

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
March 12, 2015**

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

None

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the February 12, 2015 Regular Meeting. Supervisors Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the February 28, 2015 Treasurer's Report. Supervisors Seiders seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

None

GETTLE REZONING HEARING

Vice Chairman Sheaffer made a motion to rezone the Gettle tract; the northern section which is approximately 57.42 acres designated as Commercial Industrial; the southern section approximately 33.83 acres designated as Residential. Supervisor Seiders seconded the motion. Motion approved on a unanimous vote. (See transcript.)

ZONING/CODES ENFORCEMENT

Tim Knepp – Two permit applications for the month. One was for Mr. Thumma for the porch built without a permit. The other was for an accessory garage on Hair Road.

The Stambaugh hearing was held, after the hearing the Solicitor served Shirley Stambaugh with a letter indicating that Mr. Knepp and Paul Rampulla, UCC inspector, will be conducting an interior inspection of the structure at 6 Quarry Hill Road on March 23 at 10:00 AM to determine if the structure is safe for habitation. Photos of the property were reviewed showing exterior structural damage to the building and exposed electrical wiring outside. The question was raised as to whether Mrs. Stambaugh is a registered landlord, the Secretary will check. When the County property mapper was checked it is evident that the structural damage

has been there since at least 2012. Mr. Stambaugh had made the comment to Mr. Knepp and Supervisor Martin that the tenants had really trashed the inside, it's in bad shape.

Mr. Knepp stated that this is covered in our Nuisance Ordinance and our Ordinance is very weak. He asked the Board to have the Solicitor draw up an ordinance to cover distressed, dilapidated and uninhabitable structures. We have others in the Township that need to be addressed in addition to the Stambaugh property.

We have received only 7 registration forms for the Alarm systems. Two of them were commercial. We do not have Office Depot's form yet. Reminder to those attending the meeting to make sure we have our own done. Chief Kough asked about Knox boxes for residences. Mr. Knepp stated he knows of no municipality that requires Knox boxes on homes. Chief Kough stated we should be the first. The Secretary will get copies of the contact information to the fire company. Mr. Knepp stated that he gave the State Police a copy of our Ordinance. Our Ordinance is more restrictive than the state's. We will share the information with the State Police also.

Mr. Knepp stated that 3 months ago we had a complaint about the hunting club and we reviewed photos of unsafe conditions. Mr. Knepp spoke with Charles Fisk on January 14 and discussed the issue with him. Mr. Knepp gave Mr. Fisk until March 14 to discuss this with his members and get back to him with a remediation plan. He has heard nothing yet. Mr. Knepp was advised to send a letter via regular and certified mail and post a notice on the door. If they do not respond we will make them conform to the Ordinance which would shut down their shooting range.

Mr. Knepp stated that a few months ago we had contacted the fish hatchery about the building they put up without a permit. The Solicitor was told by their legal department that they do not have to abide by local regulations. Mr. Knepp stated he discussed this with Representative Tallman's office who did research for him. The said Section 702 of the Second Class Township Code was changed and a precedent was set by Cumberland Township, Adams County vs. The Commonwealth of PA when the Welcome Center was built in Gettysburg. The Court found for the Township that they do in fact have to follow local regulations. The Solicitor stated he does not like being lied to by the State legal counsel. He will follow up.

Mr. Knepp asked the Solicitor what to do if no one shows up at the Stambaugh's for the inspection. The Solicitor suggested that they take a constable with them. The Solicitor stated that he has been surprised by the change in attitude by the Stambaughs. He is concerned that the Stambaughs are no longer cooperative like they were in the past. He is making the Supervisors aware that he is going to begin to group together issues so they are dealt with at once. Some progress was made by having John Eply from West Pennsboro at the hearing and we will be working together in the future. Chairman Martin stated that the drainage ditch on the west side of Smith Road is filled with silt. Mr. Stambaugh is complaining about it, but a lot of the problem is caused by Mr. Stambaugh's three unpermitted driveways. Does a farm driveway have to conform to the same regulations as a residential driveway? The Solicitor thought we could require an occupancy permit. Chairman Martin stated that our suggestion that he use an internal driveway has been ignored. We clean the silt out of the gutter and it gets filled again. He also leaves silage on the road that we have to clean out.

Vice Chairman Sheaffer made a motion to authorize the use of a constable to assist in the inspection of the Stambaugh house at 6 Quarry Hill Road. Chairman Martin seconded the motion. Motion approved. The Solicitor recommended Kevin Preston.

UNFINISHED BUSINESS

Trash – The Secretary reported that there are three stopped. One of the three moved out of the property and never cancelled service so she sent a letter to the property owner. We have not paid the ones on the list yet.

Septic – Of the 378 systems that need to be pumped in 2014 we have only 46 that have not been pumped. The Secretary reported she gave them until March 31 to get it done. Next month she will have a list to turn over to the Solicitor. She reported that she mailed out the postcards for the systems that are to be pumped in 2015. She sent out 79 cards. There are a total of 117 for 2015.

Dennis Shoff Planning Commission Application – Chairman Martin state that Mr. Shoff had attended the last Planning Commission Meeting and they had no objections to him. Vice Chairman Sheaffer made a motion to accept Dennis Shoff as a member of the Planning Commission. Supervisors Seiders seconded the motion. Motion approved.

Resolution 2015-002 Establishing Wages, Commissions and Mileage Rates for 2015– The Secretary reported that this resolution was tabled at the Reorganization Meeting in January. At the February Board of Supervisors Meeting a motion was passed to authorize a 2% pay increase. The Secretary stated the Resolution reflects those increases. Supervisor Seiders made a motion to approve Resolution 2015-002. Vice Chairman Sheaffer seconded the motion. Motion approved.

