

PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
October 12, 2017

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 Albert Shuller, Solicitor Marcus McKnight, Township Engineer Craig Wilson and Secretary Vicki Knepp.

PUBLIC COMMENT

Wilber Wolf asked to comment on the injection wells on the Ickes property. Chairman Martin stated that it is a proposed plan. Mr. Wolf said that as far as he is aware there is not history of that type of well in karst topography. He has spoken with some of the people whose wells have been impacted. He believes that money should be put into a fund to test local wells to create base line data. Chairman Martin stated that has already been proposed: well testing prior to installation of any injection wells; after the wells are in; and remedial plans for after the wells are in, if any wells go in. Chairman Martin stated it will be discussed at the Planning Commission Meeting in November. Solicitor McKnight said we have nothing in writing yet; however the new proposal will address the concerns of the Planning Commission and Supervisors.

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the September 14, 2017 Regular Meeting. Supervisor Shuller seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the September 30, 2017 Treasurer's Report. Supervisor Shuller seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

VERUS Development – Charles Suhr was present representing VERUS Partners regarding the Subdivision and Land Use Plans for the Mains property at 801 Centerville Road. Mr. Suhr stated that most of the final engineering cleanup of the plans has been completed, development of a financial security agreement, stormwater agreement and the access agreement with the Clelans. Mr. Suhr believes they have done all that. The documents have been sent to the Township Solicitor and he has received a few minor modifications to the Development Agreement as well as the Stormwater Agreement which he believes they will find acceptable. The Access Agreement with the Clelans has been signed; this was confirmed by the Clelans' attorney, Matt Hamlin, who was also present. Mr. Suhr asked if there are any questions of them. Solicitor McKnight had distributed a proposed decision. They are agreeable with it. Mr. Suhr said there are a couple modifications to the plans. The Solicitor stated that the Supervisors need to completely understand and it should be discussed in a public meeting what

we are doing and why. He stated that there are a couple of changes to the agreement. The Township Engineer, Craig Wilson, has assisted him in reviewing the documents. The Solicitor wanted to go through the agreement and the changes to the agreement to make sure everyone understands. We need a copy of the signed Mains Access Agreement.

Subdivision Plan Approval – Preliminary/Final Plan Waiver. There are a number of waivers that have already been approved by the Planning Commission. Mr. Wilson stated that everything is addressed on this. His biggest concern with this is that, while our Ordinance does not specifically state it, the waiver should be on the cover sheet, whether it was approved or denied and the date so that it is recorded with the plan. It has been added. Solicitor McKnight felt it would be best to read and vote on each waiver individually. Paul Szewczak read the waiver from the plan; they request a waiver to have the plans considered as Preliminary/Final. That is the only waiver for the Subdivision Plan. Chairman Martin made a motion to accept the waiver request for Preliminary/Final Plan. Vice Chairman Sheaffer seconded the motion. Motion approved. Vice Chairman Sheaffer made a motion to approve the Preliminary/Final Subdivision Plan. Supervisor Shuller seconded the motion.

Land Development Plan – This is more complicated. The Solicitor asked Mr. Wilson if all items in his letter of October 10 have been satisfied. Mr. Wilson stated that there are minor items yet to be addressed. Those items are:

Comments from Dawood Engineering letters:

- The noise wall study needs to be signed and sealed and a note needs to be added to the plan regarding review of the noise wall during the building permit review. Mr. Wilson stated he just received that at the beginning of the meeting. He does not know if the note is on the plan but he has the signed and sealed report.
- Signatures and seals on all plans and reports, E & S and NPDES approval, and PennDOT HOP approval. We need to see those approvals.
- Inlet and pipe calculations need to be provided.
- Recreation fees of \$82,900.00 need to be paid. Payment date conditional on closing with the Mains.
- As-Built plan will be required after construction.
- Provide copies of all existing NPDES permit and HOP, we have not seen these yet.
- Signature blocks for the waivers to be added to the plan.

Property access from Centerville Road:

- The southern driveway is intended to be the primary access and may be used by cars and trucks as permitted by PennDOT.
- The northern driveway;
 - Shall only be used by cars to access the warehouse property;
 - Cars and trucks accessing the rear property, Tax Parcels 31-10-0622-008 and 31-10-0622-036
 - Emergency access to the property.
 - The developer shall record the joint access agreement with the owners of the Clelan property with the plan.
- Within 6 months of tenant occupancy of the building the Developer shall provide the Township a driveway intersection study showing the traffic movements and counts and level of service from both the northern and southern driveways to the property. If after review by the Township Traffic Engineer it is determined that turning lanes are needed for access to the property, such improvements shall be designed and applied for within six months and installed within a reasonable time after receipt of PennDot permits for

such improvements. The Solicitor stated that if we get a number of concerns or complaints about the way the northern driveway is being used we may ask for this before 6 months.

