

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
June 13, 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

Warren Nolt – Mr. Nolt stated he had asked the Supervisors at another meeting about building another house on his property. He showed the Supervisors a diagram of where he would like to put the house on his property. Chairman Martin asked how many total acres Mr. Nolt had. Mr. Nolt replied 187. He wants to put the house in the corner. Chairman Martin asked if it would be his to live in. Mr. Nolt replied that it would most likely be for a child, if it would be him, it would be much later. Chairman Martin stated that we do not usually have a problem with selling off a piece of ground for a house for a child. Mr. Nolt asked if he needed to subdivide. Solicitor McKnight stated the answer is yes, unless they get a variance. He stated he did not believe Mr. Nolt could prove a hardship since he has plenty of land. Vice-Chairman Sheaffer stated that according to zoning you cannot have more than one primary residence on a lot. That is why you would have to subdivide so it is not on the same lot. The Solicitor stated he needed to get proper septic, no matter what he does. Vice-Chairman Sheaffer stated that it would be to his benefit to subdivide, if he would decide to sell the house at a later date, he would not be able to do so until he subdivided. Solicitor McKnight stated there are also consequences with Clean and Green. If he does it wrong, he has to pay rollback taxes. He suggested Mr. Nolt contact the Clean and Green people at the County Assessment Office to find out the steps needed. Chairman Martin stated that Mr. Nolt needs to go to the Assessment Office first. Then he can come back to us and proceed from there. Chairman Martin told him that he needs to get a surveyor to work with him. Mr. Nolt asked about the perc. Chairman Martin stated he needs to talk to Vince Elbel, the Township SEO. He was told to call into the office Monday morning and the secretary will give him contact info for the SEO.

APPROVAL OF MINUTES

Vice-Chairman Sheaffer made a motion to approve the minutes from the May 9, 2013 Regular Meeting. Supervisors Seiders seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS

None

Break for Conditional Use Hearing for Alvin W. Sprenkle, Jr.

UNFINISHED BUSINESS

Trash – Short list this month. The Solicitor handed out four letters that were drafted to Neidigh, Jones, Wert and Gross. The Secretary stated that a letter should also go to Sue Lindsay. The secretary stated that four of the six delinquent accounts are over 6 months old. She would like to have the Solicitor continue trying to collect; however, she would like to reimburse Southampton for them for a total of \$499.72, Lindsay, Jones, Gross and Wert. Vice-Chairman Sheaffer made a motion to pay Southampton. Supervisor Seiders seconded the motion. Motion approved.

Septic – All 2012 are pumped. Approximately 1/3 of 2013 have been pumped already.

ASA Review – The Secretary reported that the 30 day modification period was over on May 24. We are in the 45 day review period; the Planning Commission has already reviewed it. The County Planning Commission has it to review and we need to schedule a meeting of the ASA Committee. The final date for review is July 8. She would like to schedule the hearing for the July 11 Board of Supervisors Meeting.

Crums – Supervisors Seiders reported that the Crum property looks fine. They have cleaned up some. The Codes Officer stated he has not received any more reports of burning.

2258 Pine Road – The Secretary reported that neighbors were in attendance and asked if they have any comments. Mr. Hoke stated that they are still not in compliance with the Nuisance Ordinance. The Secretary stated the property is under foreclosure. She has been working with a woman at the management company to try to mow the property, but it is only half mowed, as of now. She asked the Solicitor if there was any legal action that could be taken to try to bring the property into compliance. Mr. Hoke asked if as a residential property the whole thing has to be maintained. Chairman Martin said yes. Mrs. Sheaffer stated that she is concerned about the dead tree. She is afraid it will come down and hit her house. The Secretary stated she has an invoice for mowing last year that she has been fighting to try to get paid. One bank tells her they no longer own the property and will not pay it, and the other says they did not own the property when the invoice was from and they will not pay it. She would like the Solicitor to try to collect the invoice or place a lien on the property. The Solicitor will bill both banks for the entire amount and will send a letter to both banks and the development company that if we have to mow it again we will also ask for legal fees and penalties. Mrs. Sheaffer said she is concerned that the dead tree will fall on her house. Chairman Martin asked the Solicitor if it is a danger, can we cut it down. The Solicitor stated yes. The Solicitor will include the tree issue. The Solicitor will give them to the end of the month to mow the lawn and cut the tree. He has to give them a warning. Vice-Chairman Sheaffer made a motion to have the Solicitor contact both banks and the management company regarding the non-payment of the bill and the maintenance of the

property to include removal of the dead tree. Supervisors Seiders seconded the motion. Motion passed.

