

PENN TOWNSHIP BOARD OF SUPERVISORS
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Newville, PA 17241
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Regular Meeting
September 9, 2021

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

Those present: Chairman Gary Martin, Vice Chairman Ron Tritt, Supervisor Ken Sheaffer, Solicitor Marcus McKnight, Zoning Officer Tim Knepp, Treasurer Trina Manetta and Secretary Corrie Wadel.

PUBLIC COMMENT

Mindy Holtry of 2290 Pine Road stated that she has been having a lot of troubles with the Railroad. Zoning Officer Knepp responded that he had spoken to County Control to find the most up to date points of contact. Chairman Martin suggested she call local Representative Torren Ecker.

Cathy Cornman of 920 Centerville Road expressed concerns on behalf of the residents present regarding the rezoning requests and proposed new warehouses. Ms. Cornman stated that the residents of Penn Township do not want any more warehouses to be built and had asked at the previous Planning Commission meeting if a referendum could be added to poll the residents during the coming election in order to obtain feedback regarding rezoning for warehouses. She stated that there was no clear answer from the Board of Supervisors so she and several other residents created and circulated a petition currently listing 305 signatures from residents not in favor of warehousing. She also stated there was one resident who "did not mind the warehouses". Ms. Cornman stated that the residents polled were concerned that the warehouses are destroying the community by the air and noise pollution, excessive night lights, and with excessive trash and traffic along Township roads. She further stated that the concern also stems from citizen properties being destroyed and property values decreasing or becoming stagnant. Ms. Cornman stated that the overwhelming comment from the petition signers is that the Supervisors represent the warehouses and not the citizens of Penn Township. She stated that the Supervisors have two tools, the Rt 233 Study and the current petition, showing that the residents do not want warehouses and mentioned the 2021 Comprehensive Plan showing the limitation for Industrial Use and warehouses. Ms. Cornman alleged that the current Supervisors and previous Supervisors are making backdoor deals behind closed doors. Chairman Martin and Supervisor Sheaffer asked to make a comment to that and Ms. Cornman asked that they wait to let her finish. She stated that she heard the Supervisors made a deal with the developers that if they make modifications to the I-81 Interchange that the Township will change the zoning and that it is a done deal. Ms. Cornman discussed the deal with the first warehouse to run water and sewer to the Centerville community and that the people in Centerville still don't have water and sewer. Chairman Martin asked to speak to the water and sewer comment. He explained that the water quality in Centerville was very poor and after much research the Township found that it was too expensive and would cost over

