

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104; Fax: 717-486-3522
Regular Meeting
May 3, 2012

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

Those present: Chairman Gary Martin, Vice-Chairman Ken Sheaffer, Supervisor Amos Seiders, Solicitor Marcus McKnight, Secretary Vicki Knepp and Treasurer Marty Sheaffer

PUBLIC COMMENT

John McCrea – faxed a letter to the Township a couple of days before the meeting regarding the LERTA Ordinance passed at the March 1, 2012 Board of Supervisors Meeting. He then distributed to the Supervisors what he felt was the relevant sections of the State LERTA Act with the provisions he felt important highlighted. He believes that the Board made a mistake calling the Unilever warehouse property a deteriorated area giving them \$800,000 tax break over the next several years. He discussed the criteria for determining if an area is deteriorated or not. In his opinion this property met none of the criteria. He stated this was some of the best agricultural land in Cumberland County. He believes the Board was taken in by the developers in this case; they put one over on small town municipal officials. He is the representative of North & South Newton Township to the Big Spring School Board. He believes the School Board was taken in also. The Act deals with blighted economic areas to renew them. He is pro-farm and it is his opinion that the property is deteriorated because of what they are putting on it. He wants the Board to repeal the LERTA Ordinance. He is going to ask the School Board to cancel, revoke and rescind any action in affording a tax break to the warehouse. Those are the easy ways to fix the “mistake”. The hard way is to have to go to court. Chairman Martin stated the property was sold to a developer prior to our enacting a Zoning Ordinance. The 88 acres has not been farm ground since the developer purchased it; it is industrial ground that is laying there dormant. From our standpoint, our property tax is very low; by getting the warehouse we have a developer’s agreement that will pay us more than the property tax would have and our EIT goes up so it helps us economically to give them a LERTA from the Township standpoint. We had no choice, the warehouse would have gone in there one way or the other because of the agreement that was signed years ago. Vice Chairman Sheaffer stated that the warehouse was grandfathered in; we had no recourse to change that since it was before zoning went into effect. The laws of the State favor development. Mr. McCrea said none of the warehouses on the western end of Carlisle and North Middletown Township qualify as a LERTA Zone. Solicitor McKnight asked Mr. McCrae if he was speaking for himself or the School Board. Mr. McCrea replied for himself. Solicitor McKnight stated the LERTA was not our idea. It was the idea of the County, an idea the School Board embraced. The Big Spring School District

asked us to do a LERTA, we did a LERTA. The reason the LERTA was requested was because there was little new construction going on and we know that this was a very competitive site. Sites south of here and in other parts of the state were competing for this warehouse. In order to make this site more attractive we were requested to offer the LERTA. The School District has now negotiated a different tax break than the one proposed to us. This site has 2 things going for it; it is close to the interstate, and it creates a tax base without increasing pupil load. If the School District rescinds the resolution and no longer wants the LERTA we will consider it. Mr. McCrea stated that if he does not prevail on Monday night he plans to file a lawsuit.

APPROVAL OF MINUTES

Vice-Chairman Sheaffer made the motion to approve the minutes from the April 5, 2012 meeting as amended. Supervisor Seiders seconded the motion. Motion approved.

Supervisor Seiders made the motion to approve the treasurer's report from April 30, 2012. Vice Chairman Sheaffer seconded the motion. Motion approved.

Break for the Conditional Use Hearing for Martin and Lesa Wilkinson

Break for the Agricultural Security Area Hearing for the Chad Bruce Property

APPROVAL OF SUBDIVISION PLANS—

Pennington Ridge – Eric Diffenbaugh represented Pennington Ridge, there was a discussion on what plans he was representing, they were the plans that had been submitted to DEP for the Septic Module. Supervisor Seiders made a motion that the plans be accepted on the condition that they show the revisions recommended by the planning commission and subject to DEP approval. Vice Chairman Sheaffer seconded the motion. Motion approved.

Clelan DEP Septic Module – Motion by Supervisor to send the Module to DEP. Vice Chairman Sheaffer Seconded the motion. Motion approved.

