

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104; Fax: 717-486-3522
Regular Meeting
November 1, 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

PUBLIC COMMENT

Steve Mell – 1011 Center Road, Newville. He would like to purchase a piece of property in the Township. He gave the Supervisors a sketch of the property. It is lot 9 of the Pennington Ridge development. It has a 50 foot right-of-way coming into it. He and his son would like to purchase the lot and make it two lots. They would like to share the right-of-way for the driveway. They have a sales agreement on the property pending a waiver that they can have a joint driveway as father and son. The property is 31 and a part acre. Chairman Martin stated they have done it in the past for other families. Solicitor McKnight stated that the Township would want a maintenance agreement from the property owners. It should also go to the Planning Commission for their recommendation before the Supervisors take action. It will be on their next agenda. The Engineer would also need to review it. We need to get input from all proper parties.

APPROVAL OF MINUTES

Chairman Martin made a motion to approve the minutes from the October 4 Meeting with changes. Vice Chairman Sheaffer seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the Treasurer's Report from October 31. Supervisor Seiders seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS–

Pennington Ridge – The Easement Agreement has been recorded and a copy sent to Attorney Hughes. The Solicitor reported he has a signed copy of the Developers Agreement for the Chairman and Secretary to sign. Vice Chairman Sheaffer made a motion to sign the Agreement. Chairman Martin seconded the motion. Motion approved. When the seventh lot is sold we will get an additional \$25,000.00.

IDI – Industrial Developments International – Charles Suhr, an attorney from Harrisburg states IDI is the equitable owner of tract of land of about 160 acres owned by the Ickes family along Centerville Road across from Key Logistics Park. They intend to develop the land for another industrial park similar to Key Logistics. Their purpose in

being there this evening is just to introduce themselves, to let the Supervisors know a little about IDI, and to let the Supervisors know a little about what they plan to do over the next 18 months or so. They have no plans to submit for the property yet. They intend to submit a rezoning request for next month. They will go through the proper process for that, going to the Planning Commission, going through County Planning Commission, and public hearing. Brian Reisinger from HRG showed a diagram of the property location on Centerville Road and where it is in relation to Key Logistics. The property is in Clean and Green but not AG Security. Dave Thomas represented IDI. He handed out brochures on the company. IDI specializes in industrial development, warehouse type of work. That is all they do. They are a national based company with eight regional offices they have 23 years of history and have developed about 130 million square feet of space and about 85 business parks throughout the United States. They have a lot of experience. They have 160 employees. Mr. Thomas stated he is based near King of Prussia, PA. They have done a lot of work with HRG in the past. Solicitor McKnight asked the Planning Commission members in attendance if the Township should consider a broader zoning change. This is just a question for the Planning Commission to think about.

UNFINISHED BUSINESS

Fettrow Property - Solicitor McKnight stated that the Code Enforcement Officer has located an address for the Fettrows. The Solicitor will be filing equitable action allowing the Township to clean up the property at Mr. Fettrow's expense and take any personal property that remains on site and sell it to pay any liens on the property. The Solicitor plans on filing next week. There will have to be a hearing.

LeDane – The Solicitor reported that he has not received a report from Vector Control yet. He will contact them.

Freet – The same as LeDane

Stambaugh – Fred Leeds stated Mr. Stambaugh has done some cleanup; however, there are 3 or 4 additional unlicensed vehicles on the property, including one from Delaware. Fred stated Mr. Stambaugh did not do enough. The Solicitor suggested the Supervisors take a look at the property for themselves. Chairman Martin stated we should not give Mr. Stambaugh any more slack. Vice Chairman Sheaffer made a motion to have the Solicitor file against the Stambaughs. Supervisor Seiders seconded the motion. Motion approved.

2258 Pine Road – The Secretary reported that the property has changed hands. Bank of America has sold the mortgage to a company called Ocwen. Ocwen has already mowed the grass and has emailed the Secretary telling her that they will have someone out to cleanup the brush and trees.

Napoli Fence – The Solicitor is trying to get in touch with Mr. Naploi's attorney to get a correct check. The amount should be \$135.00.

Salt Shed – Chairman Martin reported the walls are up and the paving is completed. The contractor should be here to have the roof on in about two weeks. Our

PennDOT representative who told us it was a Liquid Fuels project is now saying it is not. The Treasurer has the Liquid Fuels manual. It specifically states that salt sheds are allowed. Chairman Martin is meeting with Mr. LeVan on November 7 about another project and the Chairman will discuss it with him then. If it is not resolved with Mr. LeVan on Wednesday we will discuss with Representative Bloom.

