

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
February 13, 2014**

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

Solicitor McKnight stated that he reviewed the minutes from the December 19, 2013 Special Meeting. He thinks they are fine. He will discuss the proposed Developer's Agreement when we get to his report. He thinks we can use the minutes to explain why we need some changes to the Developer's Agreement. Vice Chairman Sheaffer made a motion to approve the December 19, 2013 Special Meeting. Chairman Martin seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the minutes of the January 6, 2014 Reorganization Meeting. Chairman Martin seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the minutes of the January 6, 2014 Regular Meeting. Chairman Martin seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the January 31, 2014 Treasurer's Report. Chairman Martin seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Key Logistics Park Land Development - The Secretary reported that a request was received from Burget & Associates requesting a 90 extension for the Key Logistics Park Land Development, the Office Depot building. Chairman Martin made a motion to grant the 90 extension. Vice Chairman Sheaffer seconded the motion. Motion approved.

Warren Nolt Subdivision Plan – Mike Wadel was present representing the Nolts. He stated that the Nolts have a landlocked farm that is accessed off of Route 11. He would like to subdivide off 13 acres to build another house. His intent is to let one of his children live in the old farmhouse and he will move into the new house. The only access is via a lane across Fahnestock’s property. The Fahnestock property is in the Land Preservation Program. Mr. Wadel stated that he has been working with the Land Preservation folks, as well as Solicitor McKnight, to try to come up with an agreement that satisfies everyone and also indicates that no one has any concerns with Mr. Nolt having another dwelling back there. Other than that it is a relatively simple plan, a single dwelling lot with on lot septic and well. All of the Engineer’s concerns have been addressed. The DEP Module has been submitted. The Secretary stated that she has submitted to DEP for approval, the Engineer has found it to be acceptable, and the Planning Commission passed it on with no recommendation because they did not have a quorum, they had no objections, they just could not vote on it. Chairman Martin made a motion to approve the plan pending DEP approval. Vice Chairman Sheaffer seconded the motion. Motion approved.

UNFINISHED BUSINESS

Trash Delinquencies – The Secretary reported that she stopped service on 8 accounts; she had given everyone an extra week because of the weather. One person has come in and paid their bill since service was stopped. Chairman Martin asked if these average \$100.00. The Secretary reported that they are \$98.53 and the \$25.00 reinstatement fee. Chairman Martin stated that at the next meeting we should take action on any that are not paid.

Septic – The Secretary reported that we still have 43 out of the 287 from last year that are not pumped. Letters have been sent giving them until March 31 to have their systems pumped or we will take action.

Zoning Amendments – The Solicitor stated we have received comments from Cumberland County Planning Department. Chairman Martin will do the ordinance and send it to the Solicitor for review. Chairman Martin stated he has a question on the first comment, Mr. Stoner recommends that we limit this to properties with frontage on Rt. 233, eliminating Showaker’s property. Vice Chairman Sheaffer said he does not believe we have to limit it to properties with frontage. He believes that it should be “access to” sewer and water. If a company has the means to extend the sewer and water to their property, they should be able to. The Solicitor stated we need to make sure that Showaker is included in this. We need to keep our word to the Showakers. When we turned down their rezoning request we promised them we would do something else. The Solicitor stated he cannot see any major problems. He does not see it affecting water and sewer in our area in a major way unless someone puts a motel in. Chairman Martin stated that there is one more thing we need to consider. The Fire Company wants to put up a digital sign to replace the sign damaged by a storm last year. Our Zoning Ordinance does not allow any digital signs. He believes any business that comes in will want a digital sign. He would like to include the statement “Any digital sign requires conditional use.” in Section 12 Vice Chairman Sheaffer made a motion that as soon as Chairman Martin has the ordinance ready and Solicitor McKnight has reviewed it, to advertise for the next meeting. Chairman Martin seconded the motion. Motion approved.

Amendments to the Alternative Dispute Resolution – Code Officer Knepp was unable to open the file that Chairman Martin sent him. Therefore he was unable to review the changes. Vice Chairman Sheaffer made a motion to approve advertising the ordinance pending the completion of the review. Chairman Martin seconded the motion. Motion approved. On a sub-note, Tim is now an official Officer of the Court and is able to cite people.

AED DJ's Office – The Secretary reported that the AED is ordered and has been back ordered. She has been unable to get an expected delivery date.

