

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Regular Meeting
March 8, 2018**

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 Ronald Tritt, Solicitor Marcus McKnight, Treasurer Martha Sheaffer and Secretary Vicki Knepp.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Vice Chairman Sheaffer made a motion to approve the minutes from the February 8, 2018 Regular Meeting. Supervisor Tritt seconded the motion. Motion approved.

Vice Chairman Sheaffer made a motion to approve the February 28, 2018 Treasurer's Report. Supervisor Tritt seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

Meleson Subdivision Plan – Andrew Reese from FSA was present to represent the Meleson Plan. The property is located on Mt. Rock Road, part in Dickinson and part in Penn Township. The purpose of the plan is to create lot 3 and combine lots 1 and 2. Dickinson Township has approved the plans. The only portion of the plan in Penn Township is the existing access drive. Dickinson has issued a waiver for the flag lot requirements. Chairman Martin stated that it would be good to have an easement maintenance agreement. Vice Chairman Sheaffer made a motion to approve the Meleson Subdivision Plan. Supervisor Tritt seconded the motion. Motion approved.

BREAK FOR LACEY CONDITIONAL USE HEARING

UNFINISHED BUSINESS

Trash – The Secretary reported that there are two residents who are stopped for non-payment. One of them had paid the bill with a bad check.

Chairman Martin stated that a member of the road crew found several hundred beer bottles dumped in our dumpster. The Secretary found on the video that it was an Advanced Disposal truck that dumped the bottles. The driver was picking up the missed recycling and he was full so they authorized him to dump in our dumpster and then collect the rest of the recycling.

Septic – There are still 35 systems to be pumped that were due in 2017. The Secretary stated she gave the residents until the end of March to get them pumped. The Solicitor reported that the one not pumped in 2016 is making payments. He has paid \$100.00 to the Solicitor's office so far.

Noise Ordinance- Chairman Martin reported that we got a pretty extensive list of comments from County Planning Department. He suggested we table this Ordinance until the Planning Commission reviews the comments. Chairman Martin made a motion to table the Noise Ordinance. Vice Chairman Sheaffer seconded the motion. Motion approved.

Personnel Manual Modification – Chairman Martin stated that we have added a Restricted Duty section to the Personnel Manual. The Secretary reported that the insurance company recommends that we add Job Descriptions to the manual. Chairman Martin asked if the Job Descriptions can be an addendum. The Solicitor replied that they can. The Secretary reported that an additional change was made to the Manual. Under pensions our manual stated that any permanent full time or part time employee working at least 20 hours a week is entitled to the pension. That does not agree with the PSATS policy so we have changed it to full time employee working at least 35 hours per week. A discussion was held on requiring employees who hold a CDL to have DOT physical exams. We need to contact providers to see who we will accept. Supervisor Tritt made a motion to require yearly exams for the CDL drivers. Vice Chairman Sheaffer seconded the motion. Motion approved. Chairman Martin wanted to know when we should we require them be done. Supervisor Tritt stated that you normally get them a week or two prior to the expiration date. The Secretary asked if we would go by the DOT requirement of every two years or every year. Chairman Martin stated that every two years should be good enough. Chairman Martin made a motion to adopt the Restricted Duty Policy. Vice Chairman Sheaffer seconded the motion. Motion approved.

Planning Commission Voting Alternate Resolution – Chairman Martin stated that the MPC now authorizes us to appoint up to three alternates to the Planning Commission. The alternates are allowed to participate in discussions and express their opinions; however, they cannot vote unless one of the regular members is absent or abstaining. Chairman Martin stated that we currently have two Voting Alternates on the Zoning Hearing Board and it works well. He recommends that we have two for the Planning Commission as well. Chairman Martin stated that we have a resolution but we need to make some revisions to it. Vice Chairman Sheaffer made a motion to adopt a Resolution to have two Voting Alternates on the Planning Commission pending revision of the Resolution. Supervisor Tritt seconded the motion. Motion approved.

