

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104; Fax: 717-486-3522
Regular Meeting
October 4, 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, Solicitor Marcus McKnight, Treasurer Martha Sheaffer and Secretary Vicki Knepp

PUBLIC COMMENT

APPROVAL OF MINUTES

Chairman Martin made a motion to approved the minutes from the September 6 Regular Meeting and the September 27 Special Meeting. Vice Chairman Sheaffer seconded the motion. Motion approved.

Chairman Martin made a motion to approve the Treasurer's Report from September 30. Vice Chairman Sheaffer seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS–

UNFINISHED BUSINESS

Centerville School Oil Remediation – Nothing to report

Fettrow Property – Chairman Martin reported six unlicensed vehicles have blossomed into eight. Nothing else has been done on the property. We need to take action before winter. Solicitor McKnight stated he needs an address for Mr. Fettrow. Fred Leeds will find a location for the Solicitor.

LeDane Property – The Solicitor reported that the Health Department has no interest in searching the countryside for rats. However, he contacted John Bitner of Cumberland County Vector Control. Mr. Bitner will be doing an investigation of the LeDane property and submitting a report to the Township. He will not take any action, specifically, but his report will add fuel to our fire when we proceed with action against Mr. LeDane. Chairman Martin asked to have the Freet property added to this.

Stambaugh Property – Stambaugh had a 90 extension. It has expired. He would like more time to clean up. He has not done anything on the property on Quarry Hill

Road. Chairman Martin suggested we give Mr. Stambaugh two weeks from tonight. If he does nothing in two weeks we will authorize the Solicitor to take action. Vice Chairman Sheaffer made a motion to authorize the Solicitor to proceed with the letter to Mr. Stambaugh that he has two weeks to complete the clean up the property as agreed to in writing or we will begin with legal action. Chairman Martin seconded the motion. Motion approved.

Napoli Fence – Mr. Napoli has gotten the application and returned it with the wrong amount. Mr. Napoli sent a check for \$30.00; the fee should be \$35.00 plus a late fee of \$100.00. The Solicitor will contact Mr. Napoli and his attorney.

Salt Shed – Walls are up for the salt shed, Wilson coming week of October 8 to pave inside the bins and out in front for the apron. The contractor will then come back and finish the roof. Should be done by 2 weeks. Fred Leeds suggested spending a few bucks more and having Wilson pave by Leeds road exit. Chairman Martin said he would try to contact the Road Master on Friday and then speak with Ernie on Monday.

Liberator Fence Issue – Fence is up. The hearing has been canceled and the Solicitor has a check for a \$150.00 fine and costs.

Trash Delinquencies – We ended the third quarter with \$192.80 outstanding.

Septic Pumping – Of three that were not marked as pumped in 2011, two were done in December 2011, the pumping reports were misplaced. The third, Kinsler, the daughter has contacted the office and made arrangements for trash collection and will get the property cleaned up. She has had the septic pumped and the Secretary has received the pumping report. 2011 is complete.

798 Mt. Rock Road – Nothing has happened since Bob Kough's letter. The Solicitor believes we need to have a discussion with the County. The County is looking at a huge deficit and needs to cut services. The Solicitor stated it would not bother him if the County cut this contract.

Tire Removal Kennedy Property – The Secretary contacted Mr. Kennedy and requested his presence at the meeting. The plans for the cleanup are progressing. The Secretary reported that the first day of the cleanup is scheduled for October 20. She has made the initial contact with the tire recycler. Trina Kennedy has requested that we give them a day's notice before the Township walkthrough to allow Mr. Kennedy to be there also. The thought for a porta-potty is to bring one of the ones over from the park and set there it until it was not needed anymore. Chairman Martin stated that he and the Road Master will go over to do a walkthrough on the 15th and take the equipment over toward the end of the week. The Solicitor will have the agreement for the Township on October 15.

Brown Building Permit – Mr. Brown is not here with his Nutrient Management Plan. Tabled.

