

**PENN TOWNSHIP BOARD OF SUPERVISORS  
1301 Centerville Road  
Newville, PA 17241  
Tel: 717-486-3104 Fax: 717-486-3522  
Regular Meeting  
June 9, 2016**

Chairman Martin called the meeting to order and led everyone present in the Pledge of Allegiance.

Those present: Chairman Gary Martin, Supervisor Amos Seiders, Solicitor Marcus McKnight, Treasurer Martha Sheaffer and Secretary Vicki Knepp. Vice Chairman Sheaffer arrived late.

**PUBLIC COMMENT**

NONE

**APPROVAL OF MINUTES**

Chairman Martin made a motion to approve the minutes from the May 12, 2016 Regular Meeting as corrected. Supervisor Seiders seconded the motion. Motion approved.

Chairman Martin made a motion to approve the May 31, 2016 Treasurer's Report. Supervisor Seiders seconded the motion. Motion approved.

**APPROVAL OF SUBDIVISION PLANS**

None

**ROUTE 233 CORRIDOR STUDY**

Brian Funkhouser presented a summary of the Study. The study kicked off in August of the previous year. Two open houses were held to get public input. The final plan report is built on public engagement and reaching out to Township residents. It is a land use/transportation study. It looks at recommendations that are oriented toward what type of land use tools or techniques the Township needs to provide for the future. It also looked at capital improvements that are needed in the Corridor. New traffic trips were looked at in comparison with new warehouses that are planned for construction within the area and their impact on traffic in the next 20 years.

Five improvement options are presented by the Study: 1. doing nothing, the interchange will operate in a failing condition by 2035. 2. An Improved Diamond, adding another traffic signal at the northbound off ramp and adding turning lanes on Route 233. This is the least expensive proposal. 3. A Partial Cloverleaf relocates some of the existing diagonal ramps and construction of new loop ramps on the southern half of the interchange. This would cost \$5 - 15 million. 4. A Diverging Diamond which represents a relatively new traffic technique. There are currently none of these in the State, there is one under

construction. This would cost approximately \$2 million. 5. The Planning Commission requested that their option of Relocated On-Ramps. This would require relocating Hair Road and the existing Park & Ride. It would route the northbound on-ramp behind the rest area. This would cost \$5 million. This is a similar option to the Improved Diamond.

The committee recommended revising the current Zoning Ordinance to allow for distinct Commercial and Industrial Zoning Districts, they are currently combined. It recommends the Township adopt an Official Map. Address Access Management, this is a tool that controls the spacing and number of new driveways onto 233. Modify the Township's noise and lighting ordinances. And finally, addressing the safety and capacity needs at the I-81 interchange.

Brian met with the Township Planning Commission several weeks ago and they recommended adoption of the study report with several contingencies. The concerns of the Planning Commission have been addressed in the revised report. The report was presented to the Tri-County Regional Planning Commission in late May. The next major step on the transportation end is to get the study to the Harrisburg MPO in September. Tri-County is willing to entertain an audience from the Township to get this on the September agenda.

Chairman Martin stated he has worked with Mr. Funkhouser on the Study for almost a year; he has been impressed by his professionalism and his dedication. He thanked Mr. Funkhouser on behalf of the Township for his efforts. The improvements will not happen overnight; this is just a recommendation and is not binding but gives the Township more credibility with PennDOT. Chairman Martin made a motion to accept the Route 233 Corridor Study from the Michael Baker, Inc. Supervisors Seiders seconded the motion. Motion approved.

## **UNFINISHED BUSINESS**

Trash – The Secretary reported that all past due trash accounts are paid.

Septic – The Secretary reported 122 of the 369 due for 2016 are pumped. The Solicitor stated that they have one individual who has promised that they will have their system pumped on the 16<sup>th</sup> of June. The Secretary reported that she has discussed this with Peck's. This is the second time it has been scheduled. Peck's is demanding payment in advance, if it is not paid it will not be pumped. The Secretary recommended that if it is not pumped on the 16<sup>th</sup> we authorize the Solicitor take the resident to the Magistrate immediately. Chairman Martin made a motion to do so. Supervisors Seiders seconded the motion. Motion approved. The Solicitor will send the resident a letter to that effect.

Hassinger Drive – Chairman Martin stated we received two bids for the proposed work at Hassinger Drive, one from Blain and one from Capital. Since the area to be paved is on the Wenger property Chairman Martin had him pick the winning bid. The Wenger's have selected the estimate from Blain. Chairman Martin requested that the Solicitor modify the agreement to reflect that the paving will be done by Blain.