- If the Developer or a future tenant desire to use the northern driveway for truck access a traffic study will be provided to the Township demonstrating that access is safe and does not affect traffic on Centerville Road, along with a request to modify the conditions of this section.

Payment of .04 per sq. ft. of the building constructed pursuant to the plan for a period of 12 years, starting on the date of tenant occupancy of the constructed building or part thereof.

Payment of a voluntary contribution of \$300,000 to be used by the Township for future roadway improvements within the Township. The Solicitor recommends that this be placed in a separate account, possibly in a different bank and notify the Developer when we are spending the money and what it is being spent on. The timeframe is the same as the rec fee.

Entry into the Development and Financial Security Agreement in a form reasonably acceptable to the Township Solicitor, to memorialize the conditions of approval the Developer's acceptance of such conditions and providing financial security for the secured improvements contemplated by the development.

All escrow fund accounts for Penn Township experts must be replenished when requested by Penn Township within 30 days of written request.

The Developer must comply with all applicable State, Township Ordinances and Regulations. Mr. Wilson stated that there is a clause from the Zoning Ordinance that if it is a deemed problem that it is to be corrected.

Stormwater Plan:

- Correct address on page 1;
- Page 2 change item 4 from 90 days to 45 days. Mr. Wilson stated that 90 days gets to be too strung out to correct a problem, 45 days gives time to get a cost, get a contractor and get an engineer to look at it. Mr. Suhr did not object to this.

Development and Financial Security Agreement:

- Bonding amount is \$10,802,962.78 according to the Engineer. Mr. Wilson stated that was worked out between Mr. Szewczak's office and him. It includes the 10% contingency. The Bond will be required at recording. The Bond is to guarantee the public improvements such as stormwater and erosion control facilities.
- Page 3, change the inspection from 2 days to 3 days as recommended by our Engineer. Mr. Suhr had no objection.
- Page 4, 13 Item B for As-Built Plan be required before release of the 10% contingency as identified in the cost estimate which. Mr. Wilson said when the job is essentially 100% complete.
- Replenish escrow funds for inspections. Mr. Wilson stated this is a flat percentage so we can lower that percentage. He recommends 2.5%. This will be a separate account. Mr. Wilson recommends that after recording we close the existing escrow account and establish a new one for this.

Mr. Szewczak read the following waivers from the Land Use Plan:

Request to consider this a Preliminary/Final Plan – Vice Chairman Sheaffer made a motion to approve. Supervisor Shuller seconded the motion. Motion approved.

Request a waiver from driveways for all non residential developments be no greater than 30 ft., a wider driveway is needed to accommodate the movement of trucks. Vice Chairman Sheaffer made a motion to accept. Supervisor Shuller seconded the motion. Motion approved.

Request a waiver from the no shared driveway should be permitted provision. One driveway is shared; PennDOT will not allow them to separate it. Vice Chairman Sheaffer made a motion to accept. Supervisor Shulleer seconded the motion. Motion approved.

Request a waiver from sidewalks along the road right of way. This is not practical or desirable along this road. Vice Chairman Sheaffer made a motion to accept. Supervisor Shuller seconded the motion. Motion approved.

Request a waiver for trees and shrubs to be planted at least 20 ft. from the road right of way. The right of way in this area is significantly back off the shoulder of Centerville Road, they would like to put them closer than 20' otherwise they would be in the pond area. The right of way is 150 ft. wide. They will not interfere with the power lines. Chairman Martin made a motion to approve. Vice Chairman Sheaffer seconded the motion. Motion approved.

Request a waiver from stormwater storage facilities should be drained both by volume and rate within 72 hours. Their ponds are all infiltration ponds as well as stormwater rate control ponds. All but one pond is within the 72 hours. Mr. Wilson said the State gives a 3 – 6 days recommendation, this pond will not exceed that and it is not a deep pond. Vice Chairman Sheaffer made a motion to approve. Supervisor Shuller seconded the motion. Motion approved.

Chairman Martin made a motion to approve the Preliminary/Final Land Development Plan subject to the conditions set forth in the Decision as discussed. Vice Chairman Sheaffer seconded the motion. Motion approved. The Agreements will be signed subject to the modifications. The Secretary was directed to hold off recording the plans until the agreements and monies are all completed.

