

January 24, 2012
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, January 24, 2012 at the Township Municipal Building, 1145 Garver Lane, Scotland, PA, following three (3) Public Hearings.

Present:

Charles D. Jamison, Jr.
Todd E. Burns
Travis L. Brookens

Gregory Lambert
Daniel Bachman
Diann Weller
Welton Fischer

Visitors: See list

The Chairman called the Regular Meeting to order at approximately 7:45 P.M..

The Minutes of the Public Hearing held January 10, 2012 regarding Conditional Use Permit request from Earthnet Energy on behalf of Cumberland Valley Animal Shelter for solar energy conversion system shall stand approved as presented.

The Minutes of the Public Hearing held January 10, 2012 regarding Conditional Use Permit request from Earthnet Energy on behalf of Milton Rotz, 592 Pine Stump Road, for solar energy conversion system shall stand approved as presented.

The Minutes of the Public Hearing held January 10, 2012 regarding Floodplain Management Ordinance shall stand approved as presented.

The Minutes of the Public Hearing held January 10, 2012 regarding 40 mph Speed Limit on Byers Road between Black Gap Road (S.R. 0997) and Pine Stump Road (T-613) shall stand approved as presented.

The Minutes of the Public Hearing held January 10, 2012 regarding Stop Sign(s) at St. Andrews Drive with Fox Hill Drive in Scot-Greene Estates shall stand approved as presented.

The Minutes of the January 10, 2012 Regular Meeting shall stand approved as presented.

At this time the Board received, opened, and considered *Sealed Bids for Used Township Vehicle* of which there was only one (1) submitted. The vehicle being sold by the Township was one (1) used 1997 Ford F-250 Pickup, extended cab, 4-wheel drive and being sold "as-is condition". A total of three (3) bid packets were picked up by the public but only one (1) sealed bid was returned. The Chairman then opened the sole bid which was submitted by Mr. Charles Wingerd at his total bid price of \$2,750.00. The Chairman stated the bid price was a fair price for the truck's use over the years, the mileage, and the condition of the vehicle. Following review and consideration of the one (1) sole Sealed Bid received for the One (1) Used 1997 Ford F-250 Pickup, Extended Cab, 4-wheel Drive, As-is Condition, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the sale of the listed Township used vehicle be awarded to Charles Wingerd, 1827 Black Gap Road, Fayetteville, PA 17222.

The next item on this Agenda was for “Public Comment” and at this time Mr. Austin Peet, resident of the Myers Development off Smith Road, approached the Board to file a complaint regarding the condition of Lot 28 in said development. Mr. Peet noted the long period of time this situation has been going on and asked when the first permit was issued. The Zoning Officer asked Mr. Peet if he meant a *Land Use Permit* (which the Township issues) or a *Building Permit* (which is State and enforced/issued locally) and Mr. Peet asked the Township first started. The ZO noted the permits issued by the Township as follows: August 13, 2002, February 2004, November 2005, May 2007, December 2008. Mr. Peet asked how long this could go on and that owner doesn’t have to do anything until 2013? The ZO stated he had contacted CCIS (Commonwealth Code Inspection Service who enforces the State Building Code) and was informed that a current Building Permit was issued for 7288 Smith Road. Mr. Peet asked how long that permit was good for and the ZO responded ‘3 years’. Questions/responses continued between Mr. Peet and the ZO (when did Township turn over to CCIS/CCIS administers State regulations which came into effect in 2004; has anyone seen a permit on that building/again, State regulations not Township responsibility to enforce; have you sent out any notices/received at least two complaints and checked property, no protocol or routine for inspections in the Township primarily due to lack of manpower; building not secured, person walked away and there has been no activity, what is Township policy on that/Township Solicitor responded to these particular items stating the Township does not have anything for ‘abandoned’ buildings; equipment sitting and rotted lumber on property/Solicitor again stated this does not violate any Township regulation, same as any other construction site – he further emphasized that any construction must meet current code and comply, extensions can be given but if not a new permit could be issued and must still meet all current code requirements; inside materials are rotted, etc; Solicitor again stated that everything (inside) has to be inspected by CCIS to be sure that it complies. It was noted that both the Chairman and Zoning Officer had talked to Code Enforcement Officer this date and inquired as to how long this project could continue and were told that as long as he continues to keep his permits updated, there was no time limit. Mr. Peet could not understand why Greene Township could not do anything since it is located in the Township and the ZO explained that if the Building Code Official found non-compliance during his inspection and if the inspections did not pass then an “Occupancy Permit” would not be issued by the Township. The Chairman noted the house could remain empty indefinitely. Mr. Peet noted trash lying around and a forklift stuck in the mud for 4 years. Mr. Al Berberich, 7280 Smith Road, stated there have been animals seen, that haven’t been seen before, because of all the weeds and trash and he has grandchildren who play outside and does not want them in danger; he wanted to see his taxes reduced because of the condition of this property. The Chairman noted the issue of taxes would have to be taken up with the School District and County; Greene Township does not have a property tax, only a one-time realty transfer tax. The ZO stated the Township’s Solid Waste Ordinance may address the trash issue if found to be in violation. Mr. Berberich noted the following items: lumber and other construction materials lying around, a boat and lawnmower in the yard, and weeds all around the house. The ZO addressed the issue of weeds stating the Township does have an ordinance regarding weeds and one criteria is that it must be a minimum of one lot per acre and this lot does exceed it by 1/2 acre. Mr. Berberich said the property owner has mowed in the past but only after he had called him. Mr. Jeff Wiley, 7296 Smith Road, stated that his property borders this property and is asking the Township to become active on this problem and wished to address specifically the