Trash Delinquencies – The Secretary reported we received a new list from Southampton today. The Secretary would like permission to start sending out letters and make phone calls if the letters do not work. Chairman Martin made a motion that the Secretary sends letters to all delinquent accounts. Vice Chairman Sheaffer seconded the motion. Motion approved.

Septic Pumping – The Secretary reported that of the 368 due to be pumped in 2012, there are still 147 that have not been done.

Kennedy Property – Chairman Martin reported that on October 27 they had two trailers that they put 1151 in one trailer and 300+ in the other before they quit for the day. The Secretary reported that a total of 2,570 tires have been removed and an estimated over 5,000 are left. The Solicitor stated he has not received a copy of the signed agreement. The Secretary will send a copy to the Solicitor. The Secretary reported we received the first bill today for the first trailer of tires. The bill was \$1,296.70 for the 1,184 tires removed on October 20.

Gerald Brown – Mr. Brown has not shown up again. We are still waiting on his Nutrient Management Plan. Chairman Martin made a motion to have the Solicitor send Mr. Brown a letter telling him he has 15 days to comply or remove the animals. Supervisor Seiders seconded the motion. Motion approved. A copy should be sent to the County Conservation office.

Local Services Tax – The Secretary reported that they were working on what the next steps should be. Cumberland County Tax Bureau notified her that letters need to be sent out to the employers and self-employed individuals in the Township explaining the tax. The Secretary has obtained a listing of employers and self-employed from CCTB. The Secretary asked permission to send letters. Chairman Martin stated that he got a call from the Assessment Office asking if we were going to abide by the School District's fiscal year. Is there a reason why we would do that? Chairman Martin made a motion to have the Secretary send the letters. Vice Chairman Sheaffer seconded the motion. Motion approved.

Budget Resolution – Vice Chairman Sheaffer made a motion to adopt Resolution 2012-19 adopting the budget and setting taxes for 2013. Supervisor Seiders seconded the motion. Motion approved.

Chestnut, Lebo Road – George Rohrs stated he is curious as to the status of Mr. Chestnut on Lebo Road. Chairman Martin stated the Supervisors have sat on it, they believe the minimum lot size established in the Zoning Ordinance is not fair. If you make a minimum size for a lot and then make the minimum size for a business larger it is not fair. Mr. Rohrs stated that it was his belief that the Supervisors cannot selectively

give relief from Zoning. The Solicitor stated we can give variances on Subdivision issues, waivers, but we cannot give Zoning relief unless it is conditional use. Chairman Martin directed the Secretary to send Mr. Chestnut a letter telling him he needs to pay the fee to finish the process of applying for a Zoning Hearing. Mr. Rohrs asked what would happen if Mr. Chestnut fails to do that, what happens then. The Solicitor stated he will get a notice to cease and desist.

NEW BUSINESS

Ickes Property Water Tower – Chairman Martin stated that Mr. Wetherill has not applied for a Zoning Hearing. He stated that when he looked at the original plan from IDI last week, their plan was to attach the water tower access to their driveway. How do we approach this if he wants to put the water tower in before the warehouse goes in, he would have to get an HOP strictly for his access, right? The Solicitor stated yes. The Solicitor said a letter should be sent to Mr. Wetherill telling him he needs to proceed with Zoning Hearing request.

Cumberland County Historical Society – Vice Chairman Sheaffer reported we received a request for a donation from the Historical Society. He believes that since they were extremely instrumental in helping us develop our 150 history brochure he would like to make a donation to the society. He stated we could not have done it without their assistance. Vice Chairman Sheaffer recommended we make a \$200.00 donation to the Cumberland County Historical Society. Supervisor Seiders seconded the motion. Motion approved.

CORRESPONDENCE

None

PROJECT UPDATES

DJ Office – The water heater has been installed and all HVAC system filters were replaced. They requested we move the mailbox up to the building, which we will get to as soon as we can.

SOLICITOR REPORT

The Solicitor distributed a letter he has received from Mr. McCrea asking that he be permitted to take the deposition of Chairman Martin. Solicitor McKnight would like permission to respond stating that when we get a decision on the preliminary objections we will then consider scheduling discovery. Vice Chairman Sheaffer made a motion to authorize the Solicitor to inform Mr. McCrea that we will not comply until after the Judge issues his ruling. Supervisor Seiders seconded the motion. Motion approved.

