

**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 September 24, 2014**

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The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, September 24, 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, 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 was in the office earlier today since he had another meeting at 6:00 tonight. He stated we may call the Solicitor if we have an important issue that requires his assistance.

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

Chairman Holman stated he asked Secretary Klinepeter about the times when she told Supervisor Peters she needed to check with Chairman Holman when he had called her with questions. Secretary Klinepeter stated she is aware of three times where this occurred:

- Regarding the letter from the District Attorney — Secretary Klinepeter stated she contacted Chairman Holman to confirm that she had given the letter to him. He replied that she had and that he had forwarded the letter to the proper authorities.
- When Supervisor Peters asked to see her personnel file – She was not sure if she was allowed to give it to him. At that time Chairman Holman told her he did not have a problem with allowing Supervisor Peters to review her file. We have since learned that all Supervisors must vote to allow access to an employee's file.
- When Ms. Potteiger provided information to the Supervisors – Supervisor Peters asked Secretary Klinepeter if she spoke to Solicitor Wagner. She said Chairman Holman had mentioned he would be contacting the Solicitor. and she wanted to check with Chairman Holman to see if he had done this before she also contacted the Solicitor.

Secretary Klinepeter stated if there were other occurrences to let her know and she would address those. Supervisor Peters stated there were many more occurrences. Supervisor Peters stated that in future conversations he will be making notes of the conversation and the date. Secretary Klinepeter stated she keeps a log of all phone calls which includes the subject of the conversation.

Chairman Holman then mentioned the statement made at the last meeting about the costs associated with legal issues resulting from errors made by the Township. He said he knows of no lawsuits of this nature, only appeals from Conditional Use Hearings. Secretary Klinepeter stated those costs during the last two years were \$1700.00 for the Morrison appeal, \$375.00 for the Deberk appeal, \$900.00 for the Perdix appeal, and \$256.00 for the Nace Right-To-Know appeal.

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Chairman Holman discussed the Letter to the Editor submitted by Mr. Fickel which stated that Supervisor Peters made a motion at the PTS meeting on February 26, 2014, to ask the District Attorney (DA) for guidelines on how to address this situation. However, the meeting minutes state he made a motion to seek legal advice from the DA and request a list of names from which to choose an independent counsel.

The Letter to the Editor also included a statement that a Duncannon Borough (DB) Council member filed a Right-To-Know request for a copy of Penn Township's employee handbook. Chairman Holman stated this is not correct and that this request was made by the Mayor and not by the DB Council. Also, the Right-To-Know requested various Police department items, i.e., rules/policies/training, etc. Solicitor Wagner stated the items requested are not subject to Right-To-Know.

Chairman Holman then mentioned the perjury claim. He stated he received the letter and did forward it to the proper authorities. He said Secretary Klinepeter handled this situation correctly.

### **VISITORS**

#### **Kraig Nace**

Mr. Nace thanked the Township on behalf of the EMS.

He then stated that his Right-To-Know request asked for copies of the various police items which were not provided. He stated he did not request the Police schedules.

#### **Stanley Mutzabaugh**

Mr. Mutzabaugh mentioned a situation which occurred two years ago. He shared copies of a letter which had previously been sent to Chief Pickles and asked Chairman Holman if he had seen the letter. Chairman Holman said he had not, but Mr. Mutzabaugh said the Supervisors were copied on the letter. Mr. Mutzabaugh stated the Police Officer who is the subject of this letter was taken off probation and given a raise in January 2013, and he felt this should not have occurred. All of the Supervisors at that time stated they did not receive this letter. Chief Pickles stated he discussed this issue with the Judge, and it was handled as a personnel issue.

#### **Jim Fickel**

Mr. Fickel shared copies of a letter from the EMS and asked those who were Supervisors at the time of the mailing if they had seen it before. Mr. Fickel said the PTS was cc'd on the letter. He said he went to the Township office and asked Chairman Holman if he had seen this letter. Mr. Fickel stated that Secretary Klinepeter had included a copy of this letter in the Supervisors' meeting packets, but Chairman Holman told her to take them out. Both Chairman Holman and Secretary Klinepeter stated the Chairman did not instruct the Secretary to remove the letters from the packets. Secretary Klinepeter said the letter was given to the Police since it was a complaint.

#### **Byron Worner**

Mr. Worner provided the Board with a copy of the 2013 tax information of the 990 report for the Duncannon Fire Company.

#### **Matt Rice**

Mr. Rice said he has a copy of an enforcement letter sent to Mr. Morrison dated June 2, 2014. He stated one of the items included in the Cease and Desist was the failure to obtain a Highway Occupancy Permit for Quail Trail. He said Mr. Morrison stated he does not need a Highway Occupancy Permit since he will not be using this road for his commercial equipment. Mr. Rice feels

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the PTS is forcing Mr. Morrison to obtain this permit when the local residents do not want him to be issued this permit. Mr. Rice does not feel the Township should require him to apply for this permit and asked that a letter to be sent to Mr. Morrison stating the Highway Occupancy Permit is no longer required. Chairman Holman said he would discuss this with the Solicitor.

