

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104; Fax: 717-486-3522
Regular Meeting
September 6, 2012

Chairman Martin called the 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, Treasurer Martha Sheaffer and Secretary Vicki Knepp

Break for Executive Session – No decisions were made, discussion concerned pending and actual legal matters.

PUBLIC COMMENT

Traci Blanchard of 4 Verna Lane expressed concern about the state of the LaDane property. She lives next door to Mr. LeDane and has a forsythia hedge between her property and the LeDane property. In trimming the hedge she encountered rats, nests and feces. She was bitten multiple times by mosquitoes. There are pots of stagnant water sitting around the property. The neighborhood cat has caught rats. It is a safety and health issue. Fining them does not seem to do anything; no matter how much he is fined it remains the same. The Sheriff's Department has been out and they do not answer the door. Ms. Blanchard asked what the Township could do about the situation. Chairman Martin explained that we have to follow the proper steps. The Solicitor explained that we have taken Mr. LeDane to court and he has been fined and told by the Judge that he needs to clean the property up. The Solicitor suggested we go to the Magistrate one more time for failure to clean the property up and give Mr. LeDane x number of days to get the property cleaned up and pay an additional fine and possible cleanup by the Township and we will bill them. Chairman Martin made a motion to have the Solicitor call the Health Department and take Mr. LeDane to the Magistrate one more time. Vice Chairman Sheaffer seconded the motion. The Secretary is directed to contact Ms. Blanchard when we have the trial date and time. She will make a very good witness.

APPROVAL OF MINUTES

Vice Chairman Sheaffer made the motion to approve the minutes from the August 9, 2012 meeting. Supervisor Seiders seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS–

3T F & M Trust Plans – Hubert Gilroy was present. He stated that they filed revised subdivision and land development plans with a slight revision at the recommendation of PennDOT. There was already a note on the plan that suggested the Supervisors could modify access on Route 11 and PennDOT wanted to include the access on Route 233. Plans have been signed by the owner's and they are working on the signed Developer's Agreement and the Bond. Supervisor Seiders made a motion to sign both land development and subdivision pending the bond and the signed Developer's Agreement. Vice Chairman Sheaffer seconded the motion. Motion approved.

Mr. Hughes stated that he saw Mr. Liberator on the Agenda. He spoke with Mr. Liberator earlier. If the weather cooperates, the building should be up this weekend and the fence will be put up next week. Solicitor McKnight stated that the hearing is already scheduled for October 2. Mr. Gilroy stated that at least he is responding.

Pennington Ridge – Jim Hughes was representing the developer. Mr. Hughes stated he understood from our minutes that the plans were approved in July contingent upon getting the NPDES permit as well as coming to an agreement with the developer concerning widening the road. He understands that there have been some conversations concerning what the developer should or should not do and there may be some confusion regarding what the developer will be required to do. If the road needs to be widened it is the Township's call, but the question is what should the developer be responsible for. Chairman Martin stated that they had a meeting with the developers and both sides laid their positions out. One of the things in the Township position is that the road was not built properly from the beginning. It was a farm road that was layered on top. Heavy truck traffic will create problems on it. We do not want to do any improvements on it until the majority of the homes were built. It might be several years down the road before that happens. We do not know what the cost will be. We are looking for "we will pay x% and you will pay x%". We did not decide on what area that would cover, either. Chairman Martin suggested that another meeting be held with the developers and the engineer. Vice Chairman Sheaffer stated that whether it is 1500' or 1900', the development creates a whole new set of circumstances that do not exist now. There will be more traffic on the road. Solicitor McKnight stated that we need to improve the cul-de-sac for emergency vehicles and buses to turn around because of their subdivision. There needs to be a percentage worked out. And we were not going to require off-site money from the developer up front. We were going to be asked to be paid as the work was done. Vice Chairman Sheaffer stated that the discussion was held of waiting until 5 or 6 lots were developed before starting the improvements. At that time we have no idea what the costs will be. To take a lump sum now the Township could be taking it on the chin when it is time to make the improvements. That is why we were thinking of a percentage at the time the improvements were made. Solicitor McKnight stated we need to clarify for the record that in July we asked Mr. Diffenbaugh for an extension and he granted us one for 90 days which ends October 3. We felt that was sufficient time to give us a chance to negotiate a developer's agreement. Mr. Diffenbaugh's words that night were "I will talk to the developer and get back to you". We did not approve anything until we have a Developer's Agreement. Mr. Hughes stated that we do have an approval because there no letters were sent out. Solicitor McKnight stated that we need another extension until October 5 since our next meeting is not until October 4 and the extension ends on October 3. Mr. Hughes stated he could not issue an extension because the plans

