Chairman Holman said Mr. Morrison may store items in the barn but may not conduct business there.

NEW BUSINESS

Cable Franchise Agreement

A Holman/Peters motion was approved by quorum to accept the Cable Franchise Agreement. Supervisor Maguire abstained from voting due to his part-time employment with Blue Ridge Communications.

Newsletter

Secretary Klinepeter is waiting for additional articles.

The meeting was adjourned for an Executive Session at 9:21 PM.

Chairman Holman re-opened the meeting at 9:48 PM. He stated that Captain Karlsen attended this session as a witness.

Chairman Holman stated that the Executive Session discussion will assist in leading to conclusion on the subject matter.

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Upon a Holman/Peters motion, the PTS voted unanimously to adjourn the meeting at 9:50 PM.

Respectfully Submitted,



Elizabeth Goodhart
Treasurer/Recording Secretary