Tony Sennett – Chairman Martin stated that the Agreement needs notary in order to be recorded. The Solicitor will prepare the Notary and send to the Secretary. The Secretary will call the Sennetts and asked them to verify their signatures.

Reinterment of Civil War Graves – The Solicitor stated that because he is not familiar with the procedures for reintering a body he spoke with Chris Hoffman of Hoffman Funeral Home. And explained the issue and what we are trying to accomplish. Mr. Hoffman was very excited about the prospect. He would provide the coffins and the mortician services. Mr. Hoffman intimated that all the legal work would be done by Indian Town Gap. Chairman Martin stated that sounded like a good deal. Since Mr. Knepp had spoken with another funeral director he did not tell him to proceed. Indian Town Gap will do the research for descendants according to Mr. Hoffman. Chairman Martin made a motion to have the Solicitor proceed with any arrangements he can make with Mr. Hoffman. Supervisor Seiders seconded the motion. Motion approved. Chairman Martin said they would probably have a ceremony.

John LeDane – Trash continues to accumulate, but we have received no complaints yet.

Ferris Zero Turn Mower - Chairman Martin reported that we voted to buy a new mower and trade on the old one. The Roadmaster did not feel that the trade in bids were sufficient. We took ownership of the new mower from Messick's, in less than a half hour it broke. Messick's took it back and brought us a brand new mower. That one worked all day. If we decide to dispose of the old mower we will take it to Shetrans.

New Equipment Building – Chairman Martin reported that we had one bid to open for the new building in the amount of \$287,000.00. Chairman Martin made a motion that we reject the bid from Galbraith Pre-Design as it is over budget. Supervisors Seiders seconded the motion. Motion approved. Chairman Martin made a motion that we rebid the building with a longer bid time and start times. Supervisors Seiders seconded the motion. Motion approved. The Solicitor suggested we expand our advertising range.

Generator and Gas – Mr. Knepp reported that he got quotes from both Lowes and Home Depot. He thought the installation fees were excessive. He contacted S & S Electric in Chambersburg, they sell and service generators and provide warranty work on the equipment. The Home Depot bid was \$11,272.00, Lowe's was \$9,798.00 and S & S was \$7,643.00. S & S did not bid the same brand of generator as the big box stores. He bid a Briggs & Stratton and the others bid a Generac. The reasoning for this was that the Generac will try to start 3 times and if the draw is too great will not start. The Briggs & Stratton will monitor what is on and will shut down an item to enable it to start. Supervisor Seiders made a motion to accept the bid from S & S Electric for the generator. Chairman Martin seconded the motion. Motion approved. Chairman Martin stated they discussed the pad with the Engineer. Mr. Knepp said he told the bidders he would need specs and where they need the gas line on the pad. Mr. Knepp stated he had trouble getting a return call from Heller. They do not do that, they gave him the name of Robert Taylor of Taylor Gas and Appliance. Mr. Taylor gave him a price of \$250.00 to provide service to the generator and \$200.00 to upgrade the regulators for the line to the main building. The Secretary was directed to send them a letter of intent to both contractors giving them our time frame.

Stambaugh – The Secretary said she thought Mr. Heller would be at the meeting, but he is not here. Mr. Knepp reported that he made a run by the Stambaugh property and Mr. Stambaugh is accumulating several trailers with junk in between them. The Quarry Hill Road property is starting to get pretty junked up. However, there is a for sale sign up for

the total property. The Solicitor stated he has additional information; Charles Suhr has contacted him to keep the Township up to date. Mr. Stambaugh is totally ignoring his agreement with the developer, claiming he was tricked into signing it. The developer will bulldoze the buildings in mid July. The Solicitor reminded Mr. Gilroy that Mr. Stambaugh wanted to settle our issue, but Mr. Stambaugh has not contacted Mr. Gilroy. The Solicitor recommended that we proceed with a Complaint. Mr. Stambaugh now has multiple attorneys working on his behalf. The Secretary stated that she received an email from Mr. Heller earlier in the week requesting that his begin date be July 2017. The Secretary stated that she was also told by a neighbor that Mr. Heller put up the for sale sign and he is planning on selling the property for \$7,000,000.00. Chairman Martin stated that he is not inclined to give Mr. Heller a full year. The Solicitor stated we do not do anything until Mr. Heller owns the property. Chairman Martin said we allow the warehouse to proceed and put the fence back up at the end of the timeframe we gave Mr. Stambaugh. Chairman Martin made a motion to proceed with the refilling of the complaint against Mr. Stambaugh. Supervisor Seiders seconded the motion. Motion approved. The Secretary is to send Mr. Stambaugh a letter telling him he has 30 days to get rid of the trailers and junk on the Quarry Hill property. Mr. Knepp will get an accurate count and pictures.

