

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104; Fax: 717-486-3522
Regular Meeting
July 5, 2012

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

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

PUBLIC COMMENT

Lloyd Jones of 1605 Pine Road was the spokesman for several neighbors of the Hodecker farm on Pine Road to express concern about the spreading of the sludge on Mr. Hodecker's property. They are concerned about the severe smell and believe that it was extended beyond where it was to be. Vice Chairman Sheaffer stated that after he spoke to Mr. Jones previously he came to the office and researched the situation. Vice Chairman Sheaffer stated that the spreading of the materials was regulated by the State and County and the Township had no say in it. Now that the residents have registered a complaint the Township can look into it. He asked if it was not applied properly or if there was a lot of odor? Mr. Jones stated that he is not sure if it was applied improperly, he is not qualified to say that it was. They originally thought it was injection, however it turned out to be solid surface distribution and the smell is terrible. The smell is unbearable. Neighbor Dan Reis stated that he had sent a notice to Tim Stuart of Merrill Company, who orchestrated this. Mr. Reis provided a copy of the notice that was sent to the neighbors by Merrill prior to the spreading. He asked if the Township had received a copy. The Secretary stated we had not, but that resident Frannie Hair had called us about it. He sent the notice to Tim Stuart on June 4th regarding the smell. Mr. Stuart's comment was that the smell would be gone in a few days, but they have been putting up with it over a month. The smell was still evident even tonight. They are finally out disking the soil, they started yesterday. There was an equipment malfunction during the spreading and they spread a whole bunch of bio-solids right out in the field with a payloader. He spoke with Eric Lauer at DEP who assured them that the proper inspections are being made and everything meets the Plan. The product is supposed to be applied before the growing season. Mr. Hassinger stated that his concern is that the sludge is contaminating the ground water and local wells. Some of the wells are being tested and coming back contaminated. They are also concerned about the runoff into the Yellow Breeches watershed. Supervisor Seiders stated that he gets the smell at his house and that you cannot be outside, you can't sleep at night, you can't open windows. He has seen them spreading the stuff at 4:00 in the morning so no one sees him doing it and he does not have to till it. Fred Leeds stated that Fran Hair called him last week and said they had their water tested. She said the water smells just like the field. Vice Chairman Sheaffer asked Solicitor McKnight if the Township has any recourse to rectify the

situation for our residents. Solicitor McKnight stated that much of this is preempted by State Regulations, but he has an ally in Soil Conservation, they have to approve the spreading before it can be done. He will have Kristen Kitchen check into it. The Secretary will get Mr. Hodecker's information for the Solicitor. The neighbors will have tests done to their well water and send copies of the results to Solicitor McKnight. Vice Chairman Sheaffer asked if we need to get our SEO involved in the situation. Solicitor McKnight stated that if we find contaminated water we will contact the SEO.

John Chastain expressed concern about the lack of a buffer between the warehouse and the houses on Walnut Bottom Road. Did the Township make a stipulation that a buffer was to be erected? He believes their properties have been devalued tremendously because of the warehouses. There is construction noise day and night and the dust is terrible. He has not seen them wetting down the runways yet. Vice Chairman Sheaffer stated he will call the Township Engineer who is our official liaison with the construction to inquire about this. Mr. Chastain stated he has already reported it to DEP. Mr. Sensenig stated that he has in his contract that there is to be a buffer just like they put along Walnut Bottom Road in Dickinson Township. A copy of the contract was given to Solicitor McKnight. Mr. Chastain requested that the Township not sign off on the Occupancy Permit before the buffer is in place. The inspection agency will not issue the permit until we sign off on it.

APPROVAL OF MINUTES

Supervisor Seiders made the motion to approve the minutes from the June 7, 2012 meeting. Vice Chairman Sheaffer seconded the motion. Motion approved.

