

PENN TOWNSHIP BOARD OF SUPERVISORS
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Newville, PA 17241
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Regular Meeting
December 14, 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, Treasurer Martha Sheaffer and Secretary Vicki Knepp.

FAIR DISTRICTS PA

Jenifer Johnson & Mike Buchannan made a presentation about the Pennsylvania voting districts. Fair Districts PA is a non-partisan group hoping to decrease the amount of gerrymandering in the voting district boundaries. They are promoting an amendment to the PA Constitution to form an independent non-partisan citizens' commission to redraw district lines as necessary when the census reflects a change in population. Two identical pieces of legislation to form a commission have been introduced in PA. Neither Senator Eichelberger nor Representative Tallman have signed on as co-sponsors of these bills yet. The proposed non-partisan citizens commission would include 4 members of the Democratic Party and 4 members of the Republican Party and three more members who are from other parties or unaffiliated. PA is one of the most gerrymandered states in the nation. Our State Constitution requires that legislative districts be compact and contiguous and avoid unnecessary divisions of jurisdictions. If you look at the maps of our districts are not contiguous. In Penn Township our US Senator is located in Hazelton, our State Senator is located in Hollidaysburg with the Blue Mountain tunnel on the Turnpike being the contiguous location. Of the three State Senators representing Cumberland County, none live in the County. The County has six State House Districts. Democracy means voters pick their legislators, the current PA Law allows the majority party to choose their voters. PA Fair Districts is asking that Penn Township join the County and several other townships which have already expressed their support for the Senate Bill 22 and House Bill 722. They also ask that we contact Senator Eichelberger and Representative Tallman to encourage them to move the bills forward for a vote. Chairman Martin stated that he agrees with this, although Mr. Tallman is very responsive. He said we also need to add term limits to this bill. Ms. Johnson stated that the Legislation, as it is written, does not address term limits. Vice Chairman Sheaffer stated that this has been needed for some time.

PUBLIC COMMENT

Robert Henry, III stated that he is running his part-time construction business out of his shop at 43 Irish Gap Road. He asked if his son would be able to move his hobby into the building and possibly develop a part-time internet business out of it. It would be about 90% internet sales. His son raises reptiles and rodents to feed the reptiles. Mr. Knepp stated that he believes that this would be a Conditional Use. The Solicitor explained to Mr. Henry what a conditional use is. He applauded Mr. Henry for coming to the Supervisors to ask what he needs to do. The Secretary told Mr. Henry that she will help him with all the paperwork.

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the November 9, 2017 Regular Meeting. Supervisor Shuller seconded the motion. Motion approved.

The Solicitor suggested a correction to the minutes of November 29, 2017 Special Meeting for clarity. Vice Chairman made a motion to approved the November 29, 2017 Special Meeting with the change suggested by the Solicitor. Supervisors Shuller seconded the motion. Motion approved.

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

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash – The Secretary reported that there are still 2 unpaid trash bills from the last quarter. One of the properties is going up for Sheriff's Sale and she has notified the Sheriff's office of the amount for a lien on the property and she will continue the collection efforts for the other property. She stated that when she first started working for the Township we received a Recycling Grant of \$285.00. She stated that she just received a letter from DEP that the 2016 Recycling Performance Grant has been accepted and we will be receiving a check in the amount of \$13,710.00.

Septic – The Secretary reported that 291 systems are due to be pumped in 2017. Of those 198 are done. That is approximately 68%. The one system that was not pumped for 2016 has now been pumped. The Solicitor stated that we have a judgment against them and they have not made payment as of yet. The Solicitor will send a follow up letter.

Dump Truck Bid – The Secretary reported that there was a technical glitch with the Municibid Auction for the 2000 International Dump Truck. The person that she was notified was the high bidder was not actually the high bid. Municibid has made three recommendations and the Secretary stated that she has a fourth to add to that. Municibid has recommended 1) all bids be rejected because of a technical glitch; 2) we accept the actual high bid and Municibid will create a "mock auction" to reflect the true bidder; or 3) reject the bids outright and run a new auction. The Secretary stated that her fourth option is this: we were contacted by another municipality interested in the truck. If we sell to them we do not need to readvertise the sale whereas if we auction with Municibid or with Shettron's we have to readvertise the sale. The Secretary stated that she knows what the maximum amounts both bidders were willing to go up to in the bidding process. Chairman Martin made a motion to reject the bids and approved the sale to the other municipality for a minimum of \$13,500.00. Vice Chairman Sheaffer seconded the motion. Motion approved.

