

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
July 11, 2013**

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

Those present: Chairman Gary Martin, 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 June 13, 2013 Regular Meeting. Chairman Martin seconded the motion. Motion approved.

Chairman Martin made a motion to approve the Treasurer's Report from June 30, 2013. Supervisor Seiders seconded the motion. Motion approved. The Treasurer stated that the TDOA account has been closed.

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash – The Secretary reported that bills just went out last week so the list is rather long. She would like permission to send out the first round of letters to the delinquent accounts. Chairman Martin made a motion for the Secretary to send out letters to the delinquent trash accounts. Supervisor Seiders seconded the motion. Motion approved.

Septic – The Secretary reported that of the 289 scheduled to be pumped in 2013, 103 are done.

ASA Review – The Secretary reported that we have the comments from Cumberland County Planning Commission and comments from the ASA Committee. The ASA Committee has recommended that we remove any property that does not meet the State criteria. We have a few properties that now fall under the 10 acre minimum due to subdivisions. The County list is more comprehensive. The County Planning Commission has recommended that we remove 19 parcels; add 5 parcels that are

preserved farms and had to be part of the ASA before becoming preserved; add 2 additional parcels that appear to have been deleted because of subdivisions, but are still in farming; remove the 12 acre Bennett homestead and add the 70 acre surrounding farmland, a new PIN was assigned to the farmland during subdivision; there are 3 tracts not consistent with the County and Municipal Future Land Use Map; 9 tracts are not consistent with Township zoning; and 5 tracts should be resolved with West Pennsboro Township, one of those five tracts is the Stambaugh property and should be removed from the ASA. The Secretary stated that she knows the Township Planning Commission has reviewed it, but does not have a written report from them. The County also recommends that we do not remove the West Pennsboro parcels until they have been accepted into the West Penn ASA. The farmers need to apply to West Penn. The Secretary will send the landowners letters regarding this. Chairman Martin asked when we need to vote on this. The Secretary replied it must be done before September. Chairman Martin made a motion to table the ASA until next meeting to enable us to make the appropriate changes and notify all landowners necessary. Supervisors Seiders seconded the motion. Motion approved.

Zoning Amendments – Solicitor McKnight requested that the Board defer the Zoning Amendments until next month. He would like to meet with the Planning Commission and the Engineer. He is not satisfied with the changes to the area north of 81 yet. He will advertise it for August. Chairman Martin made a motion to table the vote on the Zoning Amendments until August. Supervisor Seiders seconded the motion. Motion approved.

NEW BUSINESS

Document Destruction – The Secretary reported that she spoke with the Pennsylvania Historical & Museum Commission to find out about disposing of the past meeting minute tapes. When she did so, she found out that the Township should have passed a resolution regarding the document destruction schedule and that when documents are destroyed there should be a resolution prior to their destruction. We had not been doing this. The Secretary had two resolutions for approval: Resolution 2013-011 Declaring the Township's intent to follow the schedules and procedures for disposing of records; and Resolution 2013-12 stating that the Secretary wished to dispose of 2010 Tax Bills, Paid Receipts and Board of Supervisors Meeting tapes from January 2004 through December 2011. Chairman Martin made a motion to adopt Resolution 2013-011 and 2013-012 to destroy the documents listed. Supervisors Seiders seconded the motion. The Secretary stated she will shred the tax receipts. She will throw out the tapes.

Roger Chilenski – Chairman Martin stated that Mr. Chilenski owns the property at the northwest end of Pine Road. Mr. Chilenski would like to put a storage facility on the property across from residences. Mr. Chilenski has asked if the Zoning Hearing Board grants him the Special Exception is it transferable to his son. Chairman Martin stated he believes that if the facility is built and he transfers it to his son, yes the Exception would transfer; however if Mr. Chilenski does not build the facility before he transfers the property to his son, Chairman Martin does not believe it would transfer. He asked the Solicitor if this is correct. Solicitor McKnight stated that normally a Special Exception would run with the land. However, when it comes to implementing it, the Supervisors can ask the Zoning Hearing Board that as a condition a timeline be placed on it. That he

has to have it constructed within a specified timeframe and if Mr. Chilenski does not meet those guidelines then the requirement can go. Once it is built the decision sets, it runs with the land.

Cumberland County Per Capita Tax Elimination – Due to the change of their status, Cumberland County will be eliminating their Per Capita Tax in 2014. The Townships will be responsible for all expenses associated with printing and mailing tax bills and the collection of the bills. This will probably end up costing more than we will collect. The Solicitor reported that most municipalities are going to eliminate the Per Capita Tax. Chairman Martin made a motion to table this discussion until all Supervisors are present. Supervisors Seiders seconded the motion. Motion approved.

