

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104; Fax: 717-486-3522
Regular Meeting
June 7, 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

Resident Mike Hoke – He is a resident on Pine Road and is here to make a complaint under the Nuisance Ordinance about the property at 2258 Pine Road and also the property across the road from 2258 Pine Road. He requested that the Township take whatever legal action they can take with regard to that property. He stated the grass was over his head and the house is in disrepair. There are building materials buried in the grass in the back yard and other situations. He requested a date that the Township will take care of the problem. Chairman Martin stated that we gave them 10 days, which was up on June 8. If nothing has been done, we will go out and take care of it and send them the bill. Solicitor McKnight stated we will send them a letter that we will take action against them if they don't have a plan along with the bill.

Mr. Hoke then discussed the property across the road owned by Plainfield Builders. He stated that it is in the same situation. Chairman Martin inquired if there is a house on that property. Mr. Hoke stated no. Chairman Martin asked if it was the property beside the railroad tracks that use to have a horse in it. Mr. Hoke answered in the affirmative. Solicitor McKnight inquired if the horse was still in it, you just could not see it because the grass was so high. Mr. Hoke said no. Chairman Martin stated we had not addressed it because it was a pasture. Mr. Hoke said there were probe and perc holes put in. Chairman Martin inquired on the size of the lot. Mr. Hoke said he believed it was about an acre and a half. Zoning Officer Leeds said it is not a useable lot. Chairman Martin stated we would figure out who owns the land and send them a letter.

Pam Sheaffer stated she lives on the other side of 2258 Pine Road. There are branches hanging over her property. She inquired if she was allowed to take them down. Solicitor McKnight told her she could. Mr. Hoke stated there is a dead tree on the property line with Mrs. Sheaffer in danger of falling. Mrs. Sheaffer stated there are three poplar trees on the property that are really a mess. She has been throwing the fallen branches back on the property. Chairman Martin asked if we could remove the tree when we performed maintenance on the property. Solicitor McKnight stated he would rather have Mrs. Sheaffer take care of whatever falls on her property. Chairman Martin said he would think that a dead tree was a hazardous situation. Solicitor McKnight stated that we had authority if it is in our right-of-way but on private land we have to give notice so he

would not recommend that we remove the tree. Chairman Martin stated that we would address the tree in our next letter to the bank. Mr. Hoke asked if the tree removal could be attached to the ongoing maintenance. Chairman Martin stated we would have to take a look at that and discuss it.

Mrs. Hoke asked what the bank would be obligated to do under a maintenance program, mow once a week, once a month. Vice-Chairman said whenever it gets to 12 inches. It cannot violate the 12 inch ordinance. Solicitor McKnight stated that with all the foreclosures banks are ill equipped to handle the maintenance on all the properties they have taken over. It is best to contact local branches of the banks. The neglected properties are bad public relations. Property was to be sold at Sheriff's Sale on June 6. Mrs. Hoke stated she call the Sheriff's Office and was told that it was postponed until August 8. She asked why it was postponed and was told they did not know why.

APPROVAL OF MINUTES

Vice-Chairman Sheaffer made the motion to approve the minutes from the May 3, 2012 meeting as amended. Supervisor Seiders seconded the motion. Motion approved.

Supervisor Seiders made the motion to approve the treasurer's report from May 31, 2012. Vice Chairman Sheaffer seconded the motion. Motion approved.

Break for the Conditional Use Hearing for Terri Ann Taylor

APPROVAL OF SUBDIVISION PLANS--

Clelan Final Subdivision Plan – Joshua Mell representing Eric Diffinbaugh's office is in attendance. Chairman Martin stated the Planning Commission recommended waivers for Section 404 Preliminary Plot Procedure, Section 502A8 Private Street, and Section 502F5 No Shared Driveway. He asked Mr. Mell the status of the Sedimentation Plan. Mr. Mell stated they had not gotten NODES approval yet and the DEP Septic Module was not back yet. The reason for the waivers is that this is a residence that is being taken off a family farm, they will share a driveway. Vice Chairman Sheaffer made a motion to waive Section 404 Preliminary Plot Procedure. Supervisor Seiders seconded the motion. Motion approved. Vice Chairman Sheaffer made a motion to waive Section 502A8 Private Street. Supervisor Seiders seconded the motion. Motion approved. Vice Chairman Sheaffer made a motion to waive Section 502F5 No Shared Driveway. Supervisor Seiders seconded the motion. Motion approved. DEP approvals are expected mid-July. Chairman Martin made a motion to approve the plan pending the receipt of DEP approval. Vice Chairman Sheaffer seconded the motion. Motion approved. Chairman Martin made a motion to waive the E & S Plan. Vice Chairman Sheaffer seconded the motion. Motion approved.

