

**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 April 29, 2015**

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The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, April 29, 2015, at 6:35 PM following the close of the Selle Conditional Use Hearing. Vice-Chairman Brian Maguire and Supervisor Brian Peters were in attendance. Other personnel present were Solicitor Richard Wagner, Engineer Max Shradley, Helen Klinepeter (Secretary), Police Chief Richard Pickles, and Elizabeth Goodhart (Treasurer/Recording Secretary). Vice-Chairman Maguire called the meeting to order with the Pledge of Allegiance and a moment of silence. He announced the meeting was being recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

Vice-Chairman Maguire stated there was one Executive Session held on April 17, 2015, to interview a police officer candidate.

**VISITORS**

**Meagan Thorpe**

Ms. Thorpe is the Director of the Perry County District Office and works for Senator Rob Teplitz. She stated she can assist the Township by preparing letters of support for grants and can provide information on grants available to us. She is working with several others to find more funding for Perry County Business Campus One. She stated she can also assist with unemployment compensation issues, human services, and anything that deals with the State.

**Robert Benner**

Mr. Benner discussed the continuation of the road up the hill for the Mladenoff subdivision. Mr. Benner gave the detailed history of his property and those around his residence, as well as the access road. He stated "adverse possession, the legal owners, and any subsequent owners, are covered by that under the prescriptive right".... He stated no one has touched the area in question during the last forty years except for him. He feels he is being harassed. He stated surveyors have been at his property unannounced. The surveyor thereafter attended the Penn Township Planning Commission (PTPC) meeting and reported that a portion of Mr. Benner's property does not actually belong to him. If this was true, Mr. Benner stated he would be landlocked, with no entrance or exit to his home. Mr. Benner stated he is prepared to go to court if this activity does not stop.

Solicitor Wagner stated the issue was tabled at the PTPC meeting. Once the PTPC makes a recommendation to the Board, the PTS will take the appropriate action.

**Henry Holman III**

Mr. Holman provided an update on the Penn Township Municipal Authority (PTMA) project. He stated they have received bids which are higher than anticipated. As a result, the PTMA is in the process of obtaining the financing needed to complete the project. Mr. Holman

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stated if the PTMA cannot obtain this financing, they will lose \$903,000 in grant money. The amount needed to complete this project is \$600,000. The PTMA engineers will be reviewing this to determine if they can move forward.

### Carolyn Carnes

Ms. Carnes asked about the status of trash bags being placed for pickup at the intersection of Dellville Road and Route 274. She stated she has seen trash sitting there recently. Chief Pickles said the number of trash bags has decreased. He also stated Mr. Gamber has stated he may place a sign at this location.

### Jesse Boyer

Mr. Boyer asked if Marstellar was issued a permit to build a second plant. The Secretary stated she was not aware there was a second plant. Mr. Boyer said he felt it was very visible that a second plant was built.

### Kim Lenker

Mr. Lenker asked the PTS if the Secretary has the authority to contact DEP on behalf of the Township. The Solicitor stated she does have the authority in certain situations, which includes researching of complaints. The Solicitor read the email which the Secretary sent to DEP requesting an update on the Lenker property. The email did not accuse Mr. Lenker of doing anything illegal. Supervisor Peters stated there is a cease and desist order from the Township on the Lenker property, and Mr. Lenker stated technically that is not correct.

Mr. Lenker asked who is responsible for informing DEP that Mr. Lenker does not have approvals from the Township and informing them he has no variances. Mr. Lenker stated the variances which were approved in 2010 were never given to the Zoning Officer. The Secretary stated Mr. Lenker never submitted the required zoning permit application. When forwarded to the Zoning Officer, a letter showing the approvals would have been attached.

The Solicitor asked Mr. Lenker if he has permission to remove soil from the property. Mr. Lenker stated he received permission via telephone last Thursday, April 23, from Neil Imes of the Perry County Conservation District. Mr. Lenker stated on Monday, April 27, at 9:00 AM, he received a call from Neil Imes and Ron Ebert of DEP informing him to cease the removal of topsoil until they review additional information provided by Mr. Lenker. Chief Pickles stated there was a miscommunication between DEP and the Perry County Conservation District.

Mr. Lenker then compared his property to the Marstellar property.

### CeCe Novinger

Ms. Novinger stated the Township is not consistent in enforcing ordinances. Supervisor Peters stated the Township is working on this issue. Ms. Novinger mentioned the Ward MW2 property and stated there are nine conditions on that plan that have not been met. Ms. Novinger asked whose responsibility it is to follow-up on these items. Supervisor Peters stated this is another reason we need a Township Manager.

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### **Stanley Mutzabaugh**

Mr. Mutzabaugh requested that the CU Hearing letters mailed to neighboring properties include additional details. He asked Supervisor Peters why Penn Township was not listed in a recent public notice published in the Duncannon Record related to the Comprehensive Plan. Supervisor Peters said Penn Township is actively included in discussions with the Perry County Economic Development Board.