NEW BUSINESS

Working Supervisors Pay – The Secretary reported that the Auditors have recommended a .50 per hour pay increase for the Working Supervisors. That would take them to \$16.00 per hour. Vice Chairman Sheaffer stated he thinks he earned it today.

Laptop for the Shop – The Secretary reported that the vehicle maintenance files are being kept on a computer that does not always come on, it uses Windows 98, and they are using outdated spreadsheets to keep track of the maintenance. The Secretary stated that she would like to get a second laptop, she would like to take the older one in the office and put it in the shop for the road crew, and she would also like to extend the wireless network out into the shop. This would give them the capability of taking the laptop with schematics to whatever piece of equipment they were working on to use as reference material. She stated she has already set up a database that will track not only maintenance history, but will provide reminders of upcoming scheduled maintenance. She has gotten prices on a laptop, and depending upon sales, she can get one for anywhere from \$350.00 - \$400.00. She will also need to extend the wireless network but she does not have a price on that. The Solicitor asked if the old laptop will be scrubbed. The Secretary stated she will be doing it and the confidential files are not shared on the network. There are only a few files shared on the network, permits and complaints and in the future the vehicle maintenance. Vice Chairman Sheaffer made a motion to authorize the purchase of the new laptop and extend the wifi through the shop. Chairman Martin seconded the motion. Motion approved.

Special Fire Police Resolution – Chairman Martin stated that this is basically what we did last year. He would like to make a few changes: #3. Add the statement “prior to the event”. And #4 delete “at the Board of Supervisor Reorganization meeting.” Chairman Martin made a motion to approve the Special Fire Police Policy for 2014 Resolution 2014-007 with the changes discussed. Vice Chairman Sheaffer seconded the motion.

Emergency Management Plan Review – Fire Chief Bob Kough, Jr. stated that he used to have to do a biannual review. FEMA is now requiring a Resolution every two years to adopt/readopt the Plan. If you do not have a currently adopted Plan you are not eligible for financial aid during a disaster. There are no changes to the Plan from 2007. Vice Chairman Sheaffer made a motion to adopt Resolution 2014 – 008 adopting the Emergency Operations Plan for Penn Township. Chairman Martin seconded the motion. Motion approved.

Chairman Martin asked Chief Kough if he had a chance to review the Key Lock Box and Alarm Ordinances. Chief Kough stated the only question he had on the Knox Box is the

order forms for Knox boxes the one they normally get is 7 x 7 x 4 and the plans will not fit in that size box. Codes Officer Knepp stated there are larger boxes available from Knox. Chief Kough asked if it could require the information in a binder right inside the first door they go in. Chairman Martin stated that for any new warehouses that could be discussed in the planning process. He would really like to have someone from the fire company involved in the planning approval process strictly for the alarms and such. Chief Kough stated that they are still having issues with the alarm systems for the old warehouse. The Office Depot system was down for a couple of months and no one ever notified the fire company the system was down. There are two systems in that building, the original alarm panel is in the east, unoccupied, end of the building. It is his understanding that alarm covers the whole building. There is no audible or visible alarm in the Office Depot side. There could be an active fire and Office Depot would not know anything about it. He would like a meeting to get the situation rectified. Vice Chairman Sheaffer stated that can be part of the approval for a tenant in the unoccupied section of the building. Codes Officer Knepp stated that the biggest hammer in this is not the fire company, or the Township. It is the insurance carrier for the building. If they would be apprised of the situation they would hammer things out. The Solicitor asked how they can get away for months without an alarm system. Codes Officer Knepp stated by keeping it quiet, not letting anyone know there is a problem. Chief Kough stated that they supposedly had someone there monitoring the situation, but they could not cover it 24 7. The Solicitor stated that we could send a letter stating that we are concerned about the state of their alarm system. Chairman Martin asked if the whole building was sold or just the unoccupied portion. The Secretary stated that KTR purchased the whole building. Chairman Martin stated we can discuss with them when they come to get the permits for the rest of the building. Chairman Martin asked if the height of 4 – 6 feet for a Knox Box is correct? Chief Kough stated yes, that is Knox recommendation. You do not want to have to get a step ladder to get at it. Chief Kough stated the alarm system ordinance is fine. Chairman Martin stated he left homeowners out of it, but if you have a false alarm for a homeowner you drop the ordinance on the homeowner and tell them if they have more than two more they will be fined. Chairman Martin asked him to get the Ordinances back to him so they can be advertised for next month. Codes Officer Knepp asked if he understood correctly that residential alarms were excluded. Chairman Martin stated he is not concerned with the home systems, only the commercial. If residential becomes a problem in the future it can always be added. Chief Kough stated we only have one residence that seems to have a problem.

