

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
October 10, 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

Tim Knepp complimented the road crew on the good job they did repairing Point Road.

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the September 12, 2013 Regular Meeting. Supervisor Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the Treasurer's Report from September 30, 2013. Supervisors Seiders seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Dobbs Subdivision Plan – The Secretary reported that she has received a recommendation from the Planning Commission to approve the Dobbs Subdivision Plan. She stated that she has also received a letter from the Engineer stating that all of the comments from the County Planning Commission and him have been met. The Secretary stated that the property is in the floodplain and she has a non-build waiver for the property. There was some discussion by James Dobbs and Mindy Holtry that the property was not in the floodplain. The plan shows that it is. Solicitor McKnight stated that if they did not believe it was in the floodplain they should withdraw the plan and contact their engineer to have it corrected. The floodplain is established by the Army Corp of Engineers. They did not want to do this. Vice Chairman Sheaffer made a motion to approve the Dobbs Subdivision Plan. Supervisors Seiders seconded the motion. Motion approved.

UNFINISHED BUSINESS

Trash – The Secretary stated that bills went out last week. She has a new, rather lengthy list. She requested permission to send letters to the individuals on the list giving them until October 31 to pay the bill or service will be stopped. There was a discussion about the \$25.00 reinstatement fee. The Secretary stated that she puts a statement in the letter that if service is stopped there will be a \$25.00 fee to reinstate service.

Septic – 143 of 289 have been pumped. There is a reminder in the newsletter to those who have not had their tanks pumped yet.

Non-Citation Ordinance – Both the Solicitor and Chairman Martin drafted versions of the Ordinance. Parts of both were liked. The Solicitor is to combine the two and advertise for next meeting. Vice Chairman Sheaffer made a motion to have the Solicitor advertise the ordinance for the next meeting. Supervisor Seiders seconded the motion. Motion approved.

Animal Nuisance Ordinance – Chairman Martin drafted an Animal Nuisance Ordinance. There was a question by Tim Knepp on whether we need to put a limit on the number of animals (pets) a person can have before they have to be a licensed kennel. The Supervisors felt that since we were a rural community they did not want to place a limit on the number of animals. Vice Chairman Sheaffer made a motion to have the Solicitor advertise the ordinance for the next meeting. Supervisors Seiders seconded the motion. Motion approved.

Noise Ordinance – Chairman Martin made a motion to table the Noise Ordinance. Vice Chairman Sheaffer seconded the motion. Motion approved.

Zoning Ordinance – Chairman Martin stated they had a joint workshop with the Zoning Hearing Board and the Planning Commission to discuss the changes to AG Zoning. They are proposing an overlay zone that allows commercial uses in parcels adjacent to 233 and served by public sewer and water. Vice Chairman Sheaffer made a motion to have the Solicitor advertise the ordinance for next month. Supervisor Seiders seconded the motion. Motion approved.

Repeal of Per Capita Tax Ordinance – Vice Chairman Sheaffer made a motion to have the Solicitor advertise the ordinance for the next meeting. Supervisor Seiders seconded the motion. Motion approved.

Budget – Chairman Martin reported that we had a budget workshop on Tuesday and we have a balanced budget. He reported that one of the items we have budgeted for next year is to replace the 13 year old truck. We put \$14,000.00 in it this past year and we would like to replace it before it loses all value or breakdowns on us in the middle of snow season. Vice Chairman Sheaffer made a motion to have the Secretary advertise the budget for approval at the November meeting. Supervisors Seiders seconded the motion. Motion approved.

Verdekal Conditional Use Extension – The Secretary reported that we have received a letter from Albert and Angela Verdekal on Mt. Rock Road requesting and extension on the previously granted extension for their conditional use of placing a mobile home at 747 Mt. Rock Road. There has been some dissention in the family which is causing a delay in getting the property subdivided.

PennDOT Turnback Audit – We received a letter from PennDOT waiving two of the three findings against the Township in the audit results. We were told that basically . . . since we came in under budget by \$709,098.33 they would waive the request for the \$317,850.00 reimbursement related to Finding #1. And since we had paid payroll out of the General Fund in excess of the \$16,462.05 of Finding #2 they would waive that. We

had agreed to reimburse the State fund \$9,896.68 for Finding #3. The gist of the letter was “don’t do it again”.

NEW BUSINESS

FPE Invoice – We have received an invoice for FPE Consulting Engineers in the amount of \$649.00. We do not feel we should be responsible for this invoice as it is for services FPE provided to correct problems they created on the South Side Drive culvert. The Secretary is directed to draft a letter to FPE stating that we will not be paying this invoice. A discussion was held on putting out an RFP for engineering firms for appointment at the beginning of the year.

Matthew Farklas REsignation Zoning Hearing Board – Matt Farkas has resigned from the Zoning Hearing Board effective immediately for personal reasons. Chairman Martin made a motion to accept the resignation. Vice Chairman Sheaffer seconded the motion. Motion approved.

