

**PENN TOWNSHIP BOARD OF SUPERVISORS**  
**1301 Centerville Road**  
**Newville, PA 17241**  
**Tel: 717-486-3104 Fax: 717-486-3522**  
**Regular Meeting**  
**May 12, 2016**

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 and Secretary Vicki Knepp.

**PUBLIC COMMENT**

NONE

**APPROVAL OF MINUTES**

Vice Chairman Sheaffer made a motion to approve the minutes from the April 14, 2016 Regular Meeting. Supervisor Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the April 30, 2016 Treasurer's Report. Supervisor Seiders seconded the motion. Motion approved.

**APPROVAL OF SUBDIVISION PLANS**

None

**UNFINISHED BUSINESS**

Trash – The Secretary reported that all the past due accounts have been paid. She had stopped service to one; they were in and paid today. Their service was restored on a per bag basis.

Septic – There are 369 systems to be pumped in 2013, of those 113 have been pumped, approximately 30%. For 2015 there is still one system that has not been pumped, their information has been turned over to the Solicitor and a letter went out earlier in the week.

Hassing Drive – Chairman Martin reported that he and Vice Chairman Sheaffer met with Mr. Wenger and Mr. Ries. Chairman Martin stated he told Mr. Wenger it is his property. He must approve anything done and must sign the contract for any work being done. The Township will pay one third of the cost. He agreed and asked us to get quotes. We have received two quotes; one from Capital Area Paving for \$13,232.00 and one from Blain & Sons for \$13,784.00. We will provide copies of the bids to Mr. Wenger and Mr. Ries for review and their decisions. Vice Chairman Sheaffer made a motion that pending acceptance by Mr. Wenger and Mr. Reis and a signed contract from them that we will

proceed with the paving of Hassinger Drive and pay one third each. Supervisor Seiders seconded the motion. Motion approved.

Tony Sennett – The Solicitor stated he sent the agreement to Mr. Sennett’s attorney some time ago. We have not received it yet and the attorney was not available when he called him today. Chairman Martin stated that Mr. Sennett came to him and told him he wanted to get it done right away. Chairman Martin will take 3 copies of the agreement to Mr. Sennett and have him sign it.

Reinterment of Civil War Graves – Tim Knepp recapped where we are: the site has been probed and we have the location of the graves; the funeral director is ready to go with the paperwork and his requirements whenever we give him the word to proceed; Edwin Reiff has agreed to make the boxes at no charge once we tell him to proceed and what dimensions we want. The only thing holding us up is whatever the Solicitor found out that we need to do from a legal standpoint. The Solicitor stated we will need to do it by petition to the Court. He will need all three of the gentlemen’s names and whatever other information we have available. We need to do this sooner than later. When it comes to the actual excavation, Mr. Knepp says we will need assistance from the road crew.

John LeDane – The Secretary stated that she was directed to send a letter to Mr. LeDane, when she pulled the file, she had sent the letter two months previously. He is continuing to accumulate trash. If we receive complaints from the neighbors again we will have to do something.

## **NEW BUSINESS**

Jay Mowery – Mr. Knepp explained that Mr. Mowery had submitted an application for a zoning permit for a 130’ x 600’ fenced area for truck storage. The property in question is a portion of the drive-in and is zoned Commercial/Industrial. This is not in either the permitted or conditional use. Mr. Mowery was sent a letter and told he could apply for a Zoning Hearing. Mr. Knepp stated his understanding is that we are now trying to determine if this would fall under Item W. under conditional use which permits a truck stop or motor freight terminal. The Solicitor stated that he spoke with Mr. Mowery’s attorney who advocated having it as a conditional use before the Board of Supervisors rather than a Zoning Hearing. Since we do not define either a truck stop or a motor freight terminal in our Zoning Ordinance we have to use a broader look at this and it fits the spirit of what we are trying to do. Vice Chairman Sheaffer made a motion to advertise for a conditional use hearing in June. There was no second on the motion. The date of the hearing will be determined by the date the application is received. The Solicitor stated we may want to look at this every five years.

