

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
March 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 and Secretary Vicki Knepp

Chairman Martin stated that there would be a special meeting to announce the rezoning decisions. We need to take into consideration opinions, reviews and recommendations by our Solicitor, Engineer and the traffic engineer. We have not done any of those to date. Brief public comment will be allowed at that meeting; however, tonight there will be no discussion on the rezoning.

PUBLIC COMMENT

Steve Fosburg of 5 Irish Gap Road asked if there will be any more meetings to discuss the rezoning.

APPROVAL OF MINUTES

Vice-Chairman Sheaffer made a motion to approve the minutes from the February 14, 2013 Reorganization Meeting. Supervisors Seiders seconded the motion. Motion approved.

Vice-Chairman Sheaffer made a motion to approve the minutes from the March 4, 2013 Rezoning Public Hearing. Supervisors Seiders seconded the motion. Motion approved.

Vice-Chairman Sheaffer made a motion to approve the minutes from the March 12, 2013 Culvert Bid Opening Meeting. Supervisor Seiders seconded the motion. Motion approved, with Chairman Martin abstaining.

Vice-Chairman Sheaffer made a motion to approve the Treasurer's Report from February 28, 2013. Supervisor Seiders seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Verus Water Tower – Elky Wetherell stated the plans are here ready to be signed and all fees have been paid. The Secretary stated there were three conditions on the Findings of Fact for the Zoning Variance: 1. Motion detector or similar security lights need to be installed; 2. No trespassing signs to be posted on the fence; and 3.the lot cannot be used for anything besides water towers without going back to the Zoning

Hearing Board. Mr. Wetherill stated that the Water Authority has speced the tank. The Solicitor stated he has been thinking about the Developer's Agreement. He stated that Mr. Wetherill is complying with the requirements of the Newville Water and Sewer Authority and providing, with their approval, some access for the fire department. Mr. Wetherill stated that he had signed what the Authority had sent him. They have now come back asking him to post the entire cost of the tank in cash with them before construction starts. They are worried it will be half built and not finished. Chairman Martin asked Mr. Wetherill when he anticipates starting. Mr. Wetherill stated he is unsure. He still does not have a tenant for the warehouse. Mr. Stambaugh has started tearing things down. The historic German house is gone. The pole barn will soon be gone and he has been promised all the vehicles will be gone. After settlement with Mr. Stambaugh, Mr. Stambaugh has 9 months to get everything cleared out and then he will demo on the Penn Township side of the road, anything that Mr. Stambaugh has not removed by Mr. Stambaugh will be disposed of. Chairman Martin asked if Mr. Wetherill got his HOP from the State. Mr. Wetherill stated he has his HOP for both and the NPDES here. He has everything except the Supervisor Signatures. Vice-Chairman Sheaffer made a motion to approve the plans for the Verus Water Tower. Supervisors Seiders seconded the motion. Motion approved.

Leeds Subdivision Plan – The Secretary stated the Planning Commission has recommended approval on the plans. The Engineer had requested a statement or chart of the total number of lots and parcels, lot areas and type of dwelling units should be included on the plans. We received new plans with that information; however we still need signed plans. The DEP Septic Module is still pending. Vice-Chairman Sheaffer made a motion to approve the plans pending the receipt of the signed plans and the Septic Module. Chairman Martin seconded the motion. Motion approved.

UNFINISHED BUSINESS

Rezoning Decision – Chairman Martin stated we have to have a seven day advertising period. If we advertise in the Valley Times on March 20 we can have it on March 27, at 7:00 PM at the Municipal Building. Chairman Martin made a motion to have the Special Meeting, Wednesday, March 27, 2013 at 7:00 PM at the Township Building. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Break for Kerver Conditional Use Hearing.

Meeting Reconvened

Trash – The Secretary reported we have a list of delinquent accounts. There is one person to come off the list; she was notified today that it was paid. There are four people on the list for a total of \$499.72. Of those four people all but one has been turned into the Solicitor for collection, Sue Lindsay on Farm Road. The Solicitor stated he has given everyone copies of the letters that were sent in February and the follow up letters today to the delinquent people. Vice-Chairman Sheaffer made a motion to authorize the Solicitor to collect Sue Lindsay. Chairman Martin seconded the motion. Motion approved.

Septic – The Secretary reported that there were at least 19, possible 20, that have not been pumped for 2012. Vice-Chairman Sheaffer made a motion to extend the grace period until the next Supervisors meeting. Chairman Martin seconded the motion.

Motion approved. The Secretary was directed to send another letter that if the tanks are not pumped by April 10 legal action will be taken.

