

Tuesday, March 4, 2003

The Penn Township Board of Supervisors met this evening at 7:30 p.m. at the Penn Township Municipal Building, 157 East Airport Road, Butler, PA 16002 with the Chairman, Samuel M. Ward, presiding. Also present was Supervisor Douglas A. Roth. Supervisor, Jason L. Campagna was absent.

Township Manager, Gregory A. Primm and nine Township residents were also present.

Minutes - 02-18-03

Motion by Supervisor Ward and seconded by Supervisor Roth that there being no additions or corrections to the minutes of the meeting held Tuesday, February 18, 2003 they be unanimously approved as presented. There being no questions or comments from the audience, the motion carried.

Correspondence

PSATS News Bulletin - Monthly newsletter dated February 2003 on New Legislative Session Begins, WorkZone Safety Act Imposes Requirements on Townships, New Act Limits Time Period for Procedural Challenges to Land Use Ordinances, Proposed Resolutions to be Mailed Shortly, Township Officials Urged to Attend State Convention, New Laws are Enacted and Dues Increase Proposed for PSATS Members.

Senator Jane Orie - Letter dated February 21 regarding the Commonwealth's Mosquito Surveillance Program. Butler County is slated to receive a grant for funding West Nile Virus activity in the amount of \$24,126.28. \$24,126.28 is currently available with the remainder becoming available after July 1st of this year.

Purvis Brothers, Inc. - Letter dated February 19 regarding the Downstream Notification.

Connoquenessing Watershed Alliance, Inc. - Notification that the next meeting will be Wednesday, March 5 at 7:00 p.m. at the Forward Township Municipal Building.

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Seminars

The following seminars have been scheduled:

Butler County Association of Township Officials 5th
Annual Joint Seminar, 04/23/03
What can we do? Land use controls governing
agriculture and mining activities, 04/24, Days
Inn & Conference Center, Meadville
What can we do? Land use controls governing
agriculture and forestry activities, 04/23, Four
Points by Sheraton, Cranberry
Bidding, Leasing & Purchasing, 05/12, Mountain View
Inn, Greensburg
Reformatting Technology, Image Conversion, 05/08,
One Source Training Center, Enola, PA
File it Away!, Manage Your Municipal Records, 04/30,
One Source Training Center, Enola, PA
Insurance Service Seminar, 03/12 - 13, BCCC

Motion by Supervisor Roth and seconded by Supervisor Ward that all involved be authorized to attend. There being no questions or comments from the audience, the motion carried.

Treasurer's Report

The Township Manager read the list of invoices paid since the last report was read on February 18, 2003. Township Fund: \$44,755.17, Fire Tax Fund: \$1,264.71, State Fund: \$4,227.86. Deposits into the Township Fund totaled \$37,644.37. Balances were read as follows: Township Fund: \$144,389.86, Fire Tax Fund: \$17,482.55, State Fund: \$12,884.15, Municipal Pension Fund: \$131,978.24, Police Pension Fund: \$588,961.27. Motion by Supervisor Ward and seconded by Supervisor Roth that the Treasurer's Report be approved. There being no questions or comments from the audience, the motion carried.

Mr. Primm also presented a Budget Analysis for the township fund.

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Zoning Department

Clinton Bonetti, Land Use Administrator, presented his zoning report for February 2003. The following has been issued during the month: 7 Building Permits totaling \$2,828.00, 2 Highway Occupancy Permits totaling \$70.00, 18 Lien Letters totaling \$195.00, 3 Ordinance Books sold totaling \$60.00. Total zoning fees for February 2003 were \$3,153.00.

Mr. Bonetti also read a letter from the Butler County Planning Commission dated February 21, 2003 who gave a favorable review to the Holko Plan - 2 lots at their meeting held Wednesday, February 19.