3T – F & M Trust – Letter from Marston Law requesting a 90 day extension to complete the conditions of approval for the plan and Township to record. Vice Chairman Sheaffer made a motion to accept the extension. Supervisor Seiders seconded the motion. Motion approved. Solicitor McKnight got an email from Attorney Gilroy stating that there has been a difficulty with PennDOT. There is a meeting set for the 23rd of May at 2:00 PM with PennDOT and the developers for the bank. They would like a Township rep there also. Issue is the in and out on 233 entrance, Penn DOT wants it limited to right in/right out. The Planning Commission recommended against it. Chairman Martin said at the previous meeting they specifically discussed moving the Route 11 entrance further east as development expands. PennDOT wanted a “hold” so that if anything changed it had to go through them again. They also wanted Grove Engineers to look at applying that to 233 entrance also. They are concerned about the

proximity to red light. Making them right turn in only was discussed. He thought they were in agreement. Chairman Martin will go to the next meeting since he attended the first. Engineer from Martin will be there so he does not see a need for FPE.

BID OPENINGS

1992 Dodge Pickup – Matthew Mixell	\$ 700.00
Dave’s Auto Sales	\$1,773.00
Mike Veneziano	\$1,001.00

Vice Chairman Sheaffer made a motion to accept the high bid. Supervisor Seiders seconded the motion. Motion approved.

Lift - Abraham Martin	\$1,562.40
Mike Veneziano	\$1,601.00
Marlin Hamilton	\$3,300.30

Vice Chairman Sheaffer made a motion to accept the high bid. Supervisor Seiders seconded the motion. Motion approved.

UNFINISHED BUSINESS

Centerville School Oil Remediation – Received belt and put it on, unfortunately there is a pump in the well so we had to send the belt back to get it shortened. It is back in operation and we are taking oil out of the well, slowly, but we are getting oil out.

Fettrow Property – He did not move the tires. He got rid of his truck and moved one car out of garage. We have not been able to get to his property due to other items scheduled. We will try to schedule it for next week.

LeDane property – Mr. LeDane had a stroke two weeks ago. He is back home apparently not suffering too much physically from it. Hearing is the 15th. The Constable served him because he had not picked up his letter.

Stambaugh Property – Mr. Stambaugh is making progress. He has just about got all the cars and trucks moved. He has lots of tires and odds and ends of trucks scattered around. He has a leaky bulldozer and dump truck. DEP was out and checked it out. DEP is to notify us of the outcome. All the tires on Smith Road are cleaned up. There is a large stack of tires on Quarry Hill. Mr. Stambaugh asked if he could have till the beginning of July to get it done. Fred told him OK.

Liberator Fence Issue – Solicitor McKnight sent him a letter. The building permit for the garage was issued on the condition that the fence is up within 60 days.

Trash Delinquencies – Sent out 47 letters last month, 14 still have not paid. We are paying five stopped bills and Solicitor McKnight needs to take action.

Septic Pumping – Three properties from 2011 not pumped yet.

Solicitation Ordinance – We had a complaint from a residence about soliciting and last year we had a fly-by-night paving company go through Township so we have developed a Solicitation and Peddling Ordinance. We discussed last month, made some changes and advertised. Civic and church groups are exempt as well as politicians. Supervisor Seiders made a motion to approve the Ordinance. Vice Chairman Sheaffer seconded the motion. Motion approved.

Corey Chestnut – Chestnuts have applied for a Zoning Hearing but have not paid the fee yet. The Planning Commission can make recommendations. We can't accept the application until the fee is paid. The 45 day clock for the application starts when we receive the fee.

Mailbox Ordinance – Chairman Martin has been working on this for awhile. What he thought was an easy job has proved otherwise. There were issues this week while paving South Side Drive where we had to pull mailboxes out and now some of them are sticking out into the road. He is still working on it. He wants to run it by the Post Office.

Speed Limits – They looked at Hosfeld Road. We talked about doing all the roads but Pennington needs to be done soon because of the upcoming development. Chairman Martin has typed an Ordinance which Solicitor McKnight has reviewed. Vice Chairman Sheaffer made a motion to advertise the Ordinance. Supervisor Seiders seconded the motion. Motion approved.

NEW BUSINESS

Removal Agreement Bream Property – Secretary has a copy of the \$5,000.00 bond. Mr. Bream is putting in mobile home Echo Housing for his in-laws. Vice Chairman Sheaffer made a motion to approve the Removal Agreement. Supervisor Seiders seconded the motion. Motion approved.

Fee Schedule Revisions – We have modified our fee schedule changing the Zoning Permit Fee. It has been changed to: Residential not requiring UCC -\$35.00; Residential requiring UCC - \$75.00; and Commercial - \$250.00. This is in line with neighboring townships. This will cover postage, time and storage. Solicitation permit is \$25.00 per person. We are combining Township and Zoning permits. Vice Chairman Sheaffer made a motion to approve the fee schedule as revised. Supervisor Seiders seconded the motion. Motion approved.

