

TOWNSHIP OF SOUTHAMPTON MINUTES
FOR THE REGULAR MEETING OF THE BOARD OF SUPERVISORS
SOUTHAMPTON TOWNSHIP MUNICIPAL BUILDING

8:00 a.m.

June 13, 2017

MEMBERS PRESENT

Paul Witter – Chairman

Greg Richardson – Vice Chairman

Samuel Cressler – Secretary/Treasurer

OTHERS PRESENT

Maria Misner – Recording Secretary

Kathy Durf – Staff

VISITORS PRESENT

Terry Bigler - Resident

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

VISITOR REMARKS

There were no visitor remarks.

**APPROVAL OF THE BOARD OF SUPERVISORS MINUTES FOR THE
REGULAR MEETING OF MAY 23rd, 2017.**

The minutes for May 23rd were approved as presented.

OLD BUSINESS

Aggregate Bids – There was only one bid from New Enterprise.

MOTION: Supervisor Richardson moved to award New Enterprise the bid for Aggregate FOB. Supervisor Witter seconded the motion which passed unanimously.

NEW BUSINESS

Orrstown Bank Information Breach - Due to a serious breach of the Township's financial interest at Orrstown Bank, and their tepid response, Secretary/Treasurer Cressler suggested moving funds into other better-producing vehicles.

MOTION: Supervisor Cressler moved to transfer \$500,000 from the General Fund and \$200,000 from the State Fund money into PLGIT with staggered timing. Supervisor Witter seconded the motion which passed unanimously.

Cottage Farm Industry – Newswanger Bike Shop

A letter was received from Mr. Raymond Newswanger requesting permission for a bicycle repair shop to serve as an accessory use to agricultural operations on their 36.24 acre farm.

Doug Shields, Zoning Officer found the request to be a permitted use as a cottage farm industry, conforming to the Zoning Ordinance, Sub Section 39-317.

Mr. Terry Bigler, a neighbor was present to oppose the granting of the bicycle shop as a cottage farm industry; however, the complaints were found to not have merit in prohibiting the use.

Supervisor Richardson stated that the Zoning Officer, the Township Engineer and Solicitor have all agreed that the bicycle shop was a permitted use as a Cottage Farm Industry. He read the following excerpt from a letter submitted by Sean Shultz, Township Solicitor dated June 12, 2017.

“Cottage Farm Industry” is defined as “An accessory use to the primary farm operation onsite at which goods and/or services are rendered in support of local farming operations or to supplement on-farm income. The industry must be incidental to the primary farm operation onsite.” Zoning Ordinance §39-1400.A (emphasis added). So, we begin with the premise that Newswanger is permitted to supplement on-farm income with a goods or service accessory use on-site. The purpose of Accessory Related Enterprises under §39-317 includes allowing “for a broad range of rural economy uses, including agriculture, agriculture support and services associated with ongoing farm activities, and other uses that can be developed and maintained in ways consistent with the rural character of the Agricultural/ Woodland Conservation District” and providing “additional opportunities for supplemental income to the farm operation.” It appears clear that the intent is to help sustain the local agricultural economy by allowing farms to supplement direct farming income with accessory, incidental uses that complement the primary business.

Zoning Ordinance §39-317.D.1.g allows the Board to permit such a use by right on a farm if it finds the use is “clearly secondary and incidental to the primary farm use.” My understanding is that the bicycle shop services a need of the local agriculture-based, Amish and Mennonite community. Bicycles are frequently used by members of the Amish and Mennonite community in the vicinity of the farm to work at and access the farm, and bicycles are viewed as essential to the nature of the farm business. Any income derived from the bicycle shop would help supplement income of the farm operation and would help sustain and support local agriculture. Finally, the use would be consistent with the rural character of the Agricultural/ Woodland Conservation District in that it is a minor operation that is part and parcel of the farming operation.