Generator – The Secretary stated that the high bid for the PTO generator was \$1,420.00. Vice Chairman Sheaffer made a motion to accept the high bid on the generator. Supervisor Shuller seconded the motion. Motion approved.

Fish Hatchery House – The Secretary stated that we received an email from David Smith regarding the house. He brought up the concerns about the Superintendant House at the

Historic Preservation Roundtable. A State attendee said they could list the house on their website as being available for either moving or long term lease and asked who they should talk to about having the property listed. Chairman Martin stated that they need to talk to the Superintendent at the Fish Hatchery. The Secretary will send Mr. Smith the information.

Comprehensive Plan – Chairman Martin stated that one of the comments the engineer gave us regarding the Comp Plan is that we need something regarding forestry. Chairman Martin has gotten a copy of the Best Management Practices for Pennsylvania Forests. He has done a draft ordinance based on the PSATS sample ordinance. The Solicitor and Engineer have it for review. It will then go the Planning Commission and needs to be referenced in the Comprehensive Plan.

New Pickup – We approved the purchase of a new pickup truck last month. The Roadmaster has ordered one, a Dodge 3500.

NEW BUSINESS

Deputy Tax Collector – The Secretary reported that Debra Dyarman was in on Monday and asked to have Julie Ruff appointed as the Deputy Tax Collector. Vice Chairman Sheaffer made a motion to appoint Julie Ruff as Deputy Tax Collector contingent on her getting the required Tax Collector Training. Chairman Martin seconded the motion. Motion approved.

Generator Maintenance – Tim Knepp stated that we have a proposal for annual maintenance for the backup generator of \$280.75. Chairman Martin made a motion to approve the annual service on the generator. Supervisor Shuller seconded the motion. Motion approved.

Township Auditors – Chairman Martin stated we have two vacancies. The Secretary reported that there were numerous right-in votes, but only one person has accepted. She has checked with the County Bureau of Elections and the have not heard back from anyone accepting the position. We need to find two more Auditors before the first Wednesday in January.

Act 44 Pension Fund Disclosure Statement – The Secretary reported that this is the annual pension statement. PSATS completes the form for us. The Treasurer said we must adopt it. Vice Chairman Sheaffer made a motion to adopt the Pension Disclosure Statement. Chairman Martin seconded the motion. Motion approved.

Change of Signator – the Secretary stated that we need to have a motion to remove Supervisor Shuller as a signer from the bank accounts and add Supervisor Elect Ron Tritt to the accounts effective January 2, 2018. Chairman Martin made a motion to authorize removal of Supervisor Shuller from the bank accounts and add Supervisor Tritt effective January 2, 2018. Motion approved.

Part Time CDL Driver – The Roadmaster would like to hire another part-time CDL driver for times when we have snow storms with large amounts of snow. Chairman Martin made a motion to approve advertising and hiring an as needed part-time CDL driver. Vice Chairman Sheaffer seconded the motion. Motion approved.

2018 Meeting Dates – The Board of Supervisors Meeting dates will be the 2nd Thursday of the month and they will have workshops on the 3rd Thursday of the month. The Secretary will advertise the dates with the workshop dates being listed as available dates.

Wireless Infrastructure Resolution – The Secretary reported that in August we had a presentation from Crown Castle regarding the DAS antennas. We are being urged to adopt a resolution in opposition of HB1620 which would remove the Township from the approval process in where the antennas would be placed on our right-of-ways. Chairman Martin made a motion to adopt Resolution 2017-13 in opposition to HB1620 wireless Infrastructure Deployment Bill and send it to our Legislators. Vice Chairman Sheaffer seconded the motion. Motion approved.

CORRESPONDENCE

The Secretary reported that we received a thank you letter from the Historical Society for our donation.

We have received a letter from DCED notifying us that they were raising the Commonwealth Uniform Construction Code Permit fee from \$4.00 to \$4.50.

PROJECT UPDATES

The Secretary reported that the Roadmaster has applied for another Dirt, Gravel and Low Volume Road Grant. Chairman Martin stated that Lori Glace had submitted the Beetem Hollow Culvert to the State for a Dirt, Gravel and Low Volume Roads contest, it took first prize.

Chairman Martin stated that VERUS is now Exeter. He had a meeting with them the previous week. Originally they had specified concrete pipe for the stormwater, they asked if it could be changed to galvanized steel. The Engineer had no problem with the change. Chairman Martin reported that the checks should be coming next week. The Solicitor stated that they asked if we would make changes to the agreements and he said no, except for the name. We agreed to accept their bonding proposal. Everything else is the way the plans were approved. We will get a new signed cover sheet for the Land Development Plans. They will not be recorded until we get the new signed plans and the finances.

