

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

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes of the April 10, 2014 Regular Meeting. Supervisors Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the April 30, 2014 Treasurer's Report. Supervisors Seiders seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash Delinquencies – The Secretary reported that she is stopping trash service effective next Monday. Chairman Martin asked if they were all two quarters or more past due. The Secretary stated that they were. Vice Chairman Sheaffer made a motion to stop the trash service for the seven unpaid bills. Supervisors Seiders seconded the motion. Motion approved.

Septic – The Secretary reported that of the 377 that are due to be pumped in 2014 65 have been done already. Of the ones that were to be pumped in 2013 there are still 27 that have not been done. She provided the Supervisors with a list of everybody who was not done. Chairman Martin stated we should remove David Fettrow, the house is gone and if anyone buys the property they will have to get it pumped before they can do anything. The Secretary requested permission to turn the list over to the Solicitor for action. Vice

Chairman Sheaffer made a motion to have the Solicitor proceed against the people who have not had their tanks pumped. Supervisor Seiders seconded the motion. Motion approved.

Key Lock Box Ordinance – The Solicitor stated that now is the time and place for the public hearing on the Lock Box Ordinance. The Ordinance has been advertised. The Solicitor & Tim Knepp explained what a lock box is to members of the public. It was explained that it was for commercial establishments, such as the warehouses, and eliminates the need for a fire department to break in, causing damage. The keys are locked in a special device in the fire apparatus that can only be opened by a pin code. That code is recorded and can be downloaded and they can tell who accessed the key if necessary. The keys are coded to the fire company. Vice Chairman Sheaffer made a motion to adopt the Ordinance. Supervisor Seiders seconded the motion. Motion approved.

Alarm Ordinance – The Solicitor stated now is the time and place for the public hearing on the Alarm Ordinance. This is designed to protect our emergency service personnel from multiple false alarms from malfunctioning systems or someone who does not get their system repaired. After the third false alarm in a 12 month period the alarm owner will be fined. Vice Chairman Sheaffer made a motion to approve the Alarm Ordinance. Supervisor Seiders seconded the motion. Motion approved. Codes Officer Knepp asked how these are added to the Alternative Dispute Ordinance. The Solicitor stated that it can be done by Ordinance. The Secretary asked if in the future, whenever there is an Ordinance that has a provision for fines, should she prepare a resolution at the same time. She will prepare resolutions for the next meeting for these two Ordinances.

Hodecker – Chairman Martin asked if he has paid his fine yet. The Solicitor stated that Mr. Hodecker had not. The Solicitor stated that Mr. Hodecker, under the ACRE Law submitted our Zoning Ordinance provisions to the State Attorney General who is reviewing them. The AG office has 120 days to respond from the time Mr. Hodecker sent it to them to determine if it is an unfair restriction on farming practices. The Solicitor stated that he recommends that we continue the hearing on the 21st until we hear the States position on the Ordinance. Chairman Martin stated he did not see how burning carpet in violation of DEP and our Ordinance fell under this. We have not taken any action on the sawmill. Chairman Martin stated that Mr. Hodecker admitted he burnt carpet and that is what we are pursuing. The Solicitor stated that he will amend his complaint to cover just the burning.

Pre-emptor at Route 11 traffic light – The Secretary stated that at the March meeting the Fire Chief had asked about a pre-emptor for the light at Rts. 11 & 233. The Secretary obtained an estimate from PA PERCS of \$10,866.71. There was some discussion of whether it would be compatible with the existing pre-emptor. The Secretary stated that PERCS did the existing one and it should be compatible. Chairman Martin stated that he has communications from the Traffic Engineer about the proposed signal for the IDI plan. They are looking for our requirements, we don't have any so the Traffic Engineer recommended the standards that we need, and both the Engineer and the Fire Chief reviewed it and agree. Is it best to do an Ordinance for this or do we put it in the Zoning Ordinance. The Solicitor recommended that we do a separate Ordinance. The Codes Officer asked about grant money. We need to check with the Traffic Engineer about that. He stated that every vehicle the fire department needs to put a system in is approximately \$1,600.00.