\$1,000,000 because not enough of our residents were under the poverty level. Solicitor McKnight explained that once the residents found out the hookup fees were several thousand dollars per house, they decided that they no longer wanted the water and sewer and the project was stopped short of Centerville. The Township had another round of water testing completed to be sure there wasn't still an issue and the residents were fine with the results of the second testing. Ms. Cornman stated that this is not what all the people in Penn Township were understanding. Chairman Martin stated that there are a lot of lies and false information being spread around the Township that are not true. Supervisor Sheaffer agreed that they are false. Chairman Martin stated that there is not a deal or agreement with the warehouses. Solicitor McKnight explained that the position of the Township when approving the Comp Plan was that there would be no more warehouses and that Commercial use was the first choice of use for the rest of the Rt 233 area zoning requirement. He stated that when Exeter and the Mains presented the opportunity to do something about the I-81 Interchange that they agreed to listen to the proposal. Supervisor Sheaffer stated that, just like having to listen to the feedback of the residents, the Supervisors also have to at least hear what other public entities have to say or may want to propose. Solicitor McKnight expressed his understanding that it is going to be a dead deal and non-issue at this point because the School Board voted no to participating in the financing program and County will not sign off without the School Board involvement. Solicitor McKnight explained that one property owner had land to offer on both sides of the interchange that could help with a change to three of the four ramps, and with that the Board of Supervisors and the Planning Commission listened to what both entities were proposing. Solicitor McKnight further explained that in order for that to happen it was made known that some form of refunding would be needed because the Township could not afford the renovations on its own and Penn DOT had made it known that Exit 37 was not on their 10, or even 20, year renovation plan. Solicitor McKnight stated that the Township position was always that if the warehouses wanted the properties rezoned that they had to prove to the Township that they could pay for all of the improvements needed to the interchange and without that the Township would not rezone. He stated that there is already a concern regarding the impact of the FedEx traffic but it was properly zoned and could not be denied without a valid reason, which the Township could not provide. Unidentified residents also expressed their discontent with having Industrial buildings in their rural community. Several unidentified residents asked as to why the Township is taking the rural land away to rezone for Industrial and Commercial use. Chairman Martin explained that in the 1950's land owners in Penn Township added most of their properties into Land Preserve but a few chose to not preserve the land along Rt 233 because they knew it would be worth a lot of money someday. He explained that once Penn Township chose to have zoning regulations that, per State law, the Township had to allow all Zoning Land Uses within the Township. He explained that all land uses include agricultural, residential, conservation, commercial and industrial and that the designated commercial and industrial use area has always been designated along the Rt 233 corridor since Penn Township zoning began. Chairman Martin also explained that the benefit of having zoning is because the townships without zoning ordinances and regulations could have someone apply to build whatever they want, wherever they want and those Townships have no say because they have no regulations. An unidentified resident asked if the Supervisors can simply say no to the request. Chairman Martin explained that we can say no only to a point but must provide a substantial valid reason for not approving something or possibly open the Township up to a lawsuit. Solicitor McKnight and Supervisor Sheaffer agreed that they have seen cases where a developer has taken the Township to court and has drug out a lawsuit until the Township is bankrupt and eventually must to cave to the demand because they didn't have

a lawful valid reason for denial. Ms. Cornman stated that this is where the Comp Plan comes into play because we are maxed out of industrial use and the citizens of Penn Township present at the meeting and per the petition are saying no more rezoning for industry. Ms. Cornman stated there is little confidence that the Supervisors wouldn't eventually rezone and allow more warehouses. Chairman Martin stated that he is currently against anymore warehouses unless Penn DOT were to rebuild the I-81 Interchange. Supervisor Sheaffer agreed. Solicitor McKnight agreed with the audience that this probably wouldn't happen for another 20-30 years down the road. Ms. Cornman asked each Supervisor how they would vote if someone were to offer the funding to rebuild the ramps. Supervisor Sheaffer answered no to rebuilding the ramps but stated that he would have to think about it if a proposal included the entire interchange with the bridge. Chairman Martin and Vice Chairman Tritt both agreed with Supervisor Sheaffer's answer. Vice Chairman Tritt also explained his perspective regarding the safety issue of the current state of the interchange. Unidentified residents continued to ask if they have a say in what is approved and if it is something that could possibly benefit the citizens of Penn Twp. Hotels were cited as an example of something commercial that would not be of benefit to the residents. Zoning Officer Knepp asked to address the question as the zoning expert. He explained the process of the zoning or rezoning application, researching the ordinances to see if it is a permitted use or if there would need to be a rezoning hearing or a conditional use hearing to decide upon specific conditions that would allow approval. Zoning Officer Knepp also explained that the Supervisors do not have the desecration to deny an application or request simply because they or the residents do not want something. He said it is very difficult to prove what the State considers a valid reasoning for denial. Unidentified residents again asked if they have a say in what comes into the Township. Solicitor McKnight stated that they do have a say and that they had ample time over the past two years to provide feedback during the rezoning process at the Planning Commission meetings. The unidentified residents stated they didn't know about the rezoning process because they do not receive notifications and do not know when the meetings are happening. Chairman Martin asked if the residents have internet because the Township website and Facebook page are updated regularly by the Secretary with important news and calendar updates. He also mentioned that all meeting dates and agendas are posted in front of the Township building for those who do not have internet. Jonathan Bream stated that there seems to be a credibility and communication issue happening. He suggested a Town Hall meeting to bring the discussion out in the open and available to educate all of the interested residents and to hear their feedback. An unidentified resident asked how land that is zoned as Agriculture can be changed to Industrial. Chairman Martin responded that the landowner comes in to request the rezoning, as in the case of the Mains and Mallios/Genslers. The unidentified resident then asked if she can change her property from Residential to Industrial on the Walnut Bottom Road. Solicitor McKnight explained that the current Penn Township zoning does not allow for Commercial or Industrial on the Walnut Bottom Road and never has. Supervisor Sheaffer explained that, while many properties on Rt 233 are currently zoned as Agriculture, the Rt 233 corridor has always been the dedicated area for Commercial and Industrial because it must have made the most sense due to its location close to the interchange. He explained that you must have water and sewer capabilities in order to rezone to Commercial or Industrial and that is why the land owners on Rt 233 are able to request a zoning change, aside from the preserved land properties. Mike Kutz stated that he comes to pretty near every meeting and has been there for all of the zoning. He asked the Supervisors if County had come to the Township and told the Supervisors that they had to zone so much Commercial ground and that's why Rt 233 was zoned commercial because the County said we had to do it or they would do it for us? The answer from the Supervisors