Third Road Crew Employee – Chairman Martin stated that he believes it is time to hire a third road crew member so we have someone trained how we want our roads done. Jeff and Ernie are nearing retirement age and he would like to have someone trained before that. Chairman Martin made a motion that we advertise for a third road crew member. Vice Chairman Sheaffer seconded the motion. Motion passed. Chairman Martin stated he will prepare an announcement and put it out next month.

Remote for Signal at Route 233 & Route 11 – The Secretary reported that the remote was installed last week and she has sent instructions for its use to both fire police organizations.

NEW BUSINESS

Heat at DJ Office – Chairman Martin reported that heat costs at the DJ office are exceptionally high and we need to hire regular maintenance on the system. John Lopp suggested that the County has a man on staff who can handle it. Chairman Martin stated he got a quote of \$590.00/year from H B McClure. He believes that we could negotiate with County to pay their employee to do the work, either by reducing the rent or paying them. This would save our guys from going to the DJ office for maintenance. Vice Chairman Sheaffer made a motion for Chairman Martin to proceed with negotiations with County to provide a maintenance agreement for the HVAC at the DJ's office. Supervisors Seiders seconded the motion. Motion approved.

New Dump Truck – Chairman Martin reported that the new dump truck has a problem with the hydraulic system and has to go back to the manufacturer. Solicitor McKnight stated this is their last chance to get it right. There is a Lemon Law for vehicles. It is a major breach of contract to have what is supposed to be a new vehicle not running properly and not being sound. Chairman Martin stated we had to take it out of service. We ended up using the old dump.

Verus Development in West Pennsboro – Chairman Martin reported he got an email from Brian Reisinger regarding the Stambaugh development. On March 23 the West Pennsboro Board of Supervisors will be reviewing the Verus property in West Pennsboro, their Planning Commission will meet the same night and discuss the subdivision plan. Part of the subdivision plan will affect us because they are going to parcel off the portion of the property in Penn Township. They are probably going to approve that on the 23rd. The only thing we will need to do is sign off on it. Chairman Martin asked if we could approve him signing it pending West Penn's approval. The Solicitor stated that if we are going to apply any of the issues we are having with the Stambaughs with the approval he would not advise fast tracking the plan. In addition this sets a horrible precedent. The Planning Commission needs an opportunity to review the plans. The Solicitor preferred to see Mr. Reisinger and the Stambaugh's at the next meeting.

Chairman Martin stated that he received an email from Jodie Evans. She has completed her traffic signal review for the Ickes property and has made a few recommendations.

CORRESPONDENCE

Chairman Martin reported that we received a letter from South Newton Township requesting the assistance of the Fire Police at several events in 2015. Our resolution does not require this, but the Worker's Comp does. Chairman Martin made a motion to approve the request for assistance from South Newton Township. Supervisor Seiders seconded the motion. Motion approved.

PROJECT UPDATES

The Secretary reported the Zoning/Codes Enforcement Officer has entered the majority of the subdivision plans into a database. He has entered 1,028. There are still a few we could not identify that we would like to review with Chairman Martin.

The Audit is completed but the report to DCED has not been submitted yet.

The Developer's Agreement payment has been received from Unilever.

SOLICITOR REPORT

Stambaugh – The Solicitor stated that the Stambaugh hearing was the previous week. The magistrate awarded us \$1,000.00; the Stambaugh's attorney complained that was too much, however, the point of continuing the hearing was to give them a chance to clean things up. Progress has been made, but there is still a long way to go. John Eply brought pictures of the two halves of the manufactured home sitting in West Pennsboro in 2007.

Hoedecker – The Solicitor stated there are two issues with Hoedecker. He has been in touch with the Attorney General's Office that is reviewing the Ordinance. Attorney Bucknum, Sr. Deputy Attorney General, hadn't the foggiest idea of what this deal was about. She could not understand what the Hoedeckers were saying. The Solicitor sent her a copy of our Ordinance. She said it looked reasonable, but we have not seen her decision in writing yet. He expects it soon.

The Solicitor stated he has been in touch with the Hoedecker's new attorney, Tom Flower from Carlisle, and had a decent discussion. The Solicitor is sending him copies of all the

information. He also described it to him and read it to him. Mr. Flowers said he didn't think they had a case.

FPE – The Solicitor OK'd the final language in the report from the engineers. As soon as he receives it he will forward it to the insurance adjuster and will prepare the suit papers. The last change to the report is that it does not comply with PennDOT guidelines.

The Solicitor had the written decision for the Morton Conditional Use Hearing for the Supervisors to sign.

The Solicitor thanked the Township for their expressions of sympathy on the death of his mother.

OTHER REPORTS

WCCOG – Chairman Martin reported that there is not much going on. One thing brought up was a sawmill for a Mennonite. There is a process that you can go through to get ADA requirements waived for a commercial business. It causes \$100.00 and you go through Labor & Industry. It might take 6 months, but you can have it done.

Senator Eichelberger had an open house at the fire hall. It was on the night of the big snowstorm. Only 4 people showed up. He suggested that people might want to take a close look at Governor Wolf's new budget.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

Vice Chairman Sheaffer thanked everyone for coming. It is nice to have an audience.

Chairman Martin stated we have a Shippensburg student here tonight. He also stated that the edges on Blue Pond Road will need to be cut back this year.

ADJOURNMENT

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

NEXT MEETING April 9, 2015

Respectfully submitted,

Vicki Knepp
Secretary