

**PENN TOWNSHIP BOARD OF SUPERVISORS**  
**100 Municipal Building Road**  
**Duncannon, PA 17020-1100**

**Brian Peters, Chairman      Brian Maguire, Vice-Chairman      Joseph Landis, Supervisor**

**Minutes of January 27, 2016**

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The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, January 27, 2016, at 7:00 PM. Chairman Brian Peters, Vice-Chairman Brian Maguire and Supervisor Joseph Landis were in attendance. Other personnel present were Helen Klinepeter (Secretary), Police Chief Richard Pickles, Solicitor Mark Allshouse, and Elizabeth Goodhart (Treasurer/Recording Secretary). Chairman Peters 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 Peters stated the PTS voted to appoint Mark Allshouse as the new Solicitor for the Township. However, he was not appointed as Solicitor during the reorganizational meeting. Upon a Peters/Maguire motion, the PTS unanimously voted to appoint Mark Allshouse as the Penn Township Solicitor.

Solicitor Allshouse introduced himself and gave a brief summary of his background, both personal and professional.

Upon a Landis/Maguire motion, the PTS unanimously voted to appoint Chairman Peters as the liaison to Solicitor Allshouse.

Chairman Peters stated Vice-Chairman Maguire has been appointed as the temporary Roadmaster until this position is permanently filled.

The Chairman stated there were three Executive Sessions held, two for the interview of Highway crew candidates and one for knowledge transfer between Richard Wagner and Mark Allshouse, the outgoing and incoming Solicitors.

**VISITORS**

**Henry Holman, Jr.**

Mr. Holman gave a report of the road crew's activities and repairs on January 22-26, 2016, related to the snow storm. While plowing the massive amounts of snow, the road crew encountered numerous equipment issues, i.e., broken hoses and spinner, flat/sliced tires, and more. In spite of these setbacks, the road crew was able to successfully plow and open the Township roads.

As the former Roadmaster, Mr. Holman stated the Township could receive a better price if the paving bid proposals are requested now rather than waiting until a later date.

Chairman Peters thanked Mr. Holman for his assistance during the snow storm. The Board gave approval to Mr. Holman for removing snow on Schoolhouse Road which obstructs drivers' view and also on Lincoln Street.

Mr. Holman stated he opposes the Township parking its vehicles on his property and turning around on his land. If the Township wants to use his property in this manner, they must get written permission from him.

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### John Holman

Mr. Holman asked for permission to record this conversation, which was granted by Chairman Peters. Mr. Holman gave Secretary Klinepeter a complete copy of the right-to-know documents.

Mr. Holman stated he provided the PTS with copies of the residents' rights at a previous meeting and asked if they read the information provided. Chairman Peters stated he read the information. Mr. Holman referenced the letter from Capozzi and Adler P.C. (Kinkora's attorney) signed by Glenn Parno, informing Mr. Holman that he may not enter Kinkora unless invited by residents or the administrator. The letter states that Mr. Holman appeared at the home under the false pretense that he had been invited by several residents, when in fact he had not been invited by any competent resident. Mr. Holman stated the word "incompetent" has no legal status and should be "incapacitated". The letter further states that when Mr. Holman was asked to leave the premises by a Penn Township police officer, he did not leave, disrupting the operations of the facility. Mr. Holman stated there is a conspiracy within Perry County to deprive the retirement home residents of their rights.

Mr. Holman stated his attorney informed him that he may record conversations if he feels there is illegal activity occurring. As such, the conversation with the police officer was recorded. Mr. Holman stated Officer Goodling's report of this incident should agree with the recording that he made at Kinkora.

Mr. Holman requested the Township instruct the police to stand down. He stated he does not want a lawsuit.

Chairman Peters stated it appears that Mr. Holman's issue is with the administration of Kinkora.

Supervisor Landis stated the letter Mr. Holman received from Capozzi and Adler is known as a trespass notice. He suggested Chief Pickles contact the District Attorney's (DA's) office to discuss and then follow the DA's suggestion. Supervisor Landis stated the DA must instruct the Police to stand down, not the PTS.

Solicitor Allshouse stated Mr. Holman had contacted him on this issue about 1-1/2 years ago. As such, he would not give any advice to Mr. Holman or Penn Township.

Mr. Holman stated his attorney informed him to allow the Police to arrest him, and the attorney will "take it from there".

Chairman Peters instructed Chief Pickles to meet with the Perry County DA to determine how best to handle this issue.

### John McTernan

Investigator John McTernan stated he would like to meet with the DA and Chief Pickles in order to share both sides of the issue. Chairman Peters stated Mr. McTernan should contact the DA to determine if he would be willing to have a joint meeting.