MOTION: Supervisor Richardson stated that on the request of Raymond S. Newswanger to operate a bicycle shop as a Cottage Farm Industry at 1894 Orrstown Road, the Board finds the following:

- Bicycles are frequently used by members of the Amish and Mennonite Community in the vicinity of the farm to work at and access the farm, and bicycles are viewed as essential to the nature of the farm business and transportation.
- Income derived from the bicycle shop would help supplement income of the farm operation and would help sustain and support local agriculture.
- The use is secondary and incidental to the primary farm use, and would be consistent with the rural character of the Agricultural/Woodland Conservation District and is in harmony with the surrounding neighborhood in that it is a minor operation that is part and parcel of the farming operation.

Supervisor Richardson moved that the Board declare its opinion, that based on the preceding findings, the bicycle shop use at 1894 Orrstown Road is clearly secondary and incidental to the primary farm use of the premises, is in harmony with the surrounding neighborhood, and is demonstrated to meet the criteria of §39-317. Supervisor Witter seconded the motion which passed unanimously.

Means Hollow Road Culvert Repair

Supervisor Richardson stated that the Township has been in a joint endeavor with Southampton Township/Cumberland County to repair a culvert under Means Hollow Road with gunite.

Because the vendor is not an official member of Costars, the Township must put the project out for bid.

MOTION: Supervisor Richardson moved to share the cost jointly with Southampton Township/Cumberland County to repair the Means Hollow Road culvert at the Cumberland/Franklin County Line, and advertise for gunite-shotcrete repair and rehabilitation. The bids are to be opened at the July 11th

meeting at 8:00am. Supervisor Witter seconded the motion which passed unanimously.

SUBDIVISIONS

Wenger Feed – Release of Bond

Maria Misner, planning, relayed Ryan Clark's recommendation in his memo dated May 25th, 2017 stating that, "It appears the stone diaphragm was installed per the dimensions and details shown on the design plans. We recommend that the financial security be released for this project."

Supervisor Cressler stated that there is still an outstanding invoice of \$192.00.

MOTION: Supervisor Witter moved to release financial security for Wenger Feed provided the outstanding bill is paid. Samuel Cressler seconded the motion which passed unanimously.

REPORTS OF TOWNSHIP OFFICIALS AND AGENCIES

Credit Card Swiper – Kathy Durf stated that she has already processed five credit card payments with the computer, and it works well, but it is very slow to do it that way. She asked that the swiper be purchased for \$80 to speed up the process.

MOTION: Supervisor Witter moved to purchase the credit card swiper for \$80. Supervisor Richardson seconded the motion which passed unanimously.

Conditional Use Notification – Maria Misner stated that at the Board of Supervisor's meeting on June 27th there will be a Conditional Use Hearing for Matrix. This is required for logistics and distribution centers in the new ordinance.

Phones – Maria discussed a problem with the phones. She will contact Bardissi again.

Codification of Code – Maria gave an update on the codification. The electronic version is online. She has reviewed a proof of the final print version. It will be up-to-date except for the new SALDO & Zoning Ordinance and the Fee Schedule Resolution which will be Supplement One.

Supervisor Witter asked if the agenda could be put on the website. Supervisor Cressler stated that the agenda is only available by noon of the previous day in order to give more flexibility to residents who may wish to be on it. It was

decided that Sam will send Maria the agenda the day prior to a meeting to post on the website.

Middle Ridge Road – Maria stated that she found an old survey for Middle Ridge Road that indicates a 25' ROW. According to Rick Levan, PennDOT, the Township needs a 16' cartwith, a 33' ROW and a Deed of Dedication.

Sam stated that Tim Cormany is supposed to create a plan that can be presented to the neighbors. If that can be completed this year, the Township can apply for Dirt and Gravel road money for paving next year.

Storage – There was discussion regarding how many shelves and banker boxes would be required to reorganize all of the filing for storage. Five more shelves will be ordered and banker boxes will be order through staples.

ACTION ON PAYING BILLS

MOTION: Supervisor Witter moved to pay the general fund in the amount of \$34,629.00. Supervisor Richardson seconded the motion which passed unanimously.

The meeting was adjourned by Supervisor Witter at 9:03 a.m.

Respectfully Submitted

Maria Misner
Recording Secretary