Zero Turn Mower – Chairman Martin stated that the mower broke and has been repaired. Due to the age of the mower and the cost of parts the road crew has suggested that we purchase a new mower. Because the park at Centerville School is very rough the road crew has suggested we purchase a Ferris mower with suspension. We have three bids under the State Contract from Nolt’s; Messick’s and Dave’s Tractor. They are all the same, \$18,899.00. Because of the age of the old mower we do not think it is worth much so we will run it until it finally dies. Vice Chairman Sheaffer suggested we trade it in. Vice Chairman Sheaffer made a motion to get a trade in value from each of the companies and

purchase from the dealer with the best trade in. Supervisor Seiders seconded the motion. Motion approved.

Equipment Building –Chairman Martin reported that the engineer has prepared a bid package for a new equipment building to replace the existing one. It is 60' x 120' 16' high pole barn. We will be doing the excavation, final grading, drainage and electric. It will be colored to match the existing building. We need to set a date to open the bids. If we open them on June 6, the Monday before our meeting the engineers will have time to review the bids so we can accept them at our June 9 BOS. The engineer has recommended that we make it late in the day. The bid opening will be Monday, June 6 at 3:30. Mr. Knepp said that he was in contact with the road crew and looked over the emergency generator system. It is against code and we are assuming a liability every time we operate it. Mr. Knepp said he has gotten prices from Lowe's for a standby generator and installation. He has also contacted Home Depot and will get prices on the same generator and installation. The time to replace the existing system is when we build the new building. Vice Chairman Sheaffer suggested we check the State Contract for this. In addition Mr. Knepp has found out that instead of replacing the gas line coming into the building we need to change the regulator at the tank and set another regulator at the building. This should cost about \$200.00. Vice Chairman Sheaffer made a motion to change the regulators. Chairman Martin seconded the motion. Motion approved. We should proceed with getting information on a new generator. Mr. Knepp stated that we should be able to get \$1500.00 for the old one. It would be a good system for a farm.

Barrick ASA Request – The Secretary reported that the Barricks have bought the Sensenig farm at 2551 Walnut Bottom Road. They would like to place it into the Ag Security Area as their first step in getting it into preserved farm land. The 15 day public comment period has been advertised, the property is posted and the Township and County Planning Commissions have been notified. Public comment period ends May 17, and the 45 day review period ends July 1. We will have to convene the ASA Review Committee.

2016/17 Diesel Award – The Secretary reported that she has received the bid for the 2016/17 diesel. The price is \$1.6184 a gallon. That is a little over .61 a gallon less than we paid this year. The Secretary was directed to end the confirmation letter.

Stray Cats in Centerville – The Secretary reported that she received a call from Sue Wolford who owns several apartments in Centerville. Her tenants are complaining about the number of stray cats is getting bad; however one of her tenants has been feeding the cats. Ms. Wolford was told to tell her tenant to stop feeding them. The Solicitor stated that it is almost impossible to get cat feeders to stop. In South Newton they passed an ordinance that said if you feed the feral cats you own them, they have to inoculate them. The Solicitor will get information on organizations that will neuter the cats for free. There is a danger with rabies and a danger to local kids since the park is right there.

Fettrow Judicial Sale – The Secretary reported that she has received the documents from the Sherriff's office that the Fettrow property is coming up for judicial sale. The Solicitor stated he will do a response once the Secretary gets him the amounts due to the Township.

## **CORRESPONDENCE**

None

## **PROJECT UPDATES**

Tri-County Grant – The “Final Draft” will be presented to the Planning Commission on Monday night for comment. Tri-County Planning will be briefed on May 26. Then it will be wrap up. Monday night will be the last chance for input.

## **ZONING CODES ENFORCEMENT**

Tim Knepp reported he had 11 permit applications for the month, one was denied. There were no formal complaints for the month.