Pennington Ridge- still waiting on DEP approvals, expects them mid June. The only issue is the cart way width. SALDO requires a minimum of 28', Hosfeld is 18' 6", we are discussing widening Hosfeld and having the developer pay, but we have not

gotten an estimate yet. We have discussed extensively with Eric. We need to make it a condition that the cart way is approved according to the engineer's specs and the developer pays for it. SALDO would require a 10' increase in width of the roadway. George Rohrs reported that the discussion was that the Developers Agreement would have to be determined once 5 lots were sold relative to the width. Vice Chairman Sheaffer stated that we can't do anything with the agreement until we get the estimate for the widening the road. Since we are pending the developers agreement and waiting on DEP and NPDES approval the Solicitor recommends continuing this until the next meeting. Chairman Martin made a motion to table the Pennington Plans until the July 5 meeting. Vice Chairman Sheaffer seconded the motion. Motion approved. Mr. Rohrs questioned if an extension would be needed since the plans are being tabled. Solicitor McKnight asked Mr. Mell to send a letter requesting a 90 day extension. Our decision is contingent upon Mr. Mell getting a 90 day extension.

UNFINISHED BUSINESS

Centerville School Oil Remediation – not a lot of oil, getting water. We are going to let it run another week or two. The geologist thinks there is a pocket of oil in the rock strata that we need to drill down to. The oil is encapsulated in the soil and is taking forever to reach the water.

Fettrow Property – We removed 39 tires from Mr. Fettrow's property and billed him. He still has 6 cars; he started with 13 cars 6 years ago. We are hesitant to remove the cars because they might have some value. The Solicitor recommends that we send him a letter, certified or by the Constable, that he has three too many cars, they need to be removed and if he doesn't we will file a legal action against him. That will be \$1,000.00, plus legal fees, plus costs, and any unpaid bills from the Township for cleaning up the property and if we have that in the form of a judgment we are going to execute on personal property at the house. We will have a public sale to sell his personal property as a result of the judgment, including any bills from the Township for cleanup that he has not paid. Vice Chairman Sheaffer made a motion to authorize the Solicitor write the letter and have the Constable deliver it. Supervisor Seiders seconded the motion. Motion approved.

LeDane property – The hearing for Mr. LeDane was a classic. It was as close to being Judge Judy as Vivian Cohick gets to be. We had photos from October and the day before the hearing. It was a long hearing, we got everything we asked. The Judge told him if he did not get things cleaned up she expected him to be before her again. Mr. LeDane asked if he could pay in installments. Solicitor McKnight said we are willing to work with him. He admitted he needed to clean up his property and the Township has been more than patient with him. Mr. LeDane must sign up for trash collection or get an exemption.

Stambaugh Property – Fred took photos, he still has a lot to do. He has done a little. Fred is going to contact him and give him words of encouragement. He still has until the first of July to remove tires.

Freet Property – Importing new animals, new guinea chickens not in pens as required. There is other assorted junk on the property. The Secretary is directed to send them a letter that they need to get the property cleaned up before the next Board of Supervisors Meeting. We are willing to work with them. The Secretary is directed to include her past due trash amount on the letter.

Liberator Fence Issue – There is no fence there yet, but he still has 30 days. All he has done is move some dirt and take down some trees.

Trash Delinquencies – Delinquent trash is down to \$800.00. We have 6 delinquent and 4 stopped. We are going to pull the totes after the last pick up of the month.

Septic Pumping – Three properties from 2011 not pumped yet, all residences. The Secretary is to research the Ordinance regarding penalty so that we can develop a procedure so we can be consistent.