Seal Coat Bid Opening – The Secretary stated that the bids for the seal coating will be opened at 8:00 AM, Wednesday May 21st. She has sent out three bid packages.

Dickinson Church Pedestrian Crossing – We had a request from the Church last month. Chairman Martin met with the Traffic Engineer and reviewed the crossing at both their Church and Hays Grove Church. The Engineer has recommended that the churches move their walkways which will involve costs for the churches and make people walk further. She also recommended that we install pedestrian crossing signs and crosswalk stripping. Chairman Martin stated that if the churches did not want to incur the expense of moving the crossings he would recommend to them that they purchase portable signs that they can put up when the existing crossings were used. Chairman Martin stated that he has forwarded the Traffic Engineer's report to James Proctor at Dickinson Church. The Hays Grove Church is located on a State road. Chairman Martin is going to take a copy of the report to someone at Hays Grove Church.

NEW BUSINESS

Road Materials Bids – Chairman Martin stated we got the Road Materials Bids from the COG. The Roadmaster has made his selections but we don't have a copy. Vice Chairman Martin made a motion to approve the recommendation of the Roadmaster for the road material bids and submit to the COG. Chairman Martin seconded the motion. Motion approved.

Line Painting Bids – Chairman Martin stated we got the line painting bids back from COG. There were four companies that bid. He explained that the low bidder was not a local company and that there had been problems in the past with responsiveness the COG voted to go with Alpha Space out of Chambersburg. The COG unanimously voted for Alpha Space. Chairman Martin made a motion that we ratify the Alpha Space award for traffic line painting. Vice Chairman Sheaffer seconded the motion. Motion approved.

Stambaugh - Codes Enforcement Officer Knepp stated that we started receiving complaints early in the week regarding George Stambaugh's property. He was evidently at or near the deadline to remove items from the West Pennsboro property and he started moving them across the road to the Penn Township property. Mr. Knepp and Chairman Martin went to Mr. Stambaugh's property and looked at not just what was recently moved but at the entire operation of the property. Mr. Knepp had multiple pictures from the property both on the flat screen and in the Supervisors' folders. Mr. Knepp stated that there is farm equipment, trailers, trucks and just general junk. Chairman Martin stated that one of the items shown in the photos is a tractor trailer cab with the frame broken in half. What is a farm implement and what is junk. The Solicitor stated that if it is not operational it is junk. Mr. Knepp pointed out photos of three trailers/manufactured housing and stated that those had just been pulled across the road. Sherelyne Fulton of 3462 Ritner Highway stated that the trailers had been moved right against their property line. She stated that there is a terrible odor from the modular trailer. Debra Smucker from the Carriage Haus stated that they have been moved right across the road from their wedding business. Mr. Stambaugh wants to put two residences on the property. He has had to apply for two septic permits. He will need to subdivide because it is two primary structures. Because this is agricultural Mr. Stambaugh has more latitude than a normal resident. Ms. Smucker stated that the developer told them that Mr. Stambaugh has to have everything moved from across the

road from the warehouse by 3 months. Vice Chairman Sheaffer stated that we have turned them into DEP on numerous occasions. DEP has told us not to send any more complaints about Mr. Stambaugh to them. We have had him to the District Justice's office several times. Mr. Knepp explained that there is a process, since it is not a life hazard we need to follow the process. The Solicitor suggested that we prepare a list of all the current violations and he files an action for \$8,000.00 with the District Magistrate. At some point we will have to take the bull by the horn and clean the place up. Chairman Martin asked if we could get Vector Control in if there is any evidence of vermin. Mr. Knepp stated that in addition to all of this, he responded to a complaint from the Fire Chief that in the past month on two occasions he thought the quarry was burning tires, he saw black smoke. Mr. Knepp stated that he went to the quarry and talked to the manager and office worker about it. They both stated that they have not been burning tires, but that they reported that they had seen black smoke and pointed to the Stambaugh property as the source of the smoke. Mr. Knepp stated he looked around some, but could not find evidence of burning. He notified the quarry to notify him immediately if they see it again. The neighbors asked if a petition would help. Chairman Martin stated there is a big push about blighted properties; possibly we can get something done through that. The Solicitor suggested that they call their State Legislator. The Solicitor asked for authorization to file against Mr. Stambaugh at the maximum amount giving him a deadline of until the end of the month to comply before he files. Chairman Martin stated that we need to supply the Solicitor with a list of violations. He and Mr. Knepp will compile a list. Vice Chairman Sheaffer made a motion to authorize the Solicitor to proceed on George Stambaugh. Supervisor Seiders seconded the motion. Motion approved.

