

PENN TOWNSHIP BOARD OF SUPERVISORS

1301 Centerville Road

Newville, PA 17241

Tel: 717-486-3104; Fax 717-486-3522

Regular Meeting  
June 10, 2010

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

Present: Chairman Gary Martin, Vice Chairman Ken Sheaffer, Supervisor Amos Seiders, Solicitor Marcus McKnight III, Secretary Tina McCommon

PUBLIC COMMENT

Fred Leeds commented on the tree trimming done by the township. Big oak tree on the corner was cut in a way that it stripped the bark off the tree. Feels the tree is going to die from cut. Supervisor Seiders stated to send the bill to the township.

APPROVAL OF MINUTES AND TREASURER'S REPORT

Vice Chairman Sheaffer made a motion to approve the minutes from the May 13, 2010 meeting. Supervisor Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the minutes from the May 13, 2010 conditional use hearing for Daniel Kulick. Supervisor Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the minutes from the May 13, 2010 conditional use hearing for William West. Supervisor Seiders seconded the motion. Motion approved.

Supervisor Seiders made a motion to approve the treasurer's report of May 31, 2010. Vice Chairman Sheaffer seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Pinebrook – approved and signed by Cooke Township. FPE made comment to provide easement. The ROW is in Cooke Township. Marcus had no problems with the plans, because the ROW did not impact Penn Township. There will be two lots – one with a cabin. Eleven hundred acres are to go to the conservancy that is currently private land. Conservancy wants to open the acreage to the public.

Surveyor Eric Diffenbaugh asked for the park and recreation fee to be waived because it will be open to the public. Marcus asked how much the fee would be. The park and recreation fee is \$600 per lot.

Vice Chairman Sheaffer was concerned with whether hunting will be allowed on the property and it becoming overpopulated with deer on the property. Eric answered that they will allow hunting but no trapping.

Eric stated they will also move the gate back 100 – 200 feet to make parking for public area. Marcus asked if there was any concern about emergency vehicles being able to access the road. Cooke Township also had a concern about emergency vehicles. Eric stated it was wide enough for an emergency vehicle to get through.

Supervisor Seiders made a motion to waive the park and recreation fees. Vice Chairman Sheaffer seconded the motion. Motion approved.

Supervisor Seiders made a motion to approve the Pinebrook subdivision plan. Vice Chairman Sheaffer seconded the motion. Motion approved.

#### UNFINISHED BUSINESS

Landlord Ordinance – Marcus reviewed the ordinance. Just wants basic information and to follow state and township regulations. Will provide the information to Mabel as it becomes available. Supervisor Seiders made a motion to approve the advertisement of the ordinance. Vice Chairman Sheaffer seconded the motion. Motion approved.

Centerville Well Remediation – Ken Whisler – Marcus talked with Whisler’s attorney about contract. Asked if there was something that needed to be changed. Marcus stated for the contract to be signed by the Chairman. Vice Chairman Sheaffer made a motion to approve the contract. Supervisors Seiders seconded the motion. Motion approved.

Reschedule July Meeting - the July meeting has been rescheduled back to the original date of July 8, 2010. Chairman Martin made a motion to approve the date change. Vice Chairman Sheaffer seconded the motion. Motion approved.

Reiff – Church Road – Fred Leeds had previously talked to Mr. Reiff about the horses being boarded on his property and other issues that were not in compliance. Mr. Reiff asked what needed to be done. Fred suggested he file application for a conditional use hearing, go before the planning commission and go through step by step what he wants to do on the property. The equipment needs to be housed inside of a building because the business is in a residential district. He is permitted to have sign, but the current sign is not in compliance with zoning.

Fred stated the fee for the hearing is \$150.00. Fred stated we will be reasonable. Vice Chairman Sheaffer commented that property has improved but is not in compliance. He wanted to know when the horses will be gone. Mr Reiff replied that the owner has been notified. Marcus asked if the horses could be gone by the end of June. Chairman Martin suggested telling the owner they have to be gone by the end of June.

Fred told Mr Reiff to get the conditional use application ready for the August meeting and he would provide copies of the zoning ordinance sections the pertained to him.

Whispering Hope – DEP did not want responsibility of approving the septic system. They wanted the SEO to approve of the system. Once signed, the module will go back to DEP for review and response. The property owner is responsible for any malfunctions. Vice Chairman Sheaffer made a motion to sign the amended installation agreement. Supervisor Seiders seconded the motion. Motion approved.

Fettrow – No sign of residence but still are vehicles present on the property. Chairman Martin is concerned someone is using his property as a front for license to sell used cars. Mr. Fettrow is not in compliance with the zoning. Another complaint will be filed with the magistrate for \$2,500 plus legal fees and cost. This has been a violation for so long it would be justice for the neighbors. Vice Chairman Sheaffer made a motion for Marcus to proceed with filing the complaint. Chairman Martin seconded the motion. Motion approved.

