

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

**CALL TO ORDER AND PLEDGE TO THE FLAG:** The March 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, Earle Black, Solicitor, Tim Shultis, Engineer, Tim Knoebel, Secretary, Jean Hawbaker. Bob Foltz was not in attendance as he was preparing for the snow. Chairman Socks asked all to stand for the Pledge of Allegiance to the Flag.

**UNITED HOOK & LADDER REPORT:** Assistant Chief, Nick Shaffer stated there were a total of 41 calls in February, 3 of which were in Berwick. We handled the Ox fire and one on Race Track Road.

**PUBLIC COMMENT (AGENDA ITEMS):** Jim Laughman stated the Zoning Officer never got back to him regarding the setbacks on his property. A copy of the setbacks were given to Mr. Laughman. He also wanted to know the restrictions for a subdivision, and putting a camper on his property. Barry Cockley asked if this was recreational or permanent. Mr. Laughman stated permanent and that he asked the Zoning Officer about this several times, but never got an answer. Pete Socks stated he talked to the Zoning Officer regarding this issue, and will handle it. Mr. Laughman wanted to know if he could have a camper on his property for the weekends, or a couple of times per week for camping or living in. Tim Shultis stated at the adjacent property, out investigation revealed there was a camper there. It's not permanently fixed to the ground. It is used sporadically, and no one lives there on a permanent basis. Mrs. Laughman stated they have a mailbox on that property. Mr. Laughman stated the camper has been there since 2015, and is hooked up to electric. Tim Shultis stated we did not determine the use of that camper was a violation of our zoning ordinance. The property owner uses it on weekends. If you are going to use it as a house, that's a problem. If you are going to park it on your land and use it on weekends, our zoning ordinance doesn't govern that. Mrs. Laughman wanted to know if the township had a noise ordinance for dogs barking and people shooting guns. Mr. Shultis stated that the township does not have a noise ordinance, but does have a nuisance ordinance. Tom Danner stated we asked the neighbor next to the people shooting, to document when the shooting happens to see if there is any way to address the issue.

**CONSENT AGENDA:** Tom Danner made a motion to approve the consent agenda, which includes the minutes of February 13, 2017, bill lists, unpaid bill lists, balance sheets dated March 10, 2017, and Roadmaster's report for February 2017, seconded by Earle Black. There were questions on KPI's bills and whether or not they were reimbursable. The Secretary stated the majority are reimbursable, and Eagle view paid for their license renewal, which covers the engineer's inspection fees. **Roll Call: Black – yes, no from General Fund account #405.400 on**

the bill list, Cockley – yes, Danner – yes, Socks – yes, abstaining from General Fund account #405.400 on the bill list. Motion carried.

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**CORRESPONDENCE:**

- 1) **Kathy Prochniak – 72 Broadwing Drive – (letter received 2/27/17)** – Ms. Prochniak stated her shed does not meet the 10-foot setback, and it is mandatory by park management that we put in a shed. I have to meet the township’s 10-foot setback and the developments requirements. There are no exceptions for small lots. Tom Danner stated this will be addressed on Friday as to why the inspection wasn’t done prior to issuing the permit. The placement of the sheds on these lots are inhibitive by the existing foundations. There is no way that some of these can comply. Tim Shultis stated we understand that you can’t meet the setback. Ms. Prochniak stated according to the Zoning Officer and park management, they found a place for me to put my shed, in my front yard and I would have to walk around it to get to my front door. Tom Danner asked if she was satisfied where the shed was currently located. She stated yes. Tim Shultis stated we may need to do a text amendment in this zone, or handle on a case by case basis requiring the applicant to file for a variance before the Zoning Hearing Board. Pete Socks stated we need to fix this across the board and not case by case. The Board authorized Tim Shultis to prepare a text amendment to address the setback issues in the Eagle view Mobile Home Park by motion of Pete Socks, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner, - yes. Motion carried.**
- 2) **RGS Associates – Sewer Capacity Request for Sheetz – (letter received 3/6/17)** – Pete Socks made a motion authorizing the Secretary to send a letter to RGS Associates stating there is adequate sewer capacity, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**
- 3) **PA 1 Call Locator Program – (letter received 3/6/17)** – Pete Socks made a motion to authorize Bob Foltz and Brian Ernst to attend this program, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**

**UNFINISHED BUSINESS:**

- 1) **Bridgerview, LLC – Letter of Credit** – The Board agreed to sign the 11/21/16 letter of credit, and the amendment dated 2/8/17.
- 2) **Kinneman Holdings, LLC – Letter of Credit** – Rich Krill discussed items not completed. Tim Knoebel stated the paving needs to be completed, along with other outstanding

issues. The Board agreed to give Mr. Krill an opportunity to finish the outstanding issues. This will be discussed at the August 14, 2017 meeting.

- 3) **Michael Duncan – 245 Beaver Creek Road Well Agreement** – Pete Socks made a motion to approved the agreement, waiving the isolation distance, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**

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- 4) **PennVest Loan Status** – Tim Shultis stated we received approval from PennVest to enter into the agreement with Hamilton Township withdrawing from the Intermunicipal Agreement. We need to pledge as collateral, \$200,000 from any account that we have. The Board agreed on using the sewer CD, and when it comes up renewal, separate CD's will be created, one for \$200,000, and the other for the balance. Pete Socks made a motion to adopt Resolution #17-06 to permit modification of the note and other documents regarding the PennVest loan, to execute the modification of notes and other documents, to execute the pledge of account, and to execute the power of attorney that is required under the pledge of account, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion Carried.**
- 5) **MDIA Unfinished Permits** – MDIA is in the process of preparing a status report. Moved to unfinished business next month.
- 6) **2016 Audit** – Pete Socks stated Adams County has now fixed the formulas for the delinquent real estate fire tax.