### Byron Worner

Mr. Worner stated the Duncannon Fire Company (DFC) has submitted a grant to replace the fire truck. He stated the DFC responded to eleven emergencies from January 22-24, 2016, during the snow storm. He stated most of them were to assist the Duncannon EMS. Mr. Worner stated the

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next Fire Protection Committee meeting will be held at 7:00 PM, February 23, 2016, at the Duncannon fire house.

### Kraig Nace

Mr. Nace commented on the October 4, 2015, accident where bio-hazard materials were not removed. He stated he can't determine who left these materials.

Mr. Nace mentioned that he has been appointed President of the Duncannon Borough Council and looks forward to working together with Penn Township.

On behalf of the EMS, Mr. Nace thanked the DFC and the New Buffalo Fire Company for their assistance during the recent snow storm. The EMS year-end report is being completed.

Mr. Nace asked for re-consideration in making the 2015 EMS donation. Upon a Peters/Landis motion, the PTS approved by a majority vote paying the 2015 EMS donation in the amount of \$15,000. Vice-Chairman Maguire voted nay.

Mr. Nace stated this donation allows the EMS to give Penn Township residents a discount in the subscription rate.

### **INVOICES AND EXPENDITURES**

With unanimous approval of a Maguire/Landis motion, the PTS voted to approve payment of checks 28989 through 29069 (excluding check 29064) totaling \$42,164.41 from the PLGIT General Fund account, ACH payments totaling \$12,255.20 from the Orrstown Bank General account, PTPRB checks 01623 through 01625 totaling \$135.71, a transfer from the Orrstown Bank General Fund to PTPRB checking account in the amount of \$135.71, and a transfer from the Capital Reserve account to the PLGIT General Fund account in the amount of \$410.00.

Check #29064 in the amount of \$715.00 was approved for payment with a Landis/Peters majority vote. Vice-Chairman Maguire abstained from voting on check #29064 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 Landis/Maguire motion.

### **PARK & REC CD RENEWAL**

There was a Maguire/Peters motion to approve investing this CD in a 35-month CD Special at the Bank of Landisburg at a rate of 1.50%. Motion passed by unanimous vote of the PTS.

### **CAPITAL RESERVE CD RENEWAL**

There was a Maguire/Landis motion to approve investing this CD as an 11-month Municipal Easy Access CD at the FNB of Mifflintown at a rate of .65%. Motion passed by unanimous vote of the PTS.

### **MINUTES**

Upon a Maguire/Landis motion, the PTS unanimously approved the minutes of the December 30, 2015, PTS meeting with the following change. Supervisor Peters stated Lisa Landis' comments were not directed towards him or Vice-chairman Maguire. The PTS unanimously approved the minutes of the January 4, 2016, reorganizational meeting with the same motion.

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### **HIGHWAY REPORT**

#### **Equipment Operator**

Chairman Peters recommended a job offer be extended to Livingston, Brennan or Everson for the Highway position. Upon a Landis/Peters motion, the PTS unanimously approved an offer be extended to Livingston at the rate of \$15.00/hour. This is a full-time position with all benefits and 90-days probation.

#### **CPEC B2 SME Biodiesel**

The Secretary stated she needs approval to submit the amounts verified by Vice-Chairman Maguire. Upon a Peters/Maguire motion, the PTS unanimously gave approval for the Secretary to report the information to CPEC.

#### **CPEC 87E10 (gasoline)**

The Secretary stated she needs approval to submit the amounts provided by Chief Pickles. Upon a Peters/Maguire motion, the PTS unanimously gave approval for the Secretary to report the information to CPEC.

#### **CPEC Heating Oil #2**

The Secretary stated she needs approval to submit 800 gallons for the garage. Upon a Peters/Maguire motion, the PTS unanimously gave approval for the Secretary to report the information to CPEC.

#### **COSTARS Salt Contract for 2016-2017 Season**

The Secretary stated she needs approval to report 80 tons on the 2016-2017 bid sheet. Upon a Peters/Maguire motion, the PTS unanimously gave approval for the Secretary to report the information to COSTARS.

Chairman Peters stated both Duncannon Borough and Marysville Borough offered to help with snow removal if needed.

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

#### **Mladenoff and Sanderson Subdivision Plan File 2016-01**

Joseph Burget of Burget and Associates reviewed the proposed subdivision plan with the PTS. Chris and Candance Sanderson are purchasing a small piece of land from Mr. Mladenoff. Mr. Burget stated this is simply a lot addition and does not include any improvements. Mr. Burget stated there are notes that must be made on this plan, File 2016-01, after the Mladenoff plan, File 2015-05, is recorded next week. Upon a Maguire/Landis motion, the PTS unanimously agreed to the following Alteration Of Requirements (AOR's).