Road Materials Bid – The COG put out a bid for road materials. Pennsy is lowest on most of them except #10 stone which is Valley. Paving is all Wilson. Chairman Martin made a motion to recommend that the COG go with the low bid on all items unless the COG has a valid reason to disregard the bid. Vice Chairman Sheaffer seconded the motion. Motion approved.

Keeseman Septic – Chairman Martin reported there is an issue, Vince Elbel did a Septic Module in 1995, we have determined that it was incomplete. Supposedly everything was done and submitted to the Township, the Township either never did it or DEP never received it. Originally Mr. Keeseman was going to subdivide 12 acres, keeping 10 for himself and give 2 acres to a church. Now he wants to subdivide the same acres and give 2 to his son to build a house on. Because there is no DEP approval and the time frame for this is over Vince can't do anything and he recommends they go back and start all over again. Secretary is to work with Vince to draft a letter to Mr. Keeseman.

Local Services Tax – We discussed a local services tax last year, but started late in the year for the process. If we want to institute a local services tax, now is the time to do so. Chairman Martin would like to tie the adoption of a Local Services Tax with the elimination of the Property Tax. It would be a wash for us and people coming into the Township to work would be paying a tax to help pay for our services. It would be a benefit to residents of the Township. If we decide to do this it must be done by November to have it to DCED by January 2. Solicitor McKnight will draft an ordinance. Possibly give a percentage to the Fire Company since they provide emergency medical services.

Locks – Requesting support from the Township in requesting the State reduce the speed limit on Route 11 from Route 233 to the Quarry and a mile past that to help reduce the noise and disturbance on the road, as well as safety. There have been a lot of accidents. The State Police have been giving a lot of tickets, so a problem does exist. Chairman Martin will discuss it with PennDOT at the meeting later this month. The Secretary is directed to send a letter to District 8 requesting that a study be done about the possible reduction of the speed limit in that now heavy congestion area with the Quarry and the proposed warehouse. Lock discovered that they are violating Township Ordinances and have contacted the Quarry who is working with them on that. Lock's also requested the Township to initiate a Jake Brake Ordinance. We will do the speed limit first.

PROJECT UPDATES

We got our permits for the culverts. The Township Engineer is putting the design out for the culverts and developing the bid package. We hope to have them in before school starts.

South Side Drive widening is progressing we should finish up the job tomorrow except for some small finish work along the sides. Graters caught pipe culvert at 291, 293, 289 and bent up culvert. We will go out and check on that next week.

John Shambaugh is developing a bid package on the salt shed.

CORRESPONDENCE – none

SOLICITOR REPORT

Letter was sent to Mr. & Mrs. McManus about their property. Mr. McManus is present. He has brought pictures of the property and has done a remarkable job cleaning it up.

Ed Klimas is present. Solicitor McKnight has sent Mr. Klimas a letter that we have had some complaints about gunfire down his way. The question the Supervisors have is whether or not the nature of his business has changed. We understood that it was an Internet gun sale business and that he was not conducting any activity at the site. Mr. Klimas stated that it is the same as it was when he applied in 2010. Solicitor McKnight asked if there has been gunfire on his property. Mr. Klimas stated yes, he target shoots, it's what he likes to do, it is personal. Solicitor McKnight inquired if it was related to his business. Mr. Klimas stated he has an extensive personal collection of firearms and he enjoys shooting them. He shoots into a safe backstop and so do all his other neighbors. Other people in the area are firing weapons as well. Mr. Collins, a neighbor, asked if he could comment. He stated he did not make the complaint, but was now. He stated the gunfire is automatic machine gun fire, not many people are allowed to own them. They fire their deer rifles in occasionally. Their grandchildren are afraid to go outside. At 2:00 the first day of hunting season there was rapid gunfire, 50 cal. into the backside of the ridge with hunters on the ridge. He looks out the back window at 210 yards and sees cars, he sees an organized shoot with no proper backstop, no sand, no collectors in the watershed. Why did Wilkinson's have to have a conditional hearing and not Klimas. Solicitor McKnight stated because Mr. Klimas came to a meeting and said it was an Internet business. Mr. Collins stated they were a private lane with conveyance given how does the Township have the Authority allow deliveries to a private lane. Chairman Martin stated if he remembered correctly, the Internet gun business was only to take the orders and have the guns drop shipped from the manufacturer. There were never to be a delivery to his property. Mrs. Wilkinson stated it happens daily. Mr. Klimas stated the UPS truck is going on that lane every day, to him and to his neighbors. Vice Chairman Sheaffer stated that is not how the business was originally stated to us, that Mr. Klimas was overstepping his rights. Chairman Martin asked if Mr. Klimas has friends in to have shoots. Mr. Klimas stated the last time was New Year's Eve and he goes out once in a while and shoots into a backstop. The Noise Ordinance might apply to some of this. The Township needs to review what Ordinances. We will do research.