Linwood Clippinger Appointment to Zoning Hearing Board – Chairman Martin stated that Mr. Clippinger has been the voting alternate on the Zoning Hearing Board. Chairman Martin made a motion to appoint him to the Zoning Hearing Board. Vice Chairman Sheaffer seconded the motion. Motion approved.

Search Committee – Chairman Martin stated that Bert Myers recommended we form a Search Committee to find replacement members for the Zoning Hearing Board and the Planning Commission. Chairman Martin asked the Solicitor if we could sanction that. The Solicitor stated we already have a Vacancy Board who becomes operational only when needed. He will send Chairman Martin information on the Vacancy Board.

CORRESPONDENCE

The Secretary reported that we received a letter from the Fire Company thanking us for the \$250.00 contribution the Township made toward the fair workers’ picnic

PROJECT UPDATES

Maintainer – We have “stolen” the maintainer from York and the road crew has been busy with it. Since we obtained it we were told by a dealer that they would have charged us 4 times what we paid York for it.

Tires at 208/218 Leeds Road – Mr. Horst, the new property owner, told Chairman Martin that he has removed a trailer load of tires since he purchased the property. He did not count the number of tires. Chairman Martin asked Mr. Horst to keep us advised on the number of trailers of tires he removes. A trailer holds approximately 1,000 tires, with this trailer and the tires we helped remove; over 10,000 tires have been removed from the property so far.

The new LED lights have been put up at the DJ’s office and are very effective. We purchased and installed a photo sensor for each light. Chairman Martin thinks we should consider them for the municipal building. Tim Knepp reported that the company we got them from now offers LED dusk to dawn lights, including the photo sensors for about \$95.00 each. The Secretary stated that she had received an email from the

company that day with information on the dusk to dawn light. Chairman Martin suggested we look into them.

SOLICITOR REPORT

2258 Pine Road – Solicitor McKnight stated that he had received a call that day from the servicing company asking how much was owed. He asked if the tree had been removed yet. The Secretary stated that the tree surgeon had been contacted and he was going to work it into his schedule. The estimate was \$175.00. The Solicitor asked if he should add an additional \$250.00 to what is already owed and let the servicing company know. The Supervisors stated yes.

Hodecker 1604 Pine Road – The Solicitor asked permission to file against Mr. Hodecker since he has ignored previous correspondence. Chairman Martin stated we have had multiple issues with Mr. Hodecker and we need to get his attention. Vice Chairman Sheaffer made a motion to have the Solicitor file against Mr. Hodecker. Chairman Martin seconded the motion. Motion approved.

Burgoon Operation – The Solicitor had a letter he was sending to Mr. Hughes regarding the weeds at the Burgoon watercress operation. Treasurer Sheaffer reported that they had been mowing the weeds that day. The Solicitor stated he will revise the letter and send to Mr. Hughes.

OTHER REPORTS

WCCOG – None

Zoning Officer – Tim Knepp – It has been an interesting month.

Ulsh 1622 Pine Road – Mr. Ulsh was sent a letter by the Secretary as she was directed at the last meeting. When Mr. Ulsh received the letter he made an irate call to the Township office. The Secretary gave the call to Tim and before he could identify himself Mr. Ulsh began yelling at him. That evening he left a message on the answering machine calling us liars. The next morning, he again called the office and said he was coming in. The Secretary called Tim and after Tim got to the office he called the State Police. They sent two troopers over. Mr. Ulsh and his brother-in-law did come to the office. The Troopers headed him off in the parking lot and never allowed him to go beyond the foyer of the Township building. They spoke with Mr. Ulsh for the better part of an hour. Mr. Ulsh is estranged from his wife; she has a PFA against him preventing him from removing anything from the property. Vice Chairman Sheaffer stated that Mr. Ulsh spoke with him and said he will try to get one vehicle removed from the property. Tim is directed to check on the property and if one vehicle has not been removed send him another 30 day letter. Tim stated the Secretary had gotten the names of the Troopers. He would like the Township to send an “atta boy” letter to their commander thanking them. Vice Chairman Sheaffer made a motion to have the Secretary send a letter to the Carlisle Barricks thanking the Troopers for a good job. Supervisors Seiders seconded the motion.

1032 Centerville Road – Tim stated he met with Michelle Brandt, the same day as the first call from Mr. Ulsh, and got nowhere. She would not meet at the property and wanted to know exactly which vehicles were not in compliance. Tim recommends we have the Solicitor cite her. He questioned who would be cited? His dealings have all been with Michelle Brandt, not with the property owner Dale Hammond and he does not

know what standing she would have. The Solicitor stated if given permission to do so, he will cite them both. Vice Chairman Sheaffer made a motion to have the Solicitor file against Michelle Brandt and Dale Hammond. Supervisors Seiders seconded the motion. Motion approved.

