

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

Supervisors Seiders made a motion to approve the minutes from the June 12, 2014 Regular Meeting. Vice Chairman Sheaffer seconded the motion. Motion approved

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

APPROVAL OF SUBDIVISION PLANS

Ruth Stambaugh Subdivision Plan – Mike Wadel was present to represent the Stambaughs. He explained that the Stambaugh's wished to grant a portion of their property to their daughter Bonnie Snyder. There would be no earth moving, no construction, no sewage, nothing like that proposed. It is a simple swap of land. The remainder of the parcel still meets zoning. The revised plan has addressed both the comments for County Planning and the Township Engineer. There are two waivers: 1) review the plan as a final versus a preliminary; 2) for stormwater since there will be no earthmoving. In addition the Secretary has the Non-Build Waiver. Vice Chairman Sheaffer made a motion to approve the Subdivision Plan of Ruth Stambaugh. Supervisor Seiders seconded the motion. Motion approved. Vice Chairman Sheaffer made a motion to approve all the waivers. Supervisors Seiders seconded the motion. Motion approved.

BREAK FOR JOHN AND APRIL MESSENGER CONDITIONAL USE HEARING

UNFINISHED BUSINESS

Trash Delinquencies – The Secretary reported the list is rather large since bills just went out. She requested permission to send letters to the people on the list notifying them that if their bill is not paid by the end of the month trash services will be stopped. Vice Chairman Sheaffer made a motion to authorize the Secretary to send letters that service will

be stopped if the bills are not paid. Supervisors Seiders seconded the motion. Motion approved.

Septic – For 2014 year 84 out of 377 pumped. The Solicitor's office will be sending letters to the property owners who did not get their septic pumped in 2013.

IDI Warehouse – Nothing since last month.

George Stambaugh – Chairman Martin stated that he and the Codes Enforcement Officer paid a visit with Mr. Stambaugh. They spoke to him about the equipment that was hauled across the road. Mr. Stambaugh stated that 50 – 75% of it will be put on trucks and hauled away. He did not say when or which ones. He was told that it cannot drag out, otherwise he would be operating a junk yard and he does not have a permit to do so. He plans to rehab the trailers and put them in sometime in the Fall. Chairman Martin suggested to him that he move them to Smith Road. Mr. Stambaugh ignored that; it will be brought up to him again. According to County Planning, Mr. Stambaugh must go through the Preservation Board before he can do anything. He was accommodating and pleasant. The Codes Officer asked what we are to tell to the complainant the next time she calls. We are to tell her that we can do nothing until he applies for permits. The Codes Officer inquired how we tell what is an unlicensed, unregistered farm vehicle as opposed to a junk vehicle.

Compression Release Brakes Ordinance – The Secretary stated the Ordinance has not been advertised it is just for discussion. The Solicitor asked if a truck coming down the mountain loaded with logs wouldn't you want it to use all of its brakes. It is a safety issue. The Codes Officer stated that he thinks it is frivolous. No one will enforce it. Why have an ordinance that is unenforceable. The State Police aren't interested and we don't have local police. These ordinances are normally in towns and municipalities that aren't wide open like we are. Chairman Martin stated there are two areas where we could use it. One area is on Route 11 where we have the trucks going to the quarry. And the other is in Centerville with trucks headed for Sensenig's Mill. Just because it can't be enforced doesn't mean we can't put up a sign to stop it. The Solicitor stated that the problem with the ordinance as it stands is that we need to restrict it to the section of Route 11 and the section in Centerville. We need to identify the areas before we go further and call it prohibited areas in the ordinance. Route 11 from east of 233 intersection west to the Township line, Route 233 from 81 to Route 11. Also areas considered residential. We also need to include exclusion for emergency vehicles. The Solicitor will try to get the changes completed before the Planning Commission Meeting.

Lighting Zoning Amendment – The information presented is what was negotiated with IDI. The Solicitor wanted to know if we were going to do this individually or wait until we have additional changes. Chairman Martin made a motion to table the amendment until next month. Vice Chairman Sheaffer seconded the motion. Motion approved. The Codes Officer asked how we are going to insure compliance with the amendment. It was decided that the contractor/developer would have it tested at their expense to determine if they are in compliance prior to the CO being issued.