798 Mount Rock Road – Solicitor McKnight has been in touch with the solicitor for the home and outlined the problems that we are having with the home, he thought he had agreed to it, what he has done is agree to give us the information request in our permit. But if we force him to get a permit, he is taking us to Federal court. Solicitor McKnight suggests that we repeat the information that we need from the home, that we outline the issues that we have, we need inspection by emergency management people, we need a plan on file with the County and that he also have a meeting with the County Commissioners about this issue. Chairman Martin stated that it was our understanding that they were to comply with our regulations when they moved in. Solicitor McKnight said they are claiming that Federal law says that handicapped people do not need to

comply with local regulations. Chairman Martin said he would agree, except they are a business. Solicitor McKnight said they claim they are just like Mom & Pop next door. There will be more to come.

McLaughlin Property – Fred spoke to Mr. McLaughlin at least two months ago. Mr. McLaughlin was going to come in to get a driveway permit, he has yet to show up. Mr. McLaughlin is objecting to the fact that it is not a driveway. It is an access not a driveway.

Solicitor McKnight sent a letter out to David Collins about conducting a business in his home.

Naploi Fence – still no fence.

Neidigh Property – Barry Myrick brought in his Sales Agreement for the Property showing his right to build anything he wants on it and his divorce decree showing his wife signed the property over to him. He has removed the sign and gotten all his permits.

Kinsler Property – nothing has been done and we have heard nothing from him.

Scott Gleim – Mr. Gleim is clearing land and putting up a building, he has contacted Johnny's cars and is getting rid of some of the vehicles. He has developed a plan and will be back in to see Fred in about a month.

218 Leeds Road – Kevin Kennedy is present. The issue is thousands of tires on the property. Mr. Kennedy stated DEP has already been to the property. Mr. Kennedy stated that 6 months after his grandfather passed they applied to the County and DEP for a grant to remove tires. The County says they no longer have the grant money for tire cleanup. Mr. Kennedy has been looking on line and has advertised them, but he has been unable to dispose of the tires. The Secretary is to do research and find tire recyclers for Mr. Kennedy. We should also check DEP website. Maybe there is grant money there.

Stambaugh Property – The second issue with Stambaugh is with illegal burning. They agreed to pay a \$250.00 fine. Mr. Stambaugh has contacted Solicitor McKnight and told him they had a problem with the milk processor so they are paying \$50.00 a month on the fine.

Verizon Tower Removal – There is a \$25,000 bond in place with the replacement company. There is also a letter and copy of the retired bonds.

OTHER REPORTS

Zoning Officer

Mr. McManus wanted to share photos of properties worse than his. Property is on Bream road. We are already working on those properties.

Rudisill Property – Removal Agreement on Beetem Hollow Road. Trailer parked in front of the house while an extension was put on the house. Send Solicitor McKnight a copy of the building permit.

Fred – We spend a lot of time sending letters, waiting for people to get back to us. Would it be better to send the constable out instead of a letter? Chairman Martin said we need to go through the process, if we don't and try to take action the Magistrate will throw it out. We have to go through the process.

What is the status of the blasting business? Mr. Collins letter was just sent yesterday.

2258 Walnut Bottom Road – The grass is high again. We need to contact the bank again.

WWCOG – At the meeting on April 9 several Bills of interest HB 1776 would eliminate property tax and increase the sales and wage taxes, HB 157 proposes to reduce the size of the Legislature and SB 730 would allow COG members to buy and sell between each other. An interesting note: County Control received a 911 call from Afghanistan. A soldier was talking with his wife in South Carolina when she had a medical emergency, another soldier who was from Cumberland County contacted County Control who in turn contacted the dispatch center in South Carolina and got emergency aid to the woman.

Parks & Rec – nothing new on the baseball field.

APPROVAL OF BILLS LISTING

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

Treasurer Sheaffer asked if the Supervisors would like to revisit the loan payment, do we still want to do it? If so, keep it \$150,000 or make it less. Chairman Martin suggested reducing it to \$100,000. Chairman Martin made a motion to take \$75,000 out of the General Fund and \$25,000 out of TDOA.

SUPERVISORS' COMMENTS – none

ADJOURNMENT

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

NEXT MEETING June 5, 2012

Respectfully submitted,

Vicki Knepp
Secretary