

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
December 8, 2016**

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

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

SPECIAL PRESENTATION

Vice Chairman Sheaffer made a presentation to Dr. Beverly A. Stanton of the historical materials from our file regarding the three Civil War Veterans who were buried on a private cemetery on the Ries property. Dr. Stanton is the great-great-great-great granddaughter of Greenberry Stanton, one of the veterans who were buried there. Chairman Martin presented her with a replica GAR grave marker. Dr. Stanton stated that if we had not had the graves moved to Indiantown Gap her family would never have known of the location of Greenberry's grave. She thanked the Township for their efforts to honor these veterans for their service.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the November 10, 2016 Regular Meeting. Supervisor Seiders seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS

Holbert Myers Subdivision – Eric Diffenbaugh was present to represent Mr. Myers. Mr. Myers wants to subdivide his 36 acre mountain land to divide between his two children. The Planning Commission approved the project with the condition of a right of way agreement. The Solicitor recommended that a right of way agreement be added to the plan and then it can be approved. He said any further development of lot 1 must be off South Side Drive and lot 2 off the existing right of way. The original right of way was done in 2007. Mr. Diffenbaugh will add the agreement to the plan. In addition we need waivers for SALDO 403 Final Plan, 407.B.44 Stormwater Management Plan and 407.c.11 DEP Non Build Waiver. Vice Chairman Sheaffer made a motion to grant the waivers requested. Supervisor Seiders seconded the motion. Motion approved. Vice Chairman Sheaffer made a motion to approve the Holbert Myers subdivision plan pending the addition of the Right of Way Agreement to the plans. Supervisor Seiders seconded the motion. Motion approved.

UNFINISHED BUSINESS

Trash – The Secretary reported that as it is the third month of the quarter most of the delinquents are taken care of. She has one account that has been stopped and is not paid that she would like to take to the District Magistrate, in addition, there is one account that was stopped that paid with a check that has been returned for NSF. If they have not made the check good by December 15, she would also like to take them to the Magistrate. Vice Chairman Sheaffer made a motion to authorize the Secretary to file with the Magistrate. Supervisor Seiders seconded the motion. Motion approved.

Septic –The Secretary reported that of the 370 systems to be pumped in 2016, 261 have been done, 70%.

Hassinger Drive – We have received the invoice to pay our portion of the paving. The Solicitor stated that he had prepared an Agreement regarding the driveway. He asked if it had been signed yet. It has not. Vice Chairman Sheaffer made a motion to pay the paving contractor immediately upon the signing of the Agreement by the Wengers and the Ries. Supervisor Seiders seconded the motion. Motion approved.

New Equipment Building –Chairman Martin reported approximately $\frac{3}{4}$ of the roof is on and they contractor has started on the side walls of the building. We have had some issues with the way the building is designed.

Stambaugh – The Solicitor reported we got a judgment against Mr. Stambaugh on October 25 for the Quarry Hill property. Mr. Stambaugh has appealed. Vice Chairman Sheaffer made a motion to authorize the Solicitor to file a Notice to Defend against the appeal. Supervisor Seiders seconded the motion. Motion approved.

Budget – The Secretary reported that the budget was advertised. Vice Chairman Sheaffer made a motion to approve the 2017 budget. Supervisor Seiders seconded the motion. Motion approved.

Zoning Hearing Vacancies – Chairman Martin asked the other Supervisors if they had any names for new members of the Zoning Hearing Board. Both said they did not. Chairman Martin stated that we need to get working on this.

Interior Doors & Security Cameras – Chairman Martin said that Hershocks have been in to give us a price on replacing the office door and the shop door. We are looking at putting glass in the Secretary's door and a buzzer for entrance into the office. We have not received the price yet. We will also replace the locks with electronic locks. Mr. Knepp stated that Hilton Lock was in and gave us a price of \$3,980.00 to replace the security cameras and the strike for the office door. This includes labor. We would be moving one camera and adding another. He stated that he has another vendor coming in tomorrow to look at the system and give us a quote. We will be able to use the cameras we replace at the walking trail at the fire station. Vice Chairman Sheaffer suggested that we table a decision until the next meeting.

Stand By Generator – Mr. Knepp stated that he is trying to coordinate the ditch, the gas man and the generator delivery. The road crew will put in the stone base for the generator pad once the skin is on the eastern wall of the new building.