LED Signs – This is another amendment to zoning requiring that all digital signs will require conditional use. We will hold this until the lighting and paint issue are resolved. On another note, the Fire Company's sign has been installed. A complaint was received about

how bright the sign was, however it had not been programmed to dim yet. The sign will shut off at 11:00 at night.

Open Burning Ordinance – Chairman Martin stated the Ordinance was based on the DEP model and our current ordinance. There is also a problem with the Criminal Penalty section. The Solicitor suggested we take time to review the Penalty section. The Ordinance needs more study. Vice Chairman Sheaffer said the stipulation that vegetation must be grown on the property where it was burned is detrimental to the landscapers in the Township.

Fettrow Property – Chairman Martin reported that the grass has been mowed, however, there are piles of junk with weeds growing around them. We do not know who is doing the mowing. The Codes Officer will take new photos so that we can address the issue. We need to send a letter.

35 Leeds Road – The Secretary reported that she contacted the SEO that day. There was a mix up with Groff's Septic. They will now be going to the property next Thursday. It had been suggested to her that Supervisors Seiders might have installed the tank and would know the location. Supervisor Seiders stated he had not. He said it is right up against the trailer in the back.

NEW BUSINESS

Cumberland County Convention – The Secretary reported that the Convention is Thursday, October 2. We will need to take a photo at the next Supervisor's meeting for the booklet. The Secretary asked how many will be attending. Chairman Martin stated we will decide next month.

Paul McCallister – Mr. McCallister was not present. The Codes Officer stated that we had received a complaint that Mr. McCallister was pumping water from his basement at 235 South Side Drive. The neighbors at 233 South Side Drive complained that it is flooding part of their yard, driveway and where their daughter has to stand for the school bus. Mr. McCallister was sent a letter telling him he can't drain the water on his neighbor's property. The Assistant Codes Officer met with Mr. McCallister. It appears that Mr. McCallister is expecting the Township to do something for him. The Codes Officer said he does not think it is a done deal yet. He suggested that Chairman Martin discuss it with Mr. McCallister since he knows him.

New Tenant Office Depot Warehouse – The Secretary stated that there is a new tenant in the vacant portion of the Office Depot warehouse. She has gotten contact information. There was work done without a UCC permit which is how she found out they were there. They have been in touch with the fire company and have gotten the paperwork for their Knox boxes. There will be a test done on the alarm system with both tenants and ADT and find out where the short comings are with the fire alarm system. With the new Alarm Ordinance we have the ability to make the property owner make corrections.

DJ's Office – Chairman Martin stated that he was contacted by John Lopp. The DJ's Office does not have a fire system so they do not need a Knox Box. During the conversation John mentioned that when their lease expires in four more years he will be talking about renegotiating the terms of the lease. He has already moved one DJ's office because the

landlord would not negotiate. Chairman Martin stated he just wanted everyone to be aware.

Dogs on Smith Road – The Secretary stated she had a phone call late in the afternoon from Mrs. Fahnestock on Smith Road. Today two big dogs came up onto her deck and savaged her cat. She did not recognize the dogs and did not see any collars on the dogs. She has been trying to get in touch with a dog warden. The dog warden for Cumberland County had a message on his phone that the office was closed and not to leave a message, to call the Perry County dog warden. The Perry County dog warden is on vacation and had a message on his phone to call the Adams County dog warden and gave the number. She got the Adams County dog warden's answering machine.

CORRESPONDENCE

The County is having a Household Waste Disposal on August 23 from 9 to 3 at the Allen Road facility.

PROJECT UPDATES

Road crew is cleaning out gutters. We are receiving complaints.

Nothing from the Engineer on the culvert yet. It was suggested that we need to find a new engineer.

Storm damage – we have been pretty hard hit. There have been multiple lines down and damage.

The new dump truck has arrived.

There was some excitement at the Township on July 2. Ernie Beecher was out mowing the road going to the upper lot. On the way back he noticed a person sleeping in a sleeping bag. When he checked he was dead. The State Police were called; they estimated he had been there for two days. He had a bicycle, a sleeping bag and a mat to sleep on.

SOLICITOR REPORT

Fraker – The Solicitor reported that he had a call from the Codes Officer regarding noise complaints from the neighbor of the Frakers at 209 South Side. Evidently the Frakers go away on the weekends and their grandson has parties while they are gone. State Police have been called several times. The Solicitor sent the Frakers a letter stating that it needed to stop or we will take civil action.

