MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
SEPTEMBER 23, 2014

MEMBERS PRESENT
Stephanie Stoner
Robert Zimmerman
Jennifer Brock

STAFF PRESENT:
Janet Hardman, Code Enforcement Officer
Jason Finnerty, Tri County Planning Commission

OTHERS PRESENT: NONE

WELL ORDINANCE

Mrs. Stoner stated that a review comments were received from the Borough Solicitor for the Well Ordinance.

The Solicitors comments are as follows:

Form 23-1
I suggest revising the portion about the plot plan to read: Plot Plan: Drawing must be neat and accurate and drawn reasonably to scale. The following must be depicted: property lines, existing features and proposed features, proposed well location, isolation distances from the proposed well to any feature listed in 501.71.2. (501.172.1.1. for closed-loop geothermal wells). CHANGED

Mr. Finnerty suggested that Form 23-1 is attached as an exhibit at the end of the ordinance.

Ms. Brock stated she agrees and thinks it is a good idea to define the features that need to be on the plot plan.

Mrs. Stoner stated that the well ordinance is Chapter 23 so that is why the form is listed as 23-1.

I suggest in the Driller Declaration "Chapter XXX" be changed to applicable minimum". CHANGED

Ordinance
501.7.1.2.: Should rainwater pits be added to water related features? The features would then be consistent with water related features for geothermal wells. CHANGED

Mrs. Stoner stated that rainwater pits should be moved to the grouping of stormwater drains, detention basins, and stormwater stabilization ponds. The ordinance has the same listing for

geothermal wells. The distances are different: 10' for geothermal wells and 25' for drinking water wells.

501.7.2.5.1 through 501.7.2.5.6 should have the commas changed to semicolons at the end of each subsection in the series. CHANGED

Ms. Brock stated that they are not complete sentences.

501.13.6 I suggest a new first sentence be inserted to read: "Before issuing a permit, the site of the proposed well shall be inspected by the Borough." CHANGED

Mrs. Stoner stated that inspection is to see if the plot plan is accurate.

Ms. Brock asked what other types of inspections the Borough Manager does now.

Mr. Finnerty stated that the public water is a private water company so there is nothing in the ordinance about being required to connect.

Mrs. Stoner stated that the ordinance does require connection to public water within a certain distance if you are building a new building. The ordinance can be changed to require connection within 100'.

Mr. Finnerty stated that the inspection would be for the purpose of determining whether or not a well is permitted.

Mrs. Stoner stated that the inspection would be for anything in the application.

Ms. Brock stated the inspection should check distances.

Mrs. Stoner stated that the inspection would also determine if the plot plan submitted is accurate.

Mr. Finnerty stated that the ordinance should state that the inspection is to determine the accuracy of the plot plan.

Ms. Brock stated that the ordinance should state who is going to do the inspection; the Borough Manager or the Borough Engineer. There would be a charge for the Borough Engineer to do the inspection.

Mrs. Stoner stated that the ordinance should state that the inspection is done by the Borough Manager or his designee. The Borough Manager could ask the Borough Engineer to do the inspection if needed.

501.13.7 should be revised. I suggest putting a colon after reasons and moving the next sentence about the revocation being in writing to a new 501.13.7.6. Also, change the commas to semicolons. Delete the "or" and the end of 501.13.7.3. and insert "or" at the end of 501.13.7.4. CHANGED

Mrs. Stoner stated the "revocation in writing and state reasons" should be moved to the end.

501.13.8 can read: Upon receipt by the applicant of a notice of denial or revocation of a well construction permit, the applicant may appeal to the Borough Council which shall hold a hearing on the matter in accordance with the Local Agency Law and either affirm or reverse the denial or revocation. CHANGED

Mrs. Stoner stated that the sentence should be changed from "request a hearing" to "request an appeal and hold a hearing" in accordance with the Local Agency Law. She will as the Borough Solicitor what Local Agency Law is.

501.13.10.4: delete

510.13.10.5: change to 501.13.10.3.

501.81 VIOLATIONS
501.18.1. Any person who violates or permits violation of this Ordinance and any amendments hereto shall, upon being found liable therefor in an action brought before an magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, pay a fine set by Borough Council, plus costs. The Borough solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pa.R.Crim.P.No. 454© (relating to trial in summary cases). Violations of this Ordinance shall be punishable by a fine of not less than $500.00 or more than $1,000.00 per violation. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and/or for each section of the Ordinance which has been violated. ADDED

501.18.2. Upon discovery of any violation of this Ordinance, Borough Council may, at its option, forego prosecution hereunder and may grant the owner a period of ten (10) calendar days to comply with the provisions of this Ordinance. Upon failure of the owner to effect such compliance, Borough Council may initiate prosecution as set forth above. ADDED

501.18.3. In addition to any other remedies provided in this Ordinance, any violation hereof shall constitute a nuisance and may be abated or addressed by Borough Council by seeking mitigation of the nuisance by institution of a suite or suites to restrain or prevent violations of the Ordinance and/or to recover damages and costs. ADDED

Do you think the entire Permit Procedure Section 501.13 should be placed immediately following the definitions? That would seem to be a more logical sequence. CHANGED

2. BYLAWS.

Mrs. Stoner stated that the bylaws were reviewed at the workshop meeting on September 16, 2014.

