

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

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the November 1 meeting. Chairman Martin seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS—

IDI – Charles Suhr, Dave Thomas and Brian Reissinger were present. They are just here to let us know that the application was filed. Reviewing dates, looks like it would go to the Township Planning Commission December 17 and January 21 if necessary, it will be before the County Planning Commission January 17 and then the earliest we could have the public hearing would be February 7 if we do it on a regular meeting night. Solicitor McKnight stated we were planning to hold the hearing at the fire hall. Charles Suhr stated that we would probably want to wait until after the 21st to have it. Chairman Martin suggested that we wait until after our meeting in February. Chairman Martin will get February dates when the fire hall will be available and we will set the date at our meeting in January.

UNFINISHED BUSINESS

Trash Delinquencies – The Secretary reported that the list of delinquencies is down to \$1400.00 past due. She is going to start to make phone calls to see if she can collect any more of that.

Septic Pumping – The Secretary reported that there are still 99 to be pumped as of this morning.

NEW BUSINESS

Date for the Reorganization Meeting and first BOS Meeting of 2013 – Chairman Martin stated that it makes sense to do the BOS meeting right after the Reorg Meeting. Chairman Martin made a motion to have the Reorg Meeting on January 7 at 7:00 PM followed immediately by the regular Board of Supervisors Meeting. Vice Chairman Sheaffer seconded the motion. Motion approved. The Secretary was directed to advertise the meetings.

Water Tower – Elky Wetherill was present. He has the plans that were submitted to the Planning Commission and the Supervisors. He received the comment that a subdivided piece without a connection to a road was an issue. He spoke with Mr. Ickes and for an exorbitant amount money he will sell Mr. Wetherill a 50' strip. He has some drawings that show what that would look like. He received a letter from Mr. Shambaugh after the Planning Commission Meeting that said a subdivided lot needs a front street, the lot is required to have 150' of right of way at the front street. He believes Mr. Shambaugh is wrong there, if you go to the flag lot section of the ordinance it is 50' not 150'. There is also a section in the Ordinance that states utility structures are exempt from a bunch of rules, one of which is the lot width. Mr. Shambaugh also said a building setback equal to the height of the water tank must be provided from the neighboring property line. Mr. Wetherill stated that what he had been instructed to do was to put an elliptical easement around the property; there are plans to do two tanks. That would be a permanent easement recorded in the Courthouse that would keep Mr. Ickes or anyone who would buy the property from building anything in that easement, but can farm it. The issues appear to be the fall down easement and the easement at the road. Another issue that has come up since then is that he now has a Highway Occupancy Permit for the entrance. Mr. Ickes attorney has given Mr. Wetherill a copy of IDI's plan which shows an entrance at the same location at as the water tank entrance. If Mr. Wetherill deeds the 50' strip to the water company it will be a problem. He would like to go back to the easement for the 12' paved road the water company wants and the fall down easement he believes everybody would be happy. He believes if he has to do the 50' strip it will cost him significantly more money and he would need to put an easement on before he deeds it to the water authority granting whoever owns the surrounding land the right to put a combined driveway in. Solicitor McKnight stated that if we insist that he purchase the 50' strip he does need to put the easement on the deed. It is probably safer for Mr. Wetherill to grant the easement. Chairman Martin said he believes 50' is overkill for a road that is going to be used once a month. Solicitor McKnight stated that Mr. Wetherill will need to go to the Zoning Hearing for a variance if he wants to do the easement instead of the 50' strip. Dealing with the fall down with an easement makes perfect sense. Mr. Wetherill states he has his HOP already. He will consult with his partners to see which way they wish to go. He was advised that if he wanted to go to the Zoning Hearing Board he needed to have the request to the Secretary by December 19.

Annual Website Maintenance Contract Renewal – We have a bid from the current webmaster. It is the same price as last year. Vice-Chairman Sheaffer made a motion we approve the bill pending investigation into Newville Borough's webmaster to see if we can get a better deal. Chairman Martin seconded the motion.

Unilever Warehouse – Chairman Martin stated he has been getting complaints about their lighting, it is extremely bright, it should be hooded and should not direct lighting off the property. Chairman Martin mentioned something to Mr. Clymer and he blew it off. Chairman Martin stated he believes something should come from the Solicitor. Solicitor McKnight stated that he also has received feedback from adjoining property owners about an earthen berm that was supposed to be put in. Chairman Martin stated it has not been done and the trees that they were planted were at the bottom of the hill, not up screening the building. Vice Chairman Sheaffer stated on the south side of the building is where they need to put the earthen berm to give the people in Centerville some protection. He stated he has also gotten complaints about the noise. The Solicitor will write a letter to Reid Townson of Pan-Cal. Chairman Martin stated we are getting a lot of truck traffic that misses the warehouses because they do not recognize Key Logistics. They are turning around on Walnut Bottom Road, his neighbor’s driveway and at the Township Building. We need a directory sign out front listing the companies located back there. Solicitor McKnight asked how close the warehouse was to occupancy permit. Chairman Martin stated they have two permits outstanding for racks, all other permits are complete. The Solicitor wants to make sure they get a commitment about the Developers’ Agreement. Chairman Martin stated the warehouse also does not have an Emergency Plan in effect. Bob Kough was to check on December 5 but he has not gotten back to Chairman Martin. The Solicitor and Chairman Martin will speak with the MDIA representative at the WCCOG meeting on Monday.