Local Services Tax – The Solicitor has prepared and advertised the Ordinance. He asked the Treasurer to explain to him how the tax is distributed. We are eliminating the property tax. The existing LST is \$10.00 and goes to the School District. The Solicitor inquired if we want \$10.00 to continue to go to the School District. The Treasurer stated the \$10.00 is an employment tax that that is paid to the Cumberland County Tax Bureau and they send it to the School District. How do we want to divide it. The Ordinance does not outline how the tax is to be split, we can determine that at a later time. The Tax Collector asked if we are allowed to drop the Real Estate Tax in 2013, are we allowed to take that from her? The Solicitor stated that it looks like with the additional warehouses that are going up she'll get additional revenue from that. She will be getting more tax on the new warehouse. Chairman Martin stated that she would lose \$1,500.00 when we repeal the Township property tax, but she will be getting additional money for the new warehouses and the bank. Chairman Martin stated the he was also told that additional businesses are interested in moving in at the drive-in property. It was stated that the collector should be the Cumberland County Tax Bureau. Chairman Martin questioned if we need to name them specifically. The Solicitor said he believed it was done in the year-end tax resolution. Vice Chairman Sheaffer made a motion to adopt Ordinance 2012-4 to repeal the Real Estate Tax and institute a Local Services Tax of \$52.00 with a correction to Section 16. Chairman Martin seconded the motion. Motion approved. Chairman Martin stated we will discuss the distribution of the tax at a later time. Vice Chairman Sheaffer made a motion to specify that the School District should get \$5.00 of the LST and \$47.00 will go to the Township. Chairman Martin seconded the motion. Motion approved.

Budget – The Treasurer has made some changes to the budget after our workshop. The Solicitor stated their legal fees will not be going up. We have balanced the budget and anticipated income is up over last year. Vice Chairman Sheaffer made a motion to advertise the budget as submitted. Chairman Martin seconded the motion. Motion approved.

NEW BUSINESS

Trick or Treat Night – Wednesday, October 31, 2012, 6:00 PM to 8:00 PM.

Removal Agreement for Sweger Property on Hays Grove Road – Matthew Sweger would like to move a new Cape Cod style manufactured dwelling onto his lot. There is an existing mobile home on the property he has signed an agreement to remove. The Zoning Officer has approved the Zoning Permit for the new structure. Chairman Martin made a motion to approve the Removal Agreement. Vice Chairman Sheaffer seconded the motion. Motion approved.

DJ's Office Mortgage – Chairman Martin reported that we paid off the mortgage for the DJ's office last month. He stated that maybe we can burn the mortgage in January at the start of the New Year.

Cumberland County Planning Commission – Chairman Martin asked if anyone would like to be on the Cumberland County Planning Commission. No takers.

CORRESPONDENCE

We received a response from PennDOT to our request for rumble strips on Route 233 at the 174 intersection. They told us of all the wonderful safety improvements they have made and that they were not going to do anything. The safety improvements still resulted in multiple deaths and injuries. Mike Reynolds, Rep. Bloom's Chief of Staff, had sent Chairman Martin an email asking if we had received a response. Chairman Martin sent a copy to Mr. Reynolds and he believes they are going to address the issue. PennDOT efficiency is amazing. The letter referenced the York County Penn Township and was mailed to York County, but the letter was addressed to us and talks about Cumberland County.

Chairman Martin stated he got a call from Lowell Hassinger about his driveway. The Township signed an agreement to help maintain the driveway because it goes back to the Civil War Cemetery. The driveway is in bad shape because Mr. Wenger drives his fully loaded semi up and down the hill. Chairman Martin stated he was not involved in the agreement, Vice Chairman Sheaffer was. Chairman Martin asked Vice Chairman Sheaffer if anyone was aware of the semi being driven over the driveway at that time and what does help maintain the driveway mean. Vice Chairman Sheaffer stated maybe run a grater over it. Chairman Martin stated there was some blacktop there and the black top was eaten away because of the truck. The Solicitor wanted to know if the driveway could be tarred and chipped. Chairman Martin stated we would have to dig out what is there now, but we could tar and chip it, but he is afraid it will become an ongoing issues. Mr. Leeds asked if it would be wise to put the first 25 feet in concrete, it doesn't wear out but macadam will. Chairman Martin stated then we are tying into a State road and would require a State permit. The permit would dictate whether we could do that or not. The Solicitor said whatever is done in PennDOT's right-of-way; make sure it is in writing. Chairman Martin stated he will talk to the Road Master, and maybe smooth it out and try a tar and chip to see how it would work. Mr. Hassinger was responsible for maintaining the mowing.

PROJECT UPDATES

The DJ's office has been sprayed both inside and out. They are still looking for a small water heater.

We looked at a used wood chipper from Groff's but it was not any better than what we already have. Stephenson's Equipment brought a used chipper for us to look at and left without it. It is \$6,000.00 less than the COSTARS price. It was a rental machine and has 120 hours on it. It was serviced in their shop every time it came back. It comes with a full warranty. Our only question is whether it can be paid for out of Liquid Fuels. Chairman Martin had spoken with Rick LeVan earlier in the day, but Mr. LeVan was not sure and will get back to Chairman Martin.

