

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
August 8, 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, Solicitor Marcus McKnight, Treasurer Martha Sheaffer and Secretary Vicki Knepp.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the July 11, 2013 Regular Meeting. Chairman Martin seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the Treasurer's Report from July 31, 2013. Chairman Martin seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Warren Nolt – Mike Wadel of Eric Diffenbaugh's Office was in attendance with Mr. Nolt. He stated that before they went any further with the planning they would like to see if the Supervisors had any issues with the subdivision of the lot. Obviously access is a potential issue. The land is completely landlocked. The plan is to use the existing gravel lane that passes through the Fahnestock farm. Mr. Wadel stated that the lane is in deeds he traced into the 60's. In the past the Township has allowed parcels to be subdivided with either joint use driveways or right-of-ways. Chairman Martin asked if he was subdividing the land for a relative. Mr. Nolt stated that it is for himself. His children will be running the farm. Chairman Martin asked if it was a wooded lot not presently being farmed. Mr. Nolt stated that was correct. Mr. Wadel stated they did a hydrostudy to see if they could subdivide based on the nitrates. The nitrates were high, but it is possible. That is the reason for the 13 acre lot, the hydrostudy came back that 13 acres would be the minimum lot size. It does get a little outside of the woods. Vice Chairman Sheaffer asked if the existing lane is gravel. Mr. Nolt state yes, the milk truck comes in every other day. Solicitor McKnight asked about the Fahenstock right-of-way. How do they feel about another dwelling being back there. Mr. Nolt stated that he asked Mr. Fahnestock that specific question and he had no problem. Mr. Fahnestock was more concerned about getting permission to spread sludge against his woods because it would be within 300 ft. of the house. The Solicitor asked if we could get a written right-of-way from Mr. Fahnestock. If the land is sold, or even if the Fahnestocks change their mind, it could cause problems. Mr. Wadel asked what the best way to approach the right-of-way, do they need to get a 50 ft. right-of-way, shown on paper, with a maintenance agreement. The Solicitor stated that would be good. It avoids future

headaches. Mr. Wadel asked if Mr. Fahnestock would not agree to 50 ft. would we the supervisors allow a narrower right-of-way. The Solicitor stated that the Supervisors can waive the 50 ft. that the ordinance requires, but they still need to get something in writing. Chairman Martin stated we are flexible with families sharing driveways and he has no problem with it. Vice Chairman Sheaffer stated he has no problem with it, just it needs to be in writing.

UNFINISHED BUSINESS

Trash – The Secretary sent out 54 delinquent letters after the last meeting. Of those 54 letters, service was stopped on 5 people.

Septic – Of the 289 septic scheduled to be pumped in 2013, 170 are completed. We are a little over 50% complete.

ASA Review – The Secretary stated that all requirements for the ASA Review have been completed. We will be deleting 13 properties that are currently on the ASA and adding 8 properties that somehow or other were inadvertently taken off the ASA. One of the five properties that are in West Pennsboro Township is being deleted, Stambaugh property for the warehouse, the other four property owners have been sent letters with completed applications to submit to West Pennsboro. They will not be removed from our ASA until they are added to West Pennsboro's. We will now have 7,154.42 acres and 109 tax parcels in the ASA with these changes. Chairman Martin stated that this is not preserved land. It is different. The Secretary stated that you cannot be a preserved farm unless you are in the ASA. Chairman Martin stated that this provides farmers with protection from frivolous law suits and complaints by neighbors. Vice Chairman Sheaffer made a motion to approve Resolution 2013-13. Chairman Martin seconded the motion. Motion approved.

Zoning Amendments – The Solicitor stated he had advertised the Zoning Amendments for consideration for adoption, there are two versions of the amendments. One version as submitted by the Engineer, the other version does not have the section that deals with the lesser commercial areas. Kirk Stoner prepared potential map changes and language to adopt. The Solicitor suggests that we look this over and go over it with the Planning Commission. Chairman Martin stated that he spoke with Kirk Stoner earlier in the week and he only had two comments. He suggested we coordinate the zoning change with the Comprehensive Plan update and to contact Newville Water Authority regarding capacity connections before the zoning plan is considered. Everything else he agreed with what we did and how we did it. The Solicitor stated that he spoke with Kirk today and he stated that the most demanding thing for water is a motel and we should talk to the Authority first. The Solicitor recommended that we adopt everything but the Ag change. The Solicitor state that he had a call from Brian Reisinger and he sent Mr. Reisinger a copy of the proposed changes. Chairman Martin stated he had received a call from Mr. Reisinger concerning the 20 ft. berms. Chairman Martin wanted to know if the Supervisors could waive the berm size or would it need to go to the Zoning Hearing Board. The Solicitor stated the Supervisors could waive it. The Chairman then asked if they could come up with a sound wall, or a combination berm and sound wall. The Solicitor stated yes. Chairman Martin stated that there were one or two things that we needed to discuss. Section 301 states that no new flag lots may be

created in any zoning district, but Section 1113 states that a flag lot is permitted by conditional use. Chairman Martin stated that sometimes flag lots are the best land use, we can't ban flag lots. The Solicitor suggested that instead of removing Section 301 reword it to state "New flag lots may be created pursuant to Conditional Use".