Stormwater Ordinance – Solicitor McKnight reported that he has been working with the Engineer on this. The last time we revised the Ordinance, some sections were left out. Solicitor McKnight stated he has advertised the Ordinance for adoption tonight. He has included the sections that the Engineer feels we need. The Solicitor feels that it is important that we get this adopted due to the potential warehouse development we have. Chairman Martin stated that all we are doing is what we had originally decided we would adopt. Chairman Martin made a motion to adopt Ordinance 2013-003 Stormwater Management Ordinance of Penn Township. Supervisors Seiders seconded the motion. Motion approved.

Dumping in Upper Lot – Chairman Martin stated that we have had individual(s) dumping material in our upper lot over weekends. The Road Master believes that it is a weekend landscaper. We put up a game camera and have gotten a picture of a truck and an individual walking toward the camera. We discussed calling the State Police and other options. What was done was the pictures were put in protective sleeves and posted with a sign at the lot. The sign says “Warning, if you continue to dump here we will prosecute you”. The Solicitor suggested that we post them on the internet.

Cumberland County Request for Rest Stop Street Addresses – The Secretary stated she was contacted by the County GIS Office this morning requesting street addresses for the rest stops on I-81. It seems Centurylink has payphones at each of the rest stops and they require addresses for the payphones. We need to come up with addresses. Chairman Martin suggested 37 Interstate 81 Northbound and 38 Interstate 81 Southbound. Solicitor McKnight stated that it sounded reasonable to him.

Urban Septic Waiver – The septic system at the Urban’s house has failed. Ms. Urban explained that they had a biomat from the old system. The biomat is preventing proper drainage. Their existing tank is crumbling and is not up to DEP regulations for the house size. Their lot is such that they have no place to install a conventional sand mound system. They have a location that they are able to place an Elgin System that will keep them 100’ from the well head on the adjacent church property. She is requesting a waiver for the distance from their well absorption area, the requirement is 100’ they have 59’, 10’ isolation distance from the driveway they only have 6’, and 50’ isolation distance from the septic tank to the well, they will be 27’. Chairman Martin asked if the CEO had any problems with this. The Secretary reported that she had spoken to the SEO that day. He sent a copy of the regulation showing that we have the discretion to grant a waiver to a resident for the distances and it is the SEO’s recommendation that we do so. Chairman Martin stated that it sounds like this is the only spot they have for this. Solicitor McKnight recommended that he send out a letter

with the waiver and send a copy to the SEO stating that the Township is not responsible if there is any pollution of the well. Chairman Martin made a motion to grant waivers for the 100' isolation distance from the well absorption area; the 10' isolation distance from the septic tank to the driveway, and from the 50' isolation distance from the septic tank to the well for the property located at 2635 Walnut Bottom Road, Carlisle. Supervisors Seiders seconded the motion. Motion approved. The solicitor was directed to send the waiver letter.

CORRESPONDENCE

The Secretary reported that a letter had been received from Terri Ann Taylor requesting an extension to her Conditional Use. She will not have the funding until next January. Supervisor Seiders made a motion to give Ms. Taylor the extension. Chairman Martin seconded the motion. Motion approved.

PROJECT UPDATES

Culverts – Chairman Martin stated that the South Side Drive culvert was started this week. The new culvert is in place and is backfilled. Chairman Martin stated that he does not like it; it was not installed as the print represented it. It is not lined up with the road; it is set at an angle. It is going to look ugly; it will be a hazard on the road. We might have to relocate part of the road to make it look right. Chairman Martin stated he is meeting with the Engineer on Monday to discuss it. Supervisor Seiders stated it is not angled right. Chairman Martin stated the stream used to go straight through, now it will scour out the bank on the other side. It will be easy to hit with a snowplow. The corners of the curbs are right up against the edge of the road now. Solicitor McKnight has the easements for Rankin and Alspaugh for South Side Drive. He recommends that we have them signed, but not have them recorded. The paving will be done the end of the week and will start the Leeds Road culvert on Monday.

SOLICITOR REPORT

McCrea Lawsuit – The Commonwealth Court upheld the decision of the Court of Common Pleas to throw out Mr. McCrea's claim. He had slightly different grounds than the Common Pleas Court found. Mr. McCrea now has three choices: 1. let it rest; 2. appeal to the Supreme Court of Pennsylvania; 3. or try to refile again on a new position. There is nothing more we have to do at the moment.

Unilever - He has heard the happy news that the check had arrived. The check was \$54,800.00. Chairman Martin asked Tim Knepp if the fire company had received an emergency plan yet. Tim stated as far as he knows, no we have received nothing. Chairman Martin stated that the lights on the southern side of the building have been hooded and are now acceptable.

Fettrow – The Solicitor stated he is still working on Fettrow. The tax collector stated she has a new address. She will get it to the Secretary.