and the Solicitor was yes. Mr. Kutz also stated that he was there for the water and sewer discussion for Centerville. He stated that the warehouse agreed to get the water and sewer to Centerville but not through Centerville, so in order to get it to Centerville everyone there had to pay for their own and no one wanted to pay for it. Supervisor Sheaffer said the cheapest option was \$31,000 and upwards of \$56,000. Solicitor McKnight then stated that the Board was not about to force the residents to take the water if they didn't want to pay for it, so it did not go through. At 8:15 pm, Chairman Martin called Public Comment to a close in order to move on to the rest of the Township business listed on the agenda. He stated that as of right now the request is not going to go through but, if something were to come up, it would be advertised to have another meeting and be discussed further at that time. Solicitor McKnight stated that the Township would give plenty of notice if the warehouses chose to withdraw their applications and cancel the hearings. Zoning Officer Knepp reiterated that these types of meetings have to be advertised, by law, in the newspaper but are also posted to the website, on the front of the Municipal building and on the Township Facebook page. He asked to please let the Township know if there are other ways that the Township could better communicate and share information with the residents. Mr. Kutz asked if every resident receives the newsletter because it also lists the meeting dates and other information.

APPROVAL OF MINUTES

Vice Chairman Tritt made a motion to approve the minutes of the August 12, 2021 Board of Supervisors Meeting. Supervisor Sheaffer seconded the motion. Motion approved.

Vice Chairman Tritt made a motion to approve the minutes of the August 19, 2021 Board of Supervisors Workshop. Chairman Martin seconded the motion. Motion approved. Supervisor Sheaffer abstained as he was not present for the meeting.

Supervisor Sheaffer made a motion to approve the Treasurer Report from August 31, 2021. Vice Chairman Tritt seconded the motion. Motion approved.

APPROVAL OF SUBDIVISION PLANS

None

UNFINISHED BUSINESS

Trash – The Secretary reported that there are 3 delinquent accounts that had the toters pulled and service stopped until payment is made.

Septic – The Secretary reported that of the 292 septic systems in District 4 due to be pumped in 2021, there are 160 pumped and 132 still to be pumped. Secretary Wadel also reported that District 3 still has 2 yet to be pumped.