ZONING CODES ENFORCEMENT

Tim Knepp reported he had two complaints for the month; one we discussed at the Special Meeting for the property at 2597 Walnut Bottom Road. The complainant believed the new owner was planning on running a business out of the property. We sent the owner a letter explaining that he would need to have a Zoning Exception. The owner has gotten back to Mr. Knepp stating that there will be no retail sales there, no firewood sales, no mulch and all of his equipment will be inside the garage. He will have a truck or two and a trailer sitting outside and no signage. The firewood that had been sitting there was for his personal use and he has moved it behind the property. He has moved the burn barrel that was in violation due to its location. The other complaint was about the new home under construction on David Glenn Drive. One of the residents claimed that the contractor was leaving dirt and debris on the road and that she had a tire punctured by an object. When he was down to do a site visit the road looked better there than anywhere else. The object that punctured the tire was not from the construction, but the contractor offered to pay for half the cost of her tire. He noticed that there were a few issues at the site; the owner has a series of holes dug up the side of the driveway for possible plantings. There was no erosion control abatement in place. There was also a burn pile where it was obvious that prohibited materials are being burned. The contractor has brought in a dumpster and there is now erosion control fencing in place.

Mr. Knepp said he approved 6 permit applications for the month. A driveway was paved without obtaining permits. The homeowners have now gotten permits but the Roadmaster did not approve the tie in to the road, it is too high. Chairman Martin said he thinks we need to redo the ordinance and send a copy to the paver. The Secretary was instructed to put the permit requirements in the next newsletter.

Chairman Martin said that Exeter is bringing in silt fence to the warehouse site next week. The Solicitor stated that they have made a UCC appeal to the COG about the width of the driveway. The UCC limits the exit of a warehouse to 250 ft. The developer wants 400' because the rapid response systems now handle fires much more efficiently. The COG has received and granted three variances to the exit requirement already. Mr. Knepp said that it is consistent with the NFPA requirement.

SOLICITOR REPORT

FPE – The Solicitor stated he is trying to get the mediation set up for February.

Nolt, 44 Hair Road – The Solicitor stated that the Constable was sent out to do the execution of the buggy. Mr. Nolt told him he was on the wrong property. They decided to re-execute on the correct property. The Constable seized a tractor; however, the Magistrate said that the amount owed was less than \$1,000.00 and the tractor was worth \$35,000.00 so we will not execute on that. Chairman Martin said we need a different approach. We need to find out if the taxes on the property are paid. Chairman Martin said he received a stack of papers from Mr. Nolt again.

LeDane – We have received a letter from Andrew Shaw the attorney for the estate. Mr. Shaw explained that they were relying upon the person living in the house. She was to pay all the fines and clean up the property. She claimed she had paid all the fines and had done everything. They were unable to sign the deed over to her because everything was not paid. Mr. Shaw says he is going to take care of it. Mr. Knepp said as of today, the dead tree was removed; however, the mess has not been addressed. The Solicitor stated that he is going to send a letter to Mr. Shaw stating that they need to pay the fines even if they have to borrow money. If they do not get the property cleaned up and the fines paid we are going to go about condemning the property.

Ridge Penn Commerce Center – One of the issues discussed at the approval meeting was the remedies that will be given for damaged wells, if any occur. The Solicitor has a amendment of the GeoTech letter. The relevant paragraphs in the letter are:

“As required by the Penn Township Board of Supervisors in their Land Development Plan Final Phase 1 Approval for the subject site on November 29, 2017, and as requested by and on behalf of RDC, this Workplan is now revised to include language addressing adverse impacts to area groundwater supply wells, should they occur.”; and

“As requested by and on behalf of RDC, GTA is including the following addition to this Workplan regarding potential impacts to off-site groundwater supply wells, should they occur. In the event that adverse impacts to off-site groundwater supply wells are demonstrated to occur due to the operation and/or testing of Class V wells at the PCC site RDC and its consultants and Penn Township and its consultants will formulate plan(s) to remedy said impacts. RDC will implement the remedy as agreed upon by Penn Township, RDC, the aforementioned respective consultants and the well owner.”

The Solicitor said that we cannot address all the possibilities that might happen so we need to put in we will address whatever the problems are and get them dealt with. The Solicitor believes this letter does that. If the Supervisors feel this is acceptable he would like a motion to approve the letter. Vice Chairman Sheaffer made a motion to approve the amended letter for the Well Testing Workplan for the Penn Commerce Center from GeoTech which will be attached to our decision of November 29, 2017, giving additional coverage to our residents to protect their wells in the event there is damage caused by the gravity wells. Chairman Martin seconded the motion. Motion approved.

