

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 December 17, 2014

The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, December 17, 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, Police Captain Clifford Karlsen, 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 there were no Executive Sessions held since the last meeting.

ZONING MAP CHANGE REQUEST

Supervisor Maguire stated he would like to table the decision to allow time to review the transcript. Supervisor Peters stated he was ready to make a decision, although the document from the Perry County Planning Commission (PCPC) was not discussed during the Hearing. Supervisor Peters identified this document as the November 19, 2014, PCPC letter to the PTS regarding zoning request of parcel 210,117-116 received by the Township on November 28, 2014. The PCPC letter stated the property is shown as residential on both the recently adopted Comprehensive Plan and the future Land Use Map and recommended the rezoning not be approved until such time the Comprehensive Plan and future Land Use Map identify the area as Commercial. In addition, the PCPC letter states this area of Penn Township does not receive municipal water or sewer to support all allowed uses in the commercial zoning district.

Chairman Holman stated that along with the presentation, he expected to see detailed plans, but none were presented. He stated we don't have a guarantee that storage units will actually be built if rezoned, and it is possible that another type of commercial business could be proposed. Chairman Holman also stated the current Occupancy Permit only allows access to subject property a maximum of 25 trips per day.

Upon a Peters/Holman motion, the Board unanimously denied approval of the rezoning request.

VISITORS

Robin Vorous

Ms. Vorous presented the 2015 Insurance package to the Board. She obtained quotes from three different companies, and recommended MRM Property & Liability Trust to continue as the insurance company for the Township. She also noted the policy includes a three percent increase across the board in property coverage. A Peters/Holman motion was unanimously approved to accept the quote from MRM. The policy will take effect on January 10, 2015.

Supervisor Peters

After consultation with his doctor, Supervisor Peters feels he is able to continue with his duties and is rescinding his resignation which he announced at the October 29, 2014, PTS meeting.

Minutes Of December 17, 2014

Page 2 of 9

Frank Boyer

Mr. Boyer owns the property at 1 Spur Road in Penn Township. He recently discovered there is a new driveway to be built exiting the Forrer Dodge property. Mr. Boyer stated that headlights from vehicles using this driveway will shine directly into his house, and it is his understanding that there will only be two areas to enter/exit the Dodge dealership, one being this proposed driveway. Mr. Boyer stated he offered to sell his property to Forrer Dodge, but they could not agree on a price.

Joseph Burget of Burget & Associates, the surveyor for this project, stated the proposed driveway will not be used for the Forrer Dodge business and is proposed to keep the traffic of Mr. Boyer's tenants away from the business. Mr. Burget mentioned that if Mr. Boyer would sell his triangle-shaped piece of land to Mr. Forrer, the driveway could be directed away from the house, but that would need to be discussed with Mr. Forrer.

Kraig Nace

Mr. Nace clarified Chairman Holman's request to him regarding a previous call report was made on behalf of the PTS. He also thanked the Township on behalf of the EMS.

Jeff Craig

Mr. Craig needs to serve his community service and would like to do it in Penn Township, but he has not been sentenced as yet. Upon a Peters/Holman motion, the PTS voted unanimously not to consider approving community service until after sentencing.

Jodi Rissinger

Ms. Rissinger asked Chairman Holman to clarify if the previous request to Kraig Nace was a personal request or a request from the PTS.

Mike Conroy

Mr. Conroy thanked the Board for denying the Zoning Map Change request.

INVOICES AND EXPENDITURES

With unanimous approval of a Holman/Peters motion, the PTS voted to approve payment of checks 27796 through 27872 (excluding check 27861) totaling \$36,032.02 from the PLGIT General Fund account, ACH payments totaling \$11,589.67 from the Orrstown Bank General account, PTPRB checks 01556 through 01557 in the amount of \$88.33, a transfer from the Orrstown Bank General Fund to the PTPRB Checking account for \$88.33, and a transfer from the Orrstown Bank General Fund to the PLGIT General account in the amount of \$20,000.00.

Check 27861 in the amount of \$1,308.75 was approved for payment with a Holman/Peters majority vote. Vice-Chairman Maguire abstained from voting due to his part-time employment with the vendor.

TREASURER'S REPORT

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

PARK & REC CD RENEWAL (1 CD)

There was a Holman/Maguire motion to approve re-investing 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 Of December 17, 2014

Page 3 of 9

MINUTES

The minutes for the November 19, 2014, Devlin Conditional Use Hearing and the November 19, 2014, PTS meeting were unanimously approved with a Maguire/Holman motion.

