

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
May 9, 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

Mike Hoke requested that a letter of non-compliance be sent for the property at 2258 Pine Road regarding the grass mowing. The Secretary replied she had sent them a letter the previous day. Sue Hoke asked what happens after the letter goes out if nothing is done. The Secretary stated that we will go out and maintain the property. Mr. Hoke asked if they would be fined. The Secretary stated that we bill them and our bill is typically more than the fine would be. Chairman Martin stated that we charge for both labor and equipment and that property takes a while to do. Mr. Hoke asked if the property is for sale. The Secretary stated that she had two people inquire about the property in the past two days. The only information she has on the property is the maintenance people so that is the information she gives. When she checked the tax records the property is still in the name of the previous owner.

Sue Hoke asked if the Township had any information about the property across the road next to the tracks. Chairman Martin stated that the property owner wants to put in a storage facility. Ms. Hoke asked what the process was. Chairman Martin stated he would apply for a Zoning Hearing. At that time all the neighbors will be notified by certified letter, the property will be posted, adjoining properties will be posted and the Zoning Hearing will provide time for anyone to make comment. Ms. Hoke asked if that meant coming to a meeting. Chairman Martin stated yes, the time and date will be on the letter they receive. Solicitor McKnight stated that the Zoning Hearing Board is considered a court, there is a stenographer and everybody is under oath. Mr. Hoke asked if for that particular property they would have to grant a variance because it is residential, not commercial. Chairman Martin stated it was either a special exception or a variance; it is not a permitted use. Mr. Hoke asked if they would have to comply with all the setback rules, etc. The Secretary stated that he is limited in what the owner can do with the property, it will not perc. Chairman Martin stated that they will have plenty of notice to allow them to testify.

APPROVAL OF MINUTES

Vice-Chairman Sheaffer made a motion to approve the minutes from the April 11, 2013 Regular Meeting. Supervisors Seiders seconded the motion. Motion approved.

Treasurer Sheaffer stated that the amount of her report is overstated by the fire company portion of the developer's agreement we received for 950 Centerville Road. Vice-Chairman Sheaffer made a motion to approve the Treasurer's Report from April 30, 2013. Supervisor Seiders seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash – The Secretary stated that she has six people whose service she would like to stop on Monday. The Solicitor stated that we adopted a fee for reinstatement of service. The Secretary stated that the letter she sent giving them until the previous day told them they would be charged the \$25.00 fee. The Solicitor stated that Southampton Township and the Borough of Newville has followed suit. Vice-Chairman Sheaffer made a motion to allow the Secretary to proceed with stopping service on the unpaid trash accounts. Supervisors Seiders seconded the motion. Motion approved.

Septic – The Secretary reported that of the eight people she had the Solicitor send letters to for not pumping in 2012, only two have not either pumped their septic or contacted her with dates when they will be pumped. She will let the Solicitor know which two they are. The pumping cards have gone out for 2013.

Culverts – Chairman Martin stated that we had awarded the contract for replacement of two culverts, one on South Side and one on Leeds. It is scheduled to be done in July or August, before school starts. Chairman Martin asked the Solicitor if we needed to have agreements with the property owners like we did for the Lebo Bridge. We are going to be pumping water, especially at the Leeds Road culvert, and it will be on Mr. Hershey's property. The Solicitor stated it would be wise to have the agreement. Chairman Martin stated if the Solicitor would get something written up he will take it to Mr. Hershey for signature and also Mr. Fisher, who will have soil disturbance. The Secretary will get the information to the Solicitor. We are also working with the Engineer to get the guiderail bids. We are working with PennDOT and even they are not sure of what is required. The Secretary will be doing the notification of the fire company, School District and trash hauler.

Hosfeld Road Turnaround – We will be doing the turnaround back there. Chairman Martin spoke with Mr. Cooper, Mr. Cooper is agreeable to us taking a little bit of his driveway to incorporate into the turnaround. Eric Diffenbaugh is going to survey it for us and we will get it to the Solicitor to prepare an agreement.