Burkholder 157 Beetem Hollow Road – He has met with Mr. Burkholder and Mr. Burkholder has agreed to clean things up. Mr. Burkholder is collecting metals and scrapping them to make extra money. Tim told him we do not want to interfere with his making money, but he has to follow the township ordinances. The Solicitor stated that Mr. Burkholder is going through a divorce and he is representing him. Tim stated progress is being made and he will keep an eye on it.

92 Beetem Hollow Road – Tim reported he received a complaint that someone was living in an RV at 92 Beetem Hollow Road. He checked and verified that it is true. He spoke with the homeowner and informed her it was not allowed. She requested a written notification that it is not allowed. The Secretary sent a letter giving them 30 days to vacate the RV.

1160 Beetem Hollow Road – Mr. Brown stopped in the office, again same day as Mr. Ulsh's first call, and discussed the problem with Tim. Mr. Brown stated that he collects the appliances and scraps them. Tim told him he has to put them inside. Mr. Brown has cleaned up the property and the issue is resolved.

1211 Centerville Road – Dustin Whisler applied for a permit to put an addition on his garage. Rather than bringing the application to the office, Mr. Whisler went to the Assistant Zoning Officer, his neighbor, and had him approve the permit before bringing the application to the office. The application was to put an 8' addition to the front of his garage and 3' addition to the side. This would make the building just less than the 1,000 sq. ft. that would require a UCC permit and give him a 20' setback. Several days later, Tim noticed a delivery of roof trusses, more than would be needed for the job as stated on the application. Tim and Vice Chairman Sheaffer went to the property; the owner was not there, just one worker. The side addition was now 10' not the 3' as stated on the application. It extended 7' into the set back. In addition the roof had been removed, even if the size of the building had not been increased this would require a UCC permit. Vice Chairman Sheaffer told the worker to "stop work". Mr. Whisler left a message on the Township answering machine wanting to know who had given us permission to be on his property. He also contacted Chairman Martin who told him he would need to speak with Tim. Tim spoke with him the next week and let him know that in signing the application he had given us permission to be on his property, as clearly stated on the application. Tim advised Mr. Whisler that a permit requiring a UCC inspection required an additional fee and that he would need to apply for a Conditional Use Hearing since he was now building in the set back. He would need to stop in the office for a Conditional Use Hearing Application. Mr. Whisler did come into the office for the Conditional Use Hearing Application. At that time he told the Secretary that neither he, his neighbors or the Township want to see an unfinished building there and he has materials that are uncovered and rotting. He stated since he had only received a verbal communication regarding stop work, what was to stop him from getting an "Amish man" in to finish the job in a day or two. He was told he could not do so. Tim then contacted the Solicitor and requested written stop work order. The Solicitor delivered it to the Township and Tim hand delivered the letter to Mr. Whisler. Mr. Whisler wanted to know if he could finish the job if he went back to the original dimensions. Tim informed him that since he had removed the roof, he needed a UCC permit. Mr. Whisler wanted to know why he was not told this in the beginning. Tim explained to him that he had shorted the application process by coming in with an approved application. Had he followed procedures, when he came into the office with the application the Secretary would have gone through a Q and A with him about the project and this would have come up. Since

he came in with the Assistant Zoning Officer and an “approved” application he did not get this information. Mr. Whisler has been amicable and non-confrontational during the whole process.

2675 Walnut Bottom Road – We received a call from the County Assessor’s office of two new sheds on the property. Tim checked it out and spoke with the property owner, Randy Heishman. Mr. Heishman stated they were not sheds, they were livestock “run ins” and did not require a permit since it was for agricultural use. He also indicated he would be putting in a third “run in”. Tim had Mr. Heishman contact the office for clarification. Mr. Heishman emailed the office regarding the run ins. He believed that sheds are only storage structures and that the run ins are temporary agricultural structures. The Secretary explained to Mr. Heishman that according to UCC a temporary structure is anything that will remain in place 30 days or less. The manufacturers refer to the structures as livestock run in sheds and even though he was correct that he did not need a UCC permit for agricultural use, he still needed to apply for a Township Zoning Permit. The Secretary emailed him the application and told him he could put all three run ins on the same application.

2258 – Tree is still standing, waiting on tree service.

1 Deer Ridge – We received a complaint that the new owner of the property has erected a new shed and lean-to without obtaining permits. Tim checked it out and verified the complaint. The homeowner was advised he needs to apply for a permit. He has stopped in and picked up the application but it has not been completed. Tim reported that it is 3’ from the property line in the setback. The property owner has ample room to locate the shed. The Supervisors said he will have to move it.

APPROVAL OF BILLS LISTING

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

SUPERVISORS’ COMMENTS

ADJOURNMENT

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

NEXT MEETING November 14, 2013

Respectfully submitted,

Vicki Knepp
Secretary