Grass 2258 Pine Road and 1845 Walnut Bottom Road – The Secretary reported that she has sent letters on both addresses to get the properties mowed. The owners of 1845 Walnut Bottom Road owe the Township close to \$1,500.00 for mowing. Vice Chairman Sheaffer made a motion to authorize the Solicitor to put a lien on the property at 1845 Walnut Bottom Road and for the Township to mow as needed all summer. Supervisors Seiders seconded the motion. Motion approved.

Ken Sheaffer Well Waiver – Vice Chairman Sheaffer stated that he is trying to refinance his property and the mortgage company has indicated that they require drawings or something to indicate that the Township has approved where the well and septic are located. He has checked his records and the Secretary has checked minutes and they are unable to locate anything. At that time, the Board did not do anything in writing. We have done the same thing for other residents in the Township; however, since Mr. Sheaffer is a Supervisor we feel that something should be in the record to indicate that we have done so. Chairman Martin made a motion to authorize him to sign the waiver letter for Mr. Sheaffer. Supervisors Seiders seconded the motion. Motion approved, Vice Chairman Sheaffer abstained from the vote.

IDI Traffic Resolutions – PennDOT is requiring a Resolution from the Township for the applications for traffic signals at the driveway to the new IDI warehouse and for the I-81 northbound ramps. The Resolutions are authorizing Chairman Martin to sign for the Township on the applications. Vice Chairman Sheaffer made a motion that we accept Resolutions 2014-010 and 2014-011 authorizing Chairman Martin to sign the PennDOT Traffic Signal Applications. Chairman Martin seconded the motion. Motion approved.

Potential Eagle Scout Projects – Vice Chairman Sheaffer reported that there are two Eagle Scouts looking for projects. He is proposing that the volleyball court be moved from Centerville Park to the Eagle Scout Park at the Township Building. He discussed this with the Scout Master who said if the court is moved to the Township Building the Scouts will use it. They would hike to the Township Building from the Scout Camp on Irish Gap Road. This will give them two requirements at once, hiking along a road and volleyball. The other project he is proposing is to install a couple of horseshoe pits at the Township Building. He needs to discuss this with the fire company, but what he is proposing is to move the abandoned pits from the fire station to the Township Building. They would need to use a backhoe to remove them and bring them to the Township Building to reset them and to backfill the holes at the fire station. Chairman Martin made a motion to approve the two potential Eagle Scout projects. Supervisor Seiders seconded the motion. Motion approved.

Centerville Park Porta-Potty – The Treasurer stated that she has not paid Walter's Services for the porta-potty since last April. Does it need to be pumped? The Secretary was directed to have the Roadmaster check it out.

CORRESPONDENCE

Newville Fire Police – The Borough of Newville has requested that we let them know any dates, other than emergencies, when the Borough Fire Police will be needed in the Township. The Secretary stated she forwarded the letter to the Fire Police Captain for the information. The Fire Chief stated he received the same letter and has replied to it that the only time they would be needed would be during our Fair and gave him the dates. The Solicitor stated that the Borough Manager was very impressed by Penn Township Fire Police and asked about them providing services to the Borough. Chairman Martin stated that he would be against it. The average age of our fire police is 70 years old. We have times when we are unable to get enough people for emergencies as it is. This would make it worse.