were already approved. Solicitor McKnight said they were not approved; it was conditional upon receiving a developer's agreement which we still have not received. Mr. Hughes stated that the developer wants to be reasonable and not go to court. Mr. Hughes wanted Solicitor McKnight to know that is not where he wants to go, but if pushed they will go to court. Vice Chairman Sheaffer stated all we are asking for is cooperation. Solicitor McKnight stated if they will not give an extension until the 5th we have two options, the Supervisors can have a special meeting at the end of September to vote on it, or the Supervisors do it tonight and vote no. We took the developers at face value that they were going to come up with a developer's agreement. Chairman Martin said he had no problem with a special meeting at 8:00 AM, Thursday, September 27 tentatively waiting on confirmation from Mr. Hughes that the developer can make it. Chairman Martin stated he was under the impression that the developers were going to get back to the Supervisors after their August meeting. Chairman Martin recommended that they set up an agreeable meeting to iron out the agreement prior to the Special Meeting and that the developers send the Supervisors their position prior to the meeting so that the Supervisors know where the developers stand prior to meeting to iron out the developer's agreement. Vice Chairman Sheaffer made a motion to hold a special Board of Supervisor's Meeting on Thursday, September 27, 2012 at 8:00 AM. Supervisor Seiders seconded the motion. Motion approved.

UNFINISHED BUSINESS

Centerville School Oil Remediation – in 6 or 7 months we have gotten maybe 20 gallons of oil. That is all that we have gotten out of the site where the oil spill occurred, we don't have a lot of free product there. Chairman Martin said he needs to talk to the resident expert, Wally Kostner, to see what he recommends.

Fettrow Property – The home on the property has burned down since the last meeting. Chairman Martin was at the property today, there are two piles of metal and a concrete pad. There are eight vehicles on the property, the six original and two new ones. The Road Master talked to one of the Mennonites who was helping Mr. Fettrow and told them the property needed to be brought into compliance before any permits were issued. The Mennonites are not helping Mr. Fettrow put a new home on the property since he will not help himself. Solicitor McKnight stated he needs the number of unlicensed vehicles and the VIN Numbers of the vehicles. Fred will do some checking to see if he can find out where Mr. Fettrow is located. Chairman Martin asked what options we have for the cars. Solicitor McKnight said we can execute on the cars directly for any judgment and sell them. The Solicitor's intent was to seize personal property, but that is up in smoke. Chairman Martin will email the Solicitor with vehicle descriptions and VIN numbers.

Stambaugh Property – Has a 90 day extension

Freet Property – Organized chaos with exotic birds. Could he be attracting the rats that appeared at the LeDane property? The Solicitor suggested the Health Department also check the Freet property when they are at LeDane's.

Napoli Fence – The Solicitor has sent Mr. Napoli a letter that he has 10 days to bring a permit or action will be filed against him.

Letters were also sent to Rudisill about the trailer, Kinsler about the need to clean up his property and pump septic tank, Torres and Walker to get their septic pumped.

Gleim, Hays Grove – Has gotten his permit to construct a building to house his vehicles.

Kinsler Property – Still has trash on the property.

Salt Shed – We finally have the notice to proceed. The Notice states they can start after September 10 and must be completed by December 9, 2012.

Liberator Fence Issue – Discussed earlier

Trash Delinquencies – Delinquents are down to \$185.00 dollars. The Secretary made a list of stopped service past dues that the Township needs to consider paying in the amount of \$434.03. Vice Chairman Sheaffer made a motion to pay Southampton \$434.03 for the stopped delinquent trash accounts and have the Solicitor collect all but the \$8.15 owed by Harold Liddick. Supervisor Seiders seconded the motion. Motion approved.

Septic Pumping – The Solicitor sent letters out to the three residents who had not had their pumping done in 2011 as required. Of the 368 due to be pumped in 2012, 184 have been completed to date.

Local Services Tax – The Solicitor talked with the tax collection bureau. Few municipalities have sent copies of ordinances. The most we can charge is \$52.00/person, there are various exemptions. Newville repealed the Per Capita tax so they charge \$47.00 for themselves and \$5.00 for the school district. We need to have a version to be adopted in November.