208/218 Leeds Road – Chairman Martin stated that Pete Meleason, the potential new owner of 208/218 Leeds Road was in attendance. Chairman Martin stated that he has been talking with Mr. Meleason. Chairman Martin explained for those in attendance that at the former junk yard that was owned by Mr. Kennedy for many years was brought to his attention a pile of tires that needed to be removed. He went to the property and the pile of tires was the tip of the iceberg. We assumed that we would be able to cleanup in short order. We formed a partnership with PA Greenways to supply troubled youth labor to load tires. We got tractor trailers to come in and load them and haul them out for 5 or 6 Saturdays. We removed 5,287 tires from the property and each week we took a trailer out and said I think we are half done. And each week another trailer would come out and it did not look like we were half done. We think we're half done. There is just a humongous amount of tires back there. There are boats back there; there is all kinds of stuff. Pete has an option to buy. He was talking to me about working together to finish this situation. And the reason we are involved is because if you have 10,000 tires laying around, you have 10,000 hotels for mosquitoes to breed in. We want to get them out because they are a significant health hazard, along with the seven boats. With Mr. Meleason's permission he is going to punch holes in the boats. Mr. Meleason stated he read the Nuisance Ordinance and he got concerned before he purchased the property. The tires have to go and they are going to go fairly quickly. Hopefully, he can find out how things were coordinated before and go a little farther than that to get it eliminated. His goal is to get it eliminated by June. Chairman Martin stated our goal is to remove all the potential water sources. Mr. Meleason can do everything else at his leisure. Our agreement before was that we would pay the upfront costs for the removal and Mr. Kennedy would pay us whenever he sold the property. Any agreement with Mr. Meleason cannot be tied to the sale of the property. Mr. Meleason stated tire removal was not his area of expertise. Since we have done it already he would like to coordinate things with us. Chairman Martin stated that we provided at times two pieces of equipment, a front end loader and a back hoe and two operators. We required Mr. Kennedy to pay our fuel costs. Chairman Martin donated his time. Chairman Martin believed we could continue that if Mr. Meleason would pay the fuel costs. Mr. Meleason needs to contact Mike from PA CleanWays. The Secretary will provide Mr. Meleason with contact information for Mahantango and PA Cleanways.

Cameras at the Walking Trail – Cy called Chairman Martin about the cameras. Apparently the wiring in the soffits is bad. He will give us an estimate.

NEW BUSINESS

Culvert Bids – Vice-Chairman Sheaffer reported that we had a meeting on Tuesday at 1:00 PM to open bids to repair two culverts, one on Leeds Road and one on South Side Drive. We received 11 bids ranging from \$98,122.50 to \$238,496.45 and everything in between. The Engineer vetted the bidders. David H. Martin Excavating out of Chambersburg, the low bidder, and the Engineer said they are a good solid company. Vice-Chairman Sheaffer made a motion to accept the low bid of \$98,122.50 from David H. Martin Excavating. Supervisors Seiders seconded the motion. Motion approved.

Electronics Recycler – Chairman Martin stated that State law says you can no longer put electronics, such as TVs and computers in the trash. The Borough of

Newville has an electronics recycling program that they will open to the other municipalities in the trash contract. Chairman Martin asked if we wanted to have a collection here and then take it over to Newville. Vice-Chairman Sheaffer stated that at the Municipal Advisory Committee they had suggested using a rollback and they were told that the electronic appliances could not sit out in the weather. The collection in Newville will be the last Saturday of the month from 8:00 to Noon at the Public Works Complex, 99 Cove Avenue.

Fahnestock Farm Biosolids – Vice-Chairman Sheaffer stated he got a phone call earlier in the week from Mr. Heimbaugh telling him they were going to put biosolids on the Fahnestock farm. Most of the farm is in West Pennsboro Township, but about 25 acres are in Penn. Mr. Heimbaugh wanted to know if we had any objections. Vice-Chairman Sheaffer stated he had some serious concerns because of the problems we encountered at the Hodecker farm. The property owner does not till, he does not want the biosolids to be injected they will be spread on the surface. Chairman Martin asked the proximity to houses. Vice-Chairman Sheaffer stated there are about 8 or 10 residences downwind of the farm. There is potential for air pollution. Human biosolid waste has a higher content of ammonia in it than agricultural waste, so it smells worse. Chairman Martin asked if we have anything on the books that says no. Vice-Chairman Sheaffer said we don't and DEP is the one who has final jurisdiction and if we say no they can still permit it. Vice-Chairman Sheaffer made a motion to have the Solicitor write a letter that we object to the surface application of biosolids. Chairman Martin seconded the motion. Motion approved. The Solicitor will copy Representative Bloom on the letter. Chairman Martin will talk to West Pennsboro. Vice-Chairman Sheaffer asked if there was some way we could enforce injection rather than surface application.