issue of the boat; the ZO stated he could possibly issue a violation notice on this matter. Mr. Wiley stated to the Board that “we (he and neighbors) are frustrated and looking for help on this matter”. The Chairman noted the Board understood their frustration and felt frustrated as well because the Township could not do more at this time due to compliance with regulations. Mr. Wiley stated he owns the right-of-way for his (neighbor) legal access. Mr. Wiley also was concerned if the forklift might be leaking due to seeing a substance on the ground surrounding it. He stated they all were here asking for help. He further noted there are weeds around rotted building materials which can never be used, believes it to be a fire hazard and would like Board to consider the same; and, had even offered to buy the property before construction was begun, to no avail; again, here just pleading for help. Mr. Stephen Bowers, 7258 Smith Road, stated that before construction had started on the house, he had filed complaints with the Township and felt that nothing was done and reviewed the process of extensions and filing for new land use permit by property owner. He stated he complained about the boat about 2 years ago and it was moved onto a street in Chambersburg (Borough). Then it was returned to the property for about a year-and-a-half; the boat is still there. He stated he has also complained about burning and after the Township check there was no visible evidence. The ZO noted that correspondence dated July 31, 2008 from the Building Official answered that complaint and the Township Solicitor answered March 18, 2009. The ZO noted that he primarily goes out when a complaint is received. The Chairman asked if the boat is properly licensed and regulated and the ZO stated it is not valid currently. Mr. Bowers stated it is being used as a storage site. The Solicitor stated there is nothing on the number of trailers that can be on a construction site in a residential district. Mr. Bowers asked the Township to be pro-active and assist the neighbors; considers it as an abandoned property. The Solicitor again explained that two extensions are permitted but (property owner) can continue to get new permit. The Chairman stated that CCIS can only do what the law allows as well as the Township and cautioned the Township could be accused of harassment if the matter is not handled carefully. Mr. Bowers asked that if the Township is contracted with CCIS to enforce the Building Code, he would like the Township to be more pro-active. Mr. Bowers asked if there was a current building permit visible and the ZO explained how the Township *land use permit* is posted on the property and his concern would primarily be there is a current permit. The Solicitor stated that just because nothing is being done does not make it an abandoned property as long as all permits are in place. The ZO stated the property owner does have a valid permit. Mr. Judson Horn, 7356 Smith Road, noted that paper on the walls is blowing off constantly, have to keep picking it up, and so tired of it that he’s ready to stop doing it; also noted there is trash all the time. Mrs. Amy Horn, 7356 Smith Road, asked for clarification on what steps they can take, such as should they call the Township and report the blowing debris rather than picking it up and the Chairman and Solicitor encouraged the residents to call the Township when this occurs. Mrs. Horn further noted they never had an issue of animals until about 2 years ago and they continue to see many animals and know there are more that haven’t been observed. She asked if she should get pictures or video, if that would help. The Solicitor stated no but the stuff on the ground could possibly be in violation of the Solid Waste Ordinance. The Solicitor asked if he had heard during all this discussion if this property was under tax sale because if it gets sold, then something *may be able* to be done. The Solicitor again informed the residents that the Township is bound by regulations but cannot do anything just based on “appearance”. He noted the Borough (of Chambersburg) has what is known as a “property maintenance code”

