

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

**Brian Peters, Chairman      Joseph Landis, Vice-Chairman      Pamela A. Huss, Supervisor**

**Minutes of April 26, 2017**

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The Penn Township Board of Supervisors (PTS) met in the Municipal Building on Wednesday, April 26, 2017, at 7:00 PM. Chairman Brian Peters, Vice Chairman Joseph Landis and Supervisor Pamela Huss were in attendance. Other personnel present were Solicitor Mark Allshouse, Engineer Max Shradley, Roadmaster Kenneth Chubb, Secretary Helen Klinepeter, 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 was one Executive Session on April 14, 2017, for legal discussion.

Chairman Peters informed the attendees they may speak five minutes during the "visitor" portion of the meeting and may speak three minutes during discussion of an agenda item. He also stated the Board may grant an extension of time.

**VISITORS**

**Clark Steele**

Mr. Steele is running for District Magistrate. He described his past work experience and stated he passed the Magisterial District certification. Mr. Steele explained he was present tonight to request permission to post an oversize sign on private property. He requested the Board revise the township ordinance regarding this issue.

Solicitor Allshouse explained the PA Superior Court has ruled that local ordinances cannot regulate political and religious signs. He also stated they have disallowed ordinances which require fees and permits for these types of signs. The Solicitor stated municipalities can regulate temporary signs but cannot impose time and size regulations for political signs.

Upon a Peters/Landis, the PTS unanimously agreed not to enforce the section of the Township ordinance related to election signs until it is reviewed and/or amended to be in compliance.

**Jackie Verbos**

Ms. Verbos stated she lives on Schoolhouse Road near the townhouses. She stated cars are driving too fast in that area, and there are several children who live in that area. She mentioned that she had previously suggested speed bumps be installed which were not approved. She now requested that speed humps be installed as well as reducing the speed limit. Chairman Peters stated he will check with legal counsel and the Roadmaster to see what can be done.

**Robert Benner**

Mr. Benner requested the status of 12 Rupp Road. The Secretary informed him the property owners are being cited. The Chairman stated we are taking action which the law allows. Solicitor Allshouse stated the only thing the township can do at this point is file with the District Magistrate.

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### **Daniel McGuire**

Mr. McGuire is the current District Magistrate. He explained the actions that have occurred with 12 Rupp Road since 2013 when the Police filed the first citation. Mr. McGuire stated they have not been able to locate Matthew Qualls. Mr. McGuire stated the township can file a complaint with the Perry County Court and if the Qualls do not comply, they can be charged with contempt of court. Mr. McGuire also stated a citation for Martha Qualls was filed, and she pled guilty and paid the fine. Mr. McGuire stated he cannot schedule a Hearing until he finds Matthew Qualls.

### **Susan Smith**

Ms. Smith asked if the Planning Commission minutes will be posted to the township website. She was informed the website will be updated. She provided the PTS with a document to review. She stated medical marijuana is not approved for use in the U.S.

### **Jesse Boyer**

Mr. Boyer stated garbage is being placed at the corner of Gambers Corner Road and SR 274. He then asked about the status of Perdix Fire Company. He was informed it is still in litigation. Mr. Boyer asked why they were shut down. The Solicitor stated the reason is included in the complaint. Solicitor Allshouse stated to resolve the issue, the Perdix Fire Company requested funds in early 2017, but those funds were not available at that time. The Solicitor stated the Fire Tax funds cannot be used to settle a lawsuit.

### **Stanley Mutzabaugh**

Mr. Mutzabaugh mentioned the electronics recycling in Duncannon Borough. He asked if the township has insurance that would pay the funds requested by the Perdix Fire Company. He was informed the insurance company will not cover this. Mr. Mutzabaugh stated he attended a Fire Tax Committee meeting where an increase in the fire tax was mentioned. The Chairman stated there is no planned increase in the fire tax in the near future.

### **Mel Campbell**

Mr. Campbell stated he was turned away at the recent e-recycling event. Chris Courogen, the Duncannon Borough Manager, stated the e-recycling bin was full at 8:45 AM. Chairman Peters stated the e-recycling event was successful since TV's were disposed of properly. Mr. Courogen stated Duncannon Borough is planning to have another e-recycling event. The Chairman mentioned the county recycling event scheduled for May 20, 2017.

### **Jim Chrisman**

Mr. Chrisman asked for an update on the proposed medical cannabis facility. Chairman Peters stated there is no update at this time. All applications are being reviewed by the State.

### **Lee Wright**

Mr. Wright asked why VooDoo Mike's request for a port-a-john was denied. The Secretary stated the Board at that time denied the request. The Board felt he should have a holding tank or install a septic system.