Corey Chestnut – Has not paid the fee for his Zoning Hearing yet. He has a swimming pool but did not apply for a permit. Vice Chairman Sheaffer made a motion to have the Solicitor send Mr. Chestnut a letter listing all the violations. Chairman Martin seconded the motion. Motion approved. The Secretary and Zoning Officer are directed to get the information to the Solicitor.

Township Road Speed Limits – We did Hosfeld. There are a significant number of Township Roads that need addressed. The Ordinance for Hosfeld has been advertised. The speed limit in the Ordinance is lower than allowed by SALDO. The Ordinance would make the speed limit on Hosfeld 25 mph. SALDO is 35. We need to either change SALDO or make Hosfeld 35. Solicitor MckNight said that the Ordinance would be an amendment to SALDO. Vice Chairman Sheaffer made a motion to table the Ordinance until next month. Supervisor Seiders seconded the motion. Motion approved.

Local Services Tax – The Solicitor has not been able to come up with a version he likes yet. We have until November to get this passed. Tabled until next month.

Newsletter - Have the first newsletter in 6 months. Vice Chairman Sheaffer made a motion to approve the newsletter. Supervisor Seiders seconded the motion. Motion approved. Secretary is directed to send out the newsletter.

NEW BUSINESS

Zoning Permit Fee Waiver for the Township Sign - We need to waive the fee for our new sign, or else we will be paying ourselves. Supervisor Seiders made a motion to waive the Zoning Permit Fee for the new Township sign. Vice Chairman Sheaffer seconded the motion. Motion approved.

Jake Brake Ordinance. – We had complaints from residents complaining about the dump trucks on Route 11 at the last BOS Meeting. Chairman Martin went to the PennDOT meeting and there was concern from the drive-in people concerning jake brakes. Chairman Martin has a draft ordinance done, but he would like to discuss it with West Pennsboro Township since we share Route 11 to determine boundaries and share the cost.

Orrstown – Concern was expressed over Orrstown Bank. We have about \$1,000,000 in Orrstown and our loan balance is \$359,000. Orrstown is being sued for falsifying information. We need to look at removing some of our money and diversifying our accounts. We have almost \$600,000 in checking accounts, TDOA is \$300,000. We would suffer a penalty if we took the CD's out. Only one is in Orrstown, the State Fund is in F & M. Sewer account is at Orrstown. The Solicitor said that all our accounts are secured because we are a municipality but it still makes sense to be more diversified. The first step is to open accounts at another bank. Vice Chairman made a motion to authorize the Treasurers to set up accounts at F & M for the State Fund in the amount of \$250,000 and the TDOA \$150,000 into interest bearing accounts. Supervisor Seiders seconded the motion. Motion approved.

Office Depot Warehouse – Hillwood sold the warehouse, we don't know who it was sold to but we got a check for the Realty Transfer Fee. Our General Fund budget is approximately \$300,000/year and our check was for \$297,000. We have \$297,000 unexpected money and we are going to spend some of that money. Chairman Martin made a motion that we put \$250,000 of that money on our mortgage balance. Vice Chairman Sheaffer seconded the motion. Motion approved. Supervisor Seiders suggested paying off the mortgage. Chairman Martin said we are going through an audit for the bridge and have some issues. We would like to have money for the salt shed so we don't have to go through the Liquid Fuels Fund, it is such a hassle. Solicitor McKnight inquired where we were putting the \$100,000 for the salt shed, wherever we put it, it should earn interest. Chairman Martin made a motion to put the balance on a short term CD at F & M for now. Vice Chairman Sheaffer seconded the motion. Motion approved.

PROJECT UPDATES

Chairman Martin reported we finished widening South Side Drive and tarred and chipped Beetem Hollow. We have gotten our culvert permits back from DEP but not from the State yet, so we are still working on the culvert permits.

Chairman Martin reported we had a significant problem with one of our dump trucks. It has a dual frame on the truck and salt got underneath and split the frame so we had to get it repaired to the tune of about \$11,000. It is a 12 year old truck.