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

Break for the Conditional Use Hearing for Terri Ann Taylor

APPROVAL OF SUBDIVISION PLANS—

Pennington Ridge Final Subdivision Plan- Eric Diffenbaugh asked the Supervisors to approve the plan with conditions. He has everything but the NPDES which should be here in the next week or so. Vice Chairman said he just received the estimate from Wilson Paving for the roadway improvements. He got an estimate of \$70,000 for the widening and paving and \$70,000 for the turn around for a total of \$140,000. Mr. Diffenbaugh stated he needed to discuss the amount with the developer. The Solicitor recommended we accept the extension and we can also approve the plan with the condition that the developer's agreement is done. Supervisor Seiders made a motion to accept the request for a 90 day extension. Vice Chairman Sheaffer seconded the motion. Motion approved. The Solicitor stated that both he and the Engineer need to review the developer's agreement before final plans will be accepted. Supervisor Seiders made a motion to approve the plan pending the final approval of the developer's agreement and the receipt of the NPDES approval. Vice Chairman Sheaffer seconded the motion. Motion approved.

Keeseman DEP Septic Module - Supervisor Seiders made a motion to approve the waiver of Section 6.1 General requiring a replacement location for an on-lot septic system. Vice Chairman Sheaffer seconded the motion. Motion approved. Supervisor Seiders made a motion to approve the resolution to send the Septic Module to DEP. Vice Chairman Sheaffer seconded the motion. Motion approved.

West Pennsboro Warehouse – Vice Chairman Sheaffer reported that we have a letter from our Engineer regarding the traffic surveys that some minor changes need to be made. The Planning Commission had requested a minor change to the plan. The change was received and reviewed with the Chairman of the Planning Commission. Mr. Wetherell stated that he wanted approval of the final plans upon condition of getting the final signed plans to the Township. He stated it could be several months until we received the plans they are waiting for the NPDES. Supervisor Seiders made a motion to approve the West Pennsboro Warehouse Plans. Vice Chairman Sheaffer seconded the motion. Motion approved.

UNFINISHED BUSINESS

Centerville School Oil Remediation – No change. We have gotten approximately 10 gallons of oil out of the ground. We might have to relocate into a different well.

Fettrow Property – The Solicitor needs to schedule a hearing for removal of the unlicensed, unregistered vehicles. Fred is to check to see how many vehicles on the property and update the Solicitor. Our goal is to have only three vehicles left on the property.

LeDane property – Fred and Ken were at the property last week. They did not notice much of a change since their last visit. The Solicitor is going to send a letter to Mr. LeDane indicating that he needs to get in touch with Fred and Ken, he needs to pay his fine and sign up for trash. If we do not receive a response prior to next meeting he will be fined again.

Stambaugh Property – Mr. Stambaugh called Fred to let him know he will not get his dozer back until the 14th of the month. Then he will work on getting the tires out. Fred reminded him he has already had several months. Fred got a call at 4:30 today from Mrs. Stambaugh that the tires are gone. Fred went to check and the tires are gone. Fred would like to meet with a representative of the Board, Mr. Stambaugh and Ken to review the photos we have of Mr. Stambaugh's property and show him specifically what it is he has to do yet. Mr. Stambaugh has agreed to the meeting. George Rohrs suggested that we need to get evidence of where or how the tires are being disposed of. They are paying their previous fines in installments. Vice Chairman Sheaffer suggested that the Solicitor attend the meeting also. Fred will coordinate the meeting.

Freet Property – The property is still a mess. We received a phone message from Mr. Cresta in response to our letter. He claims the guinea hens are not his, they wandered onto his property. Fred would like to look over the photos and come to an agreement to what needs to be done. He and Ken will get additional photos.

Salt Shed – We have received the bid packet and specifications. The ad ran July 4 and will run again next week. The current salt bins are being corroded by the salt and weather is blowing in.

Liberator Fence Issue – There is still no fence. Solicitor McKnight recommended that we fine Mr. Liberator. Vice Chairman Sheaffer made a motion to take the Solicitor's advice and fine Mr. Liberator. Supervisor Seiders seconded the motion. Motion approved.

Trash Delinquencies – The list is large because the bills just went out on July 1. The Secretary suggested we wait until later in the month before sending out letters. The Secretary requested permission to send a letter to Joshua Snyder that unless he pays his bill by July 15 she will be stopping his service. Mr. Snyder is a new resident who has yet to pay a trash bill. Vice Chairman Sheaffer made a motion for the Secretary to send the letter to Mr. Snyder. Supervisor Seiders seconded the motion. The Secretary requested the Board consider charging a fee to reinstate service to people who have had it stopped for non-payment of bills. Township employees are spending time running back and forth to collect the toters and then return them after bills are paid. The Solicitor recommends that he do a draft of an amendment to the Trash Ordinance. The Solicitor and Secretary felt that a \$25.00 fee would be appropriate. It is the same people every quarter.

