

**PENN TOWNSHIP BOARD OF SUPERVISORS  
1301 Centerville Road  
Newville, PA 17241  
Tel: 717-486-3104 Fax: 717-486-3522  
Regular Meeting  
February 14, 2013**

Chairman Martin called the meeting to order and led everyone present in the Pledge of Allegiance.

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**

Supervisor Seiders made a motion to approve the minutes from the January 7, 2013 Reorganization Meeting. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Vice-Chairman Sheaffer made a motion to approve the minutes from the January 7, 2013 Regular Meeting. Supervisors Seiders seconded the motion. Motion approved.

Vice-Chairman Sheaffer made a motion to approve the minutes from the January 14, 2013 Special Meeting. Supervisor Seiders seconded the motion. Motion approved.

Vice-Chairman Sheaffer made a motion to approve the Treasurer's Report from January 31, 2013. Supervisor Seiders seconded the motion. Motion approved.

**APPROVAL OF SUBDIVISION PLANS**

IDI- Charles Suhr was present. Chairman Martin stated that the rezoning hearing has been set for Monday, March 4, 2013 at the Penn Township Volunteer Fire Co., 1750 Pine Road. The hearing will start at 7:00 PM. Mr. Suhr inquired if the hearing has been advertised? The Solicitor replied that it had and that he was exceeding the requirement by advertising it once in the Carlisle Sentinel and twice in the Valley Times Star. The properties have been posted and the Secretary will be mailing the certified letters next week. The Court Reporter has been confirmed.

Verus Water Tower – Chairman Martin stated that the Zoning Hearing was held and the variances were approved with conditions for lighting, security and access for the fire company. The Solicitor stated that he spoke with Fred Potzer at Newville Borough, the Newville Water and Sewer Authority has speced out the water tower. Mr. Potzer

said that since it is a one lane gravel road up to the tower itself, wouldn't it make more sense to use the hydrants? Chief Robert Kough, Jr. stated that if they put a hydrant on Rt. 233 that the fire company had access to it would be better than going up to the tower. The hydrants that are there now are not sufficient to support fire suppression, especially for warehouses. The Solicitor asked if it was a matter of the hydrants being too small or the water line not big enough. Chief Kough stated that the water supply is not enough. The Solicitor stated not enough pressure. Chief Kough stated that you have to have a supply before you have the pressure. The Solicitor stated that we need to discuss this with the water company. He stated that it made more sense to him that we put in hydrants to their specs that would be better than backing up the hill to the tower. Chief Kough agreed. Chairman Martin suggested that we attend a Water & Sewer Authority Meeting and ask these questions. Vice-Chairman Sheaffer made a motion to get an extension from the developer. Chairman Martin seconded the motion. Motion approved.

Mell Subdivision Plans – Vice-Chairman Sheaffer made a motion to approve Resolution 2013-006 to approve the septic module. Supervisor Seiders seconded the motion. Motion approved. The Secretary stated that we also have the subdivision plans for the property and that the Planning Commission had recommended approval with two waivers. Chairman Martin made a motion approve the waiver for the joint use driveway. Vice-Chairman Sheaffer seconded the motion. Motion approved. Chairman Martin made a motion to approve the waiver for the road frontage requirement for a flag lot. Vice-Chairman Sheaffer seconded the motion. Motion approved. Chairman Martin made a motion to approve the Subdivision for Stephen E. Mell. Vice-Chairman Sheaffer seconded the motion. Motion approved.

West Subdivision Plans – Joshua Mell was present representing Eric Diffenbaugh. He explained that Mr. West has two lots both of which are non-conforming lots. He is trying to make the lots conform to the zoning for the Conservation District. The Planning Commission has recommended approval. Chairman Martin made a motion to approve Subdivision Plan of William West. Supervisors Seiders seconded the motion. Motion approved.

Leeds Septic Module – The Secretary stated this just the septic module. The Planning Commission has not looked at the subdivision plans yet, but have recommended approval of the Septic Module. Vice-Chairman Sheaffer made a motion to approve Resolution 2013-007. Supervisors Seiders seconded the motion. Motion approved.