Stormwater Management Ordinance – Chairman Martin stated that when Cumberland County and DEP made a model Stormwater Ordinance we adopted the first three sections of that ordinance and we were going to adopt four sections from the Yellow Breeches, which we failed to do. The four sections of the Yellow Breeches would replace the four sections of the DEP plan. This is what was approved coming out of the Planning Commission. The Solicitor stated that the Engineer was to give him a copy of what he felt still needed to be done with that. Chairman Martin talked with the Engineer and he said we were supposed to combine the last four sections of the Yellow Breeches with the first three of DEP which we had modified. The Secretary stated that our Ordinance did not have our modifications in the Ordinance. No one made the changes. Vice-Chairman Sheaffer made a motion to table the Stormwater Management Ordinance until the Engineer has a chance to make the corrections to it. Chairman Martin seconded the motion. Motion approved.

Zoning Ordinance Changes – Chairman Martin stated we would look at the changes in sections.

Section 301- the amendments to the definitions cover page 1 and part of page 2. This is adding new definitions following DEP and County guidelines. The bulk of the definition changes are adding solar energy, wind energy and outdoor wood-fired boilers to the Ordinance. It also adds the definition of artisan, berm and taxidermy. Vice-Chairman Sheaffer made a motion to approve the amendments to the definitions. Supervisor Seiders seconded the motion. Motion approved. The Solicitor recommended waiting until we had gone through all the changes and recommend them as a whole. He wants to make sure the Supervisors have no changes to what was received from the Engineer.

Sections 502, 602, 702, 802, 901- Add "Private Solar Energy System" and "Private Wind Energy System".

Sections, 502, 602, 702 – Add the use Taxidermy.

Sections 502 E., 604 D, 704 D – change 10% to 20%

Sections 603, 803 – Add "Commercial Solar Energy System" and "Commercial Wind Energy Facility"

Section 805. U. 2. – eliminate the words "minor rather than" this brings the exits and entrances of Commercial properties onto major rather than minor roadways.

The following sections need to be added to section 12. A lot of time was spent on these getting them right. These go through page 14 Z.

Section 12____ - Private Solar Energy Systems

Section 12____ - Commercial Solar Energy Systems

Section 12____ - Outdoor Wood-Fired Boilers

Section 12____ - Private Wind Energy Systems

Section 12____ - Commercial Wind Energy Facility

Vice-Chairman Sheaffer made a motion to approve back through page 14 Section Z.

Chairman Martin seconded the motion. Motion approved.

The Solicitor stated the following changes are a matter of going through and changing the current text. Vice-Chairman Sheaffer stated that it is simply cleaning up confusing language so that when you read the Ordinance it made sense.

Section 302 B – Add statement "There may be only one principal use on a property."

Section 1105 C. 4. – Add the words "for utilities" after the word structure

Section 1105 C. 6. - Remove this subsection Exceptions.

Section 1105 D. 2. a. – add "minimum" before "ten"

Section 1105 D. 2. b. – change "four (4) feet" to "six (6) feet"

Section 1105 D. 4. – Change the exception. Chairman Martin stated that b. requires a 20' berm, that is an incredible amount of dirt. He stated that he believes the current Ordinance is 10' and he thinks that is sufficient. He recommends that this change be deleted. Vice-Chairman Sheaffer stated he believes that it should remain. The Solicitor suggested that it be kept as proposed and if a developer thinks it is too onerous they can come in with their reasons why their proposal would work. It would be a waiver, not a variance. Gary Cribbs from the Planning Commission stated it was 20' from the foundation of the building. The Solicitor stated he really wants to make sure whatever is proposed will work. He wants the Engineer to going through it with a fine tooth comb to make sure it work. Leave as is.

Section 1110 B. 2. – Chairman Martin stated that the Ordinance refers to driveway separation distances. Add it as B. 9 instead.

Section 1110 B. 3. – This also does not make sense. We need to table Section 1110 and have the Engineer take a look at it.

Chairman Martin made a motion to approve from Section 302 on Page 14 to Section 1109 B. on page 15. Vice-Chairman Sheaffer seconded the motion. Motion approved. All of Section 1110 is not approved.

Section 1114. A. – Change 3 ft. to 3 ½ ft.

Section 1114 C. 1. – Change 3 ft. to 3 ½ ft.

Section 1221 I. – Add subsection I. making it conform with SALDO.

Section 1123 A. – Add the use of Taxidermy. This does not make sense.