We have two property owners that are concerned about the sedimentation their wells had received after the testing of the wells on the Penn Commerce site. Mr. Wardle is happy with the steps taken to correct the issues with his well. The Solicitor said he has heard from members of the Planning Commission and others that Mr. Heishman has not been contacted. The Solicitor has contacted the attorney for Ridge and he was forwarded a copy of the email telling Funk Well Drilling to fix the problem. In addition we are being given a sum of money to pay for the past damages, releasing the Township and the Developer from responsibility, after the improvements are done and when we receive the money each of the two property owners will be compensated for past damages such as the loss of appliances, additional filters, etc. This is for past damages only.

Ridge is waiting for other approvals prior to purchasing the land.

Mr. Knepp brought up an issue that we should have discussed under unfinished business. He asked what has been or will be done to resolve the stormwater issue with the old Shettron property on Kutz Road. Vice Chairman Sheaffer said we let it fall through the cracks. Chairman Martin suggested that he contact the Engineer to look at the site and address the issue.

OTHER REPORTS

COG – Chairman Martin reported that the County has approved their budget with no tax increase. There are new hours for the electronics recycling. They will be open Tuesdays and Wednesdays from Noon until 4:00 and the 2nd & 4th Saturdays of the month from 8:00 until Noon. The Commissioners have adopted the new County Comprehensive Plan. FEMA is updating the flood plain maps. The preliminary release should occur the first half of the year. Chairman Martin stated that if you live near the Yellow Breeches make sure you review the map. The Route 233 Bridge over the Conodoguinet Creek on the north side of Newville will be closed next Monday and Tuesday, 6:00 PM – 6:00 AM, for beam replacement. The bridge on Route 233 near Keck's will be replaced sometime in 2018. The Solicitor stated that the dues will be half. Dave Parthemore from North Newton Township is retiring.

Ag Preservation – The County has approved \$500,000.00 allocation, the State will give \$1.65 million and the Federal Government will give \$440,000.00. We will have \$2,690,000.00 in Farmland Preservation for next year. This year 8 farms were put into preservation, two more were offered but they rejected it. There is a \$700,000.00 carryover from this year which will bring the available funds for 2018 to \$3,400,000.00. This should be enough for 1,100 - 1,200 acres. They have interviewed an individual for the vacancy and have recommended to the Commissioners that he be appointed. They will have another vacancy this year for a member at large, anybody can apply.

Roadmaster – The Secretary reported that the road crew did more shoulder work, trimmed brush, they are getting equipment ready for the winter and the salt shed has been filled and the anti-skid has been mixed.

Fire Marshal's Report – No report

Newsletter – The Secretary stated that she is holding the next newsletter to update it with any changes effective in the new year.

Chairman Martin stated he has always heard that we need to have an Audit from the fire company. He looked it up in the 2nd Class Township Code which says that "The fire companies shall submit to the Board of Supervisors an annual report of the use of the appropriated monies from each completed year of the township before any further payments may be made to the fire company for the current year."

SUPERVISORS' REPORTS

Supervisor Shuller – Supervisors Shuller stated he attended a Planning Commission Meeting, a Special Board of Supervisors Meeting, the COG Meeting, one of his last official duties will be to attend the December 18 Planning Commission Meeting. He wished everyone a Merry Christmas and a Happy New Year.

Vice Chairman Sheaffer – Vice Chairman Sheaffer thanked Supervisor Shuller for stepping in to fill the open position. He stated that he also attended the Planning Commission Meeting, the Special Meeting and his other fire company and community activities. He had a discussion with the fire company regarding providing us with a financial statement. He wished everyone a Merry Christmas and Happy Holidays.

Chairman Martin – Chairman Martin stated he would like to thank Supervisor Shuller as well for stepping up and helping the Township. He stated that because of his surgery he missed most of November, but he attended the Special Meeting, he had a meeting with Exeter, attended the COG meeting, met with the Secretary and the Roadmaster on 2018 needs regarding personnel and equipment, he met with the newly elected Supervisor and attended the Ag Preservation Meeting.

APPROVAL OF BILLS LISTING

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

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

REORGANIZATION MEETING JANUARY 2, 2018
NEXT REGULAR MEETING JANUARY 11, 2018

Respectfully submitted,

Vicki Knepp
Secretary