Ahrens Septic Module – The Secretary stated that she understands that the Ahrens wish to put an in-law addition on their property, although she has not seen any building plans yet. This property is located on Mt. Rock Road. The Planning Commission has recommended approval. Vice-Chairman Sheaffer made a motion to approve Resolution 2013-008 for Jared and Theresa Ahrens. Chairman Martin seconded the motion. Motion approved.

## **UNFINISHED BUSINESS**

Trash Delinquencies – The Secretary reported that she has put a copy of the most recent delinquent list in the Supervisor's folders. She has also put a spreadsheet

of people whose service has been stopped for at least 30 days for the most part. She would like to turn these over to the Solicitor for collection. There are 6 people for a total of \$748.67. Vice-Chairman Sheaffer made a motion to authorize the Solicitor to proceed with legal action for the people listed on the spread sheet. Supervisors Seiders seconded the motion. Motion approved. The Secretary stated that she also has Resolution 2013-009 to establish a \$25.00 reinstatement fee for customers whose service has been terminated for lack of payment. Chairman Martin asked if Southampton had any comments. The Secretary stated that Kathie wishes she could do it. Vice-Chairman made a motion to approve Resolution 2013-009. Chairman Martin seconded the motion. Motion approved.

Septic Pumping – The Secretary reported that there are still 37 properties that were due in 2012 to be pumped yet. Of those 37, three have contacted the office asking if they could have it done in April or May, two are having their systems replaced in April and one asked if he could have it done after he had surgery.

Security Cameras at the Walking Trail – Chairman Martin reported that last month we had an estimate for replacement of the security cameras at the walking trail for \$485.00 per camera, there are six cameras. When they hooked the cameras up to the existing DVR and monitor they worked but were very fuzzy. We have gotten a price of \$1885.00 to replace the DVR and monitor. The total bill will run about \$4,000.00. Vice-Chairman Sheaffer made a motion to purchase the flat screen monitor and the Everfocus Ecor264 DVR. Chairman Martin seconded the motion. Motion approved.

Kerver Conditional Use Hearing – Chairman Martin stated that Mr. Kerver wants to put a garage on his property, but there is a stream running through it. In order to be far enough away from the stream he would need to impede on the setback. The setback is on his front yard so it is 100'. And his front yard is at the bottom of a hill. He said to send it to the planning Commission and have a hearing next month. The Secretary will advertise the Conditional Use Hearing for the next meeting.

## **NEW BUSINESS**

Bream Removal Agreement – the Secretary reported that several months ago Jonathan Bream had applied to install Echo Housing on his property for his in-laws. We have a Removal Agreement on file for the removal of the mobile home when it is no longer needed. Mr. Bream contacted the Secretary and told her they had to place his in-laws in a home and will not be installing the Echo Housing. He has asked to have the Removal Agreement voided. Vice-Chairman Sheaffer made a motion to void the Removal Agreement since it was never implemented. Chairman Martin seconded the motion. Motion approved.

Appointment of Max Klein to the Planning Commission – Chairman Martin stated that we have an application from Max Klein for a position on the Planning Commission. Mr. Klien is currently a member of the Park & Rec Board. He is familiar with site plans and regularly sees contractors and developers. Chairman Martin stated he knows Mr. Klien personally and makes a motion to accept him as a member of the Planning Commission. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Newville Ambulance – Bob Kough, Jr. reported that Newville Ambulance approached him and also approached Tim Knepp about an issue that came up when they started to send out their Club Memberships for residents of the Township. When the ALS went out of business in Newville the time/distance study that was done put Shippensburg Medic 84 responding west of 233 and Cumberland Goodwill east of 233. When Newville Ambulance started to develop their membership Medic 84 was fine going with the membership, Cumberland Goodwill did not want to go along with the membership. That means that residents would be billed full cost for ALS response if they were east of Rte. 233. Newville Ambulance asked Bob if it would be possible for Medic 84 respond to the entire Township. That way Newville Ambulance can send out their memberships with the ALS included. Bob spoke with Troy Russell at the Cumberland County 911 Center. Troy said there should not be a problem, but he needs the Supervisors to approve it. Bob stated he has a letter to send in to them. All first due ambulances responding to the Township will be out of Newville and all first due medics would be from Medic 84 in Shippensburg. This will allow Newville to send out their memberships with ALS included in them. Chairman Martin stated on Rt. 233 it is only a matter of a mile and a half down the road. But on Mt. Rock Road it is a significant distance but is still only a matter of three or four minutes. Supervisor Seiders asked if Bob recommended that. Bob said he did. The Solicitor stated the alternative is to have some residents hit with a several thousand dollar bill if Cumberland is the first due in their area. Vice-Chairman Sheaffer made a motion to approve the Fire Chief's recommendation as far as ambulance and ALS service. Supervisor Seiders seconded the motion. Motion approved.