NEW BUSINESS

Unpaid Invoices – The Secretary stated that she has several unpaid invoices for engineering fees and mowing. We have one for a new mobile home at 876 Mt. Rock Road. The resident needed a stormwater management plan and has not paid the engineering fees. The Secretary sent him a letter telling him that the Certificate of Use and Occupancy will not be issued until he pays the engineering fees. The Codes Officer checked the property today; they are living in the house. The Solicitor will send them a Cease and Desist Order giving them 10 days to vacate the property if the bills are not paid.

Residence at 1845 Walnut Bottom Road in Centerville. The owners walked away and abandoned the property. We have sent them several letters; we have mowed it three times last year and once so far this year. They currently owe \$1,335.00 for mowing. The secretary would like to put a lien on the property. The Solicitor will prepare a complaint. Vice-Chairman Sheaffer made a motion to have the Solicitor proceed with liens against all the unpaid bills. Supervisor Seiders seconded the motion. Motion approved.

Direct Deposit Employee Pay – The Solicitor stated that it is cheaper for the Township. The Treasurer stated she had a request for it and she has looked into it. She just has to obtain the information on employee banks. Chairman Martin asked if she has spoken to the road crew. She stated she spoke with the Road Master and he is for it. The Secretary stated that Ernie Beecher is also in favor. Chairman Martin asked about the part time employees. The Treasures said she would not offer it to the as needed part time employees. We would have to change payday from Wednesday to Thursday. The Solicitor said it makes sense to do it. Vice-Chairman Sheaffer made a motion to authorize the Treasurer to put anyone who wants to direct deposit pay, except for the on call part time employees. Chairman Martin seconded the motion. Motion approved.

Laura Witter Zoning Permit Application – Ms. Witter owns the property at 182 Smith Road. There had been a mobile home on the property. The owners of the mobile home rented the pad from her. That mobile home is gone and she would like to place another on the property to another renter. There is an issue with the pad because our zoning ordinance requires a solid concrete pad with reinforcing rod. The Zoning Officer stated that while our ordinance requires the pad, UCC only requires footers and tie downs. Based on our ordinance he had to deny the permit. Also, the septic was to have been pumped in 2010, but was never done. Ms. Witter stated that the septic is due to be pumped on June 27 by Peck's. Chairman Martin stated he spoke with the Engineer regarding the issue with the pad. It was placed in the zoning primarily for mobile home parks to facilitate maintenance under the trailer. Since Ms. Witter has an existing lot with a pad and the home is to be installed by licensed mobile home installer he believes the Supervisors may waive the requirement for the pad. The Solicitor stated that as long as we require what UCC requires he has no problem with waiving that requirement. The Secretary stated that the Removal Permit was never obtained from the Tax Collector and there are still past due taxes on the old home. Ms. Witter stated that it was the

responsibility of the tenants according to her lease and she gave all information to Mrs. Stitt and she is not responsible for the tenants. The Solicitor stated that yes she was responsible if she wants the new mobile home. As the owner, she must pay and collect from them. Chairman Martin stated that as soon as the septic is pumped and Mrs. Stitt notifies us that the taxes are paid we can issue the permit. Chairman Martin made a motion to approve the permit pending the pumping the septic tank and payment of taxes. Vice-Chairman Sheaffer seconded the motion. Motion approved. Permits must be in hand before any work begins.

Albert Verdekal – Mr. Verdekal stated that he has recently received a letter from the Township telling him that the variance that was granted for his mobile home has expired. He stated that his grandmother recently passed away and the issue was that you could not have two properties on one deed. They need to separate the deed for the property. The Solicitor asked if they were going to subdivide. Mr. Verdekal replied they were. Chairman Martin asked when it will be started. Mr. Verdekal thought that within the year that it would be done. They are requesting an extension of one year to the variance. The Solicitor recommended it be 6 months and then come in at that time to ask for an additional extension, if needed. Vice-Chairman Sheaffer made a motion to extend the variance for 6 months. Supervisors Seiders seconded the motion. Motion approved.

