

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
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Regular Meeting
December 12, 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 arrived late, Solicitor Marcus McKnight and Secretary Vicki Knepp.

PUBLIC COMMENT

Charles Suhr representing IDI stated they had sent a letter granting an extension on the pending plans for Penn Commerce Center to December 20 to go to the Planning Commission again and the Supervisors to schedule a Special Meeting on December 19, 2013 at 8:00 AM. Vice Chairman Sheaffer made a motion to ratify the Special Meeting. Chairman Martin seconded the motion. Motion approved. The Solicitor stated he would like to have a draft of the Developers Agreement to review before the Special Meeting. Vice Chairman Sheaffer stated he needs some assurance from DEP that the injection wells are an appropriate way to deal with storm water. Mr. Suhr stated that he understands that Verus is doing the same thing in West Pennsboro. It is a DEP approval process. There are cleaners and filters on the system. Vice Chairman Sheaffer stated he needs to have his questions answered before he can sign off on it. He is concerned that the water table could potentially be destroyed for thousands of people, not just the residents of Penn Township. He stated that he needs to see the specs and details. Mr. Suhr stated that they will be going over that with the Planning Commission next week.

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the November 14, 2013 Regular Meeting. Chairman Martin seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash – The Secretary reported that all delinquent accounts from the beginning of the quarter have paid, including the two residents whose service had been stopped. There are three old stopped accounts that we need to get off the books in the amount of \$243.72. Chairman Martin stated they were familiar names. Chairman Martin made a motion to pay Southampton Township for the three stopped trash accounts and turn the accounts over to the Solicitor. Vice Chairman Sheaffer seconded the motion. Motion approved.

Septic – 65% of this year's have been pumped. 187 out of 290 have been done. The pumping reports are up to date as of today. 2014 hauler registration forms have been sent out for next year. We have received three back so far.

Burkholder – The Solicitor stated he has a letter to send to Mr. Burkholder stating complaints have been received about the accumulation of junk and debris on his property on Beetem Hollow Road, upon investigation significant violations to the nuisance ordinance were found. While Mr. Burkholder seems to be willing to work with the Codes Enforcement Office, additional junk and debris has been brought onto his property since the initial contact. Failure to make progress in cleaning up the property will result in legal actions being filed against Mr. Burkholder. He is advised to contact the Codes Enforcement Officer immediately. The Solicitor stated he will follow up by verbally talking to Mr. Burkholder.

Hodecker – Tim Knepp reported that he and Vice Chairman Sheaffer met with Mr. & Mrs. Hodecker a few weeks ago and discussed the operation regarding noise and hours of operation. The meeting seemed to be amicable. Some of the issues seemed to be caused by the attorneys; Mr. Hodecker's attorney advised him not to speak with us and was contacting the Solicitor. This took time and it seemed like the Hodeckers were ignoring our calls. Mr. Hodecker stated he was aware who was making the complaints and he was not starting his chainsaw until their lights were on in their house. During the meeting 8 – 10 times Mr. Hodecker referred to the operation as a saw mill. The contamination issued was discussed. He was leasing the field previously and the tenant did not follow the guidelines. He has since taken the operation over himself. His attorney advised him not to pay the fine for illegal burning since our ordinance did not spell out the specific product that was burned. Vice Chairman Sheaffer asked if we want to test our ordinance. The Solicitor stated he owes his attorney a letter, he will point out that there are two basic issues 1) Mr. Hodecker is running a sawmill up against his neighbors property and he needs to be 250 ft. from the property line; 2) he was illegally burning and we offered him a reasonable settlement of a \$100.00 fine to avoid litigation but we understand that he is advising Mr. Hodecker to litigate it and we will accommodate him if that is what he wishes. Vice Chairman made a motion to have the Solicitor send the letter as outlined above. Chairman Martin seconded the motion. Motion approved, Supervisors Seiders abstained.

Warehouse Trucks – Chairman Martin stated that a few nights ago a warehouse truck backed into his neighbor, Rich Morgan's, yard almost up to the house and put ruts in the yard. They went to the warehouse and found a truck with mud on its wheels and called the State Police. PSP was speaking with the driver when they left. We have been trying to get signage and the warehouse is not doing anything. Chairman Martin asked if Jim Clymer still has an interest in this. He assumes that the property out front would be his. Chairman Martin would like to go to the State Police Barracks and find out how many incidents they have had with trucks, whether it is property damage or accidents, illegal turnings, etc. He would also like to go to the District Magistrates Office and pull some numbers together and present to them. The Magistrate has told him that she has been lenient with the drivers but she is going to start hammering these guys. We would like to have a lighted monument sign with the names of the companies on them. Chairman Martin made a motion to have the Solicitor proceed once he gathers all the information. Vice Chairman Sheaffer seconded the motion. Motion approved. Tim Knepp reported that the pedestrian sign was replaced today and that in going to a fire call that afternoon a truck pulled out in front of them when they were responding with red lights and sirens and did not pull over until they got to the 81 ramp. Chairman Martin stated that he does not believe the pedestrian sign needs to be where it is. It keeps getting hit by trucks. He believes it can be mounted on the same post for across 233.