68 Lebo Road Pool Fence – The property owner has applied for the permit to fence the pool.

55 Kutz Road – Mr. Knepp reported that a neighbor of 55 Kutz Road stopped in at the office asking if there have been any permits issued for construction at 55 Kutz Road. We have none. The gentlemen indicated that there is excavation going on at that location and he is concerned about erosion to his property. Mr. Knepp went out to the property, it has been torn up. There is a sign that says Zukauckas Construction. Mr. Knepp stated that he understands that they are doing the work and are in the process of buying or did buy the property for their use. No one has applied for any permits through us. In February the Roadmaster had complained about mud and debris being deposited on the road. A warning letter was sent to the property owner on the tax records at that time. The problem is still occurring. Mr. Knepp stated that since he is not well versed in the Stormwater Ordinance he met with Doug Brehm and they went out to the site. Mr. Brehm said it was bad and suggested that Mr. Knepp file a complaint with the County Conservation District. Mr. Knepp took the pictures he had and met with Vince McCollum at the Conservation office. Mr. McCollum took the information as a complaint filed by the Township. Mr. McCollum said at a minimum the property owner/contractor has to file a stormwater management plan and an NPDES might be required. The workers have been told to cease work at the site. Mr. Knepp requested Mr. Brehm give him recommendations on what should be done. Step one is to stop work on the site; contact the County Conservation Office; the owners should obtain a driveway permit as the use of the driveway has changed; the owners should submit detailed plans for review showing site grading, driveway design, house layout, impervious areas and stormwater management; we should consult with the SEO regarding any proposed or changed septic system for the property. Mr. Knepp supplied the Supervisors with a copy of the letter he would like to send to David and Sharon Liberator, the property owners of record, telling them that work should cease immediately on the site and outlining the steps they need to take before any additional work can be done on the property site. Mr. Knepp will also be citing them for the continued mud and debris on the roadway. Chairman Martin made a motion to have the letter written by the Codes Officer sent to the property owners of 55 Kutz Road. Vice Chairman Sheaffer seconded the motion. Motion approved. We will also have engineering expenses to bill to the property owner. Mr. McCollum pointed out that we need to have completed a Municipal Notice to Conservation District for Earth Disturbance/Building Permit. This was something that was sent out several years ago and we have never seen it before. If we fail to do so we can be fined. Both the Secretary and Mr. Knepp would like clarification from the Solicitor and the Supervisors as to when they

should have an applicant complete one of these forms. The Solicitor thought whenever we receive a substantial project. The Supervisors felt that if it even looks close, make the applicant complete the form.

## **SOLICITOR REPORT**

FPE – The Solicitor reported that the insurance company made a \$10,000.00 offer. The insurance company wants our estimate of what it will cost to get the project done. Chairman Martin stated that in January of 2015 we started to work with Bill Green to get this project fixed. We wanted the culvert here so we could do it this August. The culvert is still not ordered and it can't be done until the first week of October. We were under the impression that it was ordered and would be here soon. Chairman Martin said that we had a bid that Mr. Shambaugh recommended we accept. The Solicitor will go with that and add the engineering fees and legal fees. The insurance company has already been out and viewed the site. Chairman Martin will ask the Roadmaster for an estimate of what the repair will cost.

Hodecker – The judges have combined both actions into one. The Solicitor state he needs to file an Answer. He needs authorization for Chairman Martin to sign. Vice Chairman Sheaffer made a motion to have Chairman Martin sign the Verification. Supervisor Seiders seconded the motion. Motion approved.

Stambaugh – The Solicitor stated he has been in touch with Mr. Gilroy about Mr. Stambaugh, he may file an appeal but if he does so, he does not want us to file a complaint he wants to negotiate a comprehensive settlement of all their issues. Mr. Stambaugh has honored the fence we put up.