Mr. Rice questioned what Mr. Morrison can use the building for as a result of winning the appeal. He was informed that he only won what was included in the Conditional Use.

### **Karen Taschek**

Ms. Taschek said she is working on getting her property cleared out. Secretary Klinepeter stated the inspector must inspect the walls, and she must apply for a zoning permit (for fencing off the property), and a building permit to build a new house. Supervisor Peters mentioned the Penn Township Municipal Authority has placed a lien against the property. CeCe Novinger was not sure if a sewer plan for a new home would be approved because of the lien.

A Holman/Maguire motion was unanimously approved giving Ms. Taschek thirty days to come back to the PTS and show how she plans to pay off the liens and all expenses owed to the Township, and to give Ms. Taschek one year to apply for a building permit.

Jesse Boyer asked who gave the Township the authority to get involved in this issue. Chairman Holman stated the Township went through the condemnation process which involved letters mailed to Ms. Taschek to which she never responded.

### **Bob Johnson**

Mr. Johnson stated he attended the Wheatfield Township Supervisors meeting where a Township resident stated she received a bill for \$8,300 for a fire where Fire Company equipment was damaged. Byron Worner of the Duncannon Fire Company explained how the process works and stated the resident should submit that bill to her homeowner's insurance company.

### **INVOICES AND EXPENDITURES**

With unanimous approval of a Maguire/Holman motion, the PTS voted to approve payment of checks 27571 through 27642 totaling \$39,333.96 from the PLGIT General Fund account, ACH payments totaling \$11,813.31 from the Orrstown Bank General account, Liquid Fuels checks 00237-00238 and 00240-00241 in the amount of \$146,394.39, PTPRB checks 01547 through 01548 in the amount of \$119.69, a transfer from the Orrstown Bank General Fund to the PTPRB Checking account for \$119.69, and a transfer from the Orrstown Bank General Fund to the PLGIT General Fund account in the amount of \$41,000.00.

### **TREASURER'S REPORT**

Secretary Klinepeter suggested that we transfer \$7,000 from Orrstown General account to the Capital Reserve account to pay for the split heating systems. A Maguire/Holman motion to process this funds transfer was unanimously approved.

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

### **GENERAL FUND CD RENEWALS (3 CD's)**

There was a Maguire/Peters motion to approve re-investing all three CD's in an 11-month Municipal Easy Access CD at FNB of Mifflintown at a rate of 0.65%. Motion passed by unanimous vote of the PTS.

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### **CAPITAL RESERVE CD RENEWAL (1 CD)**

There was a Maguire/Peters motion to approve re-investing this CD in an 11-month Municipal Easy Access CD at FNB of Mifflintown at a rate of 0.65%. Motion passed by unanimous vote of the PTS.

### **MINUTES**

The minutes for the August 27, 2014, Cable Franchise Agreement Hearing, the August 27, 2014, PTS meeting, and the September 8, 2014, special PTS meeting were unanimously approved with a Peters/Holman motion.

### **HIGHWAY REPORT**

- Chairman Holman shared a letter from the Perry County Planning Commission requesting additional items be included in the Route 15 project. Lee Wright said he received a call from Representative Mark Keller's office stating PennDot will not be closing both lanes of Route 15 for the rock sloping project. Chairman Holman stated he has not been notified of this as yet. Byron Worner stated the Duncannon Fire Company is making plans as if the road will be closed.
- Cleaned debris from Haas Road
- Received quotes for line painting
- Completed the shoulders and drainage ditches on Ashmar and Municipal Building Road
- CenturyLink fixed Sawmill Road after a resident was injured
- Working on road repairs
- Still doing roadside mowing
- Repaired brake lines on Ford 550
- Would like to trade the Ford 550 next year for a new truck—can pay with Liquid Fuels funds
- Will finish paving Linton Hill Road in 2015
- Will fill hole at entrance to Schoolhouse Road at the Cove Barn
- Getting quantity bids for anti-skid
- Getting bids for new truck from Ford and Dodge
- Grader Bid – Upon a unanimous Maguire/Peters motion, the bid of \$7,535.00 was accepted from Center Township.

### **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. All Supervisors agreed that DEP should continue to regulate outdoor furnaces, and the PTPC should look into wind turbines and solar energy systems. Upon unanimous approval of a Holman/Peters motion, the PTS recommends the PTPC further investigate wind turbines and solar energy systems, including specific ideas presented by each of the Supervisors.

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

#### **Brent Hilbish Zoning Hearing Board Docket 2014-03**

A Peters/Holman motion was unanimously approved to recommend approval by the Zoning Hearing Board as long as the property is used for residential purposes. If the use is changed to Commercial, a Land Development Plan would be required. A Holman/Maguire motion to respond to the Zoning Hearing Board by letter was unanimously approved.