South Newton Township – South Newton has requested the fire police on May 3, May 24, June 26, 27, 28 and September 13. Chairman Martin stated that the Resolution we passed at the beginning of the year already covered. The Solicitor stated we should attach the letter to the minutes and reply that it is taken care of.

Historical Society Donation – The Secretary reported that we got a letter from the Historical Society seeking donations for the McClain Celtic Festival. Vice Chairman Sheaffer suggested we give them a donation because they were very instrumental in preparing our anniversary book and we never know when we will need their help again. Vice Chairman Sheaffer made a motion that we make a \$100.00 donation to the Historical Society. Supervisors Seiders seconded the motion. Motion approved.

PROJECT UPDATES

Chairman Martin stated the new dump truck and bed are at U. S. Municipal. He will be going with the Roadmaster to inspect it and make sure that U S Municipal understands what we want.

SOLICITOR REPORT

Brandt/Hammond – The Solicitor asked the Codes Officer if he was aware of the letter he sent to Ms. Brandt’s attorney regarding the fine not being paid and her attitude toward the Codes Officer. Mr. Knepp stated he has a copy. The Solicitor state he received a letter from her attorney saying that they understand that he will have to inspect the property and a check to pay the fine. Mr. Knepp stated that according to the letter we are still being denied access to the property. The Solicitor stated he can do whatever he needs to make a proper inspection.

The Solicitor gave the Secretary the Decision on the Young Conditional Use Hearing from the previous meeting. The Secretary had already received and distributed the Shetron and Fire Company Decisions. There were four conditions on the Young hearing: 1) the shed must be removed prior to the installation of the propane filling station; 2) the Township is to receive copies of all approval for the filing station issued by the State; 3) any new signs must comply with the sign regulation and be out of the roadway right-of-way; 4) the applicant will obtain all necessary permits from Penn Township and any other inspections required for the installation of the propane tank. Mr. Knepp stated that as of today, there has been no application for a permit, no installation of the filling station and the shed is still there. The Solicitor stated that the Planning Commission felt that Mr. Young should do all the requirements, including screening, but in the decision it discusses that the Supervisors felt that the screening part is not required.

The Solicitor discussed the Shetron decision. He stated that the Office Manager for Mr. Shetron approached him and she explained that Mr. Hoopes totally surprised them with his demands for 30 trucks a day. They thought it was a setup to let him out of the deal. Mr. Hoopes hired McNees law firm to represent him. They know our Board has a reputation of being pro-business and wanted to know why we turned him down. After the Solicitor explained the circumstances and the McNees attorney said he does not have a case.

Mr. Knepp asked the Solicitor what he should do if a person he is charging with a violation under the Alternative Dispute Ordinance is not cooperating and refuses to provide identification. The Solicitor stated he should cite the property owner in that case. We assume that the violator has permission from the property owner.

OTHER REPORTS

WCCOG – Chairman Martin reported at the last COG meeting the School District reported a 2.7% increase. Farmland Preservation selected four farms in Cumberland County encompassing 241 acres at a cost of 2.4 million dollars, one farm in West Pennsboro Twp. 110 acres, one in Southampton 30 acres, Middlesex 74 acres and North Newton 127 acres. Standard & Poors confirmed the County AAA Bond rating. Vector Control has a West Nile mosquito program.

Codes Enforcement Officer Tim Knepp – 9 applications in the past month. He handled a total of 12 complaints this year, 9 of which are from Mr. Hodecker and do not amount to anything. Chairman Martin asked the Solicitor when we reach a point that we can tell Mr. Hodecker we are not going to investigate any more because all of his complaints are frivolous. The Solicitor stated that he will document the fact and send a letter to Mr. Hodecker and copy his attorney that if he continues to file frivolous, unwarranted

complaints without any basis that he may be subject to additional fines. The Secretary printed a report for the Solicitor showing all complaints and actions taken.

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 June 12, 2014

Respectfully submitted,

Vicki Knepp
Secretary