

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
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Regular Meeting
January 12, 2017

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.

Chairman Martin welcomed everyone to the first regular Supervisor's Meeting of 2017. He stated that starting tonight that any one making public comment at any time must identify themselves with their name and address for the record.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the December 8, 2016 Regular Meeting. Supervisor Seiders seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the minutes from the January 3, 2017 Reorganization Meeting. Supervisor Seiders seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash – The Secretary reported that we have a new list of delinquents. She asked permission to send warning letters giving until the end of the month to pay and permission to stop any services that have not paid by the end of the month. Vice Chairman Sheaffer stated the list looked longer than usual. The Secretary reported that the January list was always a little longer because of Christmas. Mr. Knepp asked how many would have to switch to bags if their service was stopped. The Secretary reported that she had not checked that yet. Vice Chairman Sheaffer made a motion for the Secretary to send letters to the delinquent trash accounts. Supervisor Seiders seconded the motion. Motion approved.

Septic – The Secretary reported that 310 of the 371 systems due to be pumped in 2016 are done. That is approximately 83%. She will be sending the list of unpumped systems out to the haulers next week to see if there are any that we do not have the reports on. She will be coming back to the Supervisors at the February Meeting to send the letters to any that are still unpumped.

Animal Ordinance – Chairman Martin stated that we are still working on the Animal Ordinance. We are combining this with the existing Animal Nuisance Ordinance. That way we will only have one ordinance to administer. Chairman Martin made a motion to table the Ordinance. Vice Chairman Sheaffer seconded the motion. Motion approved. Nicole Warren, 83 South Side Drive, asked if there are any parameters that have been added or taken away. Chairman Martin stated that the biggest issue was that in 2013 we adopted an Animal Nuisance Ordinance, some of the items in that Ordinance overlapped what was the Animal Ordinance that we are developing. To avoid conflicts between the Ordinances and having to consult two different ordinances we working to combine them. Vickie Wallick, 109 Beetem Hollow Road, asked if the Animal Ordinance will include dogs, running loose, chickens running loose, etc. Chairman Martin stated that there is a provision in the Ordinance for that. Ms. Wallick has filed a written complaint with the Township about a neighbor who allows her chickens and dog run loose. She wanted to know where thing stood on that. Mr. Knepp stated that he has cited the resident twice, which she has ignored, and there is a hearing at the Magistrate's on February 7. Mr. Knepp asked Ms. Wallick if she would attend the hearing so that she can attest to the photos that she submitted to the Township. She stated she would be at the hearing. She also stated that the dog is still running loose and coming onto her property and it barks a lot. Ms. Wallick stated she also saw a cow in her yard toward the end of November. Her sister-in-law posted on facebook pictures of 4 cows on her property on Beetem Hollow Road. They are not sure where the cows are coming from. She asked if the new Ordinance will have anything about composting the manure. Chairman Martin stated that he met with the Conservation District earlier in the week. As a result of his meeting we will be requiring a Manure Management Plan from anyone who has a non-commercial animal that is not a household pet. Ms. Wallick asked about grazing, she stated in the Conservation Zone the properties are probably 90% woods. She wanted to know where the animals would graze and not possibly contaminate the wells of the properties around them. Chairman Martin stated that was an issue that we would have to look at individually. We will try to allow people to keep the animals they want as long as they are properly kept, healthy, well fed and sheltered properly. Ms. Wallick asked if we would make the owners provide proof of annual vaccinations and vet visits. Chairman Martin stated that we do not have the trained personnel for that. If we see that something happens or animals are malnourished we will contact the proper agencies to investigate.

Zoning Hearing Vacancies – Chairman Martin stated that there are three vacancies of the Zoning Hearing Board, a Board Member and two Voting Alternates. We have three applicants:

Rachel Hollenbaugh – Supervisor Seiders made a motion to appoint Rachel Hollenbaugh as a Board Member to the Zoning Hearing Board. Vice Chairman Sheaffer seconded the motion. Motion approved.

James Hollenbaugh – Vice Chairman Sheaffer made a motion to appoint James Hollenbaugh as a Voting Alternate to the Zoning Hearing Board. Supervisor Seiders seconded the motion. Motion approved.

Greg Mell – Vice Chairman Sheaffer made a motion to approve Greg Mell as a Voting Alternate to the Zoning Hearing Board. Supervisor Seiders seconded the motion. Motion approved.

Interior Doors – The Secretary stated that Hershocks had been and remeasured to make sure that their measurements were correct. They will contact the Secretary when they are ready to install.

Security Cameras – Hilton was notified that they were awarded the contract. He will ask them to give him a time frame.

Engineer RFP – The Secretary stated that she advertised the RFP and mailed copies of the notice to a couple of different engineering firms. She has been contacted by 5 firms for the RFP package which she has emailed to all five firms. The Solicitor asked who the firms were that have asked for the package. The Secretary stated Dawood in Enola; Michael Baker International, the firm that did the Route 233 Study; Skelly & Loy; C. S. Davidson out of Gettysburg and Lithic Engineering & Survey from McAllisterville.