### **John Gerner**

Mr. Gerner requested a new fire study be completed to assess a basis for any major equipment purchases. Mr. Gerner also requested the Perdix Fire Company issue be resolved in order to have a complete report of equipment purchases that may be needed throughout the township.

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Mr. Mutzabaugh asked if the Fire Tax meetings are recorded. The Chairman stated it is not required by law.

Mr. Wright asked about the status of the police audit. Chairman Peters stated he has requested the completed audit.

### INVOICES AND EXPENDITURES

With unanimous approval of a Peters/Huss motion, the PTS voted to approve payment of checks 30034 through 30088 totaling \$37,745.52 from the PLGIT General Fund account, ACH payments totaling \$25,460.34 from the Orrstown Bank General Fund account, PTPRB checks 01704 through 01708 totaling \$469.51, and check 101 and one ACH totaling \$9,214.73 from the Fire Tax account. Also approved were transfers from the Orrstown General Fund to the PLGIT General Fund in the amount of \$60,000.00, a transfer from the Orrstown General Fund to the PLGIT Plus Fund in the amount of \$10,000.00, a transfer from the Orrstown General Fund to the PTPRB checking account in the amount of \$469.51, and a transfer from the Orrstown Bank General Fund to the Orrstown Fire Tax Checking account in the amount of \$59,925.14.

### TREASURER'S REPORT

The Treasurer's Report was unanimously approved, subject to audit, upon the passage of a Peters/Huss motion. Secretary Klinepeter stated the First National Bank of Mifflintown is changing its name. She also reported that we received dividends of \$13,787.76 for the worker's comp insurance and \$3,626.46 from our regular insurance.

### MINUTES

Upon a Peters/Landis motion, the PTS unanimously approved the minutes of the March 29, 2017, PTS meeting and the April 8, 2017, Roadmaster meeting..

### HIGHWAY REPORT

The monthly Highway report and the April 8, 2017, Roadmaster meeting report were provided. Roadmaster Chubb stated the Twin Oaks project is completed. Mr. Chubb stated the township received a quote of \$1.81/gallon for E-3 oil.

### CRS-2 Oil Bid

There was one bid received. Upon a unanimous Peters/Huss motion, the bid of \$10,860.00 for 6,000 gallons, which includes delivery, was awarded to Specialty Emulsions, Inc.

### 2017 Paving Project

There were two bids received. They were reviewed and the bid was awarded as follows: 2017 Paving Project includes Watts Drive, Diffenderfer Drive, and Noye Road – Upon a unanimous Peters/Landis motion, the total bid of \$64,340.10 for all alternates was awarded to Jay Fulkroad & Sons of McAlisterville, PA.

### 2017 Tar and Chip Project

There were two bids received. They were reviewed and the bid was awarded as follows: 2017 Tar and Chip Project includes Linton Hill Road, Schoolhouse Road, Hickory Drive, and Sawmill Road – Upon a unanimous Peters/Landis motion, the total bid of \$65,819.67 for all alternates was awarded to Hammaker East of Fayetteville, PA.

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The Roadmaster had previously suggested the Mauldin Asphalt Roller, serial number 4-6-86-163 be sold since it is no longer being used. Duncannon Borough Council has voted to purchase this roller for \$200. Upon a Peters/Huss, the PTS unanimously agreed to sell the roller to Duncannon Borough for \$200.

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

The PTPC provided the Board with their 2016 Summary of reviews and recommendations made to the Board.

### **ECONOMIC DEVELOPMENT**

John Gerner stated the committee met during the past month but he was not able to attend. He stated the committee is updating the community map.

Mr. Gerner mentioned the Perry County Economic Development Authority is conducting a survey on the internet and requested all residents take this survey.

Mr. Gerner asked if the Economic Development committee is required to take minutes. The Solicitor stated committees are not required to take minutes. He also stated the committee meetings do not need to be advertised.

**ZONING REPORT** – Report was presented.

**SEO REPORT** – Report was presented.

Buddy Boy Winery submitted a Port-a-John request. Upon a Peters/Huss, the PTS unanimously approved this request, consistent with the application.

Secretary Klinepeter prepared a list of the port-a-johns currently in use within the township. She has prepared letters instructing the residents they must renew their permit.

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

Karen Tilkens requested approval to donate \$100 to the Duncannon Fire Company for their assistance with the township chicken BBQ. Upon a Peters/Huss motion, the PTS unanimously approved the \$100 donation.

Ms. Tilkens stated the PTPRB is looking for three new Board members. All three must be Penn Township residents.

Ms. Tilkens thanked Lee Wright for planting the planters. She also mentioned that Stanley Mutzabaugh was paid \$1.00 for the Community Garden.

