

PENN TOWNSHIP BOARD OF SUPERVISORS

1301 Centerville Road

Newville, Pa 17241

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Regular Meeting

November 12, 2009

Chairman Gary Martin called meeting to order and led everyone present in the Pledge Allegiance to the Flag.

Present: Chairman Gary Martin, Vice-Chairman Ken Sheaffer, Supervisor Amos Seiders, Solicitor Marcus McKnight III, Secretary Pat Sangialosi and Treasurer Martha Sheaffer

PUBLIC COMMENT

Steve Fosburg stated that he attended a meeting in October and asked questions about the bridge on Leeds Road. He stated that when the new bridge was put in the water was only flowing on the one side and not the other. He wanted to know where the answers to his questions are. Chairman Martin explained that someone reported this to DEP and they have come out and inspected the work and until we get a report from them, the board can't answer your questions.

APPROVAL OF MINUTES AND TREASURER'S REPORT

Vice-Chairman Sheaffer made a motion to approve the minutes from the Oct. 8, 2009 meeting. Supervisor Seiders seconded the motion. Motion approved. Supervisor Seiders made a motion to approve the minutes from the Nov. 4, 2009 meeting. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Supervisor Seiders made a motion to approve the treasurer's report as of Oct. 31, 2009. Vice-Chairman Sheaffer seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Lauth/Key Agreement – Marcus explained there was a meeting held Nov. 4 to discuss this developer's agreement. The board had some concerns and they needed to get them clarified. Jim Hughes suggested forgetting the amended developer's agreement and just referring to a new developer's agreement. Marcus wanted to know if the supervisors could get a signed agreement from Lauth for paragraph 9 and a signed agreement from the tenant for the payment. Jim Hughes had no objection to paragraph 7, but because of bankruptcy issues, the courts control what Lauth agrees to.

Jim Hughes reported that the guarantees asked for only came up last week and that is not sufficient time to get all the approvals. Marcus stated the agreement can't be signed until it is in its final form. Jim Hughes wanted to know if the guarantees can't be procured, will the board sign the confidentiality agreement and accept the financial figures.

A resident who was present suggested making the payment part of the lease agreement.

After more discussion the Board of Supervisors agreed to sign the confidentiality agreement. It was also pointed out that the payments would start when the agreement is signed. Chairman Martin pointed out that they have agreed to everything asked for, now it is just a matter of a guarantee.

Right of Way issue between Wenger and Hassinger – Vice-Chairman Sheaffer reported the Wenger attorney needs a letter from the township stating we have no objection to them using the 16 foot right of way onto Leeds Road. Fred Leeds pointed out that when the subdivision plan was approved, there was no documentation that the right of way existed. Vice-Chairman Sheaffer made a motion to write the letter for the Wengers. Supervisor Seiders seconded the motion. Motion approved.

UNFINISHED BUSINESS

1. Reappoint Matt Farkas to Zoning Hearing Board – Vice-Chairman Sheaffer made the motion. Supervisor Seiders seconded the motion. Motion approved.
2. Lauth Improvement Bond – John Shambaugh has made his inspection and he has recommended Lauth submitted a new as built plan because there were some changes made from the original plan. He also recommended that the developer post a Maintenance Bond of up to 15% of the Improvements Bond for a period not to exceed 18 months. Marcus will write them a letter. The secretary will give him the name of the person to write to.
3. Proposed 2010 Budget – Chairman Martin pointed out that we need to make a motion to remove the outside audit figure from the budget as agreed to at the budget workshop. Vice-Chairman Sheaffer made the motion. Supervisor Seiders seconded the motion. Motion approved. Vice-Chairman Sheaffer then made the motion to adopt the proposed 2010 budget and advertise. Marcus suggested that when you advertise, you also list the millage rate. Supervisor Seiders seconded the motion. Motion approved.
4. Assistant Codes/Zoning officer – Chairman Martin reported that the supervisors interviewed Tim Knepp and he was still interested in the position. Supervisor Seiders made a motion to appoint Tim Knepp. Vice-Chairman Sheaffer seconded the motion, Motion approved.
5. Part time secretary – Chairman Martin reported the supervisors interviewed eight people. Vice-Chairman Sheaffer made a motion to appoint Tina McCommon part time secretary. Supervisor Seiders seconded the motion. Motion approved.

NEWBUSINESS

1. Resolution 2009-008 – Pat reported this resolution gives the Capital Tax Bureau the right to charge a fee for delinquent tax notices. Vice-Chairman Sheaffer made the motion to sign the resolution. Supervisor Seiders seconded the motion. Motion approved.
2. West Shore EMS vs. Goodwill EMS – Chairman Martin reported that the fire company recommends using West Shore EMS. Supervisor Seiders stated so do the line officers. Supervisor Seiders made a motion to stay with West Shore. Vice-Chairman Sheaffer seconded the motion. Motion approved.

CONDITIONAL USE HEARING FOR MICHAEL GRECO

No one was present for this hearing. Supervisor Seiders made a motion to table until December. Vice-Chairman Sheaffer seconded the motion. Motion approved.

PROJECT UPDATES

Bridges – Pat reported we finally got the agreement from PennDOT to extend the deadline for the Lebo Road Bridge. The copies need to be signed and returned to PennDOT.

Waste Hauling responses –Pat reported the responses are coming in, but there are still a lot not back.

SOLICITOR REPORT

Marcus reported DEP has been sent a copy of the Sewage Management District ordinance. He also reported he wrote to Groft about the broom and Groft gave him the name of the person to contact at the manufacturing plant. Vice-Chairman Sheaffer stated we want a new broom or our money back.

Marcus reported the storm water issue with Robert Henry is set for a hearing 11/17 at 10:30 am. Marcus also sent him a letter on a burning issue asking him to pay a voluntary fine of \$500.00 or will pursue legal action. He also mentioned that the conditional use issue doesn't apply as conditional use and Marcus agrees with planning commission that it is not a home occupation.

OTHER REPORTS

WCCOG – Chairman Martin reported on 2 COG meetings:

- October 12 meeting an energy audit was discussed and Penn submitted their information, but we didn't have enough issues. Chairman Martin reported we are trying to correct our electric problems on our own starting with the outside lights.
- Nov. 9 meeting dues were discussed. No dues were paid last year, but next year may have to reinstitute full or 1/2 dues. Chairman Martin also brought up the issue of paying for State Police protection and if this happens, it would raise our millage rate significantly. There are also other bills out there that have to do with State Police fine money and paying for benefits. He reported Newville is talking with surrounding municipalities about a regional Police force.

PARK & REC – Chairman Martin reported there was no meeting because there wasn't a quorum.

APPROVAL OF BILLS

George Rohrs asked about the two large checks that were written. Chairman Martin explained the one for CMX was on the asbestos investigation at the old Centerville school and the other to Key is for ½ of the ACT 537 that they paid to complete. Supervisor Seiders made a motion to approve the bills listing. Vice-Chairman Sheaffer seconded the motion. Motion approved.

SUPERVISOR COMMENTS

Supervisor Seiders mentioned we need to buy an attachment for the zero turn mower to pick up leaves at the park. Chairman Martin suggested we look into renting one versus buying.

SUPERVISORS THEN ADJOURNED TO AN EXECUTIVE SESSION

After the executive session the meeting was reconvened and Marcus reported the executive session was held to discuss potential litigation and he was authorized to finalize the lease agreement.

ADJOURNMENT

Supervisor Seiders made a motion to adjourn. Vice-Chairman Sheaffer seconded the motion. Motion approved. Meeting adjourned.

Next meeting December 10, 2009

Respectfully submitted,

Patricia Sangialosi

Secretary