Chairman Martin stated that his second issue is that the square footage for retail sales is less than 2500 ft. That is too small for retail sales. Then the retail sales definition says a single business, enterprise or grouping with less than 50,000 sq. ft. and then you go to Section 1259 talks about in excess of 10,000 sq. ft. We need to be consistent over all of them. Chairman Martin stated that we need to make these consistent. Do we want to make everything 50,000 sq. ft. or just retail sales and not put anything there. It has to apply to everything in the Zoning Ordinance. The Solicitor asked if it could be corrected when we make the new changes for the overlay district. Chairman Martin stated he thought that would be best. Chairman Martin stated he had one more issue, Section 1110 "No shared driveways". There is no definition of a shared driveway and a joint use driveway. Is there a difference? The Solicitor said he thinks that needs to be changed and suggested that it be deleted for now. Vice Chairman Sheaffer made a motion to approve the Zoning Amendment with the changes indicated, the wording in Section 301 be changed to "New flag lots may be created in any zoning district pursuant to Section 1113 and Section 1110 remove the reference to no shared driveways. Chairman Martin seconded the motion. Motion approved.

Hosfeld Road Turnaround – Chairman Martin stated that we got a plan from Eric Diffenbaugh's office with the additional easement from Mr. Cooper for the Hosfeld Road turnaround. Chairman Martin made a motion to approve the Hosfeld Road Easement. Vice Chairman Sheaffer seconded the motion. Motion approved.

2258 Pine Road Tree Removal - We have an estimate from Halteman's Tree Service of \$175.00 to remove the tree. The Solicitor will send a letter that the tree will be removed. The expert said any dead tree is a danger.

Liquid Fuels Audit – The Solicitor stated that the last he knew he called and asked them to make an exception. Have we heard anything? The Secretary stated that we have not heard anything more; however, they were communicating with the Engineer. Chairman Martin stated he needs to meet with the Engineer the next morning and will ask him if he has heard anything.

South Side Culvert – The road is too narrow, it is narrower than it was. PennDOT is talking about making it a one lane bridge; there is no berm on it. Chairman Martin will be speaking with the Engineer about how to rectify the situation. It will probably be a next year project. We need to find out if the permit is still applicable and will probably have to acquire some land to extend the length of it. It is not acceptable as is. Leeds Road is fine. The Solicitor stated that we will probably have to do something this year to have the contractor agree to do whatever we insist he does. Chairman Martin stated the contractor did everything he was supposed to do. It was a design flaw.

NEW BUSINESS

Cumberland County Association of Township Officials – The Secretary stated that she got the letter regarding the Convention. How many do we plan on sending to it. Date is Thursday, October 3 at the same place. Chairman Martin made a motion to

send up to 8 people to the convention. Vice Chairman Sheaffer seconded the motion. Motion approved.

Sweger Removal Agreement – The Secretary stated that in October 2012 Matthew Sweger applied to put a new modular house on his lot. We have a removal agreement for the removal of the old trailer that was there. Mr. Sweger has sent us pictures showing that the old trailer has been removed.

Rodney Martinez, 2105 Pine Road – Mr. Martinez was present. The Codes Officer, Tim Knepp, stated that we had received a complaint about the unmowed grass or weeds at the property. When he performed a site visit, he found that it was not in compliance with the ordinance. A letter was sent and Mr. Martinez called in asking to speak with the Codes Officer. Mr. Knepp went out and met with Mr. Martinez and they could not come to an agreement. Mr. Knepp suggested to Mr. Martinez that he come to a meeting and state his case to the Supervisors. Mr. Knepp stated that one portion of the property on the east side involves a drainage swale and would be difficult to mow. Vice Chairman Martin asked Mr. Martinez why he feels he should not have to mow the grass. Mr. Martinez stated that they are in Clean & Green and in the PA Farmland and Forestland Assessment Act of 1974 hedgerows and land strips are considered part of the easement for the Clean & Green. They are also using it for a privacy barrier. Vice Chairman Sheaffer stated Clean & Green requires a minimum of 10 acres. Mr. Martinez stated they have 18 acres including the wooded area behind their property. Mr. Knepp stated that on the east side of the property there is a row of pine trees that act as a buffer area. Chairman Martin stated that it appears on the west side of the property the vegetation runs right up to the property line. Mr. Martinez stated that it does. Chairman Martin stated that is his concern. Mr. Martinez stated that much vegetation would not be any problem to a neighbor for 40 years. Mr. Martin asked if there were no animals in there that would transfer to the neighbors. Mr. Martinez stated that he was a biologist by education and that is what he wants to be able to view. When the Codes Officer told him he was growing noxious weeds he stated that he could name all the plants in there and none of them were weeds, they were all native plants. Mr. Martinez said that he went to the County and it is Clean & Green and he has more maintained property than anyone near them. Chairman Martin stated that the patch contains snakes, rabbits, feral cats and other animals that neighbors do not want on their property. Mr. Martinez said he will get a lawyer and meet us in court.