#### **NEW BUSINESS:**

- 1) **Heater Maintenance Quotes** – Pete Socks made a motion to accept the estimate from Allison's Plumbing, Heating & A/C in the amount of \$130.00 to service the two Fujitsu heating units, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**
- 2) **Newsletter** – Pete Socks stated Hometown Press contacted us about doing a newsletter. It doesn't cost the township anything. They are responsible for contacting business sponsorship. The Secretary was instructed to invite them to attend the next meeting.
- 3) **Resolution #17-05 – Authorizing Secretary as the Assistant Zoning Officer to Execute Display Permits** – Tom Danner made a motion to adopt Resolution #17-05, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**

- 4) **Oxford Township** – Tom Danner made a motion to allow Oxford Township to borrow the tar pot for a couple of hours in the next couple of months for sealing purposes at no charge, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**
  
- 5) **Planning Commission Site Plan Presentation** – Tom Danner stated a site plan was presented for a 37-home development at Lobell and Kinneman Roads. A major issue is sewer. A manhole nearby dumps into Abbottstown-Paradise sewer. Could it be possible for the developer to hook into Berwick’s sewer? Tim Knoebel will review this issue to see if it is feasible.

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**STATE POLICE**

58 calls in February 2017

**ADAMS REGIONAL EMERGENCY MEDICAL SERVICES**

24 calls in February 2017

**CODE ENFORCEMENT/PERMITS:**

4 permits issued in February 2017

Pete Socks stated he would like it to be brought up in the meeting with Land and Sea about the issues tonight. I told Jamie Harbaugh multiple times about those issues Mr. Laughman brought up. We should not have to sit here and get chewed out because the Zoning Officer didn’t follow through. Tom Danner stated he will bring up these issues to Land and Sea, and the shed in Eagle view. Also, about not getting enough coverage in the township, working from home, and perhaps request patrolling after 5:00 p.m. Barry Cockley stated we didn’t get the proper violation report with addresses this month.

**ENGINEER’S REPORT:**

- 1) **WWTP Operations Report** – We did not submit the WWTP report yet due to not having the testing results. The lab had to outsource some of their work.
  
- 2) **Pending Plans Report** – Doug Smith is proposing more changes to their plan.

- 3) **Chapter 94 Report** – Bob Foltz has reviewed this report and it is ready to be sent to DEP. Barry Cockley made a motion to authorize the Chairman to sign the report, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**
- 4) **MS4 Waiver** – We received an email from Paul Curry of DEP that things look good. This will save a lot of money if the waiver is granted.
- 5) **Bermudian Keys** – They continue to work off their punch list. They televised the storm drains. They have a couple of repairs to make. Tom Danner questioned if the manholes needed pressure tested due to the I&I problem we are having.
- 6) **Cambrian Hills** – Received a stormwater plan to review. They need a letter to go back to DEP for a permit due to changes in regulations. We told them to submit a stormwater application and review fees. We haven't heard anything from them.

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**SOLICITOR'S REPORT:**

- 1) **Medical Marijuana Act Webinar** – Tom Danner and I attended this webinar. It impacts the township in two ways, one is zoning and the other is employment law issues. The Medical Marijuana Act authorizes the growing and processing (Industrial), and dispensing it (Retail). We do not have any provisions in our zoning ordinance specified for medical marijuana growing and distribution, and the growing process is not agriculture, it's in a building. We may want to look at changing our zoning to meet the new Medical Marijuana Act. Barry Cockley wanted to know why the zoning needs to be changed since we already allow for businesses. Tim Shultis stated we need to address hours of operation, security, lighting, etc. Tom Danner stated we need to allow for it in the zoning.
- 2) Siliezar's sheriff's sale is on Friday. They filed bankruptcy. I called Steve Carr who helped us with bankruptcy issues before. I would like to see if we could file a motion for adequate protection. The Siliezar's filed a reverse mortgage, which they are now in mortgage foreclosure for failure to pay taxes and insurance. We are listed as a secured creditor, but what I want the bankruptcy court to do is order them to pay their quarterly sewer bills now as they come due. In order to file and process this, Mr. Carr said it would cost approximately \$500 to \$1,000. Tom Danner made a motion to authorize Steve Carr to proceed, seconded by Earle Black. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes. Motion carried.**
- 3) I have not heard anything from Insite Development since we sent them our response.

**SUPERVISOR'S COMMENTS:**

Tom Danner – None

Pete Socks – None

Barry Cockley – What is the status of the Eagle Scouts? Pete Socks stated they need another month to formulate a landscape plan.

Earle Black – None

Pete Socks made a motion to adjourn at 8:06 p.m., seconded by Barry Cockley.

**The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on April 10, 2017, 6:00 p.m. in the Municipal Building, 85 Municipal Road, Hanover, PA 17331.**

Respectfully submitted,

Jean A. Hawbaker  
Secretary/Treasurer  
**BERWICK TOWNSHIP  
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