Prologis Developers Agreement Payment – The Secretary reminded the Board that she had told them she did not have the payment for the Developer’s Agreement from Prologis at the last meeting. She still has not received it. The original invoice was sent on March 1 and the reminder was sent May 31<sup>st</sup>. The Solicitor will send a letter to Prologis telling them they need to honor the Agreement. Chairman Martin made a motion to have the Solicitor send the letter. Supervisor Seiders seconded the motion. Motion approved.

55 Kutz Road – The Secretary reported that the contractor has abandoned his plans for the property. Mr. Knepp stated that he dropped in on the Conservation District; they are still actively working on the problem.

## **NEW BUSINESS**

Ordinance 2016-01 Authorizing the Intergovernmental Agreement – the Solicitor stated that there are two documents to be approved and signed. The first is the Ordinance which authorizes the Supervisors to sign the Intergovernmental Agreement. Chairman Martin made a motion to adopt Ordinance 2016-01. Supervisor Seiders seconded the motion. Motion approved. Chairman Martin made a motion to approve the Intergovernmental Agreement for trash collection. Supervisor Seiders seconded the motion. Motion approved.

Landlord Reporting 44 Hair Road – The Secretary reported that she has sent two letters to the owner of 44 Hair Road in an attempt to get the information on who is currently living at the property. Ervin Nolt, the property owner, sent certified letters to each of the Supervisors. He has charged us \$400.00 for research and still has not complied with the Ordinance. Mr. Knepp suggested that it go directly to the Solicitor rather than citing him through the Alternate Dispute Ordinance. Chairman Martin made a motion to authorize the Solicitor to respond to Mr. Nolt including filing the violation of the Ordinance. Supervisor Seiders seconded the motion. Motion approved.

2016 Liquid Fuels Project – The Secretary stated that the Roadmaster asked her to advertise for the projects they want to do this year: bituminous seal coating on Hair Road from Smith to 233; Kelly Road from Quarry Hill to Smith; and Smith Road from I-81 to Walnut Bottom Road. Chairman Martin made a motion to have the Secretary advertise for bids for seal coating. Supervisor Seiders seconded the motion. Motion approved.

Chairman Martin stated that County Conservation District was out and talked to the road crew about a low volume road grant for Beetem Hollow. They talked about putting in a culvert. County liked the project; however they have come back and suggested another project on Beetem Hollow with multiple culverts, multiple drainage ditches, paving and 10% of the engineering fees being paid. This is now a two year project; we will be starting at the upper end and working our way down. This will eliminate repairing it every year when it washes out. We are waiting for the official word that we received the money. Our matching portion will be covered by payroll.

## **CORRESPONDENCE**

South Newton Township – We have received a request for assistance by the Fire Police on the following dates:

- June 23 – 25 – South Newton Fireman’s Fair
- August 6 – South Newton Fire Company Wounded Warrior Car Show
- September 10 – South Newton & West End Fire Company Outdoor Sportsman’s Drawing
- Any Funeral where traffic control is needed for safety reasons

Chairman Martin made a motion to approve the request from South Newton Township for Fire Police Assistance. Supervisors Seiders seconded the motion. Motion approved.

Penn Township Volunteer Fire Company sent a thank you to the Township for our assistance in restringing their flagpoles.

## **PROJECT UPDATES**

Shank Road culvert is all but done. It needs to be paved once it settles.

## **ZONING CODES ENFORCEMENT**

Mr. Knepp reported he had 6 permit applications; two of them are for roof mounted solar arrays. One complaint was received from the County Assessors; a 30 x 40 pole building was constructed at 9 Sandbank Road with no permits. We have sent the property owner a letter giving them 30 days to obtain permits or remove the building.

Mr. Knepp stated that a previous meeting he had mentioned that the State has done away with vehicle registration stickers. He sent his concerns to Representative Tallman. Mr. Tallman replied that it was a valid point, several municipalities have contacted him and most of the local police departments will be forced to purchase expensive plate readers to run tags. There is a new House Bill in Committee to repeal the revocation of the stickers.