Julie Beecher Health Insurance – We have received a request from Ernie Beecher to add his wife Julie to the Township health insurance plan. Vice Chairman Sheaffer made a motion to authorize the addition of Julie Beecher to the health insurance. Chairman Martin seconded the motion. Motion approved.

Financial Audit – We received a proposal from Hamilton & Musser certified public accountant for an outside audit. It includes two bids, one is a financial statement audit for \$6,500.00 and the other is for a DCED report audit for \$5,000.00. The financial statement audit includes the DCED report audit plus financial statements. Vice Chairman Sheaffer pointed out that this was a reduction; our last professional audit was almost \$8,000.00. Chairman Martin made a motion to accept the \$6,500.00 proposal. Vice Chairman Sheaffer seconded the motion. Motion approved.

Zoning Ordinance Updates – Solicitor McKnight distributed a draft resolution which includes several suggestions the Supervisors have for changes to the Zoning Ordinance. 1. Sections V-3, VI-4 and VII-4: The thinking on the maximum lot coverage going from 10% to 20%? Chairman Martin stated 10% is too low. Fred Leeds had suggested 10 – 20%, surrounding townships are 20% so we are conforming with them. 2. Section VIII-13, U, 2: Basically states that entrances and exits in the Commercial Industrial Zone be on major streets. It currently states minor streets. 3. Section XI-26, 1123, 9: Deleting Home Occupation and accessory use and moves it to XI-26 1123-8. 4. Section XI-34, 1236, L: Home occupation sign maximum size is 4 square feet; this would change it to 10 square feet. 5. Section XII-77, 1276, B: Would delete the 2 acre minimum lot size. Chairman Martin stated that a home occupation should not be restricted to a two acre lot when someone can purchase a property with less acreage. It

should be based on the property the person has to put their business on. 6. Section XII-77, 1276, I: Low Impact business sign is 4 square feet, this would change it to 10 square feet. 7. Taxidermy will be a permitted use in Conservation, Residential and Agricultural zones. George Rohrs asked if the changes that have accumulated over the years will be added to this. The Solicitor stated that he would be happy to include anything the Planning Commission has with these. Fred Leeds stated that the problem is there are numerous changes that John Shambaugh assured the Planning Commission that he would have them for the next meeting. Fred stated that they would like to go forward and get them done now and come back at a latter time and address these. They do not want to hold off any longer on the changes they currently have ready to go. Chairman Martin stated the reason they are doing these now is because we have waited a year for the Planning Commission changes. It has gotten to a point where they argue at every meeting. Solicitor McKnight suggests that we marry the two concepts and get them all done at one time. He will attend the next Planning Commission Meeting. Chairman Martin stated that the rezoning of properties that were requested by the Planning Commission will be done at the time of the rezoning hearing.

CORRESPONDENCE

None

PROJECT UPDATES

Salt Shed – It is done, it is not signed off because John has a question or two. We have put up a retaining wall against the back, we found some 2 x 6 country blocks with a embedded stone face to put in a nice retaining wall.

Township Building Windows – The new energy efficient windows have been installed in the meeting room and office.

Tire Cleanup – Chairman Martin stated we have worked 4 Saturdays and have removed 5,128 tires. There is a trailer sitting there with 500 tires that they will fill this Saturday and then quit for the year. He said we are about half done. Solicitor McKnight asked if there could be 10,000 tires there. Vice Chairman Sheaffer said if not more. There will be another cleanup in the spring. The realtor is putting money in for a short sale. The Solicitor hoped that if the property was sold we can come up with a plan for the spring. Chairman Martin stated that if the property is sold our agreement is over. PA Green Ways will continue to assist the homeowners. Keep PA Beautiful has partnered with PA Green Ways to do environmental work. The Project Coordinator has requested a copy of our agreement with the homeowner to use as a template for other municipalities that meet the same criteria. They would also like copies of the invoices. Is that an issue? The Solicitor said no. He would like a copy of all the invoices so he can prepare a note for the homeowner. We need to get his address in Tennessee.

Sign – In progress, footers are in and block is being delivered tomorrow.