HIGHWAY REPORT

- Handled recent storms; trucks washed afterwards to remove salt
- Work continues on Highland Avenue
- Highway crew will be off December 24, 2014 – January 5, 2015 but will be on call
- Removing limbs/brush damaged by storms
- Removed damaged tree on Creek Road
- New truck is due by December 29, 2014

PENN TOWNSHIP PLANNING COMMISSION (PTPC)

ACD Realty

Joseph Burget, surveyor for this project, discussed revisions to the plan and stated there are three AOR's. Upon a Maguire/Peters motion, the PTS unanimously accepted the following AOR's:

- AOR Section 304/306 – Preliminary Plat Procedure
- AOR Section 309.A.a – Plan Scale
- AOR Section 309.A.7 – Property Outline

Mr. Burget accepted the nine following conditions, and agreed to pay all fees:

1. The applicant is to show elevations on the plan.
2. A note is to be placed on the plan stating that the existing buildings are non-conforming.
3. A note is to be placed on the plan stating that future lighting of the property will conform to the Penn Township Zoning Ordinance Section 1312.
4. A note is to be placed on the plan addressing parking for the existing dwelling.
5. A note is to be placed on the plan stating the date and number of the State Highway Occupancy Permit for Lot 3.
6. Screening is to be shown between the existing residential dwelling and the commercial building.
7. The Stormwater flow from the proposed paved area is to sheet flow across the parking lot south to the drainage way.
8. The landowner is required to certify ownership by signature prior to approval of the final plan.
9. The Surveyor is required to certify the plan prior to approval.

Upon a Holman/Peters motion, the PTS unanimously approved the plan with the above contingencies, with all fees being paid. Mr. Burget agreed to all of the contingencies.

Charles Stoner

Joseph Burget presented a request for a modification to a prior-recorded plan, book 58, page 111, affecting shoulder construction and planting of trees. Mr. Burget stated all lots have been sold, and the road and cul-de-sac have already been paved. The shoulders have a stone base but are not paved. Mr. Stoner is proposing to install 2A over the stone base up to the macadam. For those homes with grass lawns out to the road, he would like to put topsoil up to the top of the macadam and seed it, basically extending the lawn out to the macadam. Mr. Stoner is also requesting a waiver not to install trees.

Minutes Of December 17, 2014

Page 4 of 9

Supervisor Maguire asked how the 2A will be stabilized. Mr. Burget stated with time it will probably fill in with grass & decayed material.

Chairman Holman referred to the October 29, 2014, PTS meeting minutes where Mr. Stoner stated that the Roadmaster at the time of the original plan changed the plan to a 20' wide blacktop street. Chairman Holman stated that he was not the Roadmaster at that time and also stated the former Roadmaster did not have the authority to make that type of change. Chairman Holman also stated the plan was never changed. Chairman Holman then read from the minutes of the November 19, 2014, PTS meeting, where Mr. Stoner stated there are homes whose owners do not want tar and chipped shoulders. At that time Mr. Stoner was informed he would need to submit an amendment to the plan to the Penn Township Planning Commission. After the November 19 meeting, a letter was then sent to Mr. Stoner, for which he signed, informing him the Township requirement of a PennDot Type 3 shoulder is that it be tar and chipped. Chairman Holman asked Mr. Burget who had directed him to draw up the plan which he submitted tonight. Mr. Burget stated that Mr. Stoner directed him to make these changes, and he stated he was never provided a copy of the Township letter mailed to Mr. Stoner. If he had seen this letter, he would have asked the Township why they gave those instructions to Mr. Stoner and also asked Mr. Stoner how he should proceed. Chairman Holman stated that during the November 19 PTS meeting, Mr. Stoner did not have an issue with the Township requirement to tar and chip the shoulders. Chairman Holman stated that in order for the Township to maintain this road, the requirements specified in the Township letter must be met.

Supervisor Peters asked Engineer Shradley if the revised plan is acceptable, who replied this modification does not meet the Township Ordinance. Chairman Holman stated that the Township requirements must be met in order receive Liquid Fuels money to maintain the road.