### **Kraig Nace, EMS**

Mr. Nace presented and reviewed the 2014 end of year report for the EMS. He thanked the Township for their ongoing support. Mr. Nace provided Chief Pickles with a pamphlet for the Rossmoyne Animal Emergency Trauma Center who provides free treatment for injured animals.

Mr. Nace mentioned a personal Open Records request he had submitted in November 2013 which was initially denied by the Township. He appealed to the Office of Open Records who granted the appeal. He then received correspondence dated January 28, 2014, from Solicitor Wagner stating it is being petitioned at the County Court for decision. Mr. Nace stated he called the Prothonotary's Office four times and was informed each time that "it's in the works". On April 23, 2015, Ruth from the Prothonotary's Office informed Mr. Nace they are awaiting information from the Solicitor's office. Mr. Wagner stated that is incorrect. He stated his office will be providing information on a different case.

### **Lee Wright**

Mr. Wright stated the second location of New Blooms is complete, and there will be a grand opening on May 16, 2015.

Mr. Wright asked Solicitor Wagner if the injunction was filed against MW2. The Solicitor said it has been filed.

### **Byron Worner, Duncannon Fire Company (DFC)**

Mr. Worner stated the audit report will be available within the next day or two. He also stated the tanker is currently out of service due to repairs and updates. Mr. Worner stated the second committee meeting was held last evening with representatives from the DFC, Duncannon Borough and Wheatfield Township.

### **Carissa Krzak**

Ms. Krzak said since she moved to Rohrer Drive, two new businesses have opened causing a great deal of traffic on that road. She asked about the speed limit and if signs could be posted. Chief Pickles said the speed limit is 25 MPH, and he will look into posting signs.

### **Brad Bird**

Mr. Bird stated he attended a previous meeting to voice his concerns over his neighbors riding ATV's too close to his home. He stated the noise is very loud and interferes with family activities as well as his sleep. Mr. Bird stated if this continues, he will need to move.

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Solicitor Wagner suggested Mr. Bird call the Police to investigate and determine if it constitutes disorderly conduct.

### Jeff Haldeman, Jeffrey L. Landscape LLC, 1408 State Road

Mr. Haldeman wants the requirement of a Letter of Credit for his property waived. He has paid off all liens which were previously filed against this property and wants to apply for a mortgage. The property needs improvements to the stormwater basin. Mr. Haldeman was informed by his bank that a Letter of Credit is considered a lien and would not approve a mortgage. Solicitor Wagner informed him that a Letter of Credit is not a lien. The PTS had previously approved his final plan with conditions. However, it must be re-approved with those same conditions since it is past the 90-day time limit. This will be discussed later in the meeting.

### **INVOICES AND EXPENDITURES**

With majority approval of a Peters/Maguire motion, the PTS voted to approve payment of checks 28168 through 28268 (excluding check 28261) totaling \$75,413.22 from the PLGIT General Fund account, ACH payments totaling \$16,758.50 from the Orrstown Bank General account, PTPRB checks 01571 through 01578 in the amount of \$4253.97, a transfer from the Orrstown Bank General Fund to the PTPRB Checking account for \$4253.97, and a transfer from the Orrstown Bank General fund to PLGIT for \$75,000.00.

Check # 28261 was tabled to the May PTS meeting due to lack of a full Board as there were only two Supervisors present and one abstained from approving this check due to his part-time employment with the vendor.

### **TREASURER'S REPORT**

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

### **MINUTES**

The minutes for the March 25, 2015, PTS meeting, as well as the March 28, 2015, Roadmaster Meeting were approved by a majority with a Peters/Maguire motion.

### **HIGHWAY REPORT**

The bids were reviewed and awarded as follows:

- Aggregate 2A stone -- Upon a majority Peters/Maguire motion, the bid of \$11.20 per unit (total bid \$22,400), which includes delivery, was awarded to Harsco Metals.
- E3 oil -- Upon a majority Maguire/Peters motion, the bid of \$2.29 per unit (total bid \$16,030), which includes delivery, was awarded to Specialty Emulsions, Inc.
- 2015 Paving Project, Alternate A and B (Linton Hill Road and Spur Lane) -- Upon a majority Peters/Maguire motion, the total bid of \$114,919.75 was awarded to Hammaker East, Ltd.

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**PENN TOWNSHIP PLANNING COMMISSION (PTPC)**

**Haldeman's Land Development Plan**

Engineer Shradley stated financial security of \$7,755 must be approved by the PTS, Mr. Haldeman must get letter of credit, he must submit updated plans, and the Plan could be signed by the Township for recording. The Engineer stated the PTS must approve the Plan with the same original conditions or wait until the conditions have been met. With majority approval of a Peters/Maguire motion, the PTS approved the financial security amount of \$7,755. With majority approval of a Peters/Maguire motion, approval of the Plan has been tabled until the outstanding contingencies listed in the April 15, 2015, letter from Burget & Associates, Inc., have been completed.

**Mladenoff DEP Mailer**

Mr. Mladenoff has requested a Planning Waiver & Non-Building Declaration be signed and mailed to DEP since there will be no buildings erected on the subdivided lot. With majority approval of a Peters/Maguire motion, the Secretary was given permission to sign and mail the DEP Waiver.