NEW BUSINESS

Sound Level Monitor – Chairman Martin stated that if we want to enforce a noise ordinance we need a calibrated sound level monitor. The Secretary stated that she had the Codes Officer do the research since he was the one who would be using the equipment and the literature she gave to the Supervisors is the one he is recommending. Chairman Martin stated we are going to ask the Planning Commission to work on the noise ordinance to make it enforceable so we will need to have the equipment to enforce it. Vice Chairman Sheaffer made a motion to purchase the Digital Sound Level Meter Kit recommended by the Codes Officer for \$277.71 plus shipping if there is any. Chairman Martin seconded the motion. Motion carried by a 2 to 1 vote, Supervisor Seiders voted no. He did not see the purpose of it.

Short Term Disability Insurance – The Secretary stated that the Road Mast had approached her with a concern that the 6 days of sick leave that full time employees are allowed to accrue is not adequate to cover time off if somebody has any type of procedure done. We were looking into the options of short term disability insurance versus increasing the number of days that an employee can accrue. The Secretary contacted a couple of places. The information she has provided to the Supervisors is from PSATS. It appears to be the most economical and in some ways gives better coverage than the more expensive plans she got information on. PSAT offers two plans for full time employees, Plan B costs \$14.08 month per employee, annual premium would be \$506.88/year and pays the employee \$250.00/week unless hospitalized then it pays \$375.00/week. Plan C pays 60% of the employees weekly earnings for up to 35 weeks. The Secretary stated she also checked with AFLAC, their plan was about 3 times more expensive and would only pay for 3 months of coverage. Plan C for the year 2014 would be \$855.04. She turned it over to the Supervisors for their comments. The Solicitor pointed out that this is for non-work injuries or illness not something that would be covered by worker's comp. There was discussion of what was covered and how soon coverage would begin. Chairman Martin stated we have options: we can change the carryover of sick leave; we can purchase Plan B or Plan C; or we can do a hybrid. He asked the Solicitor what they do in other townships. The Solicitor stated it varies; the smaller ones don't do anything but we are in a position that we can do more than others. Vice Chairman Sheaffer stated that if we offer additional sick days and they have to take them it is basically paid days off whether they are sick or not. We could do a hybrid and put a cap on the number of sick days, 15 days. Chairman Martin thought we should go with Plan C and increase the number of sick days to 15. Vice Chairman Sheaffer made a motion to go with PSATS Plan C for \$855.04 for the year and address the change in the number of sick leave days at the reorganization meeting. Supervisors Seiders seconded the motion. Motion approved.

Reorganization Meeting – The Reorganization Meeting will be January 6, 2014. Since our normal Regular Meeting would be 3 days later we will combine them both on the 6th. Chairman Martin made a motion to have the Reorganization Meeting will begin at 7:00 PM on January 6, 2014 and the Regular Meeting will follow at 7:30 PM. Vice Chairman Sheaffer seconded the motion. Motion approved.

Crum RV – An RV has appeared on the Crum property. The rumor is that it is to replace the house that burnt. We have seen no evidence of anyone living in it. We will monitor the situation.

Pension Fund Disclosure Approval – The Secretary stated that this is the approval that we do every year for the Pension Fund. It is completed by PSATS and we must review and approve it. Chairman Martin made a motion that we approve the PSATS Pennsylvania Municipalities Pension Trust Disclosure Form. Supervisors Seiders seconded the motion. Motion approved.

CORRESPONDENCE

None

PROJECT UPDATES

The Flagpole is finished; the flags are up and lit. The sign is not lit up yet.

SOLICITOR REPORT

The Solicitor stated he is not sure how things are going to go with the warehouse. The developer has been pressing for a decision from the Planning Commission before they were ready. If there are serious issues either with the Planning Commission or the Supervisors, the Supervisors should not feel bound to pass it. If the Supervisors in good conscious cannot pass it, they can pass it with conditions or if the conditions are not acceptable turn it down. The extension only goes one day further. The Solicitor wants their commitment on the record. Chairman Martin stated the issues are 1) water and sewer, which is out of our control, they will not get approval until they get a tower there; 2) E & S is primarily a County issue; 3) injection wells is primarily a DEP issue; and 4) the Developer's Agreement. That is the only issue we have any control over. He stated he needs to see a Developer's Agreement before he is comfortable. The Solicitor stated it will be Key's Agreement with some modifications for the light issue and other things. Chairman Martin stated that there is one other issue; the secondary driveway on the south side. The developer is looking at it as a regular way in and a way out. Chairman Martin would like to see it as just a way in for employee vehicles, not trucks, limited access from 233, a right in for people going to work, but no exit and their emergency entrance. If the Supervisors are not comfortable with it, they should not vote for it.

