

**BERWICK TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 13, 2017**

CALL TO ORDER AND PLEDGE TO THE FLAG: The February 13, 2017 regular meeting of the Berwick Township Board of Supervisors was held in the Berwick Township Municipal Building, 85 Municipal Road, Hanover, PA. Chairman Socks called the meeting to order at 6:00 p.m. Present were Supervisors Pete Socks, Barry Cockley, Tom Danner, Bob Foltz, Earle Black, Solicitor, Tim Shultis, Engineer, Tim Knoebel, Secretary, Jean Hawbaker. Chairman Socks asked all to stand for the Pledge of Allegiance to the Flag.

PUBLIC COMMENT (AGENDA ITEMS): None.

UNITED HOOK & LADDER REPORT: Assistant Chief, Nick Shaffer stated there were a total of 51 calls in January, 4 of which were in Berwick.

CONSENT AGENDA: Barry Cockley made a motion to approve the consent agenda, which includes the minutes of January 9, 2017, bill lists, unpaid bill lists, balance sheets dated February 10, 2017, and Roadmaster's report for January, 2017, seconded by Earle Black. **Roll Call: Foltz – Black – yes, no from General Fund account #405.400 on the bill list, Socks – yes, abstaining from General Fund account #405.400 on the bill list, Danner – yes, Cockley – yes, Foltz – yes. Motion carried.**

CORRESPONDENCE:

- 1) **Michael Duncan – 245 Beaver Creek Road Well (letter received 1-25-17)** – Bob Foltz made a motion to grant a waiver on the isolation distance from the proposed well to the drain field, which is 80 feet, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**
- 2) **Deborah and Steve Wilson – 58 Blue Heron Drive regarding permit fees – (letter received 1-30-17)** – Tom Danner stated due to structural changes, a Uniform Construction Code permit is required, and therefore; the fees are justified. Tom Danner made a motion authorizing the Secretary to send the Wilson's a letter stating the above, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**
- 3) **Gary Nalavany – 1603 Carlisle Pike – Interest in serving on Planning Commission – (letter received 2-1-17)** – Pete Socks made a motion appointing Mr. Nalavany to the Planning Commission (term ending 12-31-20), and authorizing the Secretary to notify Mr. Nalavany, seconded by Tom Danner. **Roll Call: Foltz – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried.**

- 4) **Sheetz Transportation Impact Study – (letter received 1-31-17)** – Tom Danner made a motion to send a letter stating the township stands firm on the last letter that was sent to them, and

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reference that letter, seconded by Barry Cockley. **Roll Call: Foltz – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried.**

UNFINISHED BUSINESS:

- 1) **Mill Race Road – Discussion to make it one-way** – Bob Foltz state he explained to the property owner what was going to happen, and that they could park out front, but they want to park out back. Tom Danner wanted to know if we can restrict, when you're going North, a no turn at the upper entrance where the Leese property is located. Mr. Foltz stated no, because of the hill and lack of safe sight distance.

NEW BUSINESS:

- 1) **PennVest Loan Status** – Pete Socks stated we have been discussing this the last couple of meetings, and another option would be to pay off the loan. I had the Secretary ask PennVest to provide us a potential payoff amount effective 2-15-17 in the amount of \$434,978.96. Tim Shultis stated if you look at the amortization schedule for this loan, we have 5 years and 10 months remaining. The total interest payments over 70 months is about \$13,000. If you invested the same amount of money at 1% interest, you would get \$25,000. Bob Foltz stated if we let this open every year, and have to go through everything again and pay fees to have the paperwork redone, what does that cost? Mr. Shultis stated he didn't know. When you're borrowing money at such a low interest rate at the end of the loan, and you never know what you are going to get hit with. We would lose \$434,978.96 that you don't have. What we pick up is a cash flow advantage, month to month, especially considering Hamilton withdrawing, which is a big payment every month. We pick up a tremendous cash flow advantage. Mr. Foltz wanted to know what the \$12.08 interest per diem amount was. Mr. Shultis stated that is per day. Barry Cockley made a motion to establish an account acceptable to PennVest, in the amount of \$200,000.00 from the sewer savings account, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – no. Motion carried.**
- 2) **MDIA Unfinished Permits** – Tom Danner made a motion authorizing Tim Shultis to send MDIA a letter stating they need to finish the permits they started and were paid for, seconded by Barry Cockley. Bob Foltz stated if the residents paid MDIA, could they go back on MDIA? Tim Shultis stated we have a responsibility to fix it. This is a safety issue. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**