Santander Bank – The Treasurer reported that we had put money in a money market at Sovereign, which is now Santander. In December she contacted them to find out why we were not getting statements from them and found out they put our account into dormant status because we had not made any deposits. She had to go in and give them a dollar to reactivate the account. Chairman Martin asked how many banks we have money in right now. The Treasurer stated we have a CD in F & M, and our accounts at Orrstown, besides this one. He asked how their interest rate compares with the other banks. The Treasurer was directed to get interest rates. The Solicitor suggested that we put half the money into a CD at a higher interest rate for reserve and the other as a reserve we have access to. It was suggested that she check with Credit Unions also since they usually have better rates.

Cumberland County Animal Response Team – The Secretary reported that Chief Kough had forwarded an email from Eric Hoerner to us. The Subject was sheltering. The CCART, through the Cumberland County Department of Public Safety, is requesting that we

allow the CCArt to occupy at least two bays of our highway building during an emergency during which they are sheltering evacuated animals. CCART will provide all the equipment, crates, carriers, etc. and perform all cleanup after the event. However, it may require that we move equipment outside for the duration of the sheltering. Chairman Martin stated that he is opposed to this as during an emergency we often need the bays to make repairs to equipment and during extremely cold weather we would not want to let equipment sit out. Chief Kough stated he recommends that we deny the request. They want heat, electric, water, and 24 hour access to the building.

Central PA. Energy Consortium – The Secretary reported that the Roadmaster had asked her to find a reliable source for diesel fuel. While she was calling around she spoke with both Dickinson and West Pennsboro Townships to see who they use. They both belong to CPEC and are paying more than a dollar less than we are for diesel fuel. She contacted the consortium and got information on joining. There is a onetime membership fee of \$100.00 and then on fossil fuels you pay a penny per gallon purchase. The Solicitor suggested we also consider their electric program. He said it is a good program and recommends that we join. Vice Chairman Sheaffer made a motion that we proceed with the application to join the Central Pennsylvania Energy Consortium. Chairman Martin seconded the motion. Motion approved.

Assistant Codes/Zoning Officer – Chairman Martin stated they have a request to add Jim Sheaffer as Assistant Codes/Zoning Officer. We need an application in order to vote on him. Chairman Martin suggested Tim begin training him in the office, but not take him out to any locations until we vote on him. He can become familiar with the ordinance awhile.

Verus Partner – The Secretary stated we have one invoice from 2012 for \$62.50 and several invoices from 2013 that have not been paid. The invoices are for engineering fees that the Township has already paid. The invoices total \$7,190.55. Solicitor McKnight requested the Secretary get Mr. Wetherill's information and he will contact him about these invoices. Chairman Martin stated that any plans he brings will be tabled until all invoices are paid.

Employee Health Insurance – The Treasurer reported that our health insurance will not be renewed. The Farm Bureau has sent us several options. She has not had a chance to look over the plan options but we need to take action by March 3, which is before our next meeting. The Solicitor suggested the Supervisors authorize the Treasurer to fill out the application for a plan as close to what we had before or a little better than before. Chairman Martin requested that he be removed from the plan since he has supplemental coverage through his wife's plan, with the option that he be allowed to rejoin if it becomes necessary. Chairman Martin made a motion that the Treasurer look into and enroll into the best plan for the employees. Vice Chairman Sheaffer seconded the motion. Motion approved.

Old Flag Pole – Chairman Martin stated that a resident stopped in the office and offered to buy the old flag pole. Chairman Martin stated that if one of our residents wants to be patriotic and fly a flag, since we were only going to scrap the pole we just give it to him. Because of liability issues, we will remove it and call him to get it.

Chief Kough asked if we needed a declaration of disaster to cover any damage that may have occurred during the storm. Chairman Martin stated that the only problem we had

was one truck that broke down, but there was no damage out on the roads and no other equipment broke.