- Section 306, Preliminary Plat Procedure
- Section 309.A.a, Plan Scale
- Section 309.A.7, Map Scale

Upon a Maguire/Landis motion, the PTS unanimously accepted the recommendation of the PTPC to approve subdivision plan file 2016-01, with all contingencies, and all fees being paid. Mr. Burget agreed to pay all fees.

**ZONING REPORT** – Report was presented.

#### **Lenker Update**

The Zoning Officer prepared a letter to Kim Lenker for the PTS to review. The letter was prepared after his discussion with DEP and Solicitor Allshouse and includes the Township's conditions which Mr. Lenker must follow to become compliant. The Solicitor stated DEP is allowing an exception to

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allow Mr. Lenker to reduce the piles of rock. DEP stated they will also mail a letter directly to Mr. Lenker informing him of this exception. The PTS unanimously approved the Zoning Officer's letter to be mailed to Mr. Lenker with a Maguire/Peters motion.

### **SEWAGE ENFORCEMENT OFFICER'S (SEO) REPORT — None**

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

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

#### **PA One Calls**

With the retirement of Sam Auxt, the Secretary asked the PTMA who will be handling the PA One calls. Chairman Peters suggested Secretary Klinepeter handle these calls until a highway employee is hired who will take over this responsibility.

### **SECRETARY'S REPORT**

#### **Roadmaster Meeting**

The date for the PTPRB chicken BBQ was changed to April 9, 2016. The Roadmaster meeting was previously scheduled for March 19, 2016, but is usually held the same day as the BBQ. Chairman Peters stated the date of the Roadmaster meeting should be changed to April 9, 2016.

#### **Trash Ordinance**

The Secretary obtained copies of trash ordinances from PSATS. The Chairman suggested she also contact the surrounding communities to inquire if they have a trash ordinance. The Solicitor stated there are municipalities who have this type of ordinance, however, they are difficult to enforce based on multiple trash pick-up days.

#### **Trustees Insurance and Retirement**

Due to new GASB 67 and 69 requirements, the Trust's Actuaries are charging for GASP 67 and 69 reports. Per Erin Shirmer of Robert W. Morris & Company, we are exempt from these reports since we use a modified cash basis of accounting. Since we did not receive these reports in the past, the Chairman stated we do not need to receive them. Also, as a result of the new requirements, there will be changes to the notes and graphs in our annual audit report.

The Secretary provided the PTS with copies of the Open Records log and the Humane Society log for 2015.

### **ENGINEER REPORT – None**

### **POLICE REPORT – Report was presented.**

Chief Pickles stated they are still working on the paperwork for new hires.

A discussion transpired regarding the Police working during off-duty hours for special projects. The Solicitor stated these officers are covered under the Township's worker's comp policy during this time. He also stated the PTS should be approving these activities prior to engaging in these external activities. He also stated that if the off-duty officer is paid for these services directly by a third party and not the Township and they are not using any Township equipment, the PTS does not need to be involved.

### **SOLICITOR REPORT – None**

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

**UCC Board of Appeals Re-appointment**

Upon a Maguire/Peters motion, the PTS unanimously approved the re-appointment of Jeff Holman to the UCC Board of Appeals for a three-year term ending in 2019.

**CORRESPONDENCE**

**Perry County Economic Development Corporation (PCEDC)**

The PCEDC wants to amend their Master Sales Agreement and has asked the PTS to review and provide any comments and/or approval. As a member of the corporation, Chairman Peters stated there are prospects looking at moving into Business Campus One.

**Perry County Conservation District**

The Township was provided information on Chapter 102, Erosion and Sediment Control. The PTS was provided copies for their information and review.

**OLD BUSINESS**

**Newsletter**

The Secretary stated she needs all articles by Friday, February 5, 2016.

**NEW BUSINESS**

**Donation of Sick Leave**

The Secretary stated a Township employee is scheduled for surgery but does not have enough sick time to cover the absence. Two Township employees are willing to donate some of their sick leave to cover the employee's absence. Upon a Maguire/Peters motion, the PTS unanimously approved this donation of sick leave.

Supervisor Peters attended a meeting of Perry County Development Authority where a new method of bringing natural gas to the county which is cheaper was discussed. He stated Marysville Borough has begun doing impact studies and applying for grants to install a decompression station.

**ADJOURNMENT**

With unanimous approval of a Peters/Maguire motion, the PTS voted to adjourn the meeting at 9:26 PM.

Respectfully Submitted,

Elizabeth Goodhart  
Treasurer/Recording Secretary