Rescind American Recovery Funds Consultant Approval – the Treasurer reported that after much more research and several communications with both firms, it would better serve the Township to go with Zelenkofske Axelrod, LLC instead of the already approved

Brown Shultz Sheraton & Fritz (BSSF). She reported that the initial cost estimate was thought to be much less with BSSF will actually end up being closer to Zelenkofske Axelrod, LLC and that Zelenkofske Axelrod is more knowledgeable. Treasurer Manetta requested permission to rescind approval of Brown Shultz Sheraton & Fritz and to approve Zelenkofske Axelrod, LLC as the American Recovery Funds Consultant. Supervisor Sheaffer made a motion to rescind the approval to have Brown Shultz Sheraton & Fritz as the Township American Recovery Funds Consultant. Vice Chairman Tritt seconded the motion. Motion approved. Vice Chairman Tritt made a motion to approve Zelenkofske Axelrod, LLC as the American Recovery Funds Consultant. Supervisor Sheaffer seconded the motion. Motion approved.

NEW BUSINESS

Fire Police Request – the Secretary reported that Irishtown Fire Company requested Penn Township Fire Police coverage for their Irishtown Fire Company Drawing on Saturday, August 28, 2021 from 10:00 am to 6:00 pm. Chairman Martin made a motion to ratify the Fire Police Request for the Irishtown Fire Company drawing on August 28, 2021. Supervisor Sheaffer seconded the motion. Motion approved.

2022 Budget Workshop – the Secretary reported that the tentative date is scheduled for Monday, October 4, 2021 at 9:00 am pending the Supervisor’s approval. She asked permission to advertise the October 4, 2021 date for the Budget Workshop. Vice Chairman Tritt made a motion to advertise the Budget Workshop on October 4, 2021 at 9:00 am. Supervisor Sheaffer seconded the motion. Motion approved.

Vote to Add Fire Company Auxiliary Event Approval to Agenda – Vice Chairman Tritt made a motion to add the Farm Women of PA Banquet as an agenda item for the Fire Company Auxiliary in order to give approval prior to the event. Supervisor Sheaffer seconded the motion. Motion approved.

Auxiliary Event Approval – the Secretary reported that the Ladies Auxiliary requested approval to host a banquet for the Farm Women of PA on Wednesday, September 15, 2021 from 9:30 am to 3:00 pm. Vice Chairman Tritt made a motion to approve the Ladies Auxiliary request to host a banquet for the Farm Women of PA on Wednesday, September 15, 2021 from 9:30 am to 3:00 pm. Supervisor Sheaffer seconded the motion. Motion approved.

CORRESPONDENCE

None

PROJECT UPDATES

Southside Drive Culvert – the Secretary reported that the culvert was replaced last week and was paved along with the Southside Drive paving project for this year.

Beetem Hollow Culvert – Vice Chairman Tritt reported that the Beetem Hollow culvert area was also paved today.

ZONING CODES ENFORCEMENT

The Zoning Officer reported that he approved 4 permits and had 2 Complaints that resulted in 1 Citation.

157 Beetem Hollow Road – the Zoning Officer reported that there was a complaint regarding the property owner’s goats running off of the property into the surrounding area and creating damage to other properties. Several photos were provided by neighbors. Two Notice of Violation letters were sent to the property owner because the first was not sent certified mail. The Secretary reported that the second letter was received and signed for by the property owner. The Zoning Officer stated that there have been several incidents with this property owner ignoring Notices of Violation in the past and would like to send a more extensive letter and fine for this incident. Chairman Martin recommended sending the regular Notice of Violation and the Board will revisit this situation at the Supervisors Workshop in two weeks.

1804 Walnut Bottom Road – the Zoning Officer reported that the property owner filed a permit in the spring for a swimming pool with fencing and there have been two complaints regarding the location of the pool on their property. He reported that there were further complaints regarding additional cars and a large dumpster that have been sitting there for some time. The Zoning Officer did an investigation of the property and found that there were excessive vehicles and a large dumpster. He sent a Notice of Violation and the property owner happily complied. He reported that while there he noted that the fence had not yet been installed around the pool. Several days later he returned and found that the fence had been installed but was not built to the specifications of the permit and was 6+ feet tall. The Zoning Officer reported that all fences 6 feet tall or higher require a UCC inspection. He explained this to the property owner and gave them several options to rectify the situation.