CORRESPONDENCE

Cumberland County Recorder of Deeds – We received a letter from the new Recorder of Deeds, Tammy Shearer. Bob Ziegler retired after 22 years. The Secretary stated she has gotten an email from Kirk Stoner and she has lifted the restriction on the size of plans to be recorded. It appears that she will be a little easier to work with than Mr. Ziegler.

PROJECT UPDATES

New truck is ordered.

The Secretary stated she has gotten a vehicle maintenance database and is entering all the old information into it for the road crew.

Train-the-Trainer for Flagging – Chairman Martin stated that when he attended the training he learned that we are drastically out of compliance with our safety gear and procedures. We have started ordering the safety gear for flaggers, we have ordered two vests so far, and we need helmets, radios, new flags and the bases for the signs need to be break away. Chief Kough suggested we get Open Sky radios to put in the dump trucks on the Penn Township talk group. Chairman Martin stated that right now he does not think that is necessary, the road crew uses their cell phones. If we were larger it might be an advantage. We are looking at walkie talkies just for the flaggers.

SOLICITOR REPORT

Developer's Agreement – The way the Agreement is written IDI is going to give us \$450,000.00, \$300,000.00 up front. \$150,000.00 Park & Rec fees, \$150,000.00 to the Fire Company and \$150,000.00 payable in installments as they apply for the building permits. The Solicitor asked the Supervisors to look it over and give him their thoughts on it.

There is a hearing next week on the Brandt/Hammond compliant from 1032 Centerville Road. The Secretary asked if the Defendant's attorney had contacted the Solicitor to request an extension. He had called the office and she told him he had to speak with the Solicitor. The Solicitor stated they had not called him and he is hesitant to grant an extension at this late date. The Hearing is February 19 at 2:00 PM. The Codes Officer will meet with him earlier in the day to go over everything and will take more recent photos.

Hodecker – It has gotten nasty since the last meeting. The Solicitor wants to be sure exactly what he is citing him for. It is the provision of the ordinance that specifies the setback for the sawmill. Vice Chairman Sheaffer stated he thought we would be filing about the fine Mr. Hodecker refuses to pay. He thought it would be a test of our Ordinance. According to Mr. Hodecker's attorney he does not have to pay the fine because of the way our ordinance is worded. Can we or can't we enforce it. Do we need to stiffen our ordinances. The Solicitor stated that we will file for the illegal burning and the setback violation. Chairman Martin stated there is more to it. The Section 1263 of the Zoning

Ordinance says you have to be 100 ft. from any property line, all power saws and machinery must be secured against tampering and locked when not in use, no parking area or loading area with access to the sawmill shall be within 250 ft. of the nearest residence and where a sawmill is located adjacent to any residential use all cutting shall be conducted within a structure with a closed side facing the residential use. He also needs a plan for periodic disposal of dust. Mr. Hodecker stated he is within 16 ft. of the setback and he does not believe that 16 ft. will make any difference to the noise level to the neighbors so he thinks he is OK. The Solicitor stated we will do both the Zoning and illegal burning. The fine will be \$500.00 plus \$300.00 in legal expenses. The Codes Officer stated Mr. Hodecker has filed 4 complaints against neighbors so far, the first was about a neighbor burning. The next complaint was a neighbor with excessive unlicensed vehicles, one of which Mr. Hodecker stated was on his property. Chairman Martin spoke with the neighbor. He does in fact, have 4 unlicensed vehicles, three of which are on his property and one is on Mr. Hodecker's property. The neighbor is compliant the other vehicle is a civil matter. If he has to move it he needs to put it in the shed. The next complaint was at 1582 there is a shed that is too close. Another complaint at 1584 Pine Road, a shed too close to the property line and bricks and material on Mr. Hodecker's property. Again a civil matter. And the last complaint received to date, a motor home on a lot with a mobile home and someone is living in the motor home at 1580 Pine Road. To our knowledge that there is no one living there, he has not had a chance to check it out. The complaints just seem to be frivolous and retaliatory.

OTHER REPORTS

WCCOG – Chairman Martin reported that the COG meeting was mostly people complaining about snow and the salt problems. The last year or two there was a gentleman representing COG at the Tri-County Planning. He never attended the meetings or did anything involved with it, but he expressed a desire to be reappointed. Another gentleman, John Alossi, submitted an application to be the representative. He had already attended a meeting and reported on it. West Shore ALS has not attended a COG meeting yet. Cog is going to partner again with Eastern COG for salt again next year. When winter is over we are going to fill our bin because we expect prices to go up again.