798 Mt. Rock Road – Bob Kough, Jr. and Fred Leeds did the inspection on September 5, 2012. The Solicitor stated that 798 is a group home that has had a number of issues. Fred Leeds stated according to them they are not a group home, but a family. Chairman Martin asked if there were any modifications to the house. Fred said none that they were able to see, it looks like a regular home. Vice Chairman Sheaffer said he does work for CPARC and those building look like regular homes and the residents are monitored 24/7. Bob Kough reported that he was impressed with their record keeping. But when he started asking questions he got the feeling he was being snowballed. The individual they always transport can't walk without some sort of support. He bought a walker out of extra funds. They said he really does not need it, he just bought it because he had extra money. He normally walks with a cane, but during the fire drill an aid had to assist him to get to the assembly location. But he doesn't have an issue getting around they said. Nothing is ADA compliant. They claim they are not allowed to have emergency exits and lighting because they are supposed to be as much like a normal home as possible. They told Bob and Fred are under Chapter 6400, which Bob has found

out governs Community Homes. Bob pulled up 6400 and did not see anything to prohibit emergency lighting. They are supposed to fax a copy of their license to the Township. They are supposed to be getting a new license in a couple of months from the State. They have a contract with County for their services but they are licensed through the State. One resident had a toy gun that actually looked like a real gun. If State Police are called there for domestic violence they won't be able to tell it is a toy. Kurt McClain came in from Mt. Pleasant for the inspection. He said they are not a personal care home; they were more like a medical facility. The Solicitor asked Bob Kough to write a letter to the Township and to whom it may concern for him to take to the County and express his concerns and questions. Bob was directed to give the Township Kurt McClain's contact information. They have agreed to allow an inspection next year. Chairman Martin said he believes the best we can do is make County aware of our concerns.

Tire Removal Kennedy Property – Dead in the water. We verified that if the property is sold PA Cleanways will still be willing to help. Fred Leeds asked what is the feasibility of the Township entering into an agreement with Mr. Kennedy that the Township cleans up everything on the surface and we get our money when the property is sold. Solicitor McKnight stated a better option would be to agree to help him by fronting the money to get the volunteers out to clean the property up and Mr. Kennedy signs a judgment once we know what the cost is. The judgment would go on both properties so if one sells before the other we get paid. Chairman Martin agreed to speak with Kevin Kennedy to see if he is agreeable to the Township fronting the money for the cleanup. He will speak with Mr. Kennedy this week.

Brown Building Permit – Solicitor McKnight saw in person Kristen Kitchen with the Conservation Department who promised him a letter today which she emailed to him. The letter basically says they have had a chance to investigate, they appreciate our patience, and they don't condone the building being built prior to the permit. In terms of keeping the pony and goat they believe the property can take care of that, but it requires a written Nutrient Management Plan. They believe Mr. Brown may keep the pony and goat once the plan is filed, but no additional animals can be added. Mr. Brown also has letters from his neighbors saying they have no problems with his having the animals. Vice Chairman Sheaffer made a motion to table the issue until next month. Supervisor Seiders seconded the motion. Motion approved.

Furnace A/C Sale – Gary will send information on the unit to Matt Farkas and Gerald Brown. They have until October 12 to get their bids in sealed envelopes and to us.

George Rohrs stated he has concerns about two properties. The property at 22 Church Road where the gentleman had horses that he had to get rid of, he believes he has a logging business in a residential area where he splits and stacks firewood and sells it. In a residential area you are not supposed to be doing that. He believes it is questionable for a residential area. He also believes there was an agreement where he was supposed to house his equipment in a building. Vice Chairman Sheaffer stated that the property is much better than it used to be it was a real dump before. The Secretary was directed to research the minutes to find what was discussed with the property owner. Fred looked through the minutes and could not find any agreement. He is unable to access his

timesheets to see what was done. If we find a requirement for a building in the minutes we will go back and tell him he has to do it. But, if it's not in the minutes, we don't have a leg to stand on.

George stated the second property was Cory Chestnut on Lebo Road. He only has $\frac{3}{4}$ of an acre, but he needs 2 acres to have a business on his property. It needs to be resolved. Chairman Martin stated that the 2 acre minimum is a ridiculous requirement and needs to be removed. Any person coming into the Township who wants to put a business on their property needs to be judged on their property size and how it affects their neighbors. It is an arbitrary number. Two acres is entirely too restrictive.

NEW BUSINESS

Ott Bills For Mowing – Property on Walnut Bottom Road in Centerville. We have mowed the property three times this year and they have not paid any of the bills to date. Chairman Martin made a motion to have the Solicitor send the Ott's a letter. Vice Chairman Sheaffer seconded the motion. Motion approved.

DJ's Office – There are bugs in and outside the building. Our agreement with the County is we take care of the outside. Jeff and Ernie spray occasionally, but, because of their work schedules it does not get done on a regular schedule. We can probably get a pest control agency of some sort for around \$500.00/ year. We should probably do the inside one time. Chairman Martin will let the County and the DJ know what we are doing. Vice Chairman Sheaffer made a motion to authorize the Township to secure the services of a pest control service for the DJ's Office for the outside of the building and one time on the inside. Vice Chairman Sheaffer seconded the motion. They are also having issues with the water heater. The point of use heater works sometimes and does not work at other times. Currently it is working. We owe \$151,603.28 on the mortgage. Payments are approximately \$3,300.00 a month with about \$500.00 of that in interest. We have a General Reserve fund of \$100,000.00 which is earning interest at .4% and we are paying 4.387% on the loan. Chairman Martin believes we should pay off the mortgage. We can use \$51,000.00 out of the General Fund and the \$100,000.00 out of TDOA. That will leave us with \$125,000.00 in the General Fund for the rest of the year. Chairman Martin made a motion that we pay off the mortgage on the DJ's Office using \$51,000. from the General Fund and \$100,000. from the TDOA account. Supervisor Seiders seconded the motion. Motion approved.