Septic Pumping – There are still three properties that have not been pumped for 2011. The Secretary provided a copy of the section of the Ordinance containing the penalties for not having the septic pumped and inspected. Vice Chairman Sheaffer made a motion to authorize the Solicitor to take legal action. Supervisor Seiders seconded the motion. Motion approved. The Secretary is instructed to get the information to the Solicitor.

Township Road Speed Limits –Tabled for a month

798 Mt. Rock Road – Vice Chairman Sheaffer reported that there has been a serious incident where one of the residents had to be subdued by three of the caretakers, there was a rock involved and lots of blood. The people were informed not to call the police because that would get them in trouble. Solicitor McKnight has received a letter from the attorney for the home furnishing us with the information requested in a permit application, but they will not apply for a permit. The Solicitor stated that the attorney for the home wants to go to Federal Court to establish the precedent that they never have to apply for permits. If we go to Federal Court it will be very expensive and all we would get is the same information on a permit. The Solicitor stated that the important thing is that they agreed to allow the inspections and the names of people at the site. He has heard that they have management issues at this site. He wants to sit down with the

Commissioners and tell them we are having a lot of problems at this site. He would like to have the inspection done first. Fred asked if we can hold the property owner responsible, he is renting the property to them. West Pennsboro is having the same problems as we are having with this company. Vice Chairman Sheaffer reported that we have been told that this company has been red-flagged and when their 3 year contract is up it will not be renewed.

Tire Removal Kennedy Property – The Secretary reported that PA Cleanways emailed her telling her that they inspected the property and they asked if the Township could make a few contributions to help them clean it up. They are asking us to use a front end loader to remove some scrap lumber so that they can get a trailer or rollback in and to place a porta-potty for the volunteers to use during the clean up. Solicitor McKnight stated these were reasonable requests. Vice Chairman Sheaffer made a motion to provide the requested items by PA Cleanways to facilitate the cleanup. Supervisor Seiders seconded the motion. Motion approved. The Solicitor recommended that we get a letter of permission from the Kennedys to be on the property with the loader and place the porta-potty.

Local Services Tax – Tabled until next month.

NEW BUSINESS

Removal Agreement for Lebo Property on Mt. Rock Road – Grant and April Lebo, 690 Mt. Rock Road are installing a new manufactured home on their property. They want to continue living in the existing home until the new home is completed. The Lebo's have received their permit and we have the Removal Agreement signed by them. It requires the Supervisors' signatures. Vice Chairman Sheaffer made a motion to approve the Agreement. Supervisor Seiders seconded the motion. Motion approved.

Security System at the Fire Station – Years ago when the walking trail was put in on the Fire Company grounds part of the agreement was we would install a security camera system. At the time, money was tight so the Township went with the least expensive system we could buy. It has not worked since the day it was put in. We would like to contact Danatech to do an evaluation, recommendation and cost to get that system up and functioning. Vice Chairman Sheaffer made a motion to have Danatach evaluate the system at the walking trail and have them make recommendations on getting it functioning. Supervisor Seiders seconded the motion. Motion approved.

CORRESPONDENCE

Vice Chairman Sheaffer read a draft of a letter the Supervisors would like to send to Representative Bloom asking his assistance in getting rumble strips placed on Route 233 on the approaches to the stop signs at Route 174. Solicitor McKnight recommended that the letter be sent to District 8 rather than Representative Bloom. A copy of the letter

should be sent to him along with a cover letter asking his assistance. Vice Chairman Sheaffer made a motion to send letters to both District 8 and Representative Bloom. Supervisor Seiders seconded the motion. Motion approved.

