

**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 November 30, 2016**

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The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, November 30, 2016, at 7:11 PM. Chairman Brian Peters, Vice-chairman Brian Maguire and Supervisor Joseph Landis were in attendance. Other personnel present were Helen Klinepeter (Secretary), Solicitor Mark Allshouse, Roadmaster Kenneth Chubb, 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.

The Chairman stated there were no Executive Sessions.

**VISITORS**

**Henry Holman Jr.**

Mr. Holman expressed his opinion on several areas within the township, including finances and the upkeep of township roads. Mr. Holman stated his reason for attending this meeting is because Chairman Peters stated the reason for cashing a CD was because Mr. Holman worked for nothing. Mr. Holman asked why the township would pay Richard Pickles \$35,000 unless the township got into trouble. Mr. Holman then read from a Right-to-Know request he submitted and the reply he received. Mr. Holman's five minutes for Visitor comments ended. Vice-chairman Maguire made a motion to allow an additional five minutes for Mr. Holman. The motion died due to lack of a second. Upon a Peters/Maguire motion, the PTS voted to allow two additional minutes for Mr. Holman.

Mr. Holman stated he is concerned about excessive spending discussed during Executive sessions. He also mentioned that he heard rumors that the township is giving the Perdix Fire Company money to get them back in business. Mr. Holman stated if the township had waited, the court would have thrown out the case. Mr. Holman stated he will inform Chairman Peters who the 'special interest groups' are at the December PTS meeting.

**Stanley Mutzabaugh**

Mr. Mutzabaugh asked if Richard Pickles is receiving unemployment benefits. Secretary Klinepeter stated she does not know. Mr. Mutzabaugh then announced that the budget is not on the agenda and the attendees should ask any questions they have.

**Jesse Boyer**

Mr. Boyer asked if a fire tax is passed, will ordinance 2000-4 be eliminated. Mr. Boyer mentioned the statement made by Mr. Holman Jr. that Chairman Peters said Mr. Holman worked for nothing was not actually made by Chairman Peters. Mr. Boyer said that statement was made by someone in the audience and not by the Chairman.

**Mel Mullen**

Mr. Mullen said people on a fixed income cannot afford to have their taxes raised if it's not necessary. He's heard there are things occurring that are not necessary. Mr. Mullen asked why Richard Pickles was relieved of his duties.

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### CeCe Novinger

Ms. Novinger asked if the budget review and adoption is still scheduled for December 13, 2016, at 7:00 PM. The Secretary answered in the affirmative.

### Susan Smith

Ms. Smith stated we should go after those who don't pay their taxes. She asked about the possibility of the medical marijuana facility moving into the Business Campus Park. She does not think this is a good idea. Ms. Smith asked if township employees pay a portion of their health insurance. When Chairman Peters stated it is fully paid by the township, Ms. Smith stated she feels the employees should pay a portion of that expense.

Ms. Smith asked for the status of 10 and 12 Rupp Road. The Secretary stated they are almost secured, and she is waiting for a court date for the trash issue. Secretary Klinepeter stated the County is pursuing the real estate taxes, and J.P. Harris is pursuing the occupation and per capita taxes.

Ms. Smith stated she thought the objective for these properties was to tear them down. Solicitor Allshouse stated the Uniform Construction Code (UCC) does not allow us to tear down a property if it is secured. The Solicitor stated it is cheaper for the township to have the property secured than to process through the court and incur the cost to demolish the buildings.

### Steve Crider

Mr. Crider stated he hopes the proposed tax increase he read about is not true.

### Theresa Crider

Ms. Crider asked if the budget is available anywhere other than the township office. She asked why it's not on the township website. Chairman Peters instructed the Secretary to post the budget on the website.

