

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
January 7, 2013**

Chairman Martin called the meeting to order and dispensed with the Pledge of Allegiance, since we had just pledged at the Reorganization Meeting.

Those present: Chairman Gary Martin, Vice-Chairman Ken Sheaffer, Supervisor Amos Seiders, 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 December 6, 2012 meeting. Supervisors Seiders seconded the motion. Motion approved.

Vice-Chairman Sheaffer made a motion to approve the Treasurer's Report from December 31, 2012. Chairman Martin seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

IDI- Charles Suhr was present. Chairman Martin asked if they had made progress with their submissions since the last meeting. Mr. Suhr replied that they were going back before the Planning Commission at the end of the month and they have information on traffic. They will have a short presentation at the Planning Commission. Chairman Martin asked if we were still in line for public hearing in February. We will set the date after we receive comments from the Planning Commission and the County.

Verus Water Tower – A Variance Hearing is to be held on Wednesday, January 9 at 7:00 PM.

UNFINISHED BUSINESS

Trash Delinquencies – Chairman Martin stated we had men out picking up toters today. We stopped service for 8 people and a total of \$788.87 delinquent. These people are delinquent for two quarters. Chairman Martin stated that in the past we have discussed a \$25.00 reinstatement fee. Solicitor McKnight stated that was reasonable. The Secretary was directed to draft a Resolution for the next meeting and send a copy to

Southampton to let them know what we are doing. Supervisor Seiders stated he did not think we would have delinquencies if we allowed people to pay by credit card. We will look into credit card payments. The problem with this is Southampton does not accept credit cards, we would have to take the payment and write a check to Southampton. We would also have to absorb the credit card fees. Chairman Martin said he would discuss credit cards at COG to see if anyone else is doing it.

Septic Pumping – The secretary reported that there are still 69 properties that were due to be pumped in 2012 that are not done. Vice-Chairman Sheaffer made a motion to have the Secretary send letters to the residents who have not had it done that they have until March 1, 2013 to have the pumping done or they will be fined. Supervisors Seiders seconded the motion. Motion approved.

Security Cameras at the Walking Trail – Chairman Martin reported that some time ago he had Dana Tech review the cameras at the walking trail at the fire station. The cameras are shot and need to be replaced. The wiring and recording system seems all right. We have an estimate of \$485.00 per camera to replace the ones there. Chairman Martin stated we are required to keep the cameras on the trail. Vice-Chairman Sheaffer made a motion that we buy the cameras needed to replace the ones at the trail. Supervisor Seiders seconded the motion. Motion approved. Cy has also offered to buy some of the non-working cameras because they are intimidating. He has a couple locations where they could be installed.

NEW BUSINESS

Kerver Conditional Use Application – The Secretary reported that Mr. Kerver has applied for a Conditional Use Hearing. The issue is that he wants to build it close to the little stream. DEP regulations state that he has to stay 50 ft. from the little stream. Chairman Martin made a motion to table the conditional use until we can speak with the Township Engineer. Vice-Chairman Sheaffer seconded the motion. Motion approved.

PSATS Township Legal Defense Partnership – Vice-Chairman Sheaffer reported that we had received a notice from PSATS that for \$35.00 a year we can join the PSATS Township Legal Defense Partnership. The Partnership will support townships in legal disputes that have statewide implications. Solicitor McKnight stated for \$35.00 he thought it was a reasonable investment. Vice-Chairman Sheaffer made a motion to pay the \$35.00 fee to take advantage of the service. Supervisors Seiders seconded the motion. Motion approved.

CORRESPONDENCE

The Secretary stated that we had an inquiry about whether clergy were exempt from the Local Services Tax. In reviewing the Ordinance the Secretary did not see an exemption. Supervisor Seiders then questioned the exemption. The Secretary checked with DCED who told her that ordained clergy are exempt from Local Earned Income Tax and they believe that it would extend to the Local Services Tax. We don't need to revise the Ordinance but we can if we want to. Solicitor McKnight suggested we put the revision on the agenda for next year. The Solicitor stated he would assume that the

Cumberland County Tax Committee would have it. The Secretary stated it is not on their exemption form. The Treasurer stated the exemption used to be on the West Shore Tax exemption form. The Solicitor suggested that the Secretary forward the email to the Tax Bureau and state that we don't believe that bona fide clergy should be charged the tax.