LeDane – the Solicitor stated he sent out a 14 day letter to Mr. LeDane telling him that little progress has been made since the last time he was at the District

Magistrate and we will take action again. The Zoning/Codes Officer stated he has too many unregistered vehicles on the property again.

Freet – The Solicitor asked what he is to do with Freet. The Zoning/Codes Officer stated we are happy with Freet now. Chairman Martin stated that all the animals are gone, the pens are empty, the back yard is like a jungle but it is a continuation from one property to another so we don't have a problem with it.

Souders – The Solicitor stated had the most recent pictures and it has improved but it is still not right and there is still evidence of illegal burning. He has sent a letter that we are taking him to the Magistrate again. He asked what the Supervisors would like him to request as a fine. It was determined to fine Mr. Souders \$150.00 plus legal fees and costs. The Codes/Zoning Officer said he spoke with park authorities and told them if they see a pile of electronics let him know.

Foreclosure Properties – Going after foreclosure properties for lack of maintenance is difficult, not just for us, but all over. Specifically 2258 Pine Road and the issues with the two various banks involved and their failure to pay for the services we have provided in the past. He believes the only way to handle this is to prepare complaints and send them to both banks indicating that we are seeking judgments against both of them. Then we will collect whatever we can get from both of them. We will continue to file suit against them and put liens against the property. He thinks that is the only effective way to get their attention. Tim Knepp reported that he and Chairman Martin were out to 2258 Pine Road the previous day, the front and side are mowed and part of the back. There is still a large section of the back that is three feet high and there is a tree that is mostly dead that can fall on the house next door. The Solicitor requested that the Supervisors have a tree expert say the tree is a danger. Then we need to wait two weeks before having the tree removed. Chairman Martin made a motion to have the Solicitor file suit against multiple banks as needed to recoup or costs for maintenance. Supervisor Seiders seconded the motion. Motion approved. Mrs. Hoke asked if there is a regulation regarding what needs to be mowed. Chairman Martin stated that if it is yard it must be mowed and this is a yard. Chairman Martin stated that we gave them until the end of this month to do something and they have not. Can we mow the property now? The Solicitor stated yes. Chairman Martin made a motion to have the Solicitor send a letter to the bank regarding the tree at 2258 Pine Road stating that if the tree is not removed in two weeks we will have someone remove it. Supervisors Seiders seconded the motion.

Door-to-door Solicitation – The Solicitor sent a letter to Interstate Paving Company telling them to cease door-to-door solicitation in the Township. The first letter he sent came back, they moved. The Secretary asked what exactly are we to do if solicitors come to the door and we know they don't have a permit. Solicitor McKnight stated call the State Police.

Penny Supply – We had received a complaint regarding blasting at Penny Supply. Mr. Seibert at 179 Hair Road said it shook his whole house and affected his well. Mr. Seibert said they were pumping gravel. If we receive additional complaints the Solicitor will send a letter to Penny.

OTHER REPORTS

WCCOG – Chairman Martin reported that due to recent changes made by our Legislature regarding Fire Company Workers' Comp, workers' comp must now cover cancer for firefighters. The insurance will be much higher next year. We will be assigned risk, all the workman's comp companies have withdrawn from the State. The Legislature was told the rates would not go up by the insurance companies, then once the legislation was passed they raised rates. The Insurance Commissioner did not do anything about it, that's the problem. We need to increase that figure in our budget planning for next year. Newville is having a National Night Out on August 6 at 6:00 PM. Chairman Martin understands there is a free dinner involved. Rep. Bloom sponsored a bill to have Liquid Fuels dispersed electronically we will have them a little earlier next year. The Prevailing Wage Law has been tabled until the Fall session. Big Springs School District is going with Chrome Books. The County is looking for someone for the Recycling and Waste Authority. Vector Control sampled around 1,000 mosquitoes in Adams, Cumberland, Dauphin, Perry and York Counties. Only one mosquito in Adams County tested positive for West Nile.

Solicitor McKnight stated he found the right person in PennDOT for the audits. Kristin Sims is willing to come out here and sit down with us to go over the audits to see if they can be corrected. She will want to see the bid information and the contract information along with the email from our PennDOT rep. The Secretary should get in touch with her to set up a time.

Zoning Officer – Tim Knepp – Pretty easy month. We have done 4 applications for additions, one new home, and a couple swimming pools. We had two burning complaints that we have taken care of. Mr. Seibert is making progress on his cleanup. We discussed all the other properties already.

APPROVAL OF BILLS LISTING

Supervisors Seiders made a motion to pay the bills. Chairman Martin seconded the motion. Motion approved.

SUPERVISORS' COMMENTS

Don't forget the Fair.

ADJOURNMENT

Supervisors Seiders made a motion to adjourn. Chairman Martin seconded the motion. Motion approved.

NEXT MEETING August 8, 2013

Respectfully submitted,

Vicki Knepp
Secretary