Chairman Martin stated that the only other thing he had under new business was mentioned tonight. Tim Knepp had recommended some time ago that a "panic" button in the office. The Solicitor asked what it would do. Chairman Martin stated it would be an alarm if there was a confrontation between the secretary and a resident. Tim stated it would be a silent alarm to the alarm company and forwarded to the State Police. Chairman Martin stated it would tie in with the existing alarm system. Chairman Martin said maybe it could be tied into a separate speaker out in the shop. You can't hear that alarm going off in the shop. Vice-Chairman Sheaffer made a motion to authorize the installation of a "panic" button in the office and some method of letting the road crew in the shop know what is going on and the alarm being sent to the State Police. The Solicitor suggested a flashing light in the garage. Chairman Martin seconded the motion. Motion approved.

We had a new propane tank put in. We were getting propane from Amerigas at \$4.289/gallon, Heller offered us heating propane \$1.59 gallon and all of our portable tanks at the same price.

## **CORRESPONDENCE**

None

## **PROJECT UPDATES**

The culverts were put out for bid. Bids are due back March 12, 2013. A special meeting has been set for March 12, 2013 at 1:00 PM.

## **SOLICITOR REPORT**

McCrea Lawsuit – The Solicitor stated that there are two things about the McCrea lawsuit about the LERTA for the new warehouse. Judge Masland made Mr. McCrea articulate what he complains about. The Solicitor provided the Supervisors with a copy of what Judge Masland wrote responding to that. The Commonwealth Court has given a schedule on briefing. Mr. McCrea's brief is due on March 18, 2013. Our brief is due 30 days after. The Solicitor has spoken with representatives of the Unilever Warehouse and suggested that they get more active in the appeal. This is not our issue, we got stuck with it. "We are in the game but don't have anything to gain by the game." We are trying to be good partners with the School District and do the right thing by the warehouse folks who came here because we agreed on the LERTA. It does not seem right to have a member of the School Board complaining about the same LERTA that was voted on while he was a member of the School Board. The Solicitor is going to be sending a letter out inviting the appropriate parties for Unilever join the fray.

There is also a question on the interim tax bill. We have had interim bills come up to the extent where the warehouse is taxed for 2012. The developer thinks there would not be a School District bill until July 1.

Fettrow – Chairman Martin stated the last time he checked Mr. Fettrow was down to four cars, one car over the limit, and still has some piles of junk. He stated that Mr. Fettrow has made some significant improvements. The Solicitor stated the Complaint was served and distributed copies of the 10 day notice that was served. He believes that it is appropriate that Mr. Fettrow be given a chance to respond and then schedule a hearing with the judge to set up penalties. Chairman Martin stated he would take Ken Lloyd and Tim Knepp out and make a list of what needs to be done.

Stambaugh – There was a hearing this week. The combination of the hearing and our new Code Officer the Stambaughs have done a remarkable job of cleaning up. The one remaining pile of junk they have was on a property with an agreement of sale and they could not identify who the owners are. Vice-Chairman Sheaffer said it was the most progress he has seen during the longstanding struggle with the Stambaughs. He stated that they cut Mr. Stambaugh a break on the fine, it was \$1,600.00+. We basically cut it back to cover filing fees and the Solicitor's fee. We will try to work with them and see what happens. Vice-Chairman Sheaffer suggested to Mr. Stambaugh that they stop in the office to sign up for trash collection.