The Zoning Officer asked if he could ask a couple questions about the future operation of the building. He asked if the shell would have a sprinkler system and alarm system. He was told it would. The system can be potentially updated and changed when a tenant moves in. We currently have a warehouse that when the tenant moved in they installed a separate system that does not cover the whole building and have had alarms where occupants in a different section of the building where unaware there was an alarm. He asked if this potential exists and how can it be illuminated. Mr. Szewczak suggested that it would be found in the building inspection stage. We use a third party to do our inspections so it would not be discovered until it is too late. Mr. Szewczak said they will think about it and see what they could come up with, possible putting something in the lease.

Penn Commerce Center – The Secretary reported that we received an extension to November 23, 2017. The Solicitor stated that progress is being made on the stormwater management plan. The Developer has redone their injection well system, proposing to only direct roof water to the wells and moved to the northern part of the property. We want testing of neighboring wells but we also want dye testing of the well system to see where the water is going. It is not in writing yet, once it is it will go back to the Planning Commission to review. Chairman Martin stated that the number of wells would be reduced by about 50% , also. Vice

Chairman Sheaffer stated he spoke with Randy Heishman earlier in the evening. Mr. Heishman said the Developer was out and inspected his wells, they were there within a few days of the meeting and made promises but he has not heard anything since and it has been over a month.

UNFINISHED BUSINESS

Trash – The Secretary reported that bills went out last week and she has a new list of delinquent accounts. She requested permission to send delinquent letters giving them until the end of the month to pay. She would also like permission to stop service of any that do not pay by the deadline. Vice Chairman Sheaffer made a motion to authorize the Secretary to send the delinquent trash letters. Supervisor Shuller seconded the motion. Motion approved.

Septic – The Secretary reported that there is still one for 2016 that has not been pumped. The Solicitor stated he has filed against the resident a \$250.00 fine and \$200.00 legal fees. He stated he also included the failure to pay a citation \$300.00 fines and legal fees. The Secretary reported that of the 291 systems due to be pumped in 2017 153 have been completed, approx. 52%. The Secretary reminded the Supervisors that Gary Mullen had made a presentation to the Board regarding inspections rather than pumping systems. We took no action on his proposal. A resident has brought the Secretary an On-Site Sewage System/Sewage Tank Service Report which she has forwarded to the SEO. The SEO said that since our Ordinance does not allow this, we cannot accept it and he is not in favor of this. Also, these inspections have to be conducted by a member of the Pennsylvania Septage Management Association, we do not know if Mr. Mullen is a member or not. The resident is a single individual living in the house. We do have the option of granting her a waiver and allowing her to have her system pumped every 6 years. Vice Chairman Sheaffer made a motion to grant the resident a waiver from septic pumping until 2019. Supervisor Shuller seconded the motion. Motion approved. The Solicitor will send Mr. Mullen a letter notifying him that he is not authorized to do this in Penn Township.

Fish Hatchery House – Vice Chairman Sheaffer stated that he spoke with Randy Heishman earlier in the day. Mr. Heishman has not taken the time to inspect the house. The house is in bad shape and needs extensive repairs. We cannot think of a use for the house so we don't want to spend the money on the repairs. We will not stand in the way of a private party. Chairman Martin stated the wiring is substandard, the plumbing is substandard, the heating system is shot, there is no insulation in the house, it has structural issues, vines and weeds growing inside in various places, and holes in the walls. It would cost more to fix it than to tear down and build a new structure. If it cannot be self sufficient monetarily the Township cannot afford to be involved. The Township has no interest in trying to save the building, but will not stand in the way of any others who wish to but it is not financially viable either for using or saving and refurbishing the building at this point. Vice Chairman Sheaffer made a motion to have the Secretary send a letter to the interested parties. Supervisors Shuller seconded the motion. Motion approved.

Budget – Chairman Martin stated that we had a workshop on October 3 to go over the budget. We have come up with a budget for 2018. Marlies Ries stated that at last month's meeting the topic of health insurance was raised. She stated she has worked in government for a number of years and that it is not common for local municipalities to provide health insurance to elected officials. She believes that there is a potential for individuals to take advantage of the benefit. She has conducted a survey of other municipalities in the county. More than half responded. The majority of those municipalities do not provide health insurance to elected officials and she recommends that we do not provide insurance to elected officials unless they hold a full