Codes Enforcement Officer Tim Knepp –Tim stated we had already discussed the hearing and Hodecker. There was a distressed structure at 2256 Pine Road, it had already burned. We had several requests to burn the structure the rest of the way down as demolition and cleanup. They were advised that it was not permitted by local and State regulations. Chairman Martin spoke with Mark Reiff and informed him that it could not be burned. Mark Reiff was told to have Amos Reiff, who had taken over the project, to contact Chairman Martin before he did anything. He did not. We received a call from a neighbor that they had dug a hole and were burning the materials. We have photos of the pile showing items prohibited by the State Solid Waste Management Act along with our ordinance. It was explained that the fire company would have to come out and extinguish it and he would be responsible for any consumables and damage to the fire company. Mr. Reiff was not very forthcoming with information when asked. Both Chairman Martin and Codes Enforcement Officer have sent information to the Solicitor and would like Mr. Amos Reiff cited for the illegal burn with \$200.00 restitution to each of the two fire companies. Vice Chairman Sheaffer made a motion for the Solicitor to send Mr. Reiff a letter asking for \$600.00. Chairman Martin seconded the motion. Motion carried.

Bitner, 1158 Centerville Road – We have received several email complaints from Natasha Bitner regarding her neighbor at 1160 Centerville Road, Steven Brown. She has complained in the past about broken down vehicles and trash at his property. She then complained that he is running a log chopping and selling business out of his back yard. Ms. Bitner claims Mr. Brown is shipping in logs on a daily basis, cutting them all day from 5:00 AM to 10:00 PM, loading them on trucks and selling them. She does not believe he has the proper permits to operate this business. She claims other neighbors are upset about this also; however, no one else has complained. The Codes Officer reported that we have investigated her past complaints. Mr. Brown only had two vehicles on his property and they were both licensed and inspected. He did have some appliances sitting out and he was advised to place them in his shed or dispose of them, which he did. When asked about the firewood business Mr. Brown stated that he is doing it for his church and delivering it to parishioners who need it for heat. He stated he will occasionally sell a load to help cover his expenses. He generally works from 7:00 AM until 2:00 PM. He was advised to make sure his hours remain within that time frame. On January 28 we received another complaint from Ms. Bitner about the wood business. She claims she has contacted the County, the Sheriff's Department and the "local" police who came to the residence on January 22. She claims she was advised to forward the rules to the Township to be corrected. She quotes Pennsylvania firewood sales regulations and regulations by Weights and Measures. We have not done anything since receiving this because every time the Codes Officer drives by he does not see any evidence other than some logs and a wood splitter in the back yard. He wanted to know what the Supervisors want us to do. We cannot enforce the State and County Weights & Measures laws. Chairman Martin said we need to speak with someone from the church to see if he is really donating wood. If he is not, we need to shut him down.

Burkholder – We had a complaint from Mr. Burkholder about an occupied RV at 92 Beetem Hollow Road some time ago. Chairman Martin had spoken with the home owner who told him his son had gotten a divorce and was living at their house. He will go out to the RV in the evenings for privacy but is not living in it. He eats and sleeps in the house. We can't prove that he is living in it. Mr. Burkholder had stopped in the office within the last two weeks and said that it is still occurring. There are cars parked there in the evenings.

The Codes Officer reported that there was a 4 x 8 sign advertising mattresses. He called Zimmerman's Furniture and gave them 5 days to remove it or we will remove it and bill them. It is gone already.

The Codes Officer asked why we can't ask PennDOT to reduce the speed limit to 45 MPH on Centerville since we have all the truck traffic pulling out going up a hill and people coming around the curve at 55 MPH. Someone is going to get hurt.

We have received one permit application for the month.

APPROVAL OF BILLS LISTING

The Treasurer reported that there were two large bills last month, Workers' Comp and MMO. The Solicitor asked if the Workers' Comp went up because of the fire company. The Secretary explained that we were put into a high risk category because of Ernie's accident. There was an increase in the fire company coverage as well. The total premium went from approximately \$23,000.00 to \$40,000.00. Chairman Martin asked if there is a time period when we will be able to get back out of the high risk. The Secretary stated that they review the losses every five years.

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

SUPERVISORS' COMMENTS

None.

ADJOURNMENT

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

NEXT MEETING March 13, 2014

Respectfully submitted,

Vicki Knepp
Secretary