## NEW BUSINESS

2258 Pine Road – lawn maintenance needed for property not being done. Have not received a response from owners. Vice Chairman Sheaffer made a motion for Marcus to send a letter to the property owner. Chairman Martin seconded the motion. Motion approved.

2560 Walnut Bottom Road – lawn maintenance needed for property that is owned by Wachovia Bank. Marcus stated he will write the local branch and the California branch stating they will be sued if the matter is not resolved. Vice Chairman Sheaffer made a motion for Marcus to send letters to both branches. Chairman Martin seconded the motion. Motion approved.

## PROJECT UPDATES

Lebo Road is closed. The contractor is working on the sand bags. They will be ready to go Tuesday – that is the first day they are allowed in the water. PPL moved the poles. Century link poles have to be moved yet. They want to take the bridge out as soon as possible. The three property owners have or will be signing a contract. There will be a meeting Monday at 4:00 pm for one of the property owners and they want the engineer to be present. There was a concern about a sign, but that was taken care of. Chairman Martin commented that the Fish Commission and Mr. Burgoon will both benefit from the new bridge

## SOLICITOR'S REPORT

Mr Souders on Walnut Bottom Road was sent a letter about the rat infestation on his property. Two days after the deadline on June 1<sup>st</sup>, the pictures still show a lot of junk on the property. He cleans up and then accumulates again. Chairman Martin stated that based on the history, it's not going to change. George Rohrs asked if he is running a business. Marcus stated in the letter that was sent, he was to cease and desist immediately. Mr Souders will be brought up on three charges – business without approval, junk ordinance, and a burning pit. Fred asked if there was any action required by him. Additional photographs will be needed. Marcus asked for approval to proceed to file the counts. Fred asked is there was to be documentation of the extermination. Marcus stated it was in the letter sent to Mr Souders. Chairman Martin made a motion for Marcus to file the counts. Vice Chairman Sheaffer seconded the motion. Motion approved.

Dale Hammond – burn issue hearing set for June 22, 2010 at this time no defense had been entered. The secretary will call Marcus on June 21 to see if defense has been entered and if the hearing will proceed.

Jeffery Deardorff – septic malfunction at 2627 Walnut Bottom Road hearing set for June 22, 2010, at this time no defense had been entered. The secretary will be contacting Marcus on June 21<sup>st</sup> to see if defense has been entered and if the hearing will proceed.

## OTHER REPORTS

WCCOG - no meeting until after the supervisor meeting

Assistant Road Master Report – no report

Park and Recreation Report – will be celebrating the Township 150<sup>th</sup> Anniversary on October 30, 2010 at the Penn Township Fire Company.

A letter of resignation was received from Park and Recreation member Evelyn Swartz. Chairman Martin made a motion to accept the letter of resignation. Vice Chairman Sheaffer seconded the motion. Motion approved.

Zoning Officer Report – No response has been received concerning dog complaint for Mr. Kiner.

South Mountain Fencing – Moved from Pine Road to Walnut Bottom Road without a zoning variance. This is a commercial business which becomes a Zoning Hearing Board issue. A letter will be sent requesting that they apply for a variance. Vice Chairman Sheaffer made a motion to proceed with letter of not being in compliance. Supervisor Seiders seconded the motion. Motion approved.

Shawn Liberator – In 2007 applied for permit to build a pavilion and fence around the pool. The pavilion has been restored, but the fence has not been constructed. As per the zoning, he needs to have fence around the pool. Fred will check to make sure the pool is being used and will notify the secretary to proceed with a letter to Mr. Liberator.

Marcus made a comment about the dedication of the hiking museum. There were visitors from all over the world. The local management of Kings Gap and the museum are very positive about the overall response to the opening.

#### APPROVAL OF BILLS LISTING

Vice Chairman Sheaffer made a motion to approve the bills listing. Supervisor Seiders seconded the motion. Motion approved.

#### SUPERVISORS' COMMENT

Kirkwood estimates - Vice Chairman Sheaffer reviewed the estimates from John Gleim and Reinford Landscaping. Vice Chairman Sheaffer had no problem with either estimate. The Kirkwood's asked what the next step is. Vice Chairman Sheaffer stated they should sue Mr. Henry. It is within the magistrate's limits so a formal complaint can be filed with the Magistrate. Vice Chairman Sheaffer stated we will back you on the action you take against Mr. Henry. Make copies of estimates for the hearing and sue for the amount of the work and court costs. Marcus is to be notified and will be present.

Office Depot will be having a ribbon cutting ceremony at the end of July.

Fred Leeds asked about the properties that are not being mowed. Can the township mow the grass and place a lien? Marcus can send letter of responsibility giving the property owner ten days to respond. If no response, then authorize the work force to mow and place a lien on the property.

#### ADJOURNMENT

Chairman Martin made the motion to adjourn. Vice Chairman seconded the motion. Meeting adjourned.

Next Meeting July 8, 2010

Respectfully submitted,

Tina McCommon  
Secretary