Alarm System – Mr. Knepp stated that we had discussed the alarm system last month. He has discovered that Hilton's also offers security and fire systems and monitoring. He is going to meet with them to go over our requirements and then will send out specifications for bids.

DJ's Office Sign – Chairman Martin stated that the new sign for the District Magistrate's Office and the Centerville Park has been ordered.

The Solicitor stated that he was coming back from Newville after dark and a tractor trailer was at the intersection of Walnut Bottom & 233, obviously lost. He inquired if we are still having issues with that. The Secretary said she has not had any complaints recently. Chairman Martin stated that there had been one truck that attempted to turn on Penn Drive and damaged a storage shed on the southeast corner and ran off the culvert on the other side. He thinks it is a GPS issue. The number has decreased. The Solicitor stated that there is some concern that trucks are trying to avoid Mt. Holly since the police there can do full DOT inspections now.

NEW BUSINESS

Pension Disclosure Statements – The Secretary stated that we have received the Annual Chapter 7-A of Act 44 of 2009 Pension Disclosure Statement. The Board of Supervisors needs to approve the Disclosure. Vice Chairman Sheaffer made a motion to approve the Pension Disclosure Statement. Chairman Martin seconded the motion. Motion approved.

Pension GASB – The Treasurer reported that we have received a request for the data for the GASB Report. The cost of the report is \$500.00. We paid to have it done last year; however the pension auditor did not have a problem with us not having it. She recommended that we do not have it done this year. Vice Chairman Sheaffer made a motion to table the GASB reports. Supervisor Seiders seconded the motion. Motion approved.

Official Map – Chairman Martin reported that he meet with Kirk Stoner at the County Planning Commission and he has the beginning of an Official Map. The Official Map locates items of interest within the Township and is a planning tool for the future development. We are in the beginning of the process of developing the Official Map with the Planning Commission. Before adoption we will have a public hearing for input from Township residents.

Zoning Permit Application Changes _ Mr. Knepp stated that on our current permit application there are two separate paragraphs that we combined into one more understandable paragraph. The Solicitor has worked with the Secretary on the verbiage. The Secretary stated she made one additional change. On the page for the plot diagram she included "Measure and show distances from any proposed structure(s) to streams or wetlands." Chairman Martin stated that the Conservation District told him we can get wetland maps from the Corp of Engineers. Vice Chairman Sheaffer made a motion to accept the proposed changes to the Zoning Permit Application. Supervisor Seiders seconded the motion. Motion approved.

Damaged Guardrail on Hair Road - Chairman Martin reported that there was an accident on Hair Road where a resident damaged the guardrail. The road crew has taken the old out. The Secretary reported that earlier in the day she spoke with the claims adjuster and was told that they would only pay for actual cash value of the guardrail that was actually hit. Because it was the old style cable guardrail, we must replace the whole thing, we are no longer allowed by PennDOT to install that type of guardrail. Vice Chairman Sheaffer made a motion to allow the Secretary to turn the matter over to the Solicitor if she has issues with the insurance coverage. Supervisor Seiders seconded the motion. Motion approved.

Agricultural Security Area- the Secretary stated that one of the things they have been discussing in the PSATS discussion group are ASA's. She stated that putting or removing a property into the ASA is an expensive proposition for the Township, about \$500.00, and the ASA Act specifically prevents us from recouping any of that expense from the property owner. We must advertise the ASA two separate times (different ads), post the property twice, send out certified letters and conduct a hearing along with recording the property once it is accepted or removed. In addition our Planning Commission, the County Planning Department and the Township ASA Committee all have to review the application. What many townships are now doing is holding the application for 180 days until it is deemed approved. The Township will still have to pay the recording fees, but they do not have the advertising, posting, mailing and hearing costs. The Solicitor stated this makes sense but we should inform County Planning. The Secretary will send a letter.

Resolution 2017-02 – Chairman Martin stated that Resolution 2017-02 setting wages and fees was approved at the Reorganization Committee. Chairman Martin stated that we do not have a provision for a Skilled Laborer, we list Roadmaster, Full Time Road Crew, Part Time Road Crew and Unskilled Labor. We have times when we need to be able to hire a skilled laborer. As an example the electricity in the new building, if we were paying prevailing wage we would be paying \$40 some dollars an hour. He recommends that we modify the resolution to include a skilled laborer. It will save us a lot of money in the long run. Vice Chairman Sheaffer made a motion to include a position of Part Time Skilled Laborer on Resolution 2017-02 at the rate of \$25.00 an hour. Chairman Martin seconded the motion. Motion approved.

CORRESPONDENCE

Comcast – the Secretary reported that we received a letter from Comcast stating that the renewal period is now open and they request the start of the renewal process. Ms. Warren asked if Kuhn is in a contract with the Township and if so how much longer. She said she would like to see anyone other than Kuhn.

Recycling Grant – The Secretary reported that we received a letter from DEP stating that our Recycling Grant has been approved and we will be receiving \$6,061.00. The previous year

our grant was \$194.00. Recycling from the warehouses is now being reported and that accounts for the sharp increase in our grant. We received the check earlier this week.