PSATS Prevailing Resolution – PSATS is asking us to adopt a resolution to support prevailing wage reform. Vice-Chairman Sheaffer made a motion to approve the Resolution 2013-010. Supervisors Seiders seconded the motion. Motion approved.

Zoning Ordinance Amendments - Chairman Martin stated that the majority of the amendments have to do with alternative energy; outdoor wood fired boilers, solar energy and wind energy. We have been talking about these for months. Basically they mirror County's Ordinances. He stated he has looked at them many times and does not have any changes or additions. The Solicitor stated that we need to send them to the County and he will advertise. Vice-Chairman Sheaffer stated that he spoke with the Engineer the previous day and he recommended that we get moving as soon as possible. Chairman Martin recommended that in the Agricultural District we have Section 602 permitted uses, Section 603 Conditional Uses. He recommends we renumber sections 604 and 605 and insert a new Section 604. Special Exceptions to the Ag District, for such things as hotels, motels, restaurants, retail shops. Pretty much mirror what was approved for the drive-in property. They must be attached to public water and sewer, which would limit them to the Route 233 corridor. The advantage would be that we can get the kind of development we want without going through a rezoning hearing. Vice-Chairman Sheaffer made a motion to authorize the Solicitor to advertise the Zoning Ordinance Changes including Section 604, Section 605, Section C. Supervisors Seiders seconded the motion. Motion approved.

CORRESPONDENCE

None

PROJECT UPDATES

The sign is out in front of the building. A future Eagle Scout will be doing the landscaping as part of his project. That will probably happen in the fall. He has gotten approval from the Fire Company to purchase the flag pole for \$400.00.

SOLICITOR REPORT

The Solicitor reported that he attended the opening at the Unilever warehouse, as did Supervisor Seiders. It is a big building, 1/2 mile long. He has been on the folks at Unilever and Reid Townsend to get the Developer's Agreement paid. It requires several layers of people to approve it, and then once that is done the check has to come from India. Chairman Martin stated he believes the lights are still too bright, the Supervisors need to check them after dark. The Solicitor stated that he believes that they are close to reaching an agreement on the drainage problem.

McCrea – Apparently the authorization to do anything for the lawsuit on the Unilever Warehouse must come from India too. He received a Court Order stating that Unilever is too late and cannot do anything. It also states that unless we hear from the Court the case will be decided by the briefs that have already been written.

Fettrow – The Solicitor asked if the Secretary has an address for Deborah. She deferred to the Tax Collector. Mrs. Stitt stated that she does not have one, but they do pick up mail at the mailbox on the property. Eldon Martin or Mark Reiff might have information.

LeDane & Freet – The Codes Officer reported that the truck in the front yard of LeDane's has been removed. The carport is still full of junk. Nothing has changed in the back of the property. Chairman Martin stated we need to develop a plan to take action against Mr. LeDane. He has no concern for his neighbors' welfare. There are rats and probably snakes. The Solicitor stated we will give him 14 days to cleanup, contact us or we may send in a crew to cleanup and bill for it. Freet – the Codes Officer stated that from what he can see it does not look too bad. Vice-Chairman Sheaffer made a motion to have the Solicitor take action on the LeDane and Freet properties. Supervisor Seiders seconded the motion. Motion approved.

Souders – The Solicitor handed out a copy of a letter sent to Ernest Souder stating he has 14 days to cleanup or the Township is coming after him for legal fees, costs, fines. He is to call Tim Knepp or the Solicitor. Tim stated he has followed up with a visit since he spoke with Mr. Souders. He spoke to the neighbor, who keeps an immaculate property. He did see some progress being made by Mr. Souders, it is slow. The Solicitor stated he has a history of bringing junk in. He is basically operating a salvage yard.

The Solicitor has Easement Agreements for Hersheys and Fishers. Do we have any engineering that gives a specific area that we will be disturbing? Chairman Martin stated that basically there is going to be some digging, but the south side of the culvert they will have to put in a dam and pump the water around. Mr. Fisher's area is a yard area and he told Mr. Fisher we will restore it to the same condition it was in prior to the work. We will also need agreements for Scott Rankin and James Alspaugh. If the stream dries up they do not need to dam it.