Resolution to Establish Procedures for Procurement of Professional Services for the municipal Pension Trust - The State now requires this Resolution. When the Auditor General does an audit of the pension fund if they don't find a copy of the Resolution they will penalize us. We are agreeing to hire professionals to administer our pension plan. Our Plan is through PSATS but we still need the Resolution. Chairman Martin made a motion to approve the Resolution. Vice Chairman Sheaffer seconded the motion. Motion approved.

Wood Chipper – Vice Chairman Sheaffer stated that the current wood chipper is used hard. It is 22 years old and is starting to bog down on larger logs. It is not as heavy as it should be for the type of use we ask of it. It also does not have all the safety features

a newer chipper has. We would like to replace it while it still has some resale value. We have an estimate for a used chipper from Stephenson that we could buy with Liquid Fuels money, it's PennDOT approved and is diesel powered, 200 hours use, 15" capacity for approximately \$38,000.00. We also have an estimate from Groff. The one from Groff has 250 hours, 12" capacity available for approximately \$25,000.00. We are not sure if the one from Groff is eligible for Liquid Fuels funds. Groff is offering us a trial period to try the chipper. We can check with Stephenson to see if they will also offer a trial period. Vice Chairman Sheaffer made a motion to approve up to \$45,000.00 to purchase a wood chipper. Supervisor Seiders seconded the motion. Motion approved.

Budget – A budget workshop has been set for September 27 after the Special Meeting.

CORRESPONDENCE

None

PROJECT UPDATES

SOLICITOR REPORT

The Solicitor reported he will revise the Local Services Tax Ordinance for the next meeting.

He reported he has spent a lot of time in the past month working on the problem with the biosolids. Merrell Brothers has fixed the Hair property. The other properties that had initial indications that they had bad water turned out with subsequent testing that the water was bad because of other reasons. We have asked Merrell Brothers to pay for the additional water testing. He thinks that problem has been solved. He will confirm that Merrell Brothers has paid all the bills they agreed to pay. DEP approves the biosolids being distributed on fields and then when it goes wrong they come out to inspect whether or not the approval was appropriate. The same people who did the approval. In the future if we see biosolids being spread in the Township we need to object if possible.

OTHER REPORTS

WCCOG – No COG Meeting in August. However the Sheriff's Department is having a drug collection event at West Pennsboro Fire Department on September 29 from 10:00 – 2:00. This is for proper disposal of prescription drugs.

Park & Rec – No meeting

Zoning Officer - Nothing

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

Supervisor Seiders stated he would not be at the October 4, 2012 meeting.

Supervisor Seiders attended a meeting at the warehouse construction regarding water runoff today. He stated there was no outcome. Nothing was decided. Clyde Barrick is threatening legal action against the warehouse for runoff lying in his fields. When the storm water plan was approved, Mr. Barrick was one of the Supervisors who signed off on it. Mr. Barrick wants the retention pond moved. There is a pipe at the bottom of the retention pond that water is running out of. Chairman Martin stated they will talk to John Shambaugh and see what he has to say.

Solicitor McKnight stated he attended a meeting with the County on the AG Zone and auxiliary uses for farmers to help them keep their farms. The County is going to send a model ordinance out. Businesses like roadside stands, repair shops, woodshops. Solicitor McKnight believes that Internet businesses are going to become more prevalent in AG Zones as younger farmers become more savvy.

The auditor claims the bridge was not bid properly. It was bid by the contractor, but the contractor came to us and said if you buy the bridge you won't have to pay sales tax and will save \$17,000.00. We wrote the check for the bridge. The issue is, we used Turnback money which DEP emailed to John and said they are not Liquid Fuels Funds. Now the auditor is saying they are Liquids Fuels Funds and they want us to take \$283,000.00 out of the General Fund to reimburse Liquid Fuels. Solicitor McKnight suggested we contact Rep. Bloom and discuss the situation with him.

Bob Kough said we need to get the alarm problems worked out at the Office Depot warehouse, the alarm systems are not interconnected and when the alarm goes off on one side the other side does not know about it. We need to get contact information for the new owners of the building to set up a meeting to discuss the situation.

ADJOURNMENT

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

NEXT MEETING October 4, 2012

Respectfully submitted,

Vicki Knepp
Secretary