NEW BUSINESS

Verus Partners - Charles Suhr was present to represent Verus Partners. Elky Wetherill was also present. They were here to discuss the Mains property at 801 Centerville Road. They were discussing a 1.1 to 1.2 million sq. ft. warehouse on the property. Mr. Suhr stated that Verus is in the process of working with another developer who may be taking over the process. Mr. Suhr stated that they are trying to get a handle on offsite fees they would need to pay other than construction costs. They are aware that other developers have agreed to pay additional fees including recreation and the fire department. In addition fees have been put into a capitol reserve fund for infrastructure improvements. They are trying to come up with a sense of what will be required in voluntary contributions. They are not in the ordinance but the developer understands that it is right to make contributions to the community. Mr. Suhr stated that he is aware that we have been working on long term goals for the intersection with I 81. His understanding is that the municipality must come up with a 10% contribution of the costs for the interchange improvement. The various concepts the Township has come up with range from 2 - 15 million in anticipated costs. He suggested a land donation for the intersection. There is a need for ramp improvements. The value of the land would be part of their contribution. They have also been in discussions with the Newville Water Authority.

EXECUTIVE SESSION – The Board of Supervisors adjourned for an Executive Session to discuss the Verus Project and talk with the Township Traffic Engineer.

RECONVENE – The Solicitor stated that they had an Executive Session to discuss the Verus Project, no decision were made.

Chairman Martin stated that we were notified by Kirk Stoner of the Cumberland County Planning Department that the Route 233 and I 81 interchange did not make the 12 year plan. They will not even look at that intersection until 2019 and we do not know when it will be considered. This takes our favorite proposal off the table. If Verus prefers to go back to the original footprint we are agreeable. We are not interested in the land donation. Chairman Martin made a motion to take the Route 233 Study developed by Penn Township off the board for this project. Vice Chairman Sheaffer seconded the motion. Motion approved. The Solicitor stated that we do not think it is fair to hit the developer with the worst case scenario or the most expensive improvements for planning purposes especially since our favorite is not going to happen. We are thinking for planning purposes that based on our traffic engineer's analysis that the turn lane is going to be required because of this particular project. It is not a part of the interchange issue. Vice Chairman Sheaffer stated that based on the numbers they looked at he felt \$300,000.00. We looked at the current estimated figures and tried to cushion it a little since we don't know what costs will be when it is ultimately done. Township Traffic Engineer, Ian Preston stated that is based on a \$5,000,000.00 estimate. Vice Chairman Sheaffer made a motion that the contribution for the Interchange offsite improvements we accept \$300,000.00. Supervisor Seiders seconded the motion. Motion approved. r. Suhr thanked us for our cooperation.

2017 Meeting Dates – Chairman Martin stated that the Reorganization meeting will be on Tuesday, January 3, 2017. The regular Board of Supervisors meetings will continue to be the 2nd Thursday of the month. Supervisors Seiders made a motion that the Board of Supervisors Meetings in 2017 shall be the second Thursday of the month. Vice Chairman Sheaffer seconded the motion. Motion approved. Chairman Martin stated that the Planning Commission meetings will remain the third Monday of the month and Zoning Hearing Board will be the second Wednesday of the month.

Resolution 2016-17 Increase of Certification of Tax Payment Fees – Chairman Martin stated that the new Tax Collector has requested that we increase the certification of tax payment fee. It is currently \$5.00; she would like to increase it to \$10.00. This is still less than most other municipalities are charging. Chairman Martin made a motion that we approve Resolution 2016-17 to increase the Tax Certification fee. Vice Chairman Sheaffer seconded the motion. Motion approved.

We received letters from the Solicitor and the Engineer listing their fees for 2017. Chairman Martin said we will approve these at the Reorganization Meeting.

Domestic Livestock Ordinance 2016-4 – Chairman Martin asked if there was any public comment. Nicole Warren stated she would like to comment. She stated that the template was taken off the County website and she objected to the density restrictions chosen. She wanted to know why that density was selected from the template. Chairman Martin stated that the Ordinance is a guideline; we cannot address every circumstance, by making it a conditional use we can look at each case on a case by case basis. Ms. Warren questioned why we restrict domestic livestock in the Conservation Zone when neighboring townships allow for it. Chairman Martin stated that it was done in 2006; however, we believe that other Townships will be following. Ms. Warren objected that a letter was delivered to her back door and she did not receive return phone calls that she had requested. Mr. Knepp stated that he came to her house in an attempt to speak to her in person. It was questioned if this Ordinance was being done because of the complaint received against the Warrens. Mr. Knepp stated that this was in process long before any complaints were received. Vice Chairman Sheaffer made a motion to table the Ordinance. Chairman Martin seconded the motion. Motion approved.