- 3) **Secretary Preparing and Signing Permits** – Pete Socks made a motion authorizing Tim Shultis to prepare a resolution authorizing the Secretary to prepare and sign zoning permit placards, seconded by Tom Danner. **Roll Call: Foltz – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried.**

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- 4) **Clarification of Driveway Permits** – Tom Danner stated we need some clarification relative to the Driveway Permit fees. In our new Ordinance, it states no person shall install or alter an existing driveway or allow any work incident to the alteration or installation of a driveway, including the alteration of existing drainage characteristics without first obtaining a permit. We passed a resolution requiring these particular specifications in order to do the permitting process. The sight distance measurements indicate that we need to do grades. The expense of that, which our crew can't do, requires us to call the engineer and, on an existing driveway, why do we need to do it if it complies and all they are going to do is resurface. Tim Knoebel stated there is a chart that goes with this. If you meet the most rigorous, there would be no reason to measure grade, because you might exceed what the most stringent requirement is. The requirement changes as the grade changes. If there is an issue with sight distance, you would require the applicant have it done. Mr. Danner stated regardless of what you do, you need a permit. Bob Foltz stated along a State road, PennDOT does not require a permit, because it is considered maintenance. Tim Shultis stated the way the Ordinance is set up, if you need a permit and required information on the application, slope among other, the township reviews the application based on the criteria in Section B, which is a check of all of those things. Mr. Knoebel stated if it's already impervious, you wouldn't need to require stormwater. If there is a change in use, and it doesn't meet the current sight distances, it would have to comply with the requirements. Pete Socks stated he likes the idea of requiring a permit and waiving the fee on existing driveways. Mr. Danner stated he will include 4 tiers in the Resolution, new, modified, existing and permit required for maintenance, but exempt from the fee.
- 5) **2017 Tax Collector Compensation Ordinance #2017-01** – Bob Foltz made a motion to adopt Ordinance #2017-01, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**
- 6) **2018 Tax Collector Fee Schedule and Compensation Resolution #17-04** – Bob Foltz made a motion adopting Resolution #17-04, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**
- 7) **Tax Collector Use of Township Building** – Barry Cockley made a motion to charge the tax collector \$50.00 rent annually for the use of the township building for tax collector

purposes, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**

- 8) **PA Medical Marijuana Act Webinar** – Pete Socks made a motion to authorize Tom Danner and Tim Shultis to watch the webinar on 2-14-17 in the amount of \$30.00 each, seconded by Barry Cockley. **Roll Call: Foltz – yes, Danner – yes, Socks – yes, Cockley – yes, Black – yes. Motion carried.**

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- 9) **Annual IBackup Renewal** – Tom Danner made a motion to approve payment for the annual IBackup renewal, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**

APPEARANCES: None.

ADAMS REGIONAL EMERGENCY MEDICAL SERVICES:

343 calls in 2016
27 calls in December 2016
23 calls in January 2017

STATE POLICE:

21 calls in December 2016
29 calls in January 2017

CODE ENFORCEMENT/PERMITS:

8 permits issued in January 2017

Tom Danner stated there are some outstanding issues that will be discussed with Land and Sea. Barry Cockley stated he is satisfied by the way the Code Enforcement report has been revised.

ENGINEER'S REPORT:

- 1) WWTP Report – Tim Knoebel stated the Bio Solids report needs to be sent in to DEP by the beginning of March. Pete Socks made a motion to authorize sending the Bio Solids report to DEP pending Bob Foltz's review, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**

- 2) Pending Plans Report.
- 3) Kinneman Holdings, LLC – Letter of Credit – Tim Knoebel stated that Tim Shultis sent a letter to Mr. Krill letting him know we would like for him to get his work finished. We have discussed the possible increase in the letter of credit to account for the extended time frame it has taken. He sent a detailed letter back and said he plans on attending the March meeting.