PROJECT UPDATES

Chairman Martin reported that the salt shed is done; it has been on 27 news, 43 news, the Patriot website and the front page of the Sentinel. Solicitor McKnight stated we had an open house for one guy. Chairman Martin stated for those that may not know, we had a theft of approximately 400 lbs. of road salt. It made headlines for about \$12.60 worth of salt.

Leeds Road Tire Cleanup – Tire collection is suspended for the winter. Our final tire collection for the season was 5,728 tires and our final bill was \$6,268.08. Chairman Martin stated he understands that there is a proposed buyer for the property. The Solicitor asked if it would be a short sale. Chairman Martin replied yes. The Secretary stated that she still has not gotten a new address for the Kennedys; however, the realtor has offered to email the judgment to the Kennedys for signature. The Solicitor will email a judgment to the Secretary.

Township Sign – Vice-Chairman Sheaffer stated he is waiting for Mother Nature to cooperate a little bit. Hopefully if temperatures are above freezing at night this week he can lay a few more courses of stone. He hopes to have it pretty well knocked out until April. Mother Nature has intervened.

SOLICITOR REPORT

McCrea Lawsuit – Not much has changed. Mr. McCrea has filed his appeal. We sent a letter on December 6 that informed him that if he did not withdraw within 20 days we would be seeking legal fees. As far as Solicitor McKnight knows Mr. McCrea has not withdrawn his appeal. He seems just as feisty on the School Board from what he hears. The Judge is giving an opinion based on the issues complained of. The Solicitor will keep us posted when the Judge writes the decision.

Fettrow – The Solicitor has filed suit and the Sheriff has finally found Mr. Fettrow and served him. The next step is Mr. Fettrow's to respond to being served. The Solicitor will let us know if he gets any sort of response from Mr. Fettrow. It is a matter of scheduling a hearing.

Stambaugh – The Solicitor has filed three suits with the Magistrate. Hearing date is February 13, 2013. The Secretary is advised to let the Stambaugh's know that Fred Leeds is no longer the Codes Officer and give them Mr. Lloyd's name.

Letter to Reid Townsend about Unilever Warehouse – Solicitor McKnight read a draft of a letter he is preparing to send to regarding the Unilever Warehouse. He suggested it would be useful for Mr. Suhr to know where we stand. The Solicitor has drafted the letter with input from the fire company president, John Wardle. The letter will be sent to Mr. Townsend, but the Solicitor will copy their attorney, the contractor and

everybody involved with the project. The issues are: 1. Insufficient Berms and Screening for the Warehouse; 2. Lighting; 3. Noise; 4. Entrance Signs; 5. Storm Water Drainage; 6. Excessive False Fire Alarms; and 7. Lack of an Emergency Plan. The Solicitor stated if we can't correct these problems they citizens will have concerns regarding any additional warehouses in the Township. Chairman Martin questioned whether we should send copies to interested citizens. The Secretary is directed to do so, specifically to: John Chastain; Vic Barrick and Melvin Sensenig. Mr. Suhr requested that he be copied on the letter as well and he will make sure that Mr. Townsend gets it. He stated that if items were on the plans they should have been built. Vice-Chairman Sheaffer stated when the planning Commission reviewed the plans the berms and lighting were on them and it was part of the agreement.

LeDane and Freet – The Solicitor talked with Vector Control, they are to be issuing reports this week. Vector Control went out and looked at both properties; they said “the place with the animals is a disaster”. They did not actually see the rats but they saw areas where rats would thrive. We will take action against both properties when we get the report.

Gerald Brown – The Solicitor has a letter which is going out to Mr. Brown which states based upon the recommendations of the Soil Conservation Service the Board of Supervisors voted to permit Mr. Brown to have a pony and goat on his property provided that he prepare and submit a written nutrient management plan to the Township. Mr. Brown has not provided the plan to date. He is being given until January 21 (?) to do so or he will need to be removed from the property.