Police Department

Officer Ripper, on behalf of the Penn Township Police Officers responded to a previous request by Hagan Smith regarding releasing the rules and regulations of the police department to the general public. Mr. Ripper stated that he understands that the Township Manager had explained that the Standard Operating Procedure do serve as the rules and regulations of the Department. He proceeded to read the forward of the Standard Operating Procedure into the record "The Penn Township Standard Operating Procedure Manual has been prepared for members and employees of the Penn Township Police Department and contains rules and regulations as well as Standard Operating Procedures governing the member's employment and code of conduct as an officer of the Penn Township Police Department." He stated that releasing the SOP for public inspection would be a major safety issue not only for the officers but the public that they protect and their welfare. The Penn Township Police Collective Bargaining Unit has contacted the Fraternal Order of Police for legal assistance with this issue and they (FOP) are in full agreement without position on this issue. The FOP stated that under no circumstances should the SOP be released to the public. This is privileged information between employer and employee and has privilege under the open records act.

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Police Department - SOP Discussion - Continued

Officer Crawford also spoke on behalf of the officers on the legal issues. The definition of "Public Record" remains the same under the new Act as it was in the old Act. The Right to Know Act defines certain types of documents as public records. The following types of documents are excluded under the act.

What the Right to Know Act specifically excludes from the definition of a public record:

- * Reports, communications or other papers which, if published, would disclose the institution, progress or result of an agency investigation; or
- * Reports, documents, materials, exhibits, pleadings, records, memoranda or other paper which:

1. Prescribe duties or obligations of any person or group of persons that would operate to the prejudice or impairment of a person's reputation or personal security.

2. Would cause the Commonwealth, a political subdivision or commission, or a state or municipal authority to lose Federal funds; or

3. May not be published or made accessible because of state law or order or decree of the court (for example, the federal Privacy Act of 1974 prohibits publication of social security numbers).

In conclusion, if the SOP is released to the general public, we feel it would absolutely operate to prejudice or to the impairment of all police officer's reputations and personal security. If the township proceeds the police will have no alternative but to file an Unfair Labor Practice and Grievance regarding this matter.

Motion by Supervisor Ward and seconded by Supervisor Roth that the SOP, which is the rules and regulations for the Penn Township Police Officers is not for public inspection unless otherwise directed by the township solicitor. There being no questions or comments from the audience, the motion carried.

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Police Department - Continued

The Township Manager read the Police report for February 2003 as prepared and submitted by Linda D. Furka, Administrative Assistant.

Road Department

Supervisor/Road Superintendent Roth reported the township has paid \$29.49/ton for salt this winter season. He stated the company has been very good about getting the salt to us in a timely manner.

Recycling Report

No report.

Public Relations Department

Supervisor Roth spoke about the tragic accident involving Dave Howard. He expressed his deepest condolences to the family and stated everyone that knew him was very saddened by the accident. The Fire Department also commented on Mr. Howard and by how much he will be missed.

Supervisor Ward stated the E.I.T. meeting will be held March 19, 2003.

Old Business

None.

New Business

The Township Manager announced that PEMA submitted an application to all municipalities for damage assessment from the snow storm of February 14 - 17, 2003. The Township completed the application and submitted it to PEMA.

A draft Intergovernmental Cooperation Agreement has been sent by Mike Knath, Solicitor for the Earned Income Tax Committee. He asked that we review the draft for comment.

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Act 537

Jeffrey T. Rober presented an updated implementation schedule regarding the Updated Act 537 Plan. The Township needs to begin to decide about starting the survey needed to complete design of the new sewage system. There was an extensive discussion regarding Aerial surveying versus foot surveying. The Supervisors stated that we would set a goal to have the surveying completed in the fall. In the meantime an RFP needs to be developed for prospective companies who may be interested in completing the survey, Aerial surveying appears to be the chosen method.

Audience Participation

Nancy Swisher - Asked if the Township has done anything with the History Committee? The Board responded by saying this needs to be addressed to Supervisor Campagna.

Melanie Fuelgraf - Asked what is going on with the Airport and if there have been any decisions made?

Doug Sober - Inquired about bidding procedures and sewage questions and tap-ins.

Supervisor Ward seeing no further audience participation requested a motion to adjourn. Motion offered by Supervisor Roth and seconded by Supervisor Ward. There being no questions or comments from the audience, the motion carried.

The meeting adjourned at approximately 8:20 p.m.

Approved:

Respectfully Submitted:

Samuel M. Ward
Chairman
Board of Supervisors

Gregory A. Primm
Township Manager
Township of Penn