time position and are paid as a full time employee. The Secretary asked if Ms. Ries was aware that if we no longer offer insurance to elected officials the Supervisors currently in office would continue to have coverage until their terms expired? She said she was. The Solicitor stated that he works with a lot of Township and several cannot afford or would not pay premiums for health insurance for Supervisors. In Penn Township, the supervisors spend a lot of extra time to deal with warehouses and the Rt. 233 Study. In order to maintain dedicated people who are willing to do the work for a township of our size, you need to offer some type of incentive. The Secretary reported that the State sets the annual salary for supervisors in a township of our size at \$1,875.00 a year. Mr. Wolf requested the budgeted amount for health insurance for 2018. The Secretary reported that we have budgeted \$120,000. For 2018, however since we do not know will be elected we have put additional funds in this line item. The Supervisors are on Medicare Supplemental Insurance so their premiums are around \$2,000.00. Cathy Cornman asked if the employees pay any portion of their health insurance. They do not. Vice Chairman Sheaffer stated that you need to consider that the members of the road crew are making less than they could in private industry, however because they have job security and good benefits they are willing to work for less. Employees do not continue to get insurance coverage after they retire. The Solicitor stated that it is hard getting good people to run and serve. Vice Chairman Sheaffer made a motion to advertise the budget. Supervisor Shuller seconded the motion. Motion approved.

HVAC – Last month we discussed the HVAC making a noise. Mr. Knepp inspected it and has determined that it has no issues and the noise has stopped.

NEW BUSINESS

Andrew Henry Conditional Use - Mr. Henry stated that he got a Conditional Use for his low impact business several months ago. They put up the garage and have gotten the business up and running. They are now attempting to get a loan to build their house and are running into issues with rates, etc. Mr. Henry stated that his question is do they have to build a house on the property to maintain the Conditional Use. The Solicitor reviewed the Decision and stated that the conditional use runs with the land and the construction of a residence was not a condition of the use. He does not believe there is an issue at all.

Audit Proposal – The Secretary stated it has been several years since we had an outside audit done. She has discussed this with the Treasurer and they have gotten a proposal from Hamilton & Musser, the firm we have used in the past, of \$5,500.00 to do the audit of the Township records and preparation of the DCED report. Chairman Martin stated that we do not have any auditors or anyone running for the position, we may have to appoint people for the positions. Chairman Martin made a motion to accept the audit proposal from Hamilton & Musser of \$5,500.00. Supervisor Shuller seconded the motion. Motion approved.

Game Camera – Mr. Knepp asked permission to purchase a game camera, batteries and a SD card for \$162.49. We have incidents where we would like to place the camera, with the property owner's permission, to get pictures of violations. One type of incident we would like to use it for would be dogs coming onto a neighbor's property. Chairman Martin made a motion to purchase the camera, batteries and memory card. Vice Chairman Sheaffer seconded the motion. Motion approved.

CORRESPONDENCE

The Secretary reported that we received a letter from the John Graham Public Library requesting a donation of \$500.00 for 2018. Their readership and use has increased by 5% between 2015 and 2016. They are on track to increase that again in 2017. Supervisors Shuller made a motion to donate \$250.00 to the John Graham Public Library. Vice Chairman Sheaffer seconded the motion. Motion approved.

Chairman Martin stated that he received an email from the Fire Chief requesting a donation of approximately \$1,200.00 to purchase collar brass for the junior members of the fire company. He stated that we donated \$500.00 to the junior program earlier this year and the Fire Company just got an \$182,000.00 grant for recruitment and retention. Chairman Martin stated he would prefer to talk after the first of the year about making a donation to the junior program on an annual basis.

PROJECT UPDATES

Chairman Martin stated the Comprehensive Plan is with the Planning Commission. They need to schedule a workshop for the SALDO. The Secretary will advertise a workshop for November 2 at 7:00 PM.

Beetem Hollow – The Secretary reported that the culvert is completed. Chairman Martin stated the Conservation district was extremely pleased with the outcome. We had the ceremonial check presentation on October 3. Wilbur Wolf stated that the road crew did an incredible job. Chairman Martin said the most amazing thing was that the road was only closed for a day and a half. Chairman Martin thanked the crews from Cooke Township, Dickinson Township and South Newton Township for all their assistance.

ZONING CODES ENFORCEMENT

Tim Knepp reported he had three permit applications for the month and two complaints.

Mr. Knepp reported that he was contacted by the Fire Chief regarding some items he observed when the Fire Company had a tour of the Hatchery. The items covered both ordinances and fire codes so he requested Bob Kough, Jr., the Fire Marshal, to go along with him to the Hatchery. The Hatchery has installed fire and security systems which need to be registered. They have since done so. They also need to have a fire department key padlock for the facility.