Unilever – The Solicitor stated that when he got word earlier in the week that we had not received payment of the Developer's Agreement yet he was concerned since we have been carrying the burden on the McCrea lawsuit. The Solicitor called Reid Townsend who indicated that Unilever has been getting the bills but because we were not on their list of vendors there was a delay in paying us. We should have the payment within the week. If we do not have it by close of business Thursday the Secretary is to notify the Solicitor. Mr. Townsend was also planning to come up today to see if the lights were re-engineered. The Solicitor asked about the issues with the runoff,

apparently a plan is being developed. So they are still up in the air. Chairman Martin stated that he has done some research and it appears that the lighting issue could be classified as a nuisance under our Ordinance, which is something we can keep in reserve.

Sign – Not finished yet. Chairman Martin suggested that we find an alternate source to complete it.

NEW BUSINESS

Two Applications for Positions – Hank Donvan, Jr. His grandfather is Gene Mentzer, and he will be working up at Cooke with Gene this year, he just got out of high school and Gene has requested that we put Hank on also, in case we need him down here so he can get some experience. He can use various types of hand tools, chainsaws, pickups, snow plow and spreader. He does have a regular driver's license, no CDL. Vice-Chairman Sheaffer made a motion to accept the application. Supervisor Seiders seconded the motion. Motion approved.

Paul Seiders, Jr. has requested the Assistant Zoning Officer position. He has construction, mechanic, driver and masonry experience. Vice-Chairman Sheaffer made a motion to approve. Supervisor Seiders seconded the motion. Motion approved.

Stump Grinding Estimate – Chairman Martin stated we have taken down six trees on Smith Road. The stumps need to be removed. The Roadmanster said if he did it with a backhoe it would tear up the road. We have a quote from Susan Smith whose son has a stump grinder. He will grind the stumps and level the ground for \$488.00. Vice-Chairman Sheaffer made a motion to accept the quote. Chairman Martin seconded the motion. Motion approved.

South Newton Request for Fire Police – Chairman Martin reported that we have a letter from South Newton Township requesting fire police for the Spring Drawing, the Memorial Day Parade, the Fireman's Fair and the Outdoor Sportsman Drawing, but we don't know what the dates are. Chairman Martin made a motion we approve the request pending the receipt of dates. Vice-Chairman Sheaffer seconded the motion. Motion approved.

Big Spring Economic Development Council – We received a letter extending membership in the Council to Penn Township. We share the same geographic and historical roots, and the same roads and highways. They meet the third Tuesday of the month at 7:00 at Newville Borough. The Solicitor recommended we join this. Vice-Chairman Sheaffer stated that one of the things that this can do for us is if we organize as a region can have an impact on zoning and grant applications. As it is now, each municipality must provide a place for any and every type of business. If we organize as a region then we can restrict that to certain areas within the region so each municipality does not have to duplicate those requirements. It gives us more leverage in controlling the types of business we do or do not want in the region. This will afford some opportunities and leverage that we do not currently have. This has the potential to be a very valuable cooperative effort between the municipalities. He stated he is very much in favor of this. Vice-Chairman Sheaffer made a motion to accept the invitation to join Big Spring Economic Development Council. Supervisor Seiders seconded the motion.

Motion approved. Vice-Chairman Sheaffer stated he would be willing to serve as the Township representative; however, it would conflict with the Municipal Advisory Board. Chairman Martin stated he would be willing to represent the Township on the Municipal Advisory Board. Vice-Chairman Sheaffer made a motion that he would be the Township representative to the Big Spring Economic Council and Chairman Martin would become the representative to the Municipal Advisory Board. Supervisor Seiders seconded the motion. Motion approved.

175 Church Road – The Secretary reported that the owner of 175 Church Road has applied for a Zoning permit to put an addition on their home for his father-in-law. However, they have a non-conforming lot and the addition would be built within setbacks. It will require a Conditional Use Hearing. The Secretary stated she would like to set the date of June 13 at the next Board of Supervisors meeting for the hearing. Vice-Chairman stated he currently has a deck at this spot.