Kutz Road Drainage Issues – Chairman Martin stated that we received a recommendation from the Township Engineer regarding the drainage issues on his property on Kutz Road. Before the current owner purchased the property the lot was paved over and the existing retention pond has silted in. The Engineer recommended that the gravel driveway be regraded to direct the water from the parking lot and building into the stormwater basin

and the basin needs to be dug out. Vice Chairman Sheaffer made a motion to have the Secretary send a letter with a copy of the Engineer's report giving him 60 days to make the required improvements. Chairman Martin seconded the motion.

Appointment of G. Lane Whigham to Planning Commission –Vice Chairman Sheaffer made a motion to appoint Mr. Whigham to the Planning Commission. Supervisor Tritt seconded the motion. Motion approved.

Appointment of Terry Mentzer as Voting Alternate to Zoning Hearing Board – Supervisor Tritt made a motion to appoint Terry Mentzer as a Voting Alternate to the Zoning Hearing Board. Vice Chairman Sheaffer seconded the motion. Motion approved.

Appointment of William Rhoades as a Part Time As Needed CDL Driver - Vice Chairman Sheaffer made a motion to appoint William Rhoades as a part-time as needed CDL driver. Supervisor Ron Tritt seconded the motion. Motion approved.

Landlord Ordinance - Chairman Martin stated the old Landlord Ordinance was outdated. We no longer need the names of adult tenants for per capita tax. The new Ordinance will require the Landlord to maintain the properties in accordance with Pennsylvania Laws, deal with septic pumping, informing tenant of nuisance ordinance and burning ordinance and providing trash. Vice Chairman Sheaffer made a motion to advertise the Landlord Ordinance with the change that the property owner is responsible for trash. Chairman Martin seconded the motion. Motion approved.

Animal Ordinance – The Planning Commission has not reviewed the Animal Ordinance yet. Chairman Martin made a motion to table the Ordinance. Supervisor Tritt seconded the motion. Motion approved.

Silviculture Ordinance – Chairman Martin stated the County Planning recommended that we adopt a Silviculture Ordinance for our Conservation District. Chairman Martin stated he found a model ordinance on PSATS and has modified it to fit our situation. The general idea is to protect Township roads and prevent erosion from the property. This needs to go to the Planning Commission for review.

Nuisance Ordinance – Chairman Martin reported that the Zoning Officer has requested the addition of a paragraph to the Nuisance Ordinance to forbid “allowance or permitting rimless tires, pools, ponds, fountains or anything that may collect standing water to harbor mosquitoes”, under Section 2, Paragraph L. This is to be forwarded to the Planning Commission.

Access Driveway – Chairman Martin stated that our Access Drive Ordinance spells out that the homeowner is responsible for the permit process. Chairman Marin stated he would like to add verbiage that states that the contractor cannot start work until he verifies that there is a permit for the job. He asked the Solicitor to develop something along those lines and add to the Ordinance.

Chairman Martin reported that we picked up the new dump truck Tuesday. The road crew has been using it hard already. Tim Knepp stated he checked into decals for the trucks instead of the magnetic door signs that are starting to fall off. He got a price of \$37.00 per set installed the size is 18 x 20. It would \$185.00 for all the trucks.

NEW BUSINESS

Nick Mallios – Mr. Mallios stated that when the negotiations were ongoing for the new warehouse on the Mains property he was told that their properties would be protected by a 20' berm landscaped on the property line. That was satisfactory to him so he did not object. The berm as it stands now has been located to the east of the property line and has two breaks in it to direct traffic to the dairy farm and the welding shop outside of the berm, and then back behind it. He cannot understand why it was done that way when the berm could be moved up against the property line which will protect both his and the Gensler's property. He has contacted Exeter about this but he has not received a, to him, satisfactory answer. Mr. Mallios asked that the Supervisors write a letter to the developer asking them to make the changes he and Mr. Gensler have requested. Vice Chairman Sheaffer made a motion to direct the Solicitor to send a letter to Exeter expressing the neighbors' and our concerns that the way the berm and the driveway are now are not in the best interest of the neighbors. Supervisor Tritt seconded the motion. Motion approved.