CORRESPONDENCE

Historical Society – The Secretary reported that we have received a request for a donation from the Historical Society. Vice Chairman Sheaffer made a motion to donate \$100.00 to the Historical Society. Supervisor Seiders seconded the motion. Motion approved.

ZONING CODES ENFORCEMENT

Tim Knepp reported that he issued 4 citations during the month. Two to Beth Demarco for her chickens running loose in the Conservation Zone, she was sent a notice of violation, they were on a neighbor's property and then when he was there to deliver the first citation they were running loose again. The Solicitor reported that he has sent her a certified letter which she has not responded to, it is time to take her to the District Magistrate. The Solicitor suggested that we add legal fees of \$200.00 plus the \$75.00 for the two citations. Vice Chairman Sheaffer made a motion to authorize the Solicitor to take Beth Demarco to the Magistrate.

Mr. Knepp said that he was contacted by the Road Master about a manure hauler who drug mud and debris out onto Beetem Hollow Road and Leeds Road. He was cited and also charged \$200.00 restitution for one employee and the broom to clean up the roads.

Mr. Knepp said that there is an addition being put on a garage or shed at 1135 Centerville Road. Mr. Knepp said he stopped in October and explained that they needed a permit for the addition. The Secretary spoke with the gentleman putting on the addition and mailed him the permit application on November 7, 2016. On November 30 she left him a phone message giving him until December 7 to complete and submit the application, he called her back and she emphasized the need to get the application completed. Mr. Knepp stated that he issued

a citation today stating that he must immediately stop the work, he has 10 days to make application for the permit and pay the fine or he will be issued a second citation for \$50.00 at the end of 10 days.

Unilever Warehouse - Mr. Knepp stated he had reported previously that Amazon is renting a fenced in area of the Unilever warehouse. Unilever had inquired if they needed a gate in the fence to permit access to the emergency fire exit. Mr. Knepp was authorized to have a fire protection expert examine the area and give us his findings. Mr. Knepp stated that he has received the report from the fire protection specialist regarding the Amazon fenced area in the Unilever warehouse. The report states that the by putting the fence almost against the wall there is only a 25 inch wide corridor leading to the emergency exit. The code requires a corridor width of at least 44". So the gate is not necessary, but the fence must be moved to give a corridor of at least 44". Vice Chairman Sheaffer made a motion to authorize the Zoning Officer to send Unilever a letter giving them 10 days to correct the width between the fence and the wall. Chairman Martin seconded the motion. Motion approved.

SOLICITOR REPORT

Hodecker – The Solicitor stated that they had the Status Conference with Judge Placey. The Solicitor stated that the Hodeckers' attorney has admitted that if the Hodeckers are doing a commercial operation, bringing in a lot of stuff in from the outside, we are right. The Solicitor stated we have a discovery period of 90 days from November 29. He is going to request tax records and records regarding any outside lumber they have brought in. He will also depose the Hodeckers. The hearing will be in March. Mr. Knepp asked if we can request when he purchased the current saw mill.

44 Hair Road – The Solicitor reported we had the hearing in front of Magistrate Cohick. The Nolts did not make an appearance. We got a judgment of \$792.40. Their appeal period is up December 15.

FPE Engineering – He is still working on getting the arbitration set up.

Gary Cribbs asked the Solicitor about injection wells that FPE Engineering had approved. He wondered if during the talks with the developer we could readdress the injection wells. Mr. Cribbs said that he does not believe that Mr. Shambaugh did his due diligence. Mr. Cribbs has been doing research on the injection wells and has been getting information from Penn State. The Solicitor stated that as part of the Developer's Agreement if they are still going with the injection wells we stipulate that they must pay for testing of the wells on the neighbors' properties.

OTHER REPORTS

Fire Marshal's Report – Bob Kough, Jr. and Tim Knepp reported that there was a cabin fire on November 27, 2016. The cabin was a total loss. There were problems getting in to it up in the mountain. There was a tire fire on Hair Road at the Hair property. Mr. Knepp stated that there were three violations, burning without notifying County Control, burning unattended and burning tires, which is illegal. Mr. Knepp stated that he cited Mr. Hair.

Bob Kough asked if there was any way the Township could assign street addresses to all of the cabins so the fire company can locate them. The fire company has a difficult time locating them,

especially in an emergency. Chairman Martin stated we will put an article in the newsletter asking cabin owners to contact us with the information on how to reach their cabins.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' COMMENTS

None

ADJOURNMENT

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

REORGANIZATION MEETING January 3, 2017

NEXT REGULAR MEETING January 12, 2017

Respectfully submitted,

Vicki Knepp
Secretary