SOLICITOR REPORT

Solicitor McKnight reported there was a public hearing at the County Commissioners Office at 10:00 about what is happening to us here in Cumberland County. The State Senate redistricting map came out at the eleventh hour and Western Cumberland County, including Penn Township is now tied in to Blair County. Our State Senator will be Senator John Eichelberger of Blair County. Our Senator will be over 100 miles away. We are now in District 30. The Blue Mountain tunnel is the only contiguous area between Western Cumberland County and the rest of the District. The majority of the voters are in Blair County. There is no way we will ever get a Representative out of Cumberland County for the 30th District. Shippensburg and Southampton have been shipped out to the 33rd District which makes some sense, but the rest of us have been tied into the 30th. The appeal period runs until the 8th of July. The Commissioners are so upset they are joining into the lawsuit to object to this. Solicitor McKnight has prepared a Resolution stating that the Supervisors of Penn Township object to the new redistricting. Vice Chairman Sheaffer made a motion to sign the Resolution to support the County. Supervisor Seiders seconded the motion. Motion approved. Solicitor McKnight stated that the COG will deal with it on Monday.

John McCrea Lawsuit – Mr. McCrea has dropped the individual Penn Township Supervisors from the lawsuit. He also decided not to sue himself and dropped the Big Springs School Board Members from the lawsuit. He has now figured out he needed to sue the landowners, if he can figure out who they are. He has asked the Solicitor for consent to amend the lawsuit. Solicitor McKnight said he will agree, but he is not in any hurry to do so. Solicitor McKnight's contention is that it is way too late to sue. You can't get somebody to develop land using the incentive of a LERTA and then repeal it after construction has started. Vice Chairman Sheaffer made a motion to allow the Solicitor to grant consent to amend the complaint to include the landowners. Supervisor Seiders seconded the motion. Motion approved.

Does the Township ever loose signs to college kids? The Solicitor has given the Supervisors copies of the Ordinance telling how much you can be fined for destroying a sign. He thought this would be useful to know if we have a problem with signs being stolen or defaced.

A number of local fire companies have joined together to form a purchasing cooperative, they have gotten an inexpensive bid for sodas from Saylor's that has already been used by South Newton for their fair. They are looking at things like saving on propane, electricity, hose inspections, etc. The hope is if it really starts saving the fire companies money that it will expand into cooperative training. Each company pays a join up fee and then an annual fee for membership to cover administrative expenses. It is

mind boggling to have local fire companies cooperating like this. There is interest from Carlisle to Shippensburg.

OTHER REPORTS

COG Meeting – No Report
Park & Rec – no meeting
Zoning Officer

Napoli – Fred spoke with Mr. Napoli. He said his attorney was taking care of it. It is an open violation that needs closure. We don't know who his attorney is. This is the feud between Napoli and Young. Solicitor McKnight asked if we want him fined for not getting the permit for the fence. The Secretary is directed to get Mr. Napoli's information for the Solicitor. Vice Chairman Sheaffer made a motion to authorize the Solicitor to write a letter to Mr. Napoli that he needs to get the permit for his fence. Supervisor Seiders seconded the motion. Motion approved.

Gleim – Mr. Gleim is sending us monthly emails keeping us updated on what he is doing. He is cooperating tremendously.

Kinsler – This is a closed book. They have cleaned up the junk.

22 Church Road Reiff Property – Gary told the Secretary to hold off on the letter.

Morgans – Have a beautiful cabin up in the mountain with absolutely no permits at all, not even a septic permit. There is an outhouse so they must have a septic permit. The Solicitor recommended the Secretary send a letter. Vice Chairman Sheaffer made a motion to have the Secretary send the Morgans a letter telling them they need to come in and apply for permits in x amount of days. Supervisor Seiders seconded the motion. Motion approved. Copy to the Solicitor.

Chestnut Property – The Solicitor was to send a letter.

Are Zoning Permits required for the blow up temporary pools? They go up in May and take them back down in September. The Solicitor stated he did not believe the Zoning Permit was required just the electrical inspection. A no fee Zoning Permit will be required.

Rudisills Trailer at 159 Beetem Hollow Road – What are we going to do? The Secretary discussed this with Aubrey. He said as long as the resident has not notified him that the construction is complete he cannot do a final inspection. The Secretary suggested sending the Rudisills a letter asking them the status of the construction and reminding them of the Removal Agreement and ask them to reply to her in a specified time frame. A copy of the letter should be sent to the Solicitor.

Stone Property – Should we send them a letter, work seems to have even out. Fred will take a look. Vice Chairman Sheaffer made a motion to have Fred check the Stone property and if necessary for the Secretary to write a letter. Supervisor Seiders seconded the motion.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

None

ADJOURNMENT

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

NEXT MEETING August 9, 2012

Respectfully submitted,

Vicki Knepp
Secretary