Chris Bream – It has been brought to our attention that Chris Bream is planning on holding another consignment auction on his property. Last year we were under the understanding that it would be a onetime affair. He is an auctioneer by trade and this is becoming a home use. The Solicitor stated that this would require a conditional use. In the Zoning Ordinance it is neither a permitted nor a conditional use. Chairman Martin made a motion to have the Secretary send a letter to Mr. Bream regarding his auction on April 23. Vice Chairman Sheaffer seconded the motion. Motion carried by two ayes and one abstention by Supervisor Tritt.

Jenny Rhoads – Chairman Martin reported that Jenny Rhoads has volunteered for the two year position. Chairman Martin made a motion to appoint Jenny Rhoads to the two year auditor position. Vice Chairman Sheaffer seconded the motion. Motion approved. The Secretary brought up an issue with Michael Valek who accepted a write in vote as Auditor. He also accepted a write in vote for Judge of Elections. The Second Class Township Code prohibits an Auditor from holding any other elected or appointed position. The Secretary was directed to send Mr. Valek a letter explaining that he can only hold one elected position and that he must resign one or the other.

Independent Audit – Chairman Martin reported that we got the draft audit from the accountants. There were no issues. Vice Chairman Sheaffer made a motion to accept the audit. Supervisors Tritt seconded the motion. Motion approved.

Resolution 2018-11 Adopting the Emergency Operation Plan – Robert Kough, Jr. reported that we have to adopt this every two years to be eligible for State and Federal funds. Vice Chairman Sheaffer made a motion to adopt Resolution 2018-11. Supervisor Tritt seconded the motion. Motion approved.

F & M CD – The Treasurer reported that the F&M CD State Fund in the amount of \$258,309 is up for renewal on March 14. It is currently at .5% the new rate is .95 for 24 months. She stated that the rates at Orrstown are slightly higher, but she would like to keep it in F & M so our money is not all in one bank. The Solicitor agreed with this. Vice Chairman Sheaffer made a motion to renew the CD at F & M for a two year period. Supervisor Tritt seconded the motion. Motion approved.

CORRESPONDENCE

None

PROJECT UPDATES

Ridge – Chairman Martin stated they are doing pre-testing on a couple of wells as requested by Bill Seaton. Last week they were taking soil samples from the old iron ore site. Chairman Martin stated he has not heard any results from the testing yet. The Solicitor stated that DEP may schedule a public meeting before the end of March.

Exeter – Chairman Martin stated that he had a meeting with Exeter and the Fire Chief. The house at 801 Centerville Road is now vacant and has been inspected for asbestos and other hazardous materials. It has been cleared so the fire company and other surrounding fire companies will be using the building for the next 10 days for training purposes.

ZONING CODES ENFORCEMENT

Tim Knepp reported that he had 5 permit applications for the month. He stated that he has had a complaint about an above ground pool that the property owner just leaves sit, no chemicals, no cover. This is a repeat complaint. We have received additional complaints about the property at 2597 Walnut Bottom Road that trailers are blocking site distance.

Mr. Knepp stated he has issued a letter of violation, a citation and filed with the Magistrate on the dog issue on Fox Hollow. The owners have not responded to anything. He has now contacted the State Dog Warden who has also issued a citation.

Mr. Knepp stated that a dog on Smith Road bit one of the trash haulers. The State Police and the Dog Warden are investigating.

The property owner on Pine Road that had the trash issue has signed the agreement to make payments on their past due trash bill. An anonymous charity is looking at paying the past due trash and will pay Southampton for the 2018 trash bill. The Scouts are going to be cleaning the property up.