The Fettrow property needs mowed. Mr. Knepp said he discussed this with the Solicitor, the cost of filing a lien and having the service done for the lien is at least \$300.00.

With the judicial sale pending we are low man on the totem pole to have our liens satisfied. The mower estimated about ½ hour to mow, it will cost more to get the half hour back than to mow. Chairman Martin was concerned about what might be hidden in the high grass. The Solicitor stated there was a meeting on the sale on June 1. At that time the County told the judge they were unable to serve Debra Fettrow yet. The judge approved service by advertising. Because of the mortgages on the property nobody bid on it at the first sale. The mortgages have been eliminated. There will be a second sale set up after service on Ms. Fettrow. Anything left from the sale after the taxes will be available to pay liens on the property. He recommended that it is not worthwhile to add the expense of the mowing to the lien. Chairman Martin said to mow the property.

The Secretary stated that the sale of 34 South Side did not go through. It needs mowed again; we are getting complaints from the neighbors. Mr. Knepp stated he left a voice mail for the property manager giving him 15 days to get the property mowed.

Alarm Ordinance – Mr. Knepp reported that Unilever has reached their 6<sup>th</sup> false alarm in a calendar year. He sent them a citation for \$600.00. They have asked for clarification of the Ordinance, specifically when do alarms drop off after a period of time. The Ordinance is ambiguous and does not address that at all. Mr. Knepp and the Solicitor went over the existing Ordinance and have some revisions, The Ordinance says 5<sup>th</sup> alarm in the alarm year and that was the end of it, it does not address the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, etc. The definition of an alarm year is the 12 month period prior to the most recent false alarm. You will get two warnings per property, every alarm after that will count. After the warnings, 1 – 3 Residential \$75.00/alarm, Commercial \$200.00/alarm; fourth alarm Residential \$100.00, Commercial \$400.00; fifth alarm Residential \$150.00, Commercial \$600.00; 6 or more Residential \$200.00/alarm, Commercial \$1,000.00/alarm. Chairman Martin made a motion to advertise the changes to the Alarm Ordinance. Vice Chairman Sheaffer seconded the motion. Motion approved.

Alternate Dispute Ordinance – Mr. Knepp stated that he has some confusion on the Ordinance. The back of the Citation has just the first part saying they have 30 days and then 10 days. Chairman Martin stated he was under the impression that when we gave someone a notice of violation there was no fine involved. Mr. Knepp said that it depends on the incident. From Section 8, A. delete everything from “and pay fine” to the end of A and add after take corrective action “unless immediate action is required.” Mr. Knepp said that the Citation has 30 days on it, is it legal to hand change each citation. The Solicitor stated yes. Vice Chairman Sheaffer made a motion to authorize the Solicitor to make the changes to Ordinance 2015-05. Supervisors Seiders seconded the motion. Motion approved.

Mr. Knepp stated that while he was out earlier in the day he noticed a sign posted along Quarry Hill Road that was obstructing the sight line for the traffic on the road. He did not give them 30 days to take corrective action; he removed the sign and returned it to the owners, explaining why he removed it. The Roadmaster had asked him to talk to them about their sign at the corner of Hair Road and Route 233. It is in the right-of-way and interferes with mowing. It will be removed this weekend. If they put it up next year they will weed whack around it weekly.

Mr. Knepp stated that several items were brought to his attention while he was at Zoning Training put on by PSATS. Mr. Knepp stated that it was a very good program that was put on by Jonathan Andrews who is a Harrisburg attorney who specializes in zoning

law. He usually represents the appellant not the townships. The training addressed up and coming items that would affect zoning. Mr. Knepp felt that the biggest item is a decision that resulted from Read vs. Town Gilbert. A church put up a sign advertising an event, according to the local ordinance the sign should have only been up two days. It was left up longer than that. The codes officer got on them about it and they appealed. The appeal went clear to the State Supreme Court. The court case has negated almost every municipality's sign ordinance. Mr. Knepp said the way it was explained is, if you have an off-site sign, if you have to read the sign to determine what type of sign it is you are in violation of the First Amendment of the Constitution, freedom of speech. The Solicitor will research the case and see what we need to redo in our ordinance.