### Melvin Campbell

Mr. Campbell asked if the police force will be cut in half since the Duncannon Borough contract brought in half of the police revenue. Chairman Peters stated the township will no longer have a full-time police department. Mr. Campbell asked if a fire tax is implemented, will the fire department donation be eliminated. Chairman Peters confirmed it would be eliminated. Mr. Campbell asked how many residents of Penn Township have not paid their taxes. The Secretary stated she would get that information for him.

### Mary Hayberger

Ms. Hayberger stated she lives near the proposed medical cannabis facility. She asked if a meeting will be held to discuss this item. Chairman Peters said nothing has been submitted to the township.

### Kris Oberholtzer

Mr. Oberholtzer stated there is a trailer with a car on top parked in the parking area at Cove Road and SR 11/15 which interferes with the sight distance to pull onto SR 11/15. He said the sign for Buddy Boy Winery sometimes blocks the view. The Solicitor suggested someone ask Buddy Boy Winery to park their sign further back.

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### Jeff Holman

Mr. Holman stated he feels we need police in our township and hopes the police funds are not used for other budget items. He stated he also would like to know why Richard Pickles was relieved of his duties.

### Henry Holman III

Mr. Holman asked the PTS to think hard about a proposed tax increase. He asked the PTS if they had calculated how much a tax increase would cost them.

### Cliff Lindgren

Mr. Lindgren stated he would like to see the police be eliminated rather than having a tax increase. He stated the township could utilize the Pennsylvania State Police.

### Kraig Nace

Mr. Nace provided the PTS with a call report through October 2016. He asked the PTS about the status of the second half of the EMS donation. The Chairman stated it has not been discussed. Mr. Nace named several police officers with whom he has had good interactions over the years.

Chairman Peters mentioned a recent newspaper article which reported there is conflict between the PTS and Duncannon Borough. The Chairman stated he did not feel there was any animosity between the municipalities. Mr. Nace stated Duncannon Borough was frustrated with the police contract negotiations.

### John Gerner

Mr. Gerner asked the PTS to review the budget further in order to reduce the proposed tax increase. He also stated he supports the police department and asked if the PTS could review the budget line items to find funds for the police. Mr. Gerner questioned the amounts in the budget for equipment purchases and asked if those funds are really needed.

### Lee Wright

Mr. Wright asked if there is a budget handout. The Secretary stated it is available in the township office. Mr. Wright mentioned the four options for the police budget. He was informed that will be discussed at the December budget meeting.

Steve Crider mentioned the proposed tax increase and stated we must learn to live within our means.

Ms. Novinger mentioned a discussion at a March meeting where township funds of \$300,000 were discussed. She stated she would like an explanation where these funds were spent.

Chairman Peters stated the December 13, 2016, meeting was advertised for adoption of the budget. He stated it may possibly be adopted at that meeting.

## **INVOICES AND EXPENDITURES**

With unanimous approval of a Peters/Landis motion, the PTS voted to approve payment of checks 29746 through 29800 (excluding check 29795) totaling \$73,143.46 from the PLGIT General Fund account, ACH payments totaling \$49,076.88 from the Orrstown Bank General account, PTPRB checks 01680 through 01683 totaling \$286.26, a transfer from the PTPRB savings account to the PTPRB checking account in the amount of \$286.26, two transfers from

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the PLGIT General Fund to the Orrstown Bank General Fund totaling \$16,000, and a PLGIT bank charge of \$114.75 for check stock.

Check #29795 in the amount of \$303.00 was approved for payment with a Peters/Landis majority vote. Vice-Chairman Maguire abstained from voting on check #29795 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 Peters/Maguire motion.

### MINUTES

Upon a Peters/Landis motion, the PTS unanimously approved the minutes of the October 26, 2016, PTS meeting and the minutes of the October 20, 2016, Road Shoulders meeting.

**HIGHWAY REPORT** – Report was presented. The Roadmaster highlighted a few items on his report:

- Tar and chipped cracks
- Cleared fallen trees after storm
- Prepared snow equipment for the winter

Mr. Holman Jr. stated his opinion of the work done by the road crew since he left. He also mentioned the additional items he would have completed this year. He stated the capabilities in that building now are terrible. He mentioned three types of sprays used by the road crew and stated he didn't think anyone in attendance would know how to use them.