SOLICITOR REPORT

The Solicitor stated that South Newton Township received notification that Norfolk Southern will be closing two roads in Penn Township. The Secretary stated she received the notice also and forwarded it to the Roadmaster. Mr. Knepp asked the Supervisors if they would send a letter to Norfolk Southern addressing the crossing on Lebo Road. The fire apparatus is taking a beating going across the tracks.

FPE Engineering – The Solicitor stated that the insurance rep who was handling Mr. Shambaugh's case left and the new guy is now ready to go with the mediation. He has received a copy of the insurance company's expert report that says that it was not Mr. Shambaugh's fault, he did what he was told to do and we are responsible for putting up the

guardrails. Chairman Martin stated that we need to go with the higher price. We are going to have significant installation costs.

George Stambaugh – The Stambaugh’s have hired a bankruptcy attorney. The public sale has been postponed. We have a hearing on the 20th on the Quarry Hill property.

LeDane – Mr. Knepp gave the Solicitor a copy of the eviction notice on the LeDane property. Once the tenant is evicted Mr. Shaw says the owners will clean up the property.

Nolt – The Secretary sent a letter to the Nolts requesting that they either sign up for trash or request an exemption. She has not received a response. The Secretary was directed to send another letter telling them if they fail to respond we will be filling.

OTHER REPORTS

COG Meeting & Outreach –The Low Volume Roads Program 2018 projected for the County is \$102,580.00, dirt and gravel roads is \$80,000.00. We are getting \$29,430.40 for one project in 2018. eRecycling has collected 313,827 lbs. of electronic recyclables from July 2017 through January 2018. FEMA is updating flood plain maps. The Commissioners have hired a new Chief Clerk, Stephen Brayman. The County Commissioners have certified the 2018 Farmland Preservation Program, County will contribute \$607,145.00; the State is contributing \$1,654,055.00 plus \$500,000.00 approved in November 2017 and some surplus from last year the total available for 2018 is over \$2,000,000.00, or 900 acres of land. Because of the weather, ticks are out already. In 2017 Cumberland County had 150 West Nile positive tests.

Roadmaster – The road crews has been doing a lot of vehicle maintenance and have done some patching on a couple nice days. They had some trees down with the storm.

Fire Marshal’s Report – Bob Kough reported that sometime between now and April 20 the State will be doing controlled burns in Michaux State Forest. They will be burning off approximately 1,926 acres. It will burn for several days and all roads in the burn area will be closed. Local fire departments will be involved only if it jumps the fire lines. If conditions are not favorable, the burn will be conducted in October.

Newsletter – The Secretary hopes to have the newsletter to the printer in the next two weeks.

South Newton Township is the center point for the approved mini-casino.

APPROVAL OF BILLS LISTING

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

SUPERVISORS’ REPORTS

Supervisor Tritt – The road crew asked about purchasing a gas powered pressure washer. The washer is \$849.00 but if we purchase it at Nolt's tomorrow we can get a 20% discount at their open house. Chairman Martin made a motion for the road crew to purchase the pressure washer at Nolt's. Vice Chairman Sheaffer seconded the motion. Motion approved. Supervisor Tritt reported that he and the Roadmaster reviewed the road work for the year and worked on an eight year plan; he went with the road crew to look at the new dump truck; plowed snow; attended the workshop and the Planning commission meeting.

Vice Chairman Sheaffer reported he attended the workshop and the Planning Commission meeting and attended the Scout Community Meeting to discuss the cleanup project on Pine Road.

Chairman Martin stated that he attended the COG and fire company meeting; met with the Auditors; Land Preservation Meeting; flagger training; workshop; Planning Commission; met with Exeter; Outreach; picked up the new truck and met with PSP on the dumpster. Chairman Martin stated he also made up worksheets for the road crew for planning purposes for road work estimates. He stated he also worked on the Nuisance Ordinance and conducted interviews.

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

NEXT REGULAR MEETING APRIL 12, 2018

Respectfully submitted,

Vicki Knepp
Secretary