294 Smith Road Conditional Use – the Zoning Officer reported that Gayle Knepper reached out regarding a permit to move her dog grooming business temporarily to their property. The Zoning officer informed her that this is not a permissible use per the zoning ordinance and that she would need to file a Conditional Use application.

SOLICITOR REPORT

Warehouse Escrow Funds for Rezoning Engineer Fees – the Solicitor reported that he spoke with both Attorneys but with the School Board denial to participate in the tax portion of the proposed I-81 renovation project that it may be a moot point. He reported that if the rezoning does not go through there would not be a need for escrow accounts and the warehouses will be billed direct for all fees. This matter was for discussion purposes only to be added to the record and not added to the agenda as it is di minimis in nature. No action was taken or voting needed.

Newville Water Authority – the Solicitor reported that he attended a meeting with the Newville Water Authority to discuss what was needed from the already approved warehouses. Solicitor McKnight shared a letter for the Newville Water Authority Solicitor outlining the water capacity ordered by the two warehouses located in the Penn Commerce area and the actual capacity being used or needed. The Solicitor reported that this is

another reason why there cannot be additional development done until this issue is resolved. This matter was for discussion purposes only to be added to the record and not added to the agenda as it is di minimis in nature. No action was taken or voting needed.

OTHER REPORTS

COG – Chairman Martin reported that the meeting is next week.

Land Preservation – no new updates.

Roadmaster – The secretary reported that the road crew will continue to mow, trim weeds, maintain roads, and begin winter snow plow prep. The Southside Drive culvert was installed and paved this week. Beetem Hollow was also paved. The Tar & Chip project for Bream Road, Point Road and Penn Drive is scheduled for September 15, 2021. Centerville Park has been excavated and the playground equipment is scheduled to arrive for installation next week. Vice Chairman Tritt reported that the Dodge pick-up is still under warranty but is in need of a new transmission and is currently at the shop waiting on parts.

Newsletter – The Secretary reported that the newsletter deadline is tomorrow. She stated that the newsletter would be ready for review on Monday, September 20, 2021 with the intent to send to the printer by Wednesday, September 22, 2021.

Fire Marshal – Assistant Fire Marshal Knepp reported that the Southside Drive fire is still under investigation.

Emergency Coordinator – none.

Fire Company – Chairman Martin reported that the American Recovery Funds will be able to help with the lost profit for 2020.

APPROVAL OF BILLS LISTING

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

SUPERVISORS' REPORTS

Supervisor Sheaffer reported that he attended the Board of Supervisors Workshop, Planning Commission meeting, and the Fire Company meeting. He also helped with Scouts at the Carlisle Car Show stand.

Vice Chairman Tritt stated that he attended the Board of Supervisor Workshop and a Zoom meeting with the County Planning Commission. He assisted during the flooding of two heavy rains, helped to excavate the Centerville Park and assisted with the Southside Drive culvert replacement. Vice Chairman Tritt comes into the office two to three days per week to sign checks and address any Township issues or Road Crew concerns.

Chairman Martin reported that he attended meetings for the Board of Supervisors Workshop, Planning Commission, Fire Company, Land Preservation, and the Zoom meeting with County Planning Commission. Chairman Martin comes into the Township office daily to address any Township issues or concerns that arise and sign checks as needed.

EXECUTIVE SESSION

RECONVENE

The Solicitor stated that a discussion was held regarding a personnel matter. No decisions were made.

ADJOURNMENT

Supervisor Sheaffer made a motion to adjourn. Vice Chairman Tritt seconded the motion. Motion approved at 9:35p.m.

NEXT REGULAR MEETING

October 14, 2021

Respectfully submitted,
Corrie Wadel
Secretary