

**Upper Paxton Township Board of Supervisors
Regular Monthly Meeting
June 11, 2014**

Those in attendance: Ron Hepner, John Orr and Robert Stoner, Supervisors; Betty Warfel, Secretary/Treasurer; Peter Howland, Esquire; Luanna Zimmerman, Manager; Tom Shaffer, Lori Brown, Katrina Bergey, Joshua Brown, Lindsay Wagner, Benjamin Brown, and Amos Stoltzfus.

The meeting was called to order by Chairman Hepner at 7:00 p.m. All present recited the Pledge of Allegiance to the flag.

Public Comments: None.

Approval of Minutes and Financial Report: Minutes of the May 14th monthly meeting and the May 28th workshop meeting were reviewed by the Supervisors. Treasurer Warfel presented a monthly financial report and list of bills for payment. Upon review of these documents, John Orr made a motion to approve the minutes of the May monthly and workshop meetings. Second by Ron Hepner. All in favor, motion carried. John Orr moved to approve the Treasurer's report and pay the list of bills as presented. Second by Ron Hepner. With all in favor, motion carried.

Old Business:

1. Joshua Brown addressed the Board regarding the Stop Work Order which he received from Light-Heigel for the work he was performing on his home located at 122 Coleman Drive. Brown contends that the work is a repair to the structure and he would have preferred that Light-Heigel issue an alteration or repair permit instead of a building permit for a new house under 2,000 square feet in this situation. In the correspondence, Marlin Sowers stated that Brown was in violation of Section 403.62(a) of the Uniform Construction Code (relating to permits). Prior to Sowers sending the letter, Marty discussed the matter with Chairman Hepner and was instructed to do whatever he would normally do under these circumstances. Benjamin Brown suggested that the Board research or control Light-Heigel's activities and inquired what action would be required for the Board to change its Building Code Officer. Chairman Hepner advised that the Board is free to choose who best serves our community and no other complaints regarding Light-Heigel's permit practices have been received at this time. In the Brown matter, the Supervisors see no reason not to proceed with Mr. Sowers's recommendations regarding this property. John Orr views the UCC regulations as providing protection for future landowners and he sees the value of it. Bob Stoner's concern is that something built in the township in 2014 should remain in good condition for future generations. Ron Hepner stated that there was no action that the Board could take at this meeting with respect to the situation because the Supervisors cannot override State law. Brown's options would be to obtain the building permit at cost of up to \$500 which includes a minimum inspection fee or pursue an appeal to the UCC Appeals Board with a cost of a \$1,500 application fee. Attorney Howland advised that the Board should request a clear and concise reason from Mr. Sowers regarding the basis for his determination on the type of permit required. If additional complaints regarding permit issues, Supervisors will discuss the matter with Light-Heigel.

2. Supervisors proceeded to review a proposed Complaint Form to be used when an individual lodges a complaint against another resident. Discussion ensued regarding whether there was a need to develop a disclosure policy in the event of a Right to Know request. Attorney Howland will research this question. An Open Burning Inspection Summary Report was also reviewed and discussed. Approval of these forms was put on hold for further review and comment.

3. Attorney Howland provided a draft letter to Robert and Jennifer Chubb with respect to the septic matter on their property. Further action in the matter hinges on whether the Chubbs have applied for the PennVest loan to remedy the problem. In an effort to attain resolution to the matter, Supervisors directed Howland to send the correspondence to Mr. and Mrs. Chubb.

New Business

1. Chairman Hepner reported that he has received four calls regarding barking dogs in the last two weeks. Letters have been sent to dog owners requesting that they act as responsible pet owners and suggesting that bark collars may be helpful in curbing the dogs' barking. Public vs. private nuisance issues were discussed. Supervisors directed Manager Zimmerman to contact Tri-County Planning to request information on handling barking dog and chicken complaints.

2. Costs for Zoning Hearing Board far exceed the \$150 application fee. Resolution No. 10-12-05 states "Applicant shall be responsible for all costs incurred by the Township and/or zoning hearing board on account of the Application to be charged by Township in such a manner as the Township shall deem appropriate". "c. All incurred costs in excess of \$300 shall be charged to the Applicant." The need to enforce the provisions of the Resolution is necessary. Light-Heigel will be directed to inform Applicants of the costs they may incur in pursuing a Variance from the Zoning Hearing Board.

3. A gentleman has contacted the Township office to inquire about permit requirements and restrictions for operation of a roadside barbeque vehicle at the former Agway parking lot in Lenkerville. Supervisors will review the zoning in this area prior to granting permission for this business venture.

4. Bob Stoner inquired who is responsible for an employee's injuries if the worker is performing services while in another municipality. This inquiry is a result of local municipalities helping each other to perform reciprocal roadwork. Manager Zimmerman will seek answers to this matter from Deibler, Straub and Troutman. Chairman Hepner will also address the matter of intermunicipal work and agreements at the next COG meeting.

5. Amos Stoltzfus addressed the Board to request information about dividing two sections of land off of his 80-acre farm. This is not currently an operational farm. His son, Steven Stoltzfus, would like to buy thirty acres. Steven desires to build a new home and a building for his nursery business. Amos and his wife would like to divide off two to three acres on the east side of the farm in order to build a small home for themselves. Supervisors advised Stoltzfus to contact Light-Heigel in order to determine what steps he would need to take to comply with zoning regulations and to learn how many acres he can legally subdivide from the farm.

6. Ron Hepner contacted Bill Burch regarding proposed pipe work on Summers Road. Burch is still performing survey work and will check the prices on several kinds of pipes that could be used for this project. Grosser's Excavating has not returned John Orr's phone call. This project may be eligible for dirt and gravel roads grant monies for low volume roads. Supervisors also discussed the unique application process required for the pipe on River Road. Obtaining three phone quotes may be difficult. This project will be a top priority for applying for dirt and gravel roads grant funds. Steve Erdman will be directed to prepare a cost estimate for the project. The Berry Mountain Road project will also be a priority project for these funds because it provides for the safety of the public. Three pipes will need to be installed for this project. This project would provide an alternative route for emergency vehicles when Route 147 is closed. Erdman will need to provide cost estimates.

Public Comments: Tom Shaffer stated that in rural areas barking dogs alert owners to dangers such as intruders or wild animals.

With no further business on the agenda, Ron Hepner adjourned the public meeting into Executive Session to discuss personnel matters at 8:49 p.m.

Executive Session:

Supervisors, Manager Zimmerman, and Attorney Howland entered into Executive Session at 8:51 p.m. Personnel matters were discussed and the Board made decisions with regard to personnel issues and made a decision to review potential candidates for full-time and part-time road maintenance positions. With no further business to discuss, Ron Hepner adjourned the Executive Session back into public session 9:35 p.m.

Supervisors scheduled dates and times to meet with personnel and architect Don Klinger. With no further business to be discussed, Ron Hepner moved to adjourn. Second by John Orr. All in favor, meeting adjourned at 9:39 p.m.

Respectfully submitted,

Betty A. Warfel,
Secretary