Mr. Knepp stated that another item is small cell telecommunication towers. We might want to adopt an ordinance on this. Chairman Martin stated that his understanding is that these towers are mainly going into large developments where they have a lot of customers in a compact area. The Secretary said that she has seen a lot of comments on the PSATS discussion board that these companies are calling themselves utilities and put the towers in municipal right-of-ways. Chairman Martin said that we will look at it when we redo our ordinance. Mr. Knepp said he has a model ordinance from the County's website.

Mr. Knepp said Annville Township is doing a comprehensive animal ordinance that goes far and beyond our Nuisance Animal Ordinance. It takes into consideration petting zoos and things along that line. Mr. Knepp suggested that we combine the sample from Annville, or existing ordinance and the information the Solicitor has on stray cats. The Solicitor stated that he got information on the stray cat issue. He is most familiar with PAWS, paws.net. He is waiting for a call back from PAWS, they have several programs, a discount neuter program for pets, a trap/neuter/release program for feral cats. They usually pay the cost of the feral cat programs. Private citizens can call them with feral cat problems. PAWS is active in South Newton. Chairman Martin felt we should give the information to individuals who call and complain about feral cats.

Mr. Knepp said in the course of the investigation of 43 Irish Gap Road he has discovered that someone dug a swale draining water from Irish Gap Road alongside the garage and behind the garage and emptying into the stream there. The level of the ground at the creek has been raised and hunks of concrete have been deposited in the creek. This has been turned over to DEP and County Conservation.

Model Medical Marijuana Ordinance – This is an upcoming issue. We need to get working on this. If nothing is specifically indicated in any of our zoning it has to be permitted somewhere in the township. The Secretary stated that she received a Model Medical Marijuana Ordinance from Tri-County Regional Planning. She gave a copy to Chairman Martin. The Secretary will email it to the Solicitor.

## **SOLICITOR REPORT**

FPE – The Solicitor stated he is using the successful bid that John Shambaugh recommended that we accepted. The Solicitor is going to use \$150,000.00 as our starting point. He hopes to send a letter late next week suggesting that our damages are going to be \$150,000.00 and see if they are willing to enter into mediation.

Hodecker – The Solicitor received correspondence from the Hodecker’s attorney offering a schedule for hours of operation, not starting before 6:00AM and on Sundays not start until 8:00 AM. Chairman Martin stated that we gave them a schedule and as long as the sawmill sits where it is there will be no Sunday hours or Holiday hours. Mr. Knepp said they need to be made to comply with the zoning sawmill regulations. The Solicitor felt that we should not sign a binding promise not to re-file the zoning and nuisance claims against the Hodeckers. The Solicitor will tell them 7:30 on weekdays and no Sundays or holidays. There will not be a permanent resolution of the matter until the Hodeckers enclose or move the sawmill further away from the residential area. Mr. Knepp stated they need to comply with the Ordinance. The Solicitor recommends we give him 6 months to comply.

43 Irish Gap Road – The tenants at 43 Irish Gap Road have located a new place to move to. They are asking for an extension to July 31 to get moved out of 43 Irish Gap Road. The Solicitor recommended that we give them until July 18. Chairman Martin said give them until the 31<sup>st</sup>. It is not the fault of the Lobdells. We need proof that the system has been pumped. We have no reports that it has been pumped since 2014.

Township Fire Inspector – Chairman Martin stated he had a proposal for a Township Fire Chief in lieu of a Fire Inspector. There are issues with what he has. Items one through 5 are fine, but he has a problem with item 6. He also believes it should be called Fire Marshal, not Township Fire Chief, he feels the duties are more in line with a fire marshal. We will make the changes and review next month.

Bowermaster – Follow up hearing is June 23 at 9:00 AM. Mr. Knepp said as of today nothing has changed since last month.

## **OTHER REPORTS**

The COG meeting is next Monday.

## **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 apologized for being late.

Chairman Martin stated he received a call from PennDOT. They want to put “Keep Off Shoulder” signs over at Route 233 and Route 11. People use the shoulder to turn. They will put them in but we need to replace or maintain them. They asked for permission. Chairman Martin asked if we could say no. He told them to do what they wanted they would anyway.

The Treasurer said there was a Liquid Fuels audit this week and we had no findings. They project is not finished so the findings will be next year. The problem is the engineering fees. They are approximately 50% of the project.



The Solicitor suggested that at the end of the year we do an RFP for Township Engineer again.

**ADJOURNMENT**

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

**NEXT MEETING July 14, 2016**

Respectfully submitted,

Vicki Knepp  
Secretary