The Solicitor stated that he will have the decisions on the conditional use hearing by next Thursday.

Chairman Martin asked if he has heard anything from the Township Engineer's insurance carrier yet. The Solicitor stated nothing yet.

He has sent the information for 2258 Pine Road to Altisource again.

Mr. LeDane is out of the hospital.

OTHER REPORTS

COG – Chairman Martin stated that it looks like prevailing wage is not going anywhere yet, but it is gaining support. Bill Jones brought up an interesting point. He spoke with a Centurylink guy up in the mountain. It seems that there is an unmarked dump truck and a bucket truck running around cutting out phone wires and taking the copper in rural areas. If you see someone in an unmarked dump truck and a bucket truck working on lines you better call Centurylink. It hasn't happened up here yet, but it has happened not too far away. Several municipalities have enacted a fire tax; the Second Class Code puts limitations on what the fire companies can use that money for. Chairman Martin stated we need to look into that to make sure it is not being violated. The big thing was Obamacare and fire companies. Tim Knepp reported that he had spoken with Buck Swisher from Barletta's office about this; Rep. Barletta has introduced legislation about this since he has not received a reply from the IRS. The Solicitor reported that with the fires at other municipalities

recently it has become apparent that we need to have some way of inventorying our personal property, photos, video, or whatever in case of fire. Chairman Martin stated that we have started the process; the Secretary has begun taking pictures. The Secretary reported that she has set up a database that allows her to add photos of the equipment as it is purchased and entered and she has backed it up to the cloud, it is on the hard drive and will be on a usb drive. The photos will be on the cloud, on the hard drive, on a usb drive and on an sd card.

Codes Officer – Tim Knepp –

Hammond 1032 Centerville Road. He asked if the Solicitor has filled against Mr. Hammond and Michelle Brandt. The Solicitor stated he will do the complaint next week.

1866 Walnut Bottom Road – we had sent a letter about the junk, vehicles and appliances. They are making progress, the tires have been picked up and are stacked at the garage, the appliance is gone and they have neatened a little bit. They are now in compliance with the vehicle ordinance. He suggests we just keep an eye on it.

Mr. Ulsh – has removed vehicles, now in compliance.

2675 Walnut Bottom Road – Tim stated he has a question for the Solicitor. The County assessors notified us that there were two new sheds on the property and they did not receive notification of it. Tim went by and there were two new sheds. Mr. Heishman happened to be there at the time and said he was told he did not need permits because they were run-ins for his animals, it was agricultural. Mr. Heishman was informed that he did need them. In his application Mr. Heishman indicated that there will be a total of 4 sheds that will be moved by season. Can we approve this with a condition that since these will not be static, future movement will be in compliance with zoning ordinance setback. The Solicitor advised we should.

Tim stated he had one more item, not related to codes and zoning. He asked if the Township had ever considered putting an AED in the building. The company that he deals with for the fire company recently contacted him and he got a current cost of \$1100.00. Most of the fire companies in the county use Physio AEDs. However, they take a proprietary battery that you must buy from them and are expensive. Our fire company uses a Zoll AED. They have 8. He buys the batteries at the pharmacy in Holly, they use a camera battery. Chairman Martin asked if they have to be checked occasionally to make sure they are working? Tim stated they have a little window with a green and red check mark. He replaces batteries annual and has never had a dead one. It costs about \$20 - \$25.00 to replace the batteries as opposed to the \$500.00 it costs for batteries for the other one. He can also do the training to the Township employees for free. He has a program to attach to them to tweak as the standards change. Vice Chairman Sheaffer made a motion to purchase an AED and mounting bracket. Supervisors Seiders seconded the motion. Motion approved.

If we can work it out with the laptop we could put 4 reconditioned flat screen monitors around the tables for about \$140.00 for the monitors and a splitter, from the Computer Barn. Chairman Martin stated while we are discussing that, he would like to replace the tables with better furniture and change the orientation of the meeting room, possibly putting up a partition and moving all the storage to the partitioned off area. The Supervisors decided to table the monitor discussion until we get the room organized.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

None

ADJOURNMENT

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

NEXT MEETING January 6, 2014

Respectfully submitted,

Vicki Knepp
Secretary