The Solicitor reported that he called West Shore to ask about the ALS memberships. He spoke with Paul Christophal. The memberships will be honored by Shippensburg for the rest of the year. Mr. Knepp stated that the unknown is what Carlisle will do, they are now covering half the Township.

The Solicitor stated that he does not believe it makes sense to complain to the local fish hatchery people. He has drafted a letter to the Chief Council of the PA Fish & Boat Commission regarding the building they put up without obtaining a permit and the flooding

problems Ruth Niles is having. He asked if the Supervisors would like a paragraph included about a fine. The Supervisors felt we should see what their response is, if they do not respond favorably or in a timely manner, then we should fine them. Vice Chairman Sheaffer made a motion to authorize the Solicitor to send the letter to the Chief Council. Supervisor Seiders seconded the motion. Motion approved.

2258 Pine Road – The Secretary stated she received complaints about it again that day. The Solicitor stated that he sent a letter to Altisource. If necessary we need to mow it again.

1845 Walnut Bottom Road – The Secretary reported that it is on the tax sale list. The Tax Collector stated that she can't find the owners either. The Solicitor stated that his paralegal is researching it with the bank. If we can't get paid any other way, we will get it through the tax sale.

Gerald Brown - The Solicitor sent a letter to Mr. Brown about operating a business and having a sign without a Conditional Use. The sign is down, we aren't sure if he has stopped operating the business. We will keep an eye on it.

The Secretary reported that they have gotten complaints that the MDIA inspector does not return calls. We have not had any problems, but we have had complaints from several people. The Secretary stated she has paperwork issues also. She has provided MDIA with the information several times. They will discuss it Monday at the COG meeting.

OTHER REPORTS

WCCOG – None

Codes Enforcement Officer Tim Knepp – 11 applications, 10 approved, one denied, that was the Conditional Use Hearing we had earlier. We received three new complaints, two of which are unresolved. 49 Station Road, a mowing issue. The Tax Collector reported that property was now sold. We discussed McCallister earlier and the thistle issue on Church Road has been resolved. Young's ATV has come in with the proper paper work from the State and has removed the shed so the permit was issued. The County Tax Assessor has reported to us that a cabin on a property on High Mountain Road was built without permits. The owners have been sent a letter and have now applied for the necessary permits. He asked the Solicitor if he is citing a business, does he cite the business or the agent of the business. The Solicitor said both. We need to do a form for the Alarm Ordinance. Chairman Martin stated we already approved the Ordinance with a form so we can design the form. Some of the samples that we reviewed had fees. Do we need a fee? The Solicitor stated that only if we have expense. Chairman Martin suggested that we file the completed forms in the office and every year we send a notice that they need to update. If they don't complete the update they will be fined. The Secretary was directed to draft a Resolution for the initial fee. There will be no charge for the annual updates. Mr. Knepp asked what was the intent of the zoning regulation prohibiting an accessory structure from being placed in front of the primary structure. Chairman Martin stated he never figured it out either. The Solicitor stated it did not make sense in the Conservation District, but it makes sense in the Residential area. You don't want people putting sheds in front of their house in areas like Centerville. The idea is to protect the value of the neighbor's property.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

Supervisors Seiders – The trailer isn't moved yet.

The Secretary asked the Solicitor about the minutes for Park & Rec, she does not have copies of any of the minutes since Susan Whitesel became secretary. She has contacted Susan Whitesel multiple times via email requesting the minutes for the Park & Rec Committee. The first several times she was assured that she would have the minutes soon. She now does not even receive a reply to her emails. The Solicitor instructed the Secretary to send a letter to Ms. Whitesel telling her she needs to submit the minutes or the matter will be turned over to the Solicitor.

Vice Chairman Sheaffer – Sometime in the next two months we will have an Eagle Scout working on the landscaping around the Township Building. He will need to get the shrubbery and mushroom soil. They would like to put a masonry border around to hold the mulch in place.

Chairman Martin – He spoke with Nelson Hurst, the new owner of 208 Leeds Road. Mr. Hurst has removed an additional 4,000 tires so far. With tires we removed the total is between 14,000 and 16,000 tires and there are still more to be removed.

Chairman Martin reminded the Board that we will begin working on the budget in September.

Chairman Martin stated he swore in 2 new Fire Police earlier in the evening, two women, a first for the fire company.

ADJOURNMENT

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

NEXT MEETING August 14, 2014

Respectfully submitted,

Vicki Knepp
Secretary