Mr. Stoner stated in response to Supervisor Maguire's question of how the 2A would be stabilized, he said that the 2A would be rolled in. He said there is currently 8" of modified rolled in and it is very stable. Mr. Stoner then said he was advised on how to make the road, put the shoulders in, and the swales, and if it was his decision, the modified would be sloped away from the blacktop so the plows could go over it. He did not decide this on his own. He never heard about the tar and chip until two days before he ordered the wearing surface. He said McNaughton had six trucks on order to haul the blacktop. Chairman Holman disagreed with Mr. Stoner and stated that Mr. Stoner's contractor came to the Township, asked what needed to be done to the roads, and Chairman Holman showed him. When Chairman Holman informed the contractor that the whole width needed to be paved, the contractor stated he was not aware of that. Mr. Stoner stated that a former Roadmaster who was also a Supervisor told him that he would change the plan. Chairman Holman again stated that he was not the Roadmaster at that time and also stated the former Roadmaster did not have the authority to make that type of change. Chairman Holman also stated the plan was never actually changed. He again informed Mr. Stoner that he must submit an amendment if he wants to change the plan.

Supervisor Peters asked Engineer Shradley if the proposed change to the plan is acceptable. Mr. Shradley stated it does not meet the Township requirements for the ordinance. He also stated that if the PTS agrees to waive the requirements, it would set a precedent for future developments. A modification to the Type 3 shoulder would meet the Township requirements.

Supervisor Maguire read from the letter sent to Mr. Stoner for clarification, "The shoulder would be required to be tar & chipped with CRS-2PM or RS-2PM using #8 aggregate @1% wash per spec. There is to be no drop-off from the cartway." Mr. Stoner signed for this letter on November 7, 2014. Mr. Stoner said if he were to tar & chip, he would have to slope it away from the blacktop so

Minutes Of December 17, 2014

Page 5 of 9

the snowplows don't push the tar & chip away. Stoner asked if he were to tar & chip the shoulders, would it be acceptable. Chairman Holman stated that is what he previously agreed to do. Supervisor Maguire stated that would be required for all of the shoulders, including those that are currently part of the lawn. Mr. Stoner stated those residents will not be happy, but Supervisor Maguire stated all must be done in tar & chip in order to receive Liquid Fuels money to maintain them. Chairman Holman again stated that if this is done, it will meet the Township requirements. Engineer Shradley stated that a Type 3 shoulder is stone with an oil and chip on top. Mr. Shradley further stated that Mr. Stoner is already proposing to put stone in. The only difference is that he will need to grade it and put the oil and chip on top. Mr. Stoner stated he was trying not to mill out the existing shoulder, and Chairman Holman stated he would not have to do that. Mr. Stoner again asked if he could tar and chip the shoulders, and he was informed that he could.

Mr. Stoner asked if he goes with tar and chip over the modified, would that be OK. He was told that would be OK on top of the stone base.

Mr. Shradley told Mr. Burget he would need to take the Type 3 shoulder up to the cul-de-sac.

Mr. Burget asked for a waiver on planting of trees.

Mr. Burget will submit an amended plan showing Type 3 shoulders and no trees later this week so it can be discussed at the next meeting.

Kerlin Mailer

The Secretary stated we received a letter from DEP regarding Robert Kerlin's connection to sewer stating it does not qualify for an exemption because the proposal is not for new land development as per chapter 71, Section 71.51(b). The applicant is in contact with DEP.

ZONING REPORT – There was no report.

SEWAGE ENFORCEMENT OFFICER'S (SEO) REPORT – There was no report.

PARK AND RECREATION BOARD (PTPRB) REPORT – There was no meeting this month and there is nothing to report.

PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)

CeCe Novinger mentioned there is a resident in violation of Ordinance 101. She asked about the status of a daily fine that was to be imposed by the Police effective November 17, 2014. The Police stated the attorneys are working on a deal, and they are waiting to hear from the PTMA attorney. Chairman Holman stated the Township notified Mr. Ward of the requirement to hook up to the sewer and enforcement is with the PTMA. Ms. Novinger asked who is responsible for imposing the fine in this situation. Chief Pickles stated the Police would issue the citation, and the District Justice would collect the fine. The discussion continued regarding the enforcement as well as Mr. Ward's requirement to hook up to the sewer. Supervisor Peters asked Chief Pickles to look into the matter of enforcement of the penalty and send an email update to the three Supervisors.