CORRESPONDENCE – none

SOLICITOR REPORT

Solicitor McKnight reported that he has been continuing the dialogue with the attorney for Community Services. He has asked for a letter telling him exactly what he has to do. Solicitor McKnight sent him a letter including the Zoning Permit Application stating this is the information, he does not care if we get it in the form of the application, just get us the information. Plus they need to allow a safety inspection by the Township Codes Enforcement Officer, Fred Leeds, and a Township fire official. Cumberland County also needs to have an Emergency Plan on file for the facility. Solicitor McKnight still has not gotten together with the facility solicitor to show him the documents we were given by the neighbors that seem to be leaking out of the facility. Solicitor McKnight plans to meet with the County Commissioners to see if the facility is compliant with County requirements. They are no longer parking on the roads since we put up the no parking signs. Fred Leeds inquired if they are exempt from zoning regulations. Solicitor McKnight said they claim they are and threaten to take us to Federal Court if we insist on them getting permits. Solicitor McKnight stated that all he cares is that we have the information, how many people are on staff, who the emergency contact is and let us inspect them for safety issues.

McCrea Lawsuit - Solicitor McKnight said he had information on the lawsuit that maybe should be handled in Executive Session, however there is enough public interest in the issue that unless the Supervisors wish otherwise he will review in the public session. Mr. McCrea does not like the fact that the Township gave the warehouse a LERTA in order for the warehouse to build in the Township. He did initiate a lawsuit. He originally filed against Penn Township and the Supervisors, not by individual name, but in general. He is a sitting member of the Big Spring School District School Board from South and North Newton Townships. He was a write in vote. He also sued the Big Spring School District and he sued the School Board members which created the unique situation that as the Plaintiff he sued himself as a Defendant. Mr. McCrea has sent Solicitor McKnight a letter asking for consent to discontinue the suit against the Penn Township Supervisors and the Big Springs School Board Members. Solicitor McKnight does not have a problem with this. Chairman Martin asked for a time frame on the suit. Solicitor McKnight stated he is in contact with the School Board solicitor and the warehouse. The warehouse is deciding who will represent them in the matter. Solicitor McKnight has gotten an extension from Mr. McCrea. Solicitor McKnight said the most logical choice is to file some preliminary objections to what Mr. McCrea has done simply on the basis that he needs to stop what he is doing because he is late and it is unfair to the warehouse to pass an ordinance and resolution saying you got the LERTA and then turn around and say now we want to take the LERTA back after the warehouse is partially constructed. The developer's position is they never would have come in the first place if they knew that we were going to pull the LERTA away from them. Chairman Martin made a motion to authorize the solicitor to consent to dismissing the lawsuit against the Supervisors and the Big Springs School Board Members. Vice Chairman Sheaffer seconded the motion. Motion approved.

Rudisill Removal Agreement – The agreement has been found. It was dated October 14, 2010. If the final inspection has been done we need to send them a letter telling them the trailer needs to be removed within 60 days.

OTHER REPORTS

COG Meeting – Line painting contract went out a company called PSX out of Coatesville was the low bidder. Chairman Martin requested references. COG Secretary called and emailed but never received a reply. They were eliminated from the process. Interstate Road's bid was for paint rather than thermoplastic, so they were eliminated. A motion was made to award the line painting contract to Alpha Space Control out of Chambersburg. They were our preferred company; they are more responsive and have better paint. Last year we partnered with the Eastern COG which resulted in the bulk of Cumberland County being under one bid. It worked so well that we saved \$10/ton on salt and did not have to get a minimum amount. It worked so well that the Cumberland County Facilities Manager has requested to join our salt bid. The County has become an associate member and will be included in our salt bid. Brian Barrick from the Sheriff's Office was at the meeting. They had a take back initiative where they took back unused prescription medicines. They had 150 people turn in 402# of prescription meds.

Park & Rec – no meeting

Zoning Officer

Klimas - nothing from him. Neighbors were asked to file a formal noise complaint but refused. Chairman Martin said if the neighbors won't file a complaint he is hesitant to take action. Mr. Rohr asked if his gun range meets zoning regulations. Solicitor McKnight suggested Fred contact Mr. Klimas to inspect his gun range to make sure it is in compliance.