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

The resident at 4 Hilltop Road was sent a connection letter. The Secretary was informed the resident is living in the trailer and must now send a letter to the trailer's address.

**SECRETARY'S REPORT** – Report was submitted – informational items only.

**ENGINEER REPORT** – Report was submitted.

Mr. Shradley stated DEP has 'unofficially' approved our MS4 permit waiver. Other applications must be submitted which Rettew will complete. Upon a Peters/Landis motion, the PTS unanimously authorized Rettew to complete the official application for the MS4 waiver.

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**SOLICITOR REPORT** – Report was submitted.

### **EMERGENCY SERVICES**

**Fire Committee** – Several recommendations were presented to the Board.

1. Open savings account at Orrstown Bank and maintain \$10,000 balance for emergencies. This recommendation was unanimously approved with a Peters/Landis motion.
2. Approve up to \$1,500 in fuel. This recommendation was unanimously approved with a Peters/Huss motion.
3. Implement a return policy where old equipment is returned to the Board when new equipment is purchased using Fire Tax funds.
4. All Duncannon Fire Company (DFC) members with accountability for Fire Tax funds should be bonded for at least \$35,000. Chief Worner stated he would take care of this.

The DFC requested a payment of \$35,000 to cover bills incurred this year. Secretary Klinepeter stated the DFC has gotten \$79.95 in diesel fuel and is requesting permission to process the journal entry. A payment of \$35,000 was unanimously approved with a Peters/Landis motion. The Board unanimously approved the transfer of \$79.95 from the Fire Tax account to the General Fund upon a Peters/Huss motion.

Solicitor Allshouse stated the Fire Tax Committee by-laws are acceptable. These by-laws were unanimously approved upon a Peters/Huss motion.

### **Duncannon Worker's Comp Invoices**

The Secretary stated she received copies of canceled checks and the Accounts Payable History Report from Duncannon Borough as back-up for the requested Worker's Comp payments. The Solicitor stated the worker's comp payments requested for 2014-2016 cannot be paid from the Fire Tax Fund. Chairman Peters stated he would like to establish a new general ledger line item to be used for payment of the 2014-2016 worker's comp invoices. The Chairman stated in addition to the current worker's comp payments paid in 2018-2020, the 2014 invoice of \$7,061.15 should be paid in 2018, the 2015 invoice of \$6,899.64 should be paid in 2019, and the 2016 invoice of \$8,828.21 should be paid in 2020. The Chairman's payment schedule was unanimously approved with a Peters/Landis motion.

The Duncannon Fire Company audit for 2016 was provided to the township.

**Police Report** – Report of monies received was provided.

**PERMIT REPORT** – Report was provided.

### **CORRESPONDENCE**

#### **Nature Conservancy & Duncannon Borough**

The Nature Conservancy contacted Duncannon Borough about grant funding to establish a working forest conservation easement of 1,592 acres, with portions in Penn Township and a portion owned by Duncannon Borough. The Nature Conservancy has requested a letter of support from the Penn Township Board. Upon a Peters/Landis motion, the PTS unanimously agreed to support the grant application of the Nature Conservancy.

#### **PSATS Youth Award**

The Secretary received correspondence from PSATS regarding their Youth Award program. She will forward to local youth groups.

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### **Greater Harrisburg Association of Realtors (GHAR)**

GHAR is sponsoring a breakfast on June 8, 2017, where the discussion topic is "Municipal and State Police Protection: How Much Does It Cost and Who Pays?" Chairman Peters and Vice Chairman Landis will attend.

### **OLD BUSINESS**

#### **Nuisance Complaints**

The Secretary provided a list of nuisance complaints and any action taken.

- The culvert at 303 New Bloomfield Road has been fixed.
- The Secretary sent 6 Hilltop Road to County Conservation.
- The occupants of 3 Kamp Street have complied with their dogs roaming.
- The owner of 126 Creek Road have been cited for non-compliance of getting a permit to have livestock and also for the livestock roaming.
- The letter mailed to 69 S. Main Street was returned as 'unclaimed'. The property is scheduled for a Sheriff Sale.
- The owners of 16-18 Rupp Road have been cited.
- Secretary Klinepeter contacted County Conservation about the TV's that were dumped along Shermans Creek along SR11/15. They stated they cannot help us since it is private property. The Secretary suggested cameras be installed. This item was tabled.

### **NEW BUSINESS**

#### **Complaint-shooting of firearms**

The Secretary stated she received a Nuisance Complaint form regarding the shooting of firearms. The Solicitor stated this should be reported to the PA State Police.

### **ADJOURNMENT**

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

Respectfully Submitted,

Elizabeth Goodhart  
Treasurer/Recording Secretary