Crum Property - Chairman Martin stated we have received a complaint regarding the Crum property on Centerville Road, again. The previous complaint was about sewer and he visited the property with the SEO and there was nothing that could be done. Supervisor Seiders spoke with the complainant. The Zoning Officer stated that what the complainant imparted to him was that Mr. Crum is now burning scrap wire and burning the insulation off. Looking at the property from the road he is non-conforming to the Nuisance Ordinance with trash, junk, vector control, and possibly vehicles. There seems to be too many vehicles there. He has not done an on-site inspection as of yet. Chairman Martin stated that this has been an ongoing problem for quite some time. He believes that the first step would be for the Zoning Officer and a Supervisor to visit the entire property and identify all violations. The Solicitor stated we will notify him of everything all at once. He asked Supervisor Seiders if he would be willing to work with the Zoning Officer on this since he knows the property. Chairman Martin suggested that they talk to Mr. Crum and explain that they had a complaint and do a walk around of the property. If the inspection warrants Vector Control we will then contact them.

CORRESPONDENCE

We have received a letter from Newville Borough telling us what is allowed for the electronics recycling. The Secretary will post it to the website so people can see. The Solicitor stated that anybody part of the trash contract can take their electronic recyclables to them. It is getting some attention. The County has gotten excited about the use of that and may spawn some other sites across the county.

PROJECT UPDATES

Tire removal update – Chairman Martin reported that behind the Seiders property there used to be a junk yard and we are working to help get the tires removed from the property. We have removed 9,005 tires from the property. The conservative estimate is there are 3,000 – 4,000 more tires on the property. We are working with volunteers from PACleanways, Keep PA Clean and Diakon Youth Services. The tires are being taken to Mahantango in Liverpool who recycles them into playground mulch. It is getting statewide notice.

SOLICITOR REPORT

The Solicitor stated received an email from the Secretary stating that the Fettrows have a new address. He then got an email from her the next day stating that she had been told that Mr. Fettrow had died. The Solicitor has done a title search on the property, in February 2002 David Fettrow, Sr. put the property into the name of David and Deborah. The Solicitor stated that in order to move forward we have to pursue the heirs. We will notify them of outstanding judgments and put the judgments into their names. They are down to three cars and more tires have shown up. The tires need to be taken care of. It was clarified that David, Sr. had died some time ago. We believe the person who just died was David, Jr. so Deborah is the only one still alive. Mabel Stitt reported that she was in bad shape, too. Chairman Martin asked if the Township can go in and get the tires. The Solicitor stated yes, he will still send Deborah a notice.

LeDane & Freet – Any changes? Chairman Martin stated Mr. LeDane moved the truck from the front to the back. Does not look like much has been done with the carport where the rats were. The Secretary reported that Mr. LeDane never came in and signed up for trash as he was directed to.

McCrea Lawsuit – The briefs are in, the next step will be an argument if McCrea asks for it. If an argument has been set the Solicitor will let the Supervisors know in case they want to go along.

The Supreme Court of PA has endorsed the redistricting so that means our State Senator is from Altoona.

We received several suggested Ordinances from FPE. One is amending the stormwater. The developers will have to abide by the new stormwater. The Supervisors have not received the new Zoning Ordinances yet.

TIS Meeting – We met with one of the developers about traffic. In general we want to see all that can be done with the current configuration of the bridge done to alleviate any congestion as the truck traffic builds. The ultimate solution is to get contributions from developers as the projects come along. He recommends that the Supervisors authorize the Township Engineer to come up with a estimate and a plan for contributions by developers to that project. In order to get more space underneath we will need a new bridge. Eventually we can get a proposal together and get PennDOT approval, but Federal and State monies would require a 20% match from us and that is what the developers can contribute. Chairman Martin made a motion to have the Township Engineer come up with an estimate and we will come up with a plan for developers to contribute to it. Vice-Chairman Sheaffer seconded the motion. Motion approved. Chairman Martin stated that Mr. Wetherell has stated that if a new bridge is required by PennDOT he will just walk away from the project. Chairman Martin stated he imagined IDI would feel the same way and we would not have any additional warehouses. Solicitor McKnight stated we need to err on the side of caution. With the circumstances of today we have seen what a disruption one accident can create for a region. One accident under that underpass could tie up traffic in the entire region and cause major delays in getting kids to/from school and emergency services.