Collins – Mr. Collins stopped in the office. He said he does not conduct business out of his home. He must have an address where DOT and Federal Firearms can reach him rapidly because of the nature of his business. Solicitor McKnight says we need to treat it the same way as Klimas.

McLaughlin – nothing yet

Stambaugh – we have received two installments from Mrs. Stambaugh for the illegal burning fine.

Napoli – nothing yet

Gleim – Fred left a voice mail requesting a status update, but he has not responded yet. He has moved some stuff out. Chairman Martin said we should give him until next month.

Kinsler – It appears that the plastic bags and garbage has disappeared.

Kennedy 218 Leeds Road – The Secretary has found that PA CleanWays of Cumberland County has grant money for tire removal. They are going to be inspecting the Kennedy property later this month and have said they will keep us updated every step of the way. The Secretary also found a company that is willing to take any big truck tires the Kennedys might have. However, they won't take them until November.

Kutz 32 Cornman Drive – Fred went to inspect the property and was denied access and was denied access to take photos. Mr. and Mrs. Kutz are in

attendance. Mrs. Kutz stated their concern with Fred taking photos is that she does not want them to get on the Internet showing all the cars on their property. They have started moving them, they have brought pictures along. The in the Ordinance it says about evergreens blocking them. Can they plant the evergreens like it says in the Ordinance? Do they need a permit to install the evergreens? Chairman Martin said this is the first they have heard of it and the Board needs to review it. Nothing will be done this month. Mr. Kutz stated they are antique, restorable cars. Solicitor McKnight said they are allowed to have three unlicensed vehicles. They do not have a car lot; they do not have a business license so the cars have to go unless the Supervisors decide otherwise. Solicitor McKnight asked Fred if we had a complaint. Fred stated he was at the property on another complaint and saw the cars. As the Zoning Officer when he sees a violation he is required to take action. He does not have a choice. Mrs. Kutz said Fred can take pictures; she just does not want to see them on the Internet. She was assured that we do not do that, all photos are strictly for our use. She also said that in the Ordinance it discusses a fence or evergreens to shield the cars. She prefers the evergreens to a fence. Fred stated that refers to a junk yard. Solicitor McKnight stated they could get a license for a junk yard if that is what they want. Mr. Kutz stated he did not want a junk yard, what he has is antique, restorable cars. Solicitor McKnight told him to put them in a building. Mr. Kutz says he has a few that are outside. He is in the process of restoring things but with the economy it is a little tight. Solicitor McKnight stated that outside a building he can only have three unlicensed cars, any more than that has to go. Chairman Martin said since this is the first we heard of it we need to research it before we take action. We expect that by next month Fred will have taken photographs so we know what is going on.

22 Church Road Reiff Property – In 2010 Mr. Reiff was boarding horses at this property. He was required to remove the horses, which he did and was required to erect a pole building to house equipment because he was running a business. There is still no building, there is equipment outside. There are photos that Fred took yesterday. There are lots of logs lying around and there are at least five head of cattle in the pasture. The pasture is not big enough to handle that many animals. There is also a spring on the property. How do the supervisors want to proceed? Chairman Martin said we need to look at the original horse issue to see what exactly where he was in that. If he has five head of cattle he needs a nutrient management plan. Solicitor McKnight said it looks like a business and asked if he is licensed to have the business. Not through the Township. There was an agreement made that if he put his equipment inside and got rid of all signs of a business he could continue to live there and house his equipment there. It is a Residential property. The Township Secretary is directed to send Mr. Reiff a letter stating it appears to be a business, it is a violation of our zoning. He needs to put up the building as promised and needs to contact the Township immediately or action will be taken next month. The letter should also reflect that he has too many animals on the small plot of land.

APPROVAL OF BILLS LISTING

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

Adjourn For Executive Session to Discuss Issues of the Zoning Officer

SUPERVISORS' COMMENTS

Chairman Martin stated that he will not be at the next two meetings. Vice Chairman Sheaffer will be running the meetings.

ADJOURNMENT

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

NEXT MEETING July 5, 2012

Respectfully submitted,

Vicki Knepp
Secretary