**ZONING REPORT** – Report was presented.

**Carpenter Zoning Hearing Board Docket 2015-02**

Mr. Carpenter requested a variance to place a garage on his property in front of his house. As the PTPC recommended moving forward with this request, the PTS chose not to be a party to this decision.

**SEWAGE ENFORCEMENT OFFICER'S (SEO) REPORT** — Report was presented.

**Warner Portable Toilet**

Mr. Warner has requested permission to have a portable toilet for use during special functions. With majority approval of a Maguire/Peters motion, this request was approved.

**Duncannon Girls Softball Portable Toilet**

A copy of the contract for this was provided for information purposes. This request was previously approved.

**Marstellar Oil Holding Tank**

Marstellar's holding tank agreement is up for renewal. With majority approval of a Maguire/Peters motion, renewal was approved with the condition that it be inspected by the SEO.

**PARK AND RECREATION BOARD (PTPRB) REPORT** – Report was submitted.

**PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)** – Previously discussed.

**SECRETARY'S REPORT**

**Split System**

The heating/cooling system for the PTS meeting room and the Township office is not working. We need to request quotes to replace the system for these two rooms. With

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majority approval of a Peters/Maguire motion, the Secretary was given permission to obtain these quotes.

### FYI

We received dividends from MRM Trust for Property Liability Trust and for Workers Compensation. The Secretary provided handouts from the Cap Tax meeting and gave an update from the PSATS conference.

**ENGINEER'S REPORT** – Previously discussed.

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

- Performing traffic study on Cove Road
- Hired new part-time officer, Gerald Cavanaugh
- Lost one officer to a full-time position
- Requesting to hire Tim Bream who was interviewed by the PTS—approved with a Maguire/Peters majority vote.
- Replacing the marked police vehicle -- With majority approval of a Maguire/Peters motion, Police were given permission to proceed with purchasing this vehicle.
- Requesting letter from Township to allow the Duncannon VFW parade -- With majority approval of a Maguire/Peters motion, the Secretary will send the letter to PennDot.

### **SOLICITOR'S REPORT**

The Solicitor stated there is a professional engineer from western PA who has made several Open Records Requests. One of those requests required the Township to provide a contract which does not exist for testing of speed timing devices. These devices must be tested annually and can be done by any local certified tester and does not require a contract. Solicitor Wagner drafted a court order to be filed with the judge which, if approved by the judge, will be attached to the appeals. With majority approval of a Peters/Maguire motion, the PTS approved the filing of two appeals.

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

### **CORRESPONDENCE**

#### **Josh Parrish – Nature Conservation**

Mr. Parrish is requesting a letter of support from the Township in support of a Notice of Nature Conservancy Grant to PA Department of Conservation & Natural Resources. With majority approval of a Maguire/Peters motion, the Secretary will submit the requested letter of support.

#### **PLGIT Proxy**

PLGIT sent a proxy for the voting of eleven Trustees. With majority approval of a Maguire/Peters motion, the proxy will be mailed.

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### Perry County Commissioners

The Perry County Commissioners sent a letter informing the Township the Waste Plan is ready for public review and comments. The Secretary will post the link on the Township's website to submit comments.

### S.D. waiver

The Susquenita School District has a building permit in process and has requested a partial waiver of the fees. With majority approval of a Maguire/Peters motion, this issue has been tabled.

### GHAR

The Greater Harrisburg Association of Realtors is holding a breakfast for Municipal Officials on June 17, 2015. Supervisor Peters will attend.

### OLD BUSINESS

#### Act 457 Plan

The Secretary will be contacting Diane Calhoun of PSATS to schedule a presentation of the plan to the PTS.

#### Revize Website

The Secretary will be contacting Revize to schedule a presentation of their website builder.

#### Duncannon EMS Letter

Esther of the 911 center called today asking which medic should be assigned to service the ambulance area previously covered by Marysville. Kraig Nace stated we currently use medic 86 for the other areas serviced by the Duncannon EMS and suggested we use medic 86 for this additional area. With majority approval of a Peters/Maguire motion, medic 86 will be assigned to cover the area south of Burley Road, Box 209.

#### Renter Reporting Ordinance

PSATS supplied a draft ordinance that could be used to track renters moving in and out of the Township. With majority approval of a Peters/Maguire motion, this was tabled until the Solicitor reviews it.

Secretary Klinepeter mentioned there are four volunteers to serve on the Economic Committee.

### NEW BUSINESS

#### Tax Collector Audit

The PTS was provided with a copy of the Tax Collector audit. With majority approval of a Peters/Maguire motion, the 2015 audit was accepted.

With majority approval of a Peters/Maguire motion, the Secretary was given permission to advertise the Township audit which was accepted at the last meeting.

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Upon a majority Peters/Maguire motion, the PTS voted to adjourn the meeting at 9:38 PM.

Respectfully Submitted,



Elizabeth Goodhart  
Treasurer/Recording Secretary