Chairman Peters informed Mr. Holman his three minutes for visitor comments was over. Brian Maguire made a motion to give Mr. Holman an additional minute. The motion died due to lack of a second to the motion.

Roadmaster Chubb responded to one of Mr. Holman's comments. Mr. Chubb stated the spraying was done before his employment began. Mr. Holman stated there was a gap from the time he left until Mr. Chubb became the Roadmaster. Mr. Chubb responded to the funds budgeted for equipment purchases. He stated this was based on a 'wish list'. Supervisor Landis stated the budget is a work in progress and is changing daily.

### Henry Holman III

Mr. Holman III asked the Roadmaster if we hired someone to plow snow. Mr. Chubb replied we did not.

### PENN TOWNSHIP PLANNING COMMISSION (PTPC)

#### Howard Urich DEP Mailer

Upon the recommendation of the PTPC, the PTS unanimously approved a Peters/Maguire motion to approve and submit the DEP mailer.

### MUC Considerations

The PTPC has been updating the zoning ordinance and has asked the PTS review and provide feedback.

**PENN TOWNSHIP ECONOMIC DEVELOPMENT** – No report.

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**ZONING REPORT** – Report was presented.

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

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

**PENN TOWNSHIP MUNICIPAL AUTHORITY (PTMA)** – No minutes were received. Lee Wright asked the status of sewer delinquencies. Mr. Holman III indicated the rates may be increased. He stated the current delinquencies total \$84,000.

**SECRETARY'S REPORT**

**Frank Boyer**

Mr. Boyer has requested the driveway permit previously issued to Forrer Dodge be revoked. The driveway permit was issued for a house that has recently been demolished. Mr. Forrer has submitted a new plan which does not include the driveway. A Peters/Landis motion was made to revoke the driveway permit previously issued to Forrer Dodge.

Solicitor Allshouse asked if the use on the property has changed. He stated if the use is still a residential property, the driveway must remain. He stated the fact that Forrer submitted a plan for something else may indicate that the use is changing. The Solicitor stated we should not revoke a permit for a use that has not changed. He indicated if we have a plan showing the driveway is gone and we approve the plan, we don't need to revoke the driveway permit since it is being taken care of by the plan that has been submitted. The Solicitor suggested Secretary Klinepeter confirm the driveway is not on the plan before the plan is approved.

Chairman Peters withdrew his motion.

**ENGINEER REPORT** – Report was submitted.

**MS4 Permits for 2018**

Engineer Shradley was not present due to illness. His report indicates they are finalizing the update to the outfall mapping and will provide a copy to the Roadmaster for his review.

**POLICE REPORT** – Report was presented.

**Duncannon Borough Offer**

Duncannon Borough sent a letter stating they will be terminating the police contract effective November 1, 2016. The Borough Council offered a payment of \$25,000 for police services in the Borough during October and November 2016. The PTS unanimously agreed to accept this payment with a Peters/Landis motion.

Bob Johnson asked if the Penn Township police would assist if there was a situation in Duncannon Borough. Supervisor Landis stated there is a "mutual aid agreement" which can be set up between different law enforcement agencies. Supervisor Landis is setting this up with the Constable and the PA State Police (PSP). This would not allow us to provide police services within the Borough but allows our police to assist if requested by other law enforcement agencies.

**SOLICITOR REPORT** – A report was submitted to the PTS. The Solicitor stated there have been no changes since his report was submitted, and there are no new issues.

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

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### **CORRESPONDENCE**

#### **Anti-Defamation League (ADL)**

The ADL sent a letter explaining how to separate church and state during the holiday season.

#### **Yingst**

Yingst Homes provided an updated phasing schedule for Stone Mill Estates. Phase I is scheduled for 2017. Ms. Crider asked why the residents have not been notified of the activities related to this subdivision. She was informed there has been no activity in several years.