The Solicitor is working on appealing the audit report. He has been told it is in the hands of PennDOT right now. Rep. Bloom's office said we need to wait to see what PennDOT says and then file an appeal and Rep. Bloom will help.

OTHER REPORTS

WCCOG – No report

Zoning Officer – Tim Knepp – Approved 12 applications, denied two. We had two stop works, one for a job on Lebo and one on Centerville. He spoke to the Solicitor about adding a verification blurb near the signature line on the permit application. The Solicitor stated that the law is that if somebody misleads us or lies to us in a Zoning Permit application and we find out about it we can revoke the approval, but it is nice to have a verification right there stating that the facts that they have presented to us are true and correct and if they are not true and correct it is a violation of State law for which there can be penalties and charges brought against them. Vice-Chairman Sheaffer made a motion to have the verification added to all of our applications that requires the applicant to state that the information is true and accurate. Supervisors Seiders seconded the motion. Motion approved. Tim stated he has done some follow ups:

Seibert 175/179 Hair Road, he has spoken with him 3 or 4 times since he was out there initially. Mr. Seibert is making progress. The vehicles and the pile of mowers are gone. The whole property has been mowed and trimmed and looks much better. He is still cooperating.

Stambaugh – quite frankly he really can't tell if there is any change. There is a construction trailer on site. There are some tires sitting around, but not a great quantity. Some were brand new.

Fettrows – he was down to Fettrows and there were fresh tracks in the grass, so someone has been there. They are down to three vehicles, one a pickup truck loaded with tires and junk. There are probably 6 – 8 tires on rims sitting around. Chairman Martin stated he went with the road crew and moved 20 tires that were off rims into the garage. The light and sun light was different during this visit and while he was walking by the TransAm he glanced in the window and found a firearm in there. It had some evidence of burning on it. When he tried the door handle the door was unsecured. He was concerned that kids could get hold of the gun so he called the State Police. The Trooper who responded did not seem too concerned. The Trooper gave Tim permission to bring it back to the Township. Tim thinks with a little work it could be made to fire. He does not believe it has any value but he was not comfortable leaving it once he knew it was there. It will be secured in the closet in the office.

Burkholder on Pine Road – Tim received a complaint from neighbors about the tankers on his property. He has checked with DEP and our ordinances and there is nothing that can be done about it. The neighbors are concerned that kids are going to open valves and there will be leaks. Hilltop Nursery Signs – he had a complaint that there were signs in the right-of-way nowhere near the property. They have been sent a letter and the signs have been removed.

175 Beetem Hollow – He and the Chairman had been down for a complaint regarding insulation going into the stream. The property owner was sent a letter and it looks like it has all been cleaned up.

PennDOT Scope Meeting – Vice-Chairman Sheaffer reported that he attended a SCOPE Meeting at PennDOT the previous day with the Engineer and Traffic Engineer regarding the IDI warehouse project. IDI has revised their figures for the the number of

jobs from the estimated 700 they gave us at the rezoning hearing to 500 on their PennDOT application for road improvements. This makes a big difference in terms of IDI's responsibility for improvements. Our Traffic Engineer explained why it was important that they not reduce the numbers. PennDOT seemed to agree that they were low-balling the numbers. An additional meeting was held regarding moving the proposed entrance for the IDI property to directly across from the entrance for the Key Logistics properties. In order to accomplish that they would have to go through part of the PennDOT storage shed on 233. This caused some concern as the PennDOT facility is already cramped for storage space. Our Engineer made the suggestion that developer deed PennDOT ground about 20 – 30 feet back in the property with them accessing it from the rear. This would help PennDOT put a larger gate in and allow better access to the facility. PennDOT was agreeable to this. PennDOT requested IDI to do the engineering and drafting work and come up with the information. One of the PennDOT people suggested that a light might be needed there. Vice-Chairman Sheaffer said the Township would be receptive to that. Both of our engineers thought it was a very productive meeting and went well for us. Chairman Martin stated he believes it should be noted that we have preferred that entrance from the beginning. It sounds as if PennDOT has agreed with us on almost every point so far.

APPROVAL OF BILLS LISTING

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

Adjourn for Executive Session.

Meeting reconvened.

SUPERVISORS' COMMENTS

None

ADJOURNMENT

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

NEXT MEETING July 11, 2013

Respectfully submitted,

Vicki Knepp
Secretary