The Solicitor asked how the trash service worked during the Holidays and storms. Supervisor Martin reported it was fine. The Secretary stated that since our pickups are on Monday we had no problems with the Holidays. She understood that there were some problems in West Pennsboro. We had one or two people who called and complained that there was no pick up during the storms, but were understanding when it was explained that the trucks were unable to get in because of the snow, but they would be picked up when it was clear.

Burgoon Letter – The Solicitor has received a letter from the Burgoon's Attorney saying that the Township has told Mr. Burgoon that we have done everything we are supposed to do but if Mr. Burgoon's water level drops he expects the Township to make it right. He wondered if John Shambaugh had ever filed the permit that Mr. Burgoon had signed to get the pump moved in the stream. Solicitor McKnight wrote to John asking that question. Mr. Hughes says that he understands that at the present time there are no issues regarding water access to pump along the stream bank. However, if it ever occurs that the pump does not have enough water it will be the responsibility of the Township to apply for the needed permit and take whatever steps are necessary to provide adequate water for the pump. The Solicitor stated there is no way we are applying for a permit for Mr. Burgoon, we will support it if he files for one for himself, but we are not paying to have the permits done. The Solicitor asked for permission to write back to Mr. Hughes stating we are checking to see if a permit has been submitted to DEP, but if they need a permit for the future we will support it, but you need to file for it yourself. We are not insuring they will have a water supply. Chairman Martin stated the permit was for us to move Mr. Burgoon's pump during the construction phase and we did not have to do that because we ran a portable pump to supply the water. If the stream dries up, it is not our problem. Vice-Chairman Sheaffer stated that he can not see

anything we did there would have provided a grievance for Mr. Burgoon. Chairman Martin stated when we get into a drought situation the water level drops very low and we have no control over that. Chairman Martin made a motion to have the Solicitor respond to the Burgoon issue with a letter. Vice-Chairman Sheaffer seconded the motion. Motion approved.

OTHER REPORTS

WCCOG – Chairman Martin reported the meeting dates for 2013 will be the second Monday at the West Pennsboro Township Building. Vonda Kelso is the new Secretary. Rep. Bloom sponsored a bill to rename a portion of 233 from the Sheetz store to Newville in honor of Cpl. Morrison, who was killed overseas. They had the ceremony on the 27th. It was pretty well covered and he felt it was a nice thing for him to do and it had a pretty good turnout. County raised property tax 12% and they announced they want to move forward with a 1% sales tax.

Park & Rec will meet later in the month.

Codes Enforcement Officer Ken Lloyd – Ken stated that last week he approved a permit for Tony Sennett on Irish Gap Road to install a shed. He spoke with Jerry McKee at 12 South Side Drive. Mr. McKee wants to put a 30 x 40 garage on his property. He does not have enough room on his lot to conform to setbacks because his well is in the middle of his lot. It is a small lot, less than an acre. Mr. McKee said he could stay closer to his neighbor; about 10 ft. and he would have enough room. Mr. McKee stated he spoke with his neighbor and he did not have a problem with it. Mr. McKee does not want to pay \$1,000.00 for a Variance. Is this something that could be done by Conditional Use? Solicitor McKnight stated that he needs to do a Variance for relief from setbacks. It is not a conditional use. The lot is a non-conforming lot. Solicitor McKnight stated he is not sympathetic if he has options. Vice-Chairman Sheaffer asked if he has provided drawings yet. The Secretary stated he has not even applied for a permit yet. Chairman Martin asked how a building of this size would affect his impervious area. Without a drawing we do not know. The first step would be for Mr. McKee to apply for a permit.

APPROVAL OF BILLS LISTING

Vice-Chairman Sheaffer made a motion to pay the bills. Supervisors Seiders seconded the motion.

SUPERVISORS' COMMENTS

None

ADJOURNMENT

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

NEXT MEETING February 14, 2013

Respectfully submitted,

Vicki Knepp
Secretary