SOLICITOR REPORT

Mr. McCrae has filed an appeal on his lawsuit. The Solicitor has sent him a letter stating that up to this point we have permitted him to exercise his free speech, however, from here on out, unless he withdraws his appeal, we will be charging legal fees and expenses. At the School Board Meeting the Borough of Newville presented a concept to the School Board of a LERTA for the entire Borough of Newville so that they can get homes revitalized. The School Board, with Mr. McCrea's support, thought that the Borough needed a LERTA so that any improvements, whether new or renovations to existing buildings, would be granted a three year exemption for \$40,000.00 worth of improvements. Mr. McCrea thought it was a great idea.

Fettrow – The Solicitor stated he has a Complaint in Equity for Chairman Martin to sign. Basically it states who we are, who the Fettrows are, the location of the property, that they have allowed the property to deteriorate and allow unlicensed vehicles, junk and debris to accumulate on the property. They have received numerous letters, visits and citations by Penn Township in an effort to have them clean up their property, but they still have unlicensed vehicles, junk and debris on their property. Penn Township requests that the Court authorize the cleanup of the property within 30 days or grant Penn Township permission to cleanup the property and sell any remaining vehicles and junk to pay for the cleanup costs and any outstanding legal fees and costs expended by the Township. Vice Chairman Sheaffer made a motion to have the Chairman sign the Complaint. Chairman Martin seconded the motion. Motion approved.

Stambaugh – There have been no changes to the property and they have not contacted the Codes Enforcement Officer. The Solicitor will file against the Stambaughs.

LeDane & Freet – Tomorrow the Vector Control Officer will contact Mr. Leeds to make arrangements to inspect the properties.

Napoli Fence – Mr. and Mrs. Napoli were present. Solicitor McKnight spoke with their attorney twice today and suggested they come to the meeting to explain their side of the issue. Solicitor McKnight said his understanding was, Mr. Napoli put up a fence without a permit, we sent him a letter, Mr. Napoli sent in the application, but did not pay the correct fee. He sent a check for \$30.00; it should have been \$35.00 and \$100.00 in late charges. Mr. Napoli stated that he moved a fence that was in place when he purchased the property. He came for a permit to put up a shed and was told his fence was over the property line. He had his property surveyed and found out the fence was 4' on his neighbor's property. His attorney instructed him to move the fence onto his property. He had no idea he needed a permit to move an existing fence. As for the fee, he was under the impression it was \$30.00 so he sent \$30.00. He simply moved a section of an existing fence and was informed that it was now not grandfathered. The Solicitor asked Mr. Leeds if a permit was required. Mr. Leeds stated yes because the fence was taken down and reinstalled somewhere else, so they were putting in a fence. Vice Chairman Sheaffer asked Mr. Leeds if he was aware that the fence had been there but was moved. Mr. Leeds stated he knew that it was moved from here to here. Chairman Martin asked if it was the same fence, no new materials, just relocated. Vice Chairman Sheaffer made a motion we waive the late fee and Mr. Napoli pay the \$5.00 difference

and get the permit. Chairman Martin seconded the motion. Motion approved. Mr. Napoli said his next question was on a driveway. His driveway does not touch a State road and it does not touch a Township road. Chairman Martin asked what he planned on doing to his driveway. Mr. Napoli stated it is stone but he has not decided if he is going to pave it or concrete it. Chairman Martin stated he would not need a driveway permit; he would need a zoning permit because he was changing the imperviousness of the driveway and it becomes a storm water issue.

Brown- Solicitor McKnight stated he needs to write a letter to Mr. Brown telling him he needs to give us a copy of his nutrient management plan.

OTHER REPORTS

COG Report – The Administrator is resigning effective the end this month. A search was conducted, they interviewed Vonda Kelso who is the Township Secretary for Upper Frankford. She was offered the position and accepted it. She will be taking over at the January meeting. The Salt bids for 2012 – 2013 are \$59.00 and change per ton which is amazing since a few years ago it was \$80.00/ton. The Western COG, Eastern COG and the County are all involved in the contract. Solicitor McKnight stated the dues for next year will be half and the President will be Gary Martin.

Parks & Rec – no meeting

Fred Leeds – Mr. Leeds asked what is happening with Mt. Rock Road? The Solicitor stated he has not meet with the County yet, they have been talking about budget stuff. He will try to get it done.

George Rohrs asked for the status of the property on Church Road. Chairman Martin stated it's in process.

Resident Jeff Showaker of Hair Road inquired about having his property rezoned to Commercial. He is planning on selling it in the spring and thought he might be able to get a better price for it. He has 30 acres. He was instructed he needs to get an engineer to help with the proposal for a rezoning request. It can probably be done with the other rezoning requests if he can be done in 30 days or less. He needs a surveyor or engineer to do the drawings; they should know what is needed. He can get a copy of the application at the office.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

Vice Chairman Sheaffer stated that if Mother Nature cooperates he hopes to have the sign up in the next month. The stonework might not be finished, but the sign will be outside.

ADJOURNMENT

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

NEXT MEETING January 7, 2013

Respectfully submitted,

Vicki Knepp
Secretary