SOLICITOR REPORT

The Solicitor stated he is getting calls on the warehouse, specifically the “Whirlpool/Mains” warehouse. He has been asked if we expect a Developer’s Agreement for the water tower. He said yes, he is going to send them a form to look at. The Engineer notified Chairman Martin that they submitted a sketch to him. The first thing that should come in was a subdivision plan for the property. He is going to hold on to it and review it as a plan, but require them to do a subdivision plan. It has to be subdivided before we can approve any plans. This is another Verus warehouse, not the West Penn warehouse; it is on the north eastern side of I81.

The Solicitor got a call today from Jim Hughes regarding Pennington Ridge. They are very excited about proceeding with the project. Mr. Hughes had sent the Solicitor an Agreement; he then sent a second agreement. The first outlines the turnaround area and shows a sketch of the turnaround. The second one he sent today basically says here is 5 grand you do it. We have a choice, we can work on getting more land, or we can just take their \$5,000.00. We are going to have to go through the Breams to get more land. The Solicitor asked if there was a possibility that we could not get the land or that it would cost \$5,000.00 and we would end up in the hole. Chairman Martin stated the Township does have land back there. It is what the garbage trucks are currently using for a turn around. It is big enough to use, but it is not as convenient. We could put a turnaround just up from the existing retention pond. Solicitor McKnight stated as long as we think we can get a turn around one place or the other he does not have a problem with it. He asked which the Supervisors prefer. Chairman Martin wanted to know how long we have to decide. The Solicitor stated to take their time. Chairman Martin stated they would make the decision at the next meeting that would give them time to speak with Mrs. Bream and do investigation on the other piece of property and know by next meeting. Solicitor said we will hold the plan for another month. Solicitor McKnight called Attorney Hughes to make sure that was alright with the developer, Attorney Hughes agreed. Chairman Martin stated that will give us a chance to contact Mrs. Bream and have Eric Diffenbaugh go out and stake off our land.

McCrea is tomorrow at 9:00.

Have we been getting calls about the excavation at the warehouse? Chairman Martin stated that the last he heard the excavator was taking readings and surveying the lay of the land and has heard nothing since then. Solicitor McKnight stated that he got a concern from the farmer Melvin Sensenig in the agreement with Brewster there is a paragraph that states “buyer (Brewster) covenants and agrees that should he purchase the property under this agreement buyer shall be required to place a reasonable buffer zone facing the sellers residence shall at the very least be made of earth mounds and plantings thereon. This condition shall run with the land.” The Solicitor asked if the Township would mind if he discussed it with the developer when he sees them tomorrow. Chairman Martin suggested the Solicitor also inquire about the drainage problem onto the Barrick property and what is going to be done. The Township is going to do some work

but has been holding off until we know what is being done by the developer so that we can tie our work into theirs.

OTHER REPORTS

WCCOG – Chairman Martin reported that everything they talked about at the COG meeting has already occurred so there was nothing to report.

Park & Rec – No meeting

Zoning Officer – Fred Leeds

Stone Property – asked if we are still holding off on that. Vice Chairman Martin said he would talk to Tammy on Sunday.

Rudisill – had until October 1 to get trailer moved. It was not done. It will be done this weekend, it is moving back to the neighbor's property. Mr. Leeds told Mr. Rudisill he would have to discuss the permit with the Supervisors. The Secretary did some research and in the State regulation if nothing is done in 180 days the permit is considered abandoned. The original permit was for an addition, the materials and goods were to be stored in the trailer. Has anything been done with the addition? The Secretary stated that one inspection has been done, so they must have done something. The Secretary stated it might not require an Occupancy permit but it does require a use permit. For every permit issued by MDIA there will be a final certification issued.

APPROVAL OF BILLS LISTING

Vice Chairman Sheaffer made a motion to approve paying the bills. Chairman Martin seconded the motion. Motion approved.

SUPERVISORS' COMMENTS

Chairman Martin stated he has a comment on the COG. A couple of years ago we were buying road salt paying almost \$80.00 per ton. Then we joined the COG and it dropped to about \$73.00 per ton. Last year we combined with the Eastern COG and got it down to \$63.00 per ton. This year Carlisle joined us and the vast majority of Cumberland County is now bidding under one contract for salt and the bids that came in last week is \$59.39 per ton. The COG continues to show benefits to us. Solicitor McKnight stated the Commissioner Eichelberger used to always lecture us on the COG but now that they are in trouble financially it's a little different now.

ADJOURNMENT

Vice Chairman Sheaffer made a motion to adjourn. Chairman Martin seconded he motion. Motion approved.

NEXT MEETING November 1, 2012

Respectfully submitted,

Vicki Knepp
Secretary