The Solicitor stated that this is a beautiful area of the country, the state and the county, but on October 15 it became a more dangerous place to live. On that date, the ALS service ended in Newville. ALS is Advanced Life Support, when you are having a

heart attack it is having a Paramedic who is able to dispense medication on a life saving way to someone. When Newville had a unit it was about 7 minutes to get out to the Township. Now west of 233 will be dealt with by Shippensburg and east of 233 by Carlisle, Cumberland Goodwill. He stated he had a first hand experience on Tuesday night. His mother-in-law is up at Green Ridge Village. She called him because she had a numbness and pain in her left hand and felt she needed to go to the hospital. He got there as quickly as he could. She did not want to go to Carlisle. He got from Green Ridge to Holy Spirit in half an hour. It was a blood clot that needed surgery. If the Shippensburg medic is somewhere else or transporting someone to Hershey or somewhere else and another call comes in the backup is the opposite. There was a meeting on October 22 of Supervisors explaining all this. The Solicitor stated he would try to summarize the meeting. It will cost several hundred thousand dollars to get a unit up and running out of Newville again. In order to do that there will have to be a major effort made by the various municipalities to either pass a tax or to make a significant donation or in some cases, Hopewell has agreed to pay for ambulance memberships for all its residents. If an ALS unit shows up in addition to the regular ambulance Medicare will not pay for both. We need to come up with an ambulance membership that makes sense for all residents. He said he believes that right now an ambulance out of Newville will rendezvous with a medic unit. The Secretary reported that right now they are frequently not meeting rendezvous points. The medics are getting lost from both directions because they are not familiar with the area. It was ironic because on October 16 the number of ALS calls in this area jumped dramatically. The Solicitor believes that if residents understood that it is more dangerous there would be an openness to be willing to meet, and all supervisors are encouraged to work with the Committee, Fred Potziger is leading the effort to try to come up with a constructive way to provide local ALS service here. The cooperative, the 6 fire companies in the Western Cumberland County Emergency Services that have joined together as a cooperative are trying to lead the effort to establish ALS again. It is a big deal, and if you are having a heart attack it's a bigger deal.

The Solicitor distributed a copy of a letter he received from IWS/Advanced Waste regarding the large recycle totes. It was the Secretary's fault, she asked for the totes and the new manager at IWS thought why should we invest in the totes, we'll just send out labels. An email was sent out to all the municipalities involved in the contract that the large recycle totes will no longer be available, labels will be provided that people can place on their own receptacles. South Newton had their meeting and read the email. They went ballistic and said McKnight write a letter. He wrote a letter and sent it to every upper management person in the organization as well as the individual who wrote the email in the first place. It basically stated that we consider it a breach of contract and wondered if they did not like the contract and were trying to get out of it. On Monday we got this letter in reply saying "never mind." The Secretary stated that she had new totes on Tuesday and they were delivered instead of making us pick them up. The Solicitor stated he has been amazed at how dedicated people are to recycling.

OTHER REPORTS

COG Report – Chairman Martin stated that Dickinson Township reported that the humpback bridge should be open this month if it isn't by now. Opossum Lake is filling but they will drain it and inspect it and refill it several times. It should be open by first

day of fishing season. The Secretary at the COG is resigning. They are interviewing a replacement tomorrow. She has been Secretary at one of the Frankfords for 14 years, so hopefully she will accept it. North Newton Township is having an open house on their new building. The Solicitor suggested the Secretary find out when the open house is and let everyone know by email.

Parks & Rec – no meeting

Fred Leeds – Church Road – what did the Supervisors find out? The Secretary stated that last month we pulled out the minutes from 2011 and Fred's time sheets from the same period. There was nothing on either of them regarding the building that Fred stated Mr. Reiff was told to install to house his business equipment. The Solicitor asked what is the deal. Fred stated there are cattle in the field with a stream, there is no nutrient management plan, the lot is too small for the number of cows, he is in a residential area, he has a sawmill operation with logs all over the place, and there is equipment outside. Fred stated that he verbally told him and Reiff verbally agreed to put up a building to house his equipment within one year. It has been over a year and he has not done it and has expanded his business to a "logging sawmill". Fred and the Secretary are to draft a letter covering all the points and send it to the Solicitor. He will send it to both the property owner and the tenant, who is the owner's son.

APPROVAL OF BILLS LISTING

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

The Treasurer reminded Chairman Martin that he wanted to discuss the money in Orrstown. The Treasurer reported that she found out that day that the TDOA account is not earning interest. There is \$202,000 in the account and in order to earn interest it must have a balance of \$300,000. The Treasurer was directed to move the balance of the State Fund to F & M at the first of the year. She is also to find out what the minimum balance on the TDOA is and move all but the minimum balance into a money market until we can add enough to the TDOA to get back up to the 4%.

SUPERVISORS' COMMENTS

ADJOURNMENT

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

NEXT MEETING December 6, 2012

Respectfully submitted,

Vicki Knepp
Secretary