Cumberland County Historical Society – The Secretary reported that we received a letter from the Historical Society thanking us for our donation. There was a discussion regarding what, if anything, we will provide to the Society with regard to the moving of the civil war veteran graves. Chairman Martin stated we will work on getting items together and contact David Smith.

Cumberland County Planning Commission – We received an email from Kirk Stoner earlier in the day. The County has received a grant to update the County Comprehensive Plan. They are asking us to put a news release and a link to a survey for citizens on our website.

Equipment Building – Chairman Martin stated that the equipment building is substantially done. We are working on the wiring. The contractor will be back in the spring to do the concrete aprons and there is a problem with the gutters leaking which must be fixed.

Generator – Mr. Knepp stated that the generator is here. The conduit is in for the electric. The gas man is to be here tomorrow. We are not sure when the electrician is coming.

Hassing Drive – Chairman Martin stated that we have not officially opted out of the Agreement. Our involvement is over. Chairman Martin made a motion to opt out of the Easement Agreement for what was a private drive shared by the Wenger and the Ries families. Vice Chairman Sheaffer seconded the motion. Motion approved. The issue of the check to pay for the paving was discussed.

ZONING CODES ENFORCEMENT

Tim Knepp reported that we had 68 Zoning permits for 2016 and 27 complaints for the year.

954 Centerville Road – Mr. Knepp stated he supplied Mr. Biorski with a copy of the fire safety expert's report. They are moving the fence to provide the adequate aisle way to the exit.

Mr. Knepp said he spoke with Mr. Kelly on Beetem Hollow Road. There is a chicken coop at 87 South Side Drive, Beth Demarco's property, that is either on his property or partially on property he owns at 91 South Side Drive. Looking through the aerial photos it was not there in 2013, but it is there in 2016. Ms. Demarco did not apply for a permit to erect this structure.

Mr. Knepp stated that Mr. Kelly told him that at 83 South Side Drive Nicole Warren's property, there is another chicken coop that was put up on his property to the rear of 83 South Side Drive. At the very least it is in the setback, and it appears to be on Mr. Kelly's property. Again looking at the aerial photos in 2013 it was not there, but it appears on photos from 2016 and Ms. Warren did not apply for a permit to erect the structure. Chairman Martin made a motion to have the Solicitor contact both Demarco and Warren regarding the chicken coops.

SOLICITOR REPORT

FPE Engineering – The Solicitor stated that they have a new adjuster. He is going to talk to the attorney and adjuster and get things moving.

Hodecker – The Solicitor stated there is a bench trial in front of Judge Placey set for March 23. The Solicitor stated he will be asking for tax information and the amount of wood being imported to the site. He said he may want to do the Hodeckers' depositions.

44 Hair Road – The Nolts will not comply with the Landlord Ordinance. They appear to have difficulty filling an appeal with the County. Mr. Nolt did not name the Township; he named the three Supervisors which were never part of our case. This may not be a valid appeal. In the meantime, Mr. Nolt has filed motions on Constitutional grounds with the Supreme Court of Pennsylvania. The Supreme Court has limited power to intervene in a lower case without it being decided by a lower court, which is County and then it would go to the next level, Commonwealth Court. The Solicitor stated he needs authorization to have the Chairman sign a Complaint form. Vice Chairman Sheaffer made a motion to authorize the Chairman to sign a Complaint if the Nolts have filed a proper appeal with the County Court. Supervisor Seiders seconded the motion. Motion approved.

Retainage Agreement for the New Building – The Solicitor asked if the contractor had replied to our Retainage Agreement. The Secretary reported that the contractor had signed it the previous week after the building walk through. She will furnish the Solicitor with a copy of the signed agreement.

We have filed a complaint against the Stambaughs again. They are not accepting mail so we will need to have a Constable serve it.

OTHER REPORTS

Fire Marshal's Report – Nothing this month. The lack of street addresses for cabins in the mountain was discussed. The Solicitor asked if there were any addresses in the Township in the mountain that cannot be accessed by the proper equipment. The answer was yes. We will put something in the newsletter.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' REPORTS

Chairman Martin stated that since we have reports from The Secretary, the Treasurer, Fire Marshal, etc. we are going to do something different this year and have each of the supervisors of their activities on behalf of the Township for the previous month.

Supervisor Seiders – Signed checks for the Secretary.

Vice Chairman Sheaffer – Between Scouts, the fire company and his church he has been busy. He did have people ask how long the crossing will be closed so he stopped and asked the workers how long it will be closed. The Secretary reported that it is to be reopened by the 18th. Chairman Martin said we need to make sure that they redo the crossing correctly. The last time we had to come in and raise the road because they refused to fix it.

Chairman Martin – He stated that he took over the oversight of the new building construction. He was out at least once every day, some days twice. He swore in the fire police. He attended the GOG meeting. He had meetings with the Conservation District and Cumberland

County Planning Department earlier in the week. He attended the Zoning Hearing Board the previous night. He meets with the Secretary.

ADJOURNMENT

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

NEXT REGULAR MEETING February 9, 2017

Respectfully submitted,

Vicki Knepp
Secretary