George and Shirley Stambaugh came into the office to discuss the letters that were served on them. Mr. Knepp stated he went over pictures he had of the violations with them and explained what needs to be done. Due to health issues the Stambaughs have requested time to work on the items. Mr. Knepp gave them to the beginning of November, if he sees they are making progress he will grant them additional time. They were told that if anything happens that keeps them from making any progress they need to communicate with us and we will work with them. The Solicitor stated that our new Constable found them and served them, they do not accept mail.

SOLICITOR REPORT

FPE Engineering – The Solicitor state that he is waiting on one more report from the Township Engineer talking about the problem, danger and negligence created by the lack of proper engineering of the culvert. He has been a little busy on warehouses recently.

Nolt – the Solicitor has filed a Writ of Execution on the Nolt case. Judge Cohick has recommended that we use Constable Kevin Preston to execute the Writ. The Nolt's have filed a False Security Interests against Judge Cohick which has no bearing on this case.

LeDane – The Solicitor stated that he is planning to file against the LeDane estate. He would like to speak with their attorney first.

The Solicitor stated he will be busy with the next battery of plans for the Ridge property.

OTHER REPORTS

COG – The COG meeting was October 9. The County Planning Commission has started an electronics recycling program, in the first two months they collected 137,623 lbs. The hours are Tuesdays and Wednesdays, 2:00 – 6:00 PM and the second and fourth Saturdays from 9:00 – 1:00 PM. There is a \$.50 per lb. charge.

Ag Preservation – There was no quorum for the Ag Preservation meeting. They are looking for a member from the business sector, they have to applicants which they will review next month. This is the 25th year for the program in Cumberland County. To date, 19,000 acres have been preserved. In 2017 they plan to add 10 farms for an additional 1,022 acres. There is a video on the County website that recognizes the anniversary.

Roadmaster – The Secretary reported that the culvert on Beetem Hollow has been completed. The paving on Sheaffer and Seavers should be completed early next week. Wilson started today. The road crew will be doing shoulder work throughout the Township as long as the weather permits. They also hope to get more brush trimming done. Deer Ridge and Fox Hollow have been skin patched and they are thinking about Winter and getting equipment ready. The 2000 International dump truck has been taken to Shetrone's Auction for the sale on October 27. A plow and spreader went with the truck. Michael Kutz asked if we would be trimming brush with the boom mower again. He stated it left a lot of sharp brush along the edges of the fields. He was told that we do not plan to rent it this year.

Fire Marshal's Report – Mr. Knepp reported that they had one incident on October 7. There was a combine fire on Seavers Road. It was accidental and handled by the Fire Company.

Newsletter – The Secretary stated the newsletter went out last week. She is working on the next issue. She stated a resident has asked if they can sponsor a prettiest garden contest in the summer and a Holiday door contest.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' REPORTS

Supervisor Shuller reported that he attended 5 events: Planning Commission Meeting; Budget Meeting; Beetem Hollow presentation; the Cumberland County Association of Township Officials Convention; and the COG meeting.

Vice Chairman Sheaffer reported that he attended the Planning Commission Meeting, CCATO, worked at the Car Show for the Scouts and Fire Company activities.

Chairman Martin reported that he attended the Planning Commission Meeting, the Beetem Hollow presentation, Budget Workshop, CCATO; COG Meeting, Fire Company Meeting, Ridge Meeting, and Land Preservation Meeting. Chairman Martin stated that the next day is the meeting of the South Mountain Partnership. The South Mountain Partnership is a conservation group concerned with the viability of the South Mountain. They have 37 conservation group partners such as Trout Unlimited and Yellow Breeches Watershed. Chairman Martin stated he has reached out to them for support to fight the injection wells. They have indicated that they are willing to show up at the DEP public hearing to express their concerns. Chairman Martin would like permission to attend the meeting representing the Township to discuss the well issues with them. The cost is minimal. Vice Chairman Sheaffer made a motion to approve Chairman Martin attending the South Mountain Partnership Meeting. Supervisor Shuller seconded the motion. Motions approved.

Chairman Martin reminded everyone that November 7 is election. Please vote.

The solicitor said he was at the dedication of the Rails to Trails from Newville to the Big Spring School. It is an impressive trail. It is so nice that homes are now being built along the trail. Chairman Martin said they have put a railroad car at the Shippensburg entrance. Mr. Knepp stated that it is a one of a kind railroad car that has been in storage for a long time.

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

NEXT REGULAR MEETING November 9, 2017

Respectfully submitted,

Vicki Knepp
Secretary