Mr. Finnerty stated that on page 4, Section 2.f. "11" should be removed.

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 23, 2014

1. CALL TO ORDER. The meeting was called to order at 7:30 p.m.

MEMBERS PRESENT
Stephanie Stoner
Robert Zimmerman
Jennifer Brock
Shawn Vaccaro

STAFF PRESENT:
Janet Hardman, Code Enforcement Officer
Jason Finnerty, Tri County Planning Commission

OTHERS PRESENT: None

2. MINUTES:

a. August 26, 2014 Minutes

Page 2, paragraph 6 change "waiver request" to "improvement".

Page 2, paragraph 9 add "plus 18 months performance bond".

Page 3, paragraph 4 add "storm and sewer" in front of trenches.

Page 7, paragraph 2 change "had been addressed" to "during the inspection was acceptable".

Page 8, paragraph 13 re-write to read "Mr. Finnerty stated a letter was sent to PennDOT advising the Department of the County Planning Commission's concern over US Rt. 11/15 road closure south of Duncannon. Other options are still being considered. If the road is closed it will create a nightmare especially if there is a flooding event.

MOTION: Ms. Brock moved, seconded by Mr. Zimmerman to approve the minutes as amended. The motion passed unanimously.

3. PUBLIC COMMENT:

Perry County Comprehensive Plan & Task Force Groups.
Mr. Finnerty stated that they are at the half way point with the task force meetings on Issues, Strategies and Action items. There will be four more meetings this month which are: Natural Resources Task Force on Wednesday; Tax Reduction Task Force on Thursday, Economic Issues Task Force on Monday and Transportation Task Force on Tuesday. All meetings are held at the

Court House in Room 1. The committee results will by cycled around. Then there will be a month of public comment.

4. **OLD BUSINESS.**

A. Well Ordinance: Review of Borough Solicitor's comments.

Mrs. Stoner stated that the Borough Solicitor's comments were reviewed at the work session.

Ms. Brock stated that she would like to see the well ordinance in final form with all the changes before a vote is taken.

B. Zoning Ordinance/Chapter 27

a. Part 14 Development Standards. On hold until SALDO and Well Ordinance is completed.
b. Part 15 Performance Standards. On hold until SALDO and Well Ordinance is completed.

C. Rockville Estates Update.

Mrs. Stoner stated that she discussed the waiver request with the Borough Council at their work session. The Borough Council accepted the proposal as recommended by the Planning Commission.

Ms. Hardman stated that Mr. Murphy informed her that the plan sheet will be recorded at the court house.

Mr. Zimmerman stated that he received a complaint that they are starting work at 6:00 a.m.or 6:30 a.m. in the morning.

5. NEW BUSINESS.

A. Bylaws.

Mrs. Stoner stated that the bylaws were discussed in work session.

MOTION: Ms. Brock moved, seconded by Mr. Zimmerman to approve the bylaws. The motion passed unanimously.

Mr. Finnerty stated that the bylaws were not created by Borough Council.

Mrs. Stoner stated that there is an ordinance that created by the Planning Commission. The bylaws do not conflict with the ordinance.

6. GENERAL ANNOUCEMENTS.

A. **US Rt 11/15 Closure.**

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Mr. Finnerty stated that he provided the Planning Commission with a copy of the letter that the Perry County Planning Commission sent to PennDOT dated August 26, 2014. PennDOT hasn't said if they are going to close the road in Duncannon. The consultant sent out notices that were premature.

7. REPORT ON BOROUGH COUNCIL MEETING - NONE
(Next Council Meeting October 13, 2014).

Mrs. Stoner stated she has no report for last Borough Council meeting. She hopes to get the minutes of the September 8, 2014 meeting. She will attend the October 13, 2014 Borough Council meeting.

8. PUBLIC COMMENT.

Mr. Zimmerman questioned work that is being performed by Yingst Homes near the Beer and Soda store on Rt 11/15 whether the work is in the right of way or on private property. There are three grass lots of which two are dirt.

Ms. Brock stated that there was a land swap done by Yingst Homes and Essis to make the roadway wider to Ridgeview Drive. Work cannot be performed on private property without the consent of the owner.

Mrs. Stoner stated that in a lot of cases, people don't realize how far the right of way goes into their property.

Ms. Brock stated that the area is a road right of way that wasn't there before.

9. ADJOURNMENT/NEXT SPECIAL MEETING FOR 10/21/2014 CANCELLED @ 6:30pm/NEXT REGULAR MEETING 10/28/2014 @ 7:30 pm, NEXT WORK SESSION 10/28/14 @ 6:30 pm.

Adjournment: Ms. Brock moved, seconded by Mr. Vaccaro to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer/Recording Secretary