SECRETARY'S REPORT

Cable License Fee

Secretary Klinepeter stated she contacted surrounding municipalities to ask how much each charges for this fee. She reported that Rye Township charges \$1,500 annually. Wheatfield Township, Marysville Borough, and Duncannon Borough only collect franchise fees. Watts and

Minutes Of December 17, 2014

Page 6 of 9

Howe Townships do not collect this fee. Secretary Klinepeter asked if the PTS wants to continue charging for this license which has been \$300.

Chairman Holman instructed the Secretary to forward the fee schedule to the other Supervisors for their review and input, but he has not heard from them. Chairman Holman made a motion to keep this license fee at \$300. Supervisor Peters asked how long this fee has been set at \$300. The Secretary stated it has been \$300 since 2001. Supervisor Peters stated he feels it should be increased to \$500. Supervisor Maguire stated he is abstaining from this vote due to his employment with Blue Ridge Cable.

Chairman Holman stated he is concerned that he is not willing to vote on an increase based on a percentage. He stated all fees should be reviewed and discussed by all three of the Supervisors. A discussion occurred as to whether a workshop should be scheduled to discuss the fees. Secretary Klinepeter will advertise a workshop to be held December 23, 2014, at 7:00 PM, to discuss the fee schedule.

Lee Wright asked which professional agency would confirm if our fee schedule is in line with current rates. Chairman Holman answered that the Cohen Law Group would do that review at no charge to the Township.

Supervisor Peters questioned the budget line item for the Cable Franchise and asked if the revenue amount could change. Chief Pickles stated it is based on the number of cable users and the type of service they purchase. Supervisor Peters seconded Chairman Holman's motion to keep the Cable License Fee at \$300 and suggested we review this at a future date to determine if it should be changed or discontinued. Brian Maguire abstained from voting due to his employment with Blue Ridge Cable. Motion passed with a majority vote.

Duncannon Borough NPDES

The Duncannon Borough Municipal Authority intends to submit an application to the Pennsylvania Department of Environmental Protection (DEP) for a NPDES Permit renewal for the operation of the Duncannon Borough Wastewater Treatment Plant. Penn Township has been asked to complete a Municipal Land Use letter to be submitted with the permit application to DEP.

Chapter 7 of Act 44 – Pension Disclosure Statement

Each year PSATS requests that Penn Township adopt the PSATS Disclosure Statement required by Chapter 7-A of Act 44 of 2009, the Municipal Pension Plan Funding Standard and Recovery Act. Upon a Maguire/Holman motion, the PTS voted unanimously to adopt it as Penn Township's Disclosure Statement.

Lenker Property

The Township has received Mr. Lenker's NPDES Permit Application for review to determine if it is consistent with the requirements of our Stormwater Management Ordinance. Secretary Klinepeter asked permission for Engineer Shradley to review the application. Upon a Holman/Maguire motion, the PTS voted unanimously to forward the application to Mr. Shradley for his review.

Bonds

Secretary Klinepeter stated we have received the invoice for the Treasurer's bond. She stated it is currently for \$250,000 and asked if the amount should be increased. Upon a Holman/Peters motion, the PTS voted unanimously for Secretary Klinepeter to request quotes for an increased bond amount.

Minutes Of December 17, 2014

Page 7 of 9

Liquid Fuels Review

The Secretary stated PennDot completed our 2013 Liquid Fuels audit on November 24, 2014. She received a verbal report that everything was fine but has not received the written report as yet.

CeCe Novinger referred to the previous conversation regarding the Ward fine. She stated that the PTMA Secretary received an email dated today from the Chairman of the PTMA asking her if the penalty paperwork had been completed on the Decoven property since he had not heard anything recently from DEP. At 10:14 today the PTMA Secretary replied that she had asked the Police if this had been done yet, and the response was that it had not been done but would be before the next meeting.

ENGINEER'S REPORT – No written report was presented.

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

Grants

The Aggressive Driving grant is completed. The Buckle-up grant has been discontinued.

Police Hire

Chief Pickles asked approval to hire Joshua Goodling who was recently interviewed. Chairman Holman stated he received a positive verbal report from the person who performed the background check. Chairman Holman made a motion to give permission to make a job offer. Supervisor Peters asked if the other Supervisors had access to the results of both background investigations performed by Solicitor Wagner and by the Police. Chief Pickles stated he forwarded the results of the Police background check to the Solicitor. Supervisor Peters stated he would not vote to hire this officer until he reviewed the background investigation results. Supervisor Maguire seconded Chairman Holman's motion to hire Joshua Goodling. Motion passed with a majority vote.