The Solicitor suggested that we have the Engineer look at the final several pages and get back to them. Leave what has already been approved and he will make those changes. Chairman Martin stated he thinks there are some other things that need

looked at. Chairman Martin made a motion to table the Zoning Ordinance changes for tonight. Vice-Chairman Sheaffer seconded the motion. Motion approved.

CORRESPONDENCE

The Secretary stated that we received a letter from Kuhn Communications prompted by the SNAFU they had during the broadcast of the Super Bowl. Kuhn stated that they are in the process of upgrading their equipment and their cable signals. Resident Steve Fosburg stated he had spoken with Kuhns and was assured that they are attempting to improve their service. However, he believes the Township should look at the contract with Kuhns and see if there is anything that can be done by the Township to improve service.

PROJECT UPDATES

Cameras – We got a new DVR and monitor. They are making progress.

SOLICITOR REPORT

McCrea Lawsuit – Mr. McCrea's brief is due soon and then we have 30 days after that to get our brief in to the Commonwealth Court.

Fettrow – We have sent out the ten day notice, the next step is to enter judgment and have a hearing on some specific relief we need from the Court to get him to clean up the rest of it. He is down to three vehicles now, but he still has piles of tires, a couple of truck caps in the back and debris everywhere.

Stambaugh – The house on the other side of the road is down. He has made a little progress on our side; the pile of trash is still there.

LeDane & Freet – Vector Control wrote a letter on LeDane, nothing has been done. Chairman Martin made a motion to authorize the Solicitor send letters to both Freet and LeDane. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Brown – The animals are gone and the permit has been issued. Mater resolved.

Hodecker – Chariman Martin stated we have an issue with Mr. Hodecker in Huntsdale. He was burning rolls of carpet. He was sent a letter telling him to stop and pay a fine of \$100.00. He did not do so. Chairman Martin made a motion to have the Solicitor correspond with Mr. Hodecker. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Unilever – The Solicitor reported that he had sent a letter to Unilever raising a number of issues, because of that there has been progress made on the signage. Chairman Martin stated it appears to be a temporary sign. The Secretary reported they are still missing the warehouse, there were two trucks today alone that turned at the Township Building. Chairman Martin spoke with PennDOT, they said we cannot put a sign with the name of any company on it in the PennDOT right of way. If it is put on property not owned by Unilever they have to get a permit from PennDOT. We plan to cut down the trees to get more visibility of the warehouse, hopefully that will help. The

Solicitor stated they also are replacing the lighting. Chairman Martin stated they do not appear to be as bright. Representative Bloom might be able to help us with the sign and PennDOT. There have been issues with stormwater problems coming off the Unilever site. The Solicitor has been approached to be a mediator between the farmers and the Unilever developers to try to work out a solution to the stormwater issues. His initial reaction was only if they all agreed that he be the mediator and the Supervisors approved of it. Chairman Martin stated that he was speaking to one of the parties involved who said he might have to sue the Township for loss of the use of his ground. Chairman Martin felt it might put the Solicitor in a compromising position if the decision did not go his way. The Solicitor stated if that is what he is doing he will not be the mediator. The Solicitor stated that there are better mediator solutions if they really wanted it to be independent and he will let them know. Vice-Chairman Sheaffer stated he is still concerned about the sound issue. He believes that the developer thinks they met the agreement.

Hillwood Permit Fees – The Secretary and Chairman Martin explained to the Solicitor that West Pennsboro Township had asked them to collect \$618.00 permit review fee from Hillwood for a permit they had applied for to make changes at 950 Centerville Road. Hillwood never picked up the permit or paid the fee. Chairman Martin thought COG should pay to collect the fee. The Solicitor explained that it was not COG's responsibility. The Solicitor was authorized to collect the fees for the permit review from Hillwood.

OTHER REPORTS

WCCOG – Chairman Martin stated he was not at the meeting. The Solicitor reported that the COG will be opening the salt bids at the next meeting. There was a discussion on County's recommendations for the greenways money that is available for the Townships. The majority of the Commissioners voted to have sort of competitive projects awarded so they can give more money for projects. The COG pointed out that in the west we don't have the staffs or the ability to put in funding requests the way they do to the east. Our proposals do not look as exciting because they are not as big, or not as impactful to the number of citizens we have out here. The members of the COG were advocating just to receive some money based on population. The Commissioner that was at the meeting was in favor of the competitive projects but heard what the members were saying.

Park & Rec – no meeting

Zoning Officer – In the last 6 weeks had about one permit application per week and he is working on a couple of complaints. One has been resolved, but there are still two out there.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

None

ADJOURNMENT

Vice-Chairman Sheaffer made a motion to adjourn at 8:40. Supervisor Seiders seconded the motion.

NEXT MEETING April 11, 2013

Respectfully submitted,

Vicki Knepp
Secretary