OTHER REPORTS

WCCOG – No report

Zoning Officer – Tim Knepp – Tim reviewed his Zoning activities for the past month. The shed has been moved at 97 Leeds Road, he visited the Fettrow property with Chairman Martin and various other properties. He approved a sign for an attorney on Ritner Highway. The mobile home at 45 Hays Grove Road has not been removed. He responded to a burning complaint at 2675 Walnut Bottom Road, he was unable to contact the owner, only got an answering machine. He had to call the fire department to extinguish the fire and had the Secretary send a letter regarding the violation. He met with the owner of 179 Hair Road, he believes the gentleman is sincere in his attempt to clean up the properties. His brother at 175 Hair Road recently died. He is trying to make an effort to clean things up. He has invited the Zoning Officer to come back at any time to check his process. Supervisor Seiders stated that he is good for his word. Tim received a complaint on 2607 Walnut Bottom Road, which is evidently a recurring problem. He met with the owner and took a few pictures which showed the validity of the complainant's pictures. Mr. Souders said he is getting behind in moving stuff out like he wanted to, but he is still hauling stuff in. Tim suggests that the Township send a letter. Vice-Chairman Sheaffer stated that Mr. Souders knows exactly what he can do and cannot do. Vice-Chairman Sheaffer made a motion to have the Solicitor send a letter explaining the non-compliance and giving him 15 days to clean up the property or we will file an action and seek a fine of \$750.00, \$500.00 in legal fees, plus costs. Chairman Martin seconded the motion. Motion approved. At 2675 Walnut Bottom Road they applied for an application to for a stone wall and they are going to relocate one of the stone pillars at the driveway. The Secretary stated that they have done considerable work without applying for UCC permits. She contacted the Building Inspector who verified that they did, in fact, need the permits. The contractor picked up the applications but after a period of time when they had not submitted them she had the Building Inspector put a stop work order on the project. The owner basically was blaming the Township that his contractors have now moved on to other jobs since the stop work order was placed. Had he gotten permits as required he would not be in this situation. Mr. Knepp reported he received a complaint about an illegal burn at a mobile home on Smith Road. He told the people they needed to extinguish the fire since they were burning illegal materials and it was after dark. He explained that it could not be burned. They did extinguish it. He met with a prospective buyer for 1812 Pine Road who wants to put a garage on the property for restoring old cars and a second driveway. Our Ordinance specifies only one driveway. It can only be for personal use and vehicles cannot be stored outside. At 631 Mt. Rock Road they want to want to put an addition on. He reviewed the application and approved it.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

Chairman Martin stated that we have been dealing with Rick LeVan of PennDOT. The State has become extremely particular in detail for projects being done with Liquid Fuels funds. We have been working for three years to get the culvert project bid out.

Every project is becoming similar to that. The auditing is then a nightmare because the auditors operate under different rules than the project manager did. It has become a hassle. We have located a piece of equipment called a maintainer. It is like a mini paver but has a grinder, a tank for tack oil, and you can pave various widths with it. It is not a paver but it is a way to do minor repairs on a road ourselves without incurring a contract for prevailing wage and having to worry about project numbers because we will be using materials bid under the COG contract. It costs \$110,000 new. We have located one in York that has not been used in 15 years that we think we can get for \$6,000 - \$10,000. We might have to put a few thousand into it for new hoses or something. Chairman Martin believes that, based on the climate in the State and the way we have to do business, this will pay for itself in short order. The Roadmaster is dealing with the gentlemen in York, they would like to trade it in to Stephenson's next year to buy a piece of equipment, but if we can buy it now they can hold the money. If he receives a return call we would like to go look at it. West Pennsboro has one and they use it a lot. Vice-Chairman Sheaffer made a motion to authorize the Chairman and the Roadmaster to purchase the mini-paver for up to \$10,000. Chairman Martin seconded the motion. Motion approved.

ADJOURNMENT

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

NEXT MEETING June 13, 2013

Respectfully submitted,

Vicki Knepp
Secretary