SUBDIVISION PLANS:

- 1) **Douglas & Rebecca Smith – Final Subdivision Plan/Planning Module – 64 High Rock Road – Must act by 2/13/17 – Request for a 90-day extension.** Tom Danner made a motion granting a

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90-day extension, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Foltz – yes. Motion carried.**

SOLICITOR'S REPORT:

- 1) **70 High Rock Road** – Mr. Shultis stated the Zoning Officer sent an enforcement notice saying he was using the property in violation of the Zoning Ordinance as a recreational camping use. The owner sought the advice of counsel and we received a letter challenging that. He did not want to file an appeal. In my view, the circumstances which are, the property is vacant. There is a camper on the property and it is not permanently affixed to the property and it is on blocks. It is connected to electric, but not permanently, and it's not hooked to sewer or water. It wasn't the type of use which was prohibited in our Zoning Ordinance. It wasn't a recreational camping use under the Rural Residential District. We are concerned that the resident will make it a permanent residence, and if he does, it is clearly in violation of the building code. The letter I sent him stated we are rescinding the notice of violation, however; when it's taking on the appearance of a permanent dwelling, that raises other issues.

Bob Foltz stated it's hooked into an electric meter, and we received pumping reports, which weren't even in the homeowner's name, it was in the people living there that paid the pumping report. Mr. Shultis stated he wasn't aware of the pumping. This would be a building issue, not zoning.

- 2) Siliezar's Sherriff's sale is scheduled for March 17 at 10:00 a.m. We will attend to protect our lien.
- 3) Letters were sent to Bridgeview and Kinneman Holdings requesting additional security.
- 4) Will discuss Eagle View Settlement offer in executive session.

Tom Danner wanted to know the status of Eagle View's license. Mr. Shultis stated we approved the renewal, contingent on a couple of things.

Stephan Dolecki, Community Manager for Eagle View Mobile Home Park stated they did the testing today with Wm. F. Hill on all of the fire hydrants. We are hauling water in and DEP is aware, which is not every day. We are not producing enough. We are under a drought watch from the State. We have one active well that we are using. Bob Foltz stated if you run any adjacent properties wells dry, you are responsible for them. Tom Danner wanted to know if there was a timeframe when they were going to respond to our letter for their permit. Mr. Dolecki stated he didn't know.

PUBLIC COMMENT:

- 1) **Robert Stine – 267 Maple Grove Road** – Mr. Stine explained this is concerning the property at 265 Maple Grove Road. They have orange paint marked on their driveway and I am concerned

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about their intentions. I don't know what they are doing. Bob Foltz stated that is a State road. Mr. Stine stated the Zoning Officer came out and took pictures and wanted to know why there was a manhole there. He sent the pictures to KPI, and I was told that no permits have been issued. Mr. Foltz reiterated he needed to contact the State.

Mr. Stine stated there is also a lot of gunfire, which is a nuisance. and it is scaring the kids. They have a rifle range. The Zoning Officer was out and they won't answer the door. What can be done? Bob Foltz stated this is located in the Rural Conservation District, which allows a shooting range, but it has to be safe. Mr. Stine stated he sees people going in and out of there frequently, and there were 3 different cars today. Tom Danner wanted to know if he called the State Police. Mr. Stine stated he did and they said if it's done safely, there is nothing they can do about it. Tim Shultis stated the Ordinance allows this by Special Exception in this district. It warrants the Zoning Officer to look into it. Mr. Danner asked If Mr. Stine would be able to document dates and times when vehicles are going in and out, and when they are shooting. Mr. Stein stated he will document times and dates and will bring back to the Board. Jim Wright stated if they are shooting guns and there is no shooting range, they could be fined.

SUPERVISOR'S COMMENTS: None.

Bob Foltz left before the Board went into Executive Session.

The Board went into Executive Session at 8:21 p.m. to discuss Eagle View's settlement offer.

The Board came out of Executive Session at 9:19 p.m.

Barry Cockley made a motion to authorize Tim Shultis to respond to Attorney Chernicoff in accordance with the discussion, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**

Tom Danner made a motion to adjourn, seconded by Barry Cockley.

The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on March 13, 2017, 6:00 p.m. in the Municipal Building, 85 Municipal Road, Hanover, PA 17331.

Respectfully submitted,

Jean A. Hawbaker
Secretary/Treasurer
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