Doug Hodecker – Chairman Martin stated that Mr. Hodecker has been mentioned before. He has a farm in Huntsdale that borders the back yards of residences. He has moved his lumber cutting business right up against his neighbors. Chairman Martin asked if there is anything we can do to limit his hours of operation because he is so close to his neighbors. The Solicitor stated that he never got a permit for his business. Tim Knepp stated that we got a complaint from the neighbor that abuts most of it. It is a mulch business. The complainant said that when Mr. Hodecker moved the grinder there he got borers that killed all his hardwood trees and he believes that they came from that. The complainant also stated that Mr. Hodecker goes out early in the morning and starts up a chainsaw and revs it up and runs it long enough to wake everyone up and then shuts it off and does not use it. Mr. Hodecker dumps his ashes along the property line, which is fine, but two of the piles have trash in with it. Chairman Martin stated he has a lot of ground he can move it. The Secretary is directed to provide the Solicitor with Mr. Hodecker's information to send him a letter.

Zimmerman Automotive – Mr. Zimmerman has installed a very bright light that shines straight across the road. Chairman Martin will go to talk with him and ask him to point it down. If he will, not the Solicitor will send a letter to Mr. Zimmerman.

Non-Traffic Citations – Chairman Martin stated that we heard that the Codes Officer can issue non-traffic citations. He spoke with the DJ about this and she thinks it is a good idea and is in favor of it. We would like to pursue that. The Solicitor stated we will have to do an ordinance to enable us to do it.

86 Beetem Hollow Road Septic Waiver – Ken Peck presented the Supervisors with a copy of the design from Grant Marshall for a new system for 86 Beetem Hollow Road. The existing on lot system has failed. They have come up short on the 100 ft. setback from the well. The best they can do is 87 ft. The problem they have is a stream on the property and the soils. The only other option they would be would be holding tanks. There were multiple sites dug and the best they could do was 87 ft. from the well. Chairman Martin asked if the SEO has a problem with it. Mr. Peck stated that the SEO has no problem with it; he just needs a waiver from the Township. Chairman Martin made a motion to approve the waiver. Vice Chairman Sheaffer seconded the motion. Motion approved. The Secretary will send a letter to the SEO to notify him of the approval and the Solicitor will send a letter stating that if the well is polluted it is not the Townships responsibility.

Lighting for District Justice Office – Every security light is out. The bulbs are expensive and they burn out in a couple months. We are going to change them all out. We are going to go with something more energy efficient. Tim Knepp said they have replaced the outdoor lights at the fire station and have gone with the LED lights.

Hosfeld Road – Vice Chairman Sheaffer stated that he has been contacted by Bob Stambaugh on Hosfeld Road about the construction vehicles going fast on Hosfeld Road. We need to check with the Road Master to see if the speed limit signs are up.

CORRESPONDENCE

None

PROJECT UPDATES

Flagpole – We purchased a 50 ft. flagpole from the fire company that we plan to put next to the sign. Apparently the fire company removed all the accessories from the pole and we will need to purchase those. Within a month or so we will have a new pole up.

Paver – Chairman Martin stated we have not found a maintainerer. We would like to rent a paver to do some paving on smaller roads. This is being driven by the fact that the Sate is not our friend. Their rules and regulations are making it too difficult to get anything done. If we rent a paver we can pave up to 499 ft. without a project number.

SOLICITOR REPORT

Fettrow – He has the new address for Ms. Fettrow. All vehicles are gone from the property.

LeDane and Souders – Complaints have been prepared. LeDane is the more serious violation and we are seeking \$550.00 in legal fees and fines. Souders is \$400.00 legal fees and fines.

Shooting at Township Meeting – The Solicitor stated he is sure we are aware of the killings at the township meeting in Monroe County. An individual who had a property filled with junk and lived in a storage shed, built an illegal culvert and used a bucket as a toilet did the shooting. He was also polluting a nearby stream and DEP was after him for that. When he was ordered off his property he decided to take it out on the township officials and he killed one township official and wounded two others and killed two other people who were there. The Solicitor stated that whenever he sends out letters to individuals he always states “I will recommend . . .” to take the blame off the township officials.

