

**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 June 24, 2015**

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The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, June 24, 2015, at 6:50 PM immediately following the close of the Arlene Leonard CU 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), and Police Chief Richard Pickles. Vice-Chairman Maguire 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.

There was one Executive Session held on June 24, 2015, for the interview of Police officer candidates.

**VISITORS** – Vice-Chairman Maguire announced that visitors are welcome to make comments. However, if they have a specific topic to discuss, they should contact the Township office to be included on the meeting agenda.

**Jim Fickel**

Mr. Fickel asked if the Revize website at a cost of \$6,000 would offer more than the current website since both would be maintained by office personnel.

**Stanley Mutzabaugh**

Mr. Mutzabaugh asked why some small businesses are approved to have a portable toilet and others are not.

Mr. Mutzabaugh asked Chief Pickles for the status on the Emergency Management Plan. The Chief stated he submitted the plan to the Supervisors. He also stated all forms are online.

**Jesse Boyer**

Mr. Boyer asked about several businesses who have portable toilets and inquired as to whether they were issued permits.

**Kraig Nace**

Mr. Nace reviewed EMS coverage in the Duncannon/Perdix/Marysville areas. He stated Duncannon EMS is collaborating with West Shore Holy Spirit EMS and provided the PTS with an email from Devon Flickinger, subject: Burley Road ALS Response.

**Charles Magee**

Mr. Magee stated the Berrier Island bridge is in bad shape, and he is not able to identify the owner to get it repaired. Mr. Magee asked if the PTS can assist in any way, i.e., repairing the bridge, identifying the owner, etc. Mr. Magee requested permission to put a pipe in at his own expense for water to flow through. Railroad officials say they own the property, but Mr. Magee has the deed for this property. A Railroad official recently reviewed the area but has not contacted Mr. Magee with any decision/information. This bridge is located on Railroad Street which parallels the river and is a private road, not a Township Road. Solicitor Wagner informed Mr. Magee that he should be working with the Railroad to determine who owns the property as well as who will repair the bridge.

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### Byron Worner

Mr. Worner stated the pumper was recently pump tested and passed. He mentioned the tentative meeting date for the Fire Company/local municipalities committee is set for 7:00 PM, September 29, 2015, at the Duncannon Borough firehouse.

### **INVOICES AND EXPENDITURES**

With majority approval of a Peters/Maguire motion, the PTS voted to approve payment of checks 28348 through 28419 (excluding check 28410) totaling \$74,137.73 from the PLGIT General Fund account, ACH payments totaling \$11,552.64 from the Orrstown Bank General account, PTPRB checks 01584 through 01594 in the amount of \$911.09, and a transfer from the Orrstown Bank General Fund to the PTPRB Checking account for \$911.09.

Upon majority approval of a Peters/Maguire motion, check # 28410 was tabled to the July 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 Peters/Maguire motion.

### **MINUTES**

The minutes for the May 27, 2015, PTS meeting and the June 9, 2015, Revize website demo/PTS meeting were approved by a majority with a Peters/Maguire motion.

**HIGHWAY REPORT** -- No report.

### **PENN TOWNSHIP PLANNING COMMISSION (PTPC)**

#### Randy Mladenoff Subdivision Plan, File 2015-02

Joseph Burget of Burget & Associates reviewed the proposed subdivision for the Board.

The Solicitor asked Mr. Burget if the property lines shown on his plan are inconsistent with the previously recorded plan. Mr. Burget stated the lot lines are exactly the same as the recorded plan. The Solicitor stated Mr. Burget's plan includes a 'tail' which is not shown on the original plan. Mr. Burget said the 'tail' was offered for dedication; however, the Township did not dedicate it, which in turn is causing Mr. Benner to be landlocked.

Mr. Burget stated the 'tail' is owned by Mr. Mladenoff who will give this piece of land to Mr. Benner, giving him access to the Township road. The Solicitor pointed out that Mr. Benner does not need to accept ownership of the 'tail' if he does not want it. Mr. Benner said his deed shows that he already owns the 'tail'.

Supervisor Peters asked what the County says about this. Mr. Peters said he wants to see the deeds.

Solicitor Wagner read comments from the County stating the plan is unclear and appears that the plan intends to re-establish the lot lines.

The Solicitor asked Mr. Benner for his thoughts. Mr. Benner feels Mr. Burget wants to take his driveway which he black topped after Charles Stoner cut in a mud driveway. Mr. Benner said he has maintained this road for 40 years. The tail includes part of the black topped driveway which Mr.

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Benner has maintained. Mr. Burget stated the plan proposes a separate driveway for Mr. Mladenoff. Mr. Benner said he did not agree with this.

The Solicitor asked why poles and guidelines have not been moved in the last five years since Mr. Mladenoff purchased the property from Stoner in 2010. Mr. Mladenoff stated he will move them if it will solve this problem.

The Solicitor said this must be resolved in the Courts. He stated the County comments raise other issues as well.