#### **Cohen Law Group**

The Cohen Law Group sent a letter offering a free legal assessment of the township's cable franchise agreement.

### **OLD BUSINESS**

Mr. Holman Jr. stated that any funds remaining at year end are rolled over to the new year and are used to pay bills for a few months until revenue starts coming in.

#### **Separation Agreement**

The PTS unanimously approved a Peters/Landis motion to approve and execute the confidential Separation Agreement and General Release between Penn Township and Richard Pickles.

#### **John Holman Right-to-Know Appeal**

The Secretary stated the appeal occurred at the District Attorney's (DA's) office. The DA said he would make a decision by November 30, 2016.

Jesse Boyer asked how much was paid to the HR lawyer during November 2016. The Chairman stated it was \$5,019.81.

### **NEW BUSINESS**

#### **Newsletter**

Secretary Klinepeter stated the deadline to submit articles for the newsletter is January 6, 2017.

#### **Letter of Support for PA Option for Wellness, Inc.**

Upon a Peters/Landis motion, the PTS unanimously voted to table this item.

Secretary Klinepeter stated there is a UCC Board of Appeals meeting at 7:00 PM on December 1, 2016, to recommend an appointment to the Board.

Ms. Novinger stated she felt the Police Administrator position should be discussed. The Secretary stated the elected auditors approved the wage of \$17/hour for this position. Chairman Peters made a motion to hire Supervisor Landis as the temporary Police Administrator at the auditors' recommendation of \$17/hour with benefits, maximum 40 hours/week. Chairman Peters called for a second to the motion. After hearing no second, Supervisor Landis seconded the motion for discussion. The motion passed by majority vote. Supervisor Landis abstained from voting since he will be filling this position.

Chairman Peters asked Supervisor Landis if he is working another job in addition to this position. Supervisor Landis stated he is not. He stated the first two weeks he worked at his

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previous job until that employer could remove him from the work schedule. He stated he worked part-time for the township during that time period.

After more discussion, the Solicitor stated auditors can only recommend wage, nothing else including the length of the term.

Sue Smith asked if we are going to look for a Police Chief. The Chairman stated we are but it has not been posted as yet as it is part of the budget process.

Ms. Novinger stated she feels the Police Administrator position which will be temporarily filled by a Supervisor should not be paid since it is similar to when Vice-chairman Maguire filled in as temporary Roadmaster. The Chairman asked Vice-chairman Maguire if he received pay for fulfilling that temporary position and if he requested pay for that position. Vice-chairman Maguire answered no to both questions.

Ms. Smith stated she saw Supervisor Landis working in the office and asked if he has been paid. Supervisor Landis stated he was finally paid the previous week. Ms. Novinger questioned why he was paid since it was not approved until tonight. Solicitor Allshouse stated the state of PA allows municipalities to spend funds to preserve public safety and welfare until the PTS is able to approve those funds at a public meeting. He also stated once the auditors recommend a wage, the PTS can make those payments. The Solicitor stated for a municipality to have a police force, they must have an administrator.

Mr. Gouse asked why Richard Pickles was terminated. Solicitor Allshouse stated Richard Pickles sought legal counsel who drafted a confidential agreement being upheld by state law, and the PTS is under a gag order. Chairman Peters stated he has not discussed this with anyone. Mr. Holman Jr. stated the amount was announced at the last meeting. The Chairman stated it had to be mentioned for the PTS to vote to approve the payment. The Solicitor stated Mr. Pickles paid his own legal fees from his settlement.

Ms. Smith requested issues being investigated after a meeting be listed with updates under the Old Business section of the next meeting.

### ADJOURNMENT

With unanimous approval of a Peters/Landis motion, the PTS voted to adjourn the meeting at 9:38 PM.

Respectfully Submitted,

Elizabeth Goodhart  
Treasurer/Recording Secretary