1845 Walnut Bottom Road – There are still unpaid invoices for the property at 1845 Walnut Bottom Road. The Solicitor has sent a letter out to their Newville address.

Barrick – He has received a notice that the dispute between the PanCal warehouse and the Barricks regarding the storm water runoff has been resolved.

He has heard a rumor that the Township might be interested in discussing cat problems. The Secretary stated it was the Codes Officer. The Solicitor stated there have been two major cat issues surrounding us. In Cooke Township there was a woman who was feeding cats and there were about 70 of them. They passed an ordinance similar to what South Newton is considering. In South Newton at the day care center in the middle of Walnut Bottom a little girl tried to pet a feral cat and got scratched, the cat had rabies and the child had to go through rabies shots. The supervisors do not want to capture house cats but they are going to try to get the feral cats controlled. There will also be a free clinic for people to get their pets vaccinated. Virginia Dellinger of Kutz Road stated that there are 18 cats at her neighbor’s property and they come to her property. He flower beds are destroyed; the cats use her property as a bathroom. She feeds the cats but puts the food on her neighbor’s property. The Codes Officer stated there were 7 cats on the property, he could not see junk. He requested that we look at instituting a Animal Control Ordinance, but he suggests that we include a limit to the number of animals a person can have before it becomes a kennel. Mrs. Dellinger was told to stop feeding the cats. If she sees them come on her property take a picture.

OTHER REPORTS

WCCOG – No meeting for August.

Zoning Officer – Tim Knepp – Slow month for applications, 4, and 6 complaints. He had a complaint from 1032 Centerville Road reference the property at 1026 Centerville for uncut grass. He inspected the site and did not find a violation. They also

complained about the property at 1031 for having open septic. He visited the site and spoke with the property owner and that was also unfounded. While he was there, he did see that the complainant appears to be in violation of the junk car ordinance. There are seven unlicensed vehicles on her property. He recommends that we send a letter to the property owner. The property is owned by Dale Hammond, the complainant was Michele Brandt. Vice chairman Sheaffer made a motion to have the Secretary send a letter to the property owner regarding the unregistered vehicles. Chairman Martin seconded the motion. Motion approved.

Martinez – Mr. Knepp made a recommendation that we cite Mr. Martinez at 2105 Pine Road. The Solicitor asked for copies of what we had done in the past and he will take action.

Dellinger Complaint – the property in question, 7 Kutz Road, was fenced in the front and fenced in the back. The only animals he saw during his first visit were the cats; there was nothing visible during the second visit. There was no junk sitting around and no other animals.

We also had two complaints from Bobbie Long on Ritner, one on Ritner for too high grass. It was only about one week's growth and was not an issue. The other complaint was about 3 Kutz Road, noise from the "drug den" and junk sitting around. Mr. Knepp has photos taken from the complainant's back yard and he could not see any issue other than the grass was a little long. Nothing was visible from the road. When he was there it was quiet and there were no noise issues.

Dennis Little, 5B Kutz Road – While he was at the cat complaint and this complaint, in between those two places is Little Enterprises which is in violation of the vehicles, trash and tires. The Solicitor asked if Mr. Little lived on the property. The Secretary explained that there was a "rent to own" mobile home on the property and Mr. Little's business. There are multiple unlicensed vehicles, tires, rubber hose and junk. And everywhere there is junk there are weeds growing around it. Chairman Martin stated that Mr. Knepp needs to make a list of items and violations so that the Secretary can send a letter outlining the violations.

2675 Walnut Bottom Road – In his travels around the Township he went by 2675 Walnut Bottom Road, they are doing a lot of excavating and ground moving in the vicinity of a small stream. The general contractor had been told about stormwater abatement and the need for a silt fence to protect the stream when they were excavating for the stone wall. According to the owner's facebook site, he is ready to plant grass. The Solicitor stated we need to contact Kristin in Soil Conservation and have her check this out.

Mr. Knepp requested that we look into an animal nuisance ordinance. He also suggested we look into a noise and sound ordinance. Chairman Martin suggested we add lighting to that since we had such a problem with the warehouse.

APPROVAL OF BILLS LISTING

Chairman Martin made a motion to pay the bills. Vice Chairman Sheaffer seconded the motion. Motion approved.

SUPERVISORS' COMMENTS

Vice Chairman Sheaffer said he would like to thank everyone who helped at the fireman's festival. It was a successful event.

Chairman Martin stated that Mr. & Mrs. Knepp have offered to donate a monitor and installation for the meeting room so that everyone can see the pictures when we are discussing violations.

ADJOURNMENT

Chairman Martin made a motion to adjourn. Vice Chairman Sheaffer seconded the motion. Motion approved.

NEXT MEETING September 12, 2013

Respectfully submitted,

Vicki Knepp
Secretary