Upon a majority Maguire/Peters motion and based on the recommendation of the PTPC as well as the Solicitor's comments listed above, the Randy Mladenoff Subdivision Plan, File 2015-02, was denied for the following reasons.

Perry County Planning Commission Review Report NO. 15-021 dated 5/20/2015.

1. The plan sheet is required to be sealed by the surveyor, which has not been done.
2. The land owner is required to certify title, which has not been done.
3. All existing easements and rights-of-way are required to be displayed, which has not been done. The County Planning Commission pointed out that there are several properties that gain access to their properties through Lot 1. The properties in question are Chris A. and Candance M. Sanderson, Floyd E. and Susan C. Smith, Martha Qualls, and Lori Crist.
4. The plan is unclear as to whether the bold line surrounding the Stoner and Andri lots suggests that the lot is being re-established through this subdivision. If this is so, the minimum lot size (1.5 acres for the R-1 Low Density Residential Zoning District) needs to be considered.

Prior plan approval in 2001, known as the Charles H. Stoner Final Subdivision Plan, recorded on October 9, 2001, in the Perry County Office of the Record of Deeds in Plan Book 50, Page 6.

5. A requirement for an existing pole to be relocated, which has not been executed.
6. A recorded maintenance agreement as stated in Note 2 of the Charles H. Stoner Final Subdivision Plan has not been executed.
7. According to the information presented by Mr. Robert L. Benner, there is a dispute to the location and ownership of the property lines.

**ZONING REPORT – Report was presented.**

**Harold Liddick ZHB, Docket 2015-05**

Mr. Liddick has requested a variance from Article XIII, Section 1301.1, and Article VIII, Section 806, of the Penn Township Zoning Ordinance. The Zoning Hearing Board will meet July 9, 2015, at 7:00 PM. The Board stated they do not need to be involved in this issue.

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

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

**PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA) – No report.**

**SECRETARY'S REPORT**

**Act 457**

The next step for implementation is to provide employees with the Supplemental Participation Agreement to choose whether they want to participate. With majority approval of a Maguire/Peters motion, the PTS voted to approve this agreement.

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### Tax Collector Rental Ordinance

This ordinance was advertised and is ready for adoption. With majority approval of a Maguire/Peters motion, the PTS voted to approve adoption of this ordinance.

### AG Security

The Township has received a request to join the Agricultural (Ag) Security Area. In order to approve this request, the Township must advertise the amendment to the Ag Security Area for 15 days. With majority approval of a Maguire/Peters motion, the PTS voted to approve advertisement of the amendment to the Ag Security Area.

**ENGINEER'S REPORT** – No additional report

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

Chief Pickles stated interviews were held for new police hires. The Chief requested permission to hire Heather Schaeffer and Bradley Sheetz. With majority approval of a Maguire/Peters motion, the PTS voted to approve hiring of these individuals.

Chief Pickles stated he contacted the Perry County District Attorney (DA) regarding the issue that Stanley Mutzabaugh raised at a previous meeting. The Chief said the DA stated he did not tell Mr. Mutzabaugh that Chief Pickles refused drug force funds or that funds had to be returned as a result of Penn Township not participating in the drug force. The DA confirmed that funds were not returned due to Penn Township.

**Jim Fickel** asked Chief Pickles if the Police have considered creating a Facebook page in order to communicate with residents. The Chief stated they use the Perry County Crime Stoppers.

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

**Jesse Boyer** asked for an update on the report from the UCC inspector as to whether a permit was required for the electric at Marstellar's plant #2. Both the Secretary and Vice-Chairman Maguire stated Chairman Holman was checking into this issue, and they will follow up with him.

### **CORRESPONDENCE**

#### Community Development Block Grant (CDBG)

The 2015 CDBG program packet was received and given to the PTMA.

#### Central Westmoreland Council Of Governments (COG)

This COG has sent a letter requesting membership dues for 2015. The membership offers the same benefits that we currently receive from CoStars. With majority approval of a Maguire/Peters motion, the PTS declined participation in this COG.

#### Appalachian Trail

The Township received a letter from the Appalachian Trail Conservancy (ATC) introducing the ATC Assistance Mini-Grant Program. With majority approval of a Maguire/Peters motion, this item was tabled to next PTS meeting.

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**OLD BUSINESS**

**MW2 Property**

The owner of this property is working towards hooking up to the sewer system. As a result, no further action is being taken by the PTS at this time since this falls under the PTMA.

**NEW BUSINESS**

Byron Worner asked if Penn Township is considering an ordinance requiring emergency contact information be posted at all business locations, apartments, etc. Several suggestions for implementing were discussed. Chief Pickles said he will look into this issue.

With majority approval of a Maguire/Peters motion, the PTS voted to adjourn the meeting at 8:53 PM.

Respectfully Submitted,

Elizabeth Goodhart  
Treasurer/Recording Secretary