Chairman Holman stated that part of a background check may involve confidential phone calls but stated he will request a copy of any written information that was received. Supervisor Peters stated that written records are available from background checks and as an employer, we are entitled to review them. Chairman Holman added to his motion subject to a request to Solicitor Wagner for the background check reports.

Chairman Holman stated that Police results were available during the interview, which would have included any criminal report if one existed. Captain Karlsen stated the Police check included checking with former employers and the previous Police Department where he worked and nothing negative was found. He stated that Solicitor Wagner found nothing negative as well. Captain Karlsen stated the Police are in need of an officer and would like to start training Mr. Goodling pending receipt of the letter from the Solicitor. Supervisor Peters stated he wants to see the actual reports, not a letter from the Solicitor. Chairman Holman stated he added to his motion that approval to hire is subject to the request for full background reports from the Solicitor. Supervisor Maguire seconded the motion which was unanimously approved. The Police will contact Solicitor Wagner to request these reports.

Computer System Update

Chief Pickles stated the service for their computer system has expired, and the system needs to be upgraded. The upgrade would allow better service for the vehicle PC's. A local company, 3rd Element Consulting, Inc., has been hired to perform this upgrade. A Peters/Maguire motion to

Minutes Of December 17, 2014

Page 8 of 9

upgrade the system and process the following invoices prior to year-end was unanimously approved.

Invoice 1002236, amount \$ 5,250.00

Invoice 1002238, amount \$14,869.90

Invoice 1002237, amount \$ 1,750.00

SOLICITOR'S REPORT

Taschek Property

Solicitor Wagner will be placing the lien on this property.

PERMIT REPORT – Secretary Klinepeter submitted the permit report.

CORRESPONDENCE

PSATS Convention

We have received information regarding the PSATS Annual Conference. This is for information only at this point in time.

Marysville Borough e-mail

The Secretary received an email inviting a member of the PTS to attend a meeting on December 22, 2014, to discuss the Marysville Ambulance service. Chairman Holman stated he would attend.

Bloomfield Public Library

We received a letter from the Bloomfield Public Library requesting a donation. Chairman Holman stated donations will be discussed at the Reorganizational meeting.

OLD BUSINESS

Breakthrough Duncannon

Secretary Klinepeter stated she checked with WJ Moore as to whether we are covered in the case of accident/injury. WJ Moore stated that we are covered, but also suggested that groups using our facilities should also have their own insurance. Breakthrough Duncannon has been informed of this.

Map Change Request

Discussed above.

NEW BUSINESS

Budget

Chairman Holman stated the budget is ready for adoption as it has been properly advertised and several meetings had previously been held for its review.

Jodi Rissinger pointed out a discrepancy in the Foreign Fire Tax revenue vs. expenditure. Secretary Klinepeter stated they should have been the same amount. She will update the revenue amount to agree with the expenditure of \$18,000 upon unanimous approval of a Maguire/Peters motion. Upon a Maguire/Peters motion, the PTS unanimously approved the budget subject to the change in the Foreign Fire Tax revenue.

CeCe Novinger mentioned that she previously stated there are two properties in the Township that are inhabited but have no utilities. The people living at one of these properties are not living in the house but are living in a travel trailer parked in the backyard. She stated she sent a letter to the

Minutes Of December 17, 2014

Page 9 of 9

Township office and the Police Department and was asking if there were any results to report. Chief Pickles stated no one should be living in the property on State Road. He stated he is a hoarder and using the property for storage only. Ms. Novinger stated she asked the resident if he was living there, and he replied in the affirmative. Chief Pickles stated the resident pays a small amount of rent to store his belongings there, but that he actually lives along Route 11/15. Ms. Novinger asked what can be done about this situation. Secretary Klinepeter stated we would need to have the UCC inspector deem it as uninhabitable/unsafe.

Regarding the other property located on S. Main Street, the resident has been cited numerous times. The Secretary stated the County wanted to have a Sheriff's sale of this residence, but they must first identify the legal owner of the property.

Lee Wright asked if there was an injunction placed against the junkyard along Route 11/15. He was informed it is in the courts.

The UCC inspector has been contacted to inspect Dino's and the old Citgo station.

Upon a Holman/Peters motion, the PTS voted unanimously to adjourn the meeting at 9:55 PM.

Respectfully Submitted,

Elizabeth Goodhart
Treasurer/Recording Secretary