43 Irish Gap Road – The Solicitor sent a letter. The tenant Stacey Lobdell was present. She has a three year written lease through Berkshire Hathaway. She rented the property in October, but did not move in until December. At the time she rented it Mr. Henry worked for Berkshire Hathaway. The Solicitor stated that our letter went out in March stating that the property must be vacated in 30 days. Ms. Lobdell stated that she was not aware of this until 2 weeks ago when a neighbor across the street told her. The landlord will not talk to her or make any of the repairs she has requested. Per the Township SEO, the septic system (holding tank) was approved by DEP for a commercial business only. The property cannot be used as a residence with this system. It is a State law he is violating, and State law takes precedence. He is also violating the Township Landlord Ordinance by not reporting her as a tenant. Ms. Lobdell asked the Supervisors if there was any way she could fix it so she could stay. Chairman Martin stated that the only way she could stay would be if a proper system were installed. The Secretary stated that she does not believe this is possible, due to the size of the lot, proximity of the stream and the fact that there is another house and system already on the lot. This is a State regulation and we have no option but to enforce it. The Solicitor said he would like to see a copy of the lease; he believes Berkshire Hathaway has some responsibility in this and should help her to relocate. The Solicitor will send Ms. Lobdell a follow up letter giving her 30 days to find another place. He will also send a letter to Mr. Henry. He recommends that the Supervisors file an action against Mr. Henry for fraud in leasing the property out. He will also indicate that Berkshire Hathaway have also engaged in fraud when the owner knew that it was only for a business. Chairman Martin made a motion to have the Solicitor send a letter to the landlord, the tenant and

Berkshire Hathaway. Vice Chairman Sheaffer seconded the motion. Motion approved on two votes. Supervisor Seiders abstained.

Township Fire Inspector – Vice Chairman Sheaffer made a motion to table this. Chairman Martin seconded the motion. Motion approved.

Bowermaster – The Solicitor stated they had a hearing; her attitude was improved because of the progress she was making. When the fence came down it was hiding junk. A new hearing is set for June 23 to make sure she continues the cleanup and repairs the roof on the garage/barn. Mr. Knepp said some progress has been made on the roof. He is willing to give her an extension on the time if she includes cleaning up the junk, too.

## **OTHER REPORTS**

COG – Chairman Martin stated the meeting was pretty slow; there were comments from Representatives Bloom and Tallman. There was a long discussion about the accident in Mt. Holly where a truck ran into a house.

## **APPROVAL OF BILLS LISTING**

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

## **SUPERVISORS' COMMENTS**

Mr. Knepp said he sent a letter to Mr. Tallman regarding the change in the State registration stickers and what it will do to enforcing our ordinances.

Chairman Martin said he had a discussion with Mr. Tallman about the Toms Run Bridge closure on Rt. 233. Apparently PennDOT sent out all the information saying it was in Penn Township and they were concerned about buses detouring and using Station Road. It is actually almost at the Park Office in Cook Township. The plans are available for review at Caledonia State Park and the plans for the Zion Road Bridge in South Middleton are available at Pine Grove Furnace State Park.

The Solicitor stated he has one additional item. He has gotten a letter from the Solicitor for Southampton with a copy of the new Intergovernmental Agreement for the new trash contract. Vice Chairman Sheaffer made a motion to have the Solicitor advertise the Ordinance to implement the 5 year contract. Supervisor Seiders seconded the motion. Motion approved.

Mr. Knepp stated that Community Paving has been paving driveways in the Township without obtaining permits. He stopped them from finishing one and made them get permits for two others that they had already finished. There were problems with the two that were finished and the Roadmaster made them make changes to them. The owner of Community Paving did get come into the office and get the permits for the driveways after that. Mr. Knepp asked the residents how they heard about the paving and it was referral. Community Paving denied going door to door, but we have received two complaints that they left hang tags on front doors. Mr. Knepp said he is saving them up and at the appropriate time he will cite him for soliciting without a permit.

## **ADJOURNMENT**

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

## **NEXT MEETING June 8, 2016**

Respectfully submitted,

Vicki Knepp  
Secretary