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### **PTMA Conditional Use Hearing**

The PTMA will be upgrading the Sunshine Hills Water System and has recommended the PTS approve the Conditional Use with a condition that a planting strip for screening is installed for any adjoining existing residential use.

The PTMA has also requested a waiver of the conditional use fee for this upgrade. A Holman/Maguire motion to waive this fee was unanimously approved.

The Hearing date was set for October 29, 2014, at 6:00 PM.

Secretary Klinepeter mentioned for information only that we have received a zoning map change request to change a portion of property to commercial use for the purpose of building storage units.

**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 stated the Halloween party is scheduled for October 25. She also stated the senior lunches will resume on October 28.

Chairman Holman stated the road crew will service the mowers for the winter when all mowing is completed.

### **PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)**

#### **Sewage Complaint**

The PTMA has reported a sewage complaint. SEO Lenny Sizer checked into it but did not notice any smell and would need a sample to perform lab testing. A Holman/Maguire motion authorizing the lab testing was unanimously approved.

Supervisor Peters mentioned the PTMA and Secretary Klinepeter are researching records to determine which properties were not pumped when they were converted from septic to public sewer.

### **SECRETARY'S REPORT**

#### **Robert Shaffer, NPDES**

There is a Land Use letter which we must complete for Mr. Shaffer's pond. A Holman/Maguire motion was unanimously approved authorizing Secretary Klinepeter to complete the form with the same responses as previously reported.

#### **Fire Company Donation**

Secretary Klinepeter stated it is time for the remaining donation of \$25,000 be made to the Duncannon Fire Company. Upon a Holman/Maguire motion, a majority vote approved this payment. Supervisor Peters voted no. A brief discussion followed regarding how these funds are used by the Fire Department.

#### **Lenker DEP Permit**

Secretary Klinepeter stated a plan submitted by Skelly and Loy Consultants is different than the Conditional Use plan originally submitted by Mr. Lenker. Secretary Klinepeter contacted the Solicitor to verify if this plan is consistent with the Conditional Use approval. Solicitor Wagner recommended that we notify DEP and the U.S. Army Corps of Engineers with a copy of the

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Conditional Use plan and a copy of the decision and inform them that we feel Mr. Lenker is trying to present something to them that we did not agree to. Chairman Holman suggested we send letters directly to DEP and the U.S. Army Corps of Engineers as well the completed Municipal Land Use Response Letter. This suggestion was unanimously approved upon a Holman/Maguire motion.

### **Recycling Contract**

Duncannon Borough has approved the recycling contract with the Township's contribution being \$200 per month. This was approved with unanimous approval of a Maguire/Peters motion.

**ENGINEER'S REPORT** – The Engineer's report was presented.

**POLICE REPORT** – Chief Pickles presented the officer activity Police report.

### **Grants**

The Aggressive Driving grant has been completed with another grant to potentially begin in October.

Stanley Multzabaugh asked if we rent our officers to the school and how much we charge. Chief Pickles said our officers do work at the games, usually for three hours, at \$25/hour.

**SOLICITOR'S REPORT** - None

**PERMIT REPORT** – Secretary Klinepeter submitted the permit report.

### **CORRESPONDENCE**

#### **Perry County Winter Partnership**

We received an invitation to attend their meeting at Little Buffalo State Park. Chairman Holman stated he would attend this meeting.

#### **PA One Call E-mail**

We received an e-mail inviting nominations for seats on the Board of Directors, for officer positions, and prospective appointees willing to serve on the various committees. There was no interest from the Board.

### **OLD BUSINESS**

#### **Taschek Bid**

A Holman/Maguire motion to reject the recent demolition bid of \$10,500 was unanimously approved.

### **NEW BUSINESS**

#### **Newsletter**

The newsletter will be mailed on Monday, September 29, 2014. Secretary Klinepeter requested payment of \$1,000 for processing the newsletter. This request was unanimously approved with a Maguire/Holman motion.

#### **Budget**

Secretary Klinepeter provided a draft of the proposed 2015 budget. The budget meeting has been scheduled for October 14, 2014, at 6:00 PM.

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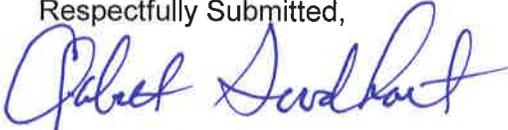
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Supervisor Peters said he has received concerns from residents about Police vehicles being parked in the middle lane in front of the Susquenita schools. He suggested the Police use the four-way flashers in order to be seen better.

Upon a Holman/Maguire motion, the PTS voted unanimously to adjourn the meeting at 9:30 PM.

Respectfully Submitted,



Elizabeth Goodhart  
Treasurer/Recording Secretary