LeDane and Freet – The Solicitor stated we got letter from Vector Control stating the potential for mosquitoes and rodents is there. This will give us leverage when going before the Magistrate. The Freet property is not included in this letter, the Solicitor will ask Vector Control to send a separate letter for Freet. The Solicitor suggested the Codes Officer go back out to the Freet's and take additional pictures.

Gerald Brown – The Solicitor provided a copy of the second letter he has sent to Mr. Brown. He has a call in to Kristin Kitchen the Soil Conservation Expert who is working with the Browns. He has given Mr. Brown until March 1 to reply.

Unilever – There are a couple of things: It appears that we can expect some action on the light issue. Chairman Martin stated he received a call from Reid Townsen on that. Mr. Townsen has contacted Mowery to see about fabricating hoods to direct the light down or replace the lights. The Solicitor reported that he has called Tim Ketner, outdoor advertising manager, who said that along 233 PennDOT will not allow them to put signage in their right of way. Our alternative is to get permission from a neighbor to put a sign just off the right of way on their property. We still are limited to the size of the sign. The Solicitor suggested that either he or Chairman Martin call Mr. Ketner and invite him out for a meeting to see the area. Chairman Martin stated that Mr. Ketner also needs to know about potential growth to the area. Chairman Martin also thought that if Unilever would put a sign on the north east corner of the building like Office Depot has done that might help the problem.

Burgoon Operation – The Solicitor has received a response from the Township Engineer regarding Burgoon. The Solicitor has written a response to Mr. Hughes saying that Penn Township does not and cannot guarantee that the pump as it is presently located will always supply adequate water for the Burgoon operation. The Township has no standing to apply for DEP permits to change the current location of the pump. A permit application was mailed to Richard Burgoon March 22, 2011 that was never submitted to DEP. Mr. Shambaugh sent a second GP11 Permit Application to Richard Burgoon on June 13, 2011 which has never been submitted to DEP. Penn Township did restore the pump to its original condition and location following the bridge installation in 2011. If the Burgoon ownership is concerned about future water supply to its pump it must engineer a better location and file the appropriate application with DEP. The Township cannot do this for the Burgoon Operation. It will take time for DEP to review and approve the application.

## **OTHER REPORTS**

WCCOG – The Solicitor reported three major items from the COG meeting: 1.) Single Line – at the previous meeting there were questions if townships use their own funds can they put single lines on the roads as opposed to the double lines that PennDOT prefers. The Solicitor stated that he was instructed to find out what PennDOT's position is. He handed out a PennDOT District 8 handout stating you can't do it. The Federal Government says you cannot do it and there are liability issues if there is only a single line as opposed to a double line. 2.) The Solicitor has invited all the adjoining municipalities to our rezoning public hearing. 3.) The Solicitor stated he had to send out three letters for an adjoining township because individuals are placing donkey and horse manure loosely in their dumpsters. When the personnel from the trash hauler dumps these dumpsters into the truck itself they are covered with the manure. It has happened twice. In addition to donkey and horse manure, people are putting their large dog feces loosely in their dumpsters. The Solicitor suggested that if they absolutely have to use their dumpster to put the material in, there must be some way to package the material that would survive the process of dumping it into the truck. Chairman Martin stated that at the trash meeting we attended in December the biggest concern was people putting hot ashes in their totes. IWS has had two truck fires caused by people doing that.

Park & Rec. – Chairman Martin stated he is going to recommend that we suspend the Park and Rec Activities. He has already recruited one of the three members to fill a vacancy on the Planning Commission. The only thing we have to worry

about is the lease agreement with the soccer people. He believes Susan can handle that on her own.

Codes Enforcement Officer Ken Lloyd – Ken was not present. Tim Knepp did not have anything.

### **APPROVAL OF BILLS LISTING**

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

### **SUPERVISORS' COMMENTS**

Supervisor Seiders stated that the flag pole out front needs to be replaced. The fire company has a real nice one for sale for \$400.00. It originally cost around \$1200.00. Supervisor Seiders made a motion to buy the flag pole and put it out front with the new sign and put lights on it. Vice-Chairman Sheaffer seconded the motion. Motion approved.

### **ADJOURNMENT**

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

### **NEXT MEETING March 14, 2013**

Respectfully submitted,

Vicki Knepp  
Secretary