but explained how very difficult it is to enforce the regulations. Mrs. Judy Peet, 7344 Smith Road, asked that if someone gets a building permit do they have a certain time to finish the project and the Solicitor stated 'no', they only have to meet the current regulations at the time of the permit issuance. He further noted that extensions are limited and then when they have to apply for a new permit then current regulations must be met. Mrs. Peet commented on the 'black walls' in the structure and the Solicitor stated that CCIS enforces. Mrs. Peet stated the only thing the owner has done is take a window out. The Chairman again noted that if anything is seen to call the Township. Someone asked how to change the law, what is the legal process and the Solicitor stated that is done at the State level in the Uniform Construction Code through the Department of Labor & Industry and to contact local (State) Representatives. Mr. Berberich asked how the Property Maintenance Code could be implemented and the Solicitor stated the Township could adopt a property maintenance code; however, the existing Property Maintenance Code is designed mostly for more densely populated areas whereby Greene Township is mostly rural. The Chairman stated the Township will be contacting CCIS but cautioned again that the Township cannot step outside the law. He thanked everyone for attending and voicing their concerns, complaints. He called for a few minutes' recess if anyone wished to leave.

The Township Engineer noted receipt of a request for refund of remaining (plan review) escrow funds in the amount of \$1,270.00 for Washco-Orchard Ridge, LLC, (Township) Project #11-020. He stated the Board had approved the Final Subdivision recently which was a minor subdivision. The original escrow submitted to the Township was \$1,500.00 with \$230.00 being expended by the Township for various reviews and inspections leaving a balance of \$1,270.00. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the request for refund of remaining escrow funds for Washco-Orchard Ridge, LLC, Project #11-020, in the amount of \$1,270.00 be approved as presented.

The Township Solicitor informed the Board that a draft ordinance to delete/revise sections of the Zoning Ordinance, specifically Chapter 105, Section 105-14, was ready for consideration. He stated there must be a public hearing scheduled and that 45 days is required due to the Municipalities Planning Code and asked the Franklin County Planning Commission if it could be expedited, noting the ordinance is perfunctory and should not be a problem. Supervisor Brookens noted the issues with updating the Township Code, printing, etc and would like this matter to be expedited if possible so that it could be included in the large update. The Solicitor noted the County does not have to take the full 45 days; the MPC just gives the County that long to review an item if needed. There was discussion on the time of Code updating and the Chairman voiced his concern with 'expediting'. The Solicitor stated the time has gone this long, another 15 days would not make that much difference. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that a public hearing to consider an amendment to Chapter 105, Section 105-14, for "flood hazard district" be scheduled for March 13, 2012, at 7:00 P.M., prevailing time, at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, PA.

The Zoning Officer noted the Township currently holds a Letter of Credit (LOC) in the amount of \$2,014,059.30 for Grand Point Crossing (development). He stated the amount was reduced at the Board's January 10, 2012 Meeting. The developer desires to replace the current LOC with a bond being issued and the ZO stated the current deadline is February 12, 2012 so the Board needs to act at this Meeting. The Township Engineer noted a copy of his communication (via e-mail) with Susquehanna Bank regarding the steps needed to accomplish this request. The Chairman and Solicitor discussed time constraints, how notice would be delivered to the Bank, etc, with the Solicitor cautioning the Board that by the mere fact that the bond is called does not mean the Township would get a new one. All that is needed in the bond is Township work and the Solicitor inquired if the Township has a time frame in which to finish the work. He recommended to the Board that a notice be sent to Columbia Builders via certified mail with return receipt that states they have until February 1, 2012 to provide a bond and if not received by then the Township will call the Bond with a copy sent to Susquehanna Bank. Following review, discussion and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, the Board unanimously voted that in reference to the request the current Letter of Credit for Grand Point Crossing be replaced with a bond and directed the Township Solicitor to send notification to Columbia Builders and Susquehanna Bank advising them that if they do not present a new bond by February 1, 2012 a new bond will be called. It was noted the copy to the Bank only alerts them to the issue.

The Zoning Officer presented a request for review time extension of ninety (90) days from Lance Kegerreis of Dennis E. Black Engineering, Inc. on behalf of the Michael Hurt Subdivision/Land Development Plan; current deadline is February 8, 2012. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the request for review time extension for Michael Hurt Subdivision/Land Development Plan be given an additional ninety (90) days, commencing February 8, 2012 forward.

The Township Engineer presented a Stormwater Management and Erosion and Sediment Control Plan submitted for Bentley World Packaging; said property located in the Cumberland Valley Business Park along Advantage Avenue; propose construction of a concrete pad to their existing facility; previous Land Development Plan was approved. The Engineer noted that in the information provided to the Board, a portion was shown for future expansion and this addition would encroach into that expansion area. He asked Bentley to submit a stormwater management and erosion and sediment control plan and the impervious cover that is proposed is included in the calculation of impervious area for the previous land development approval such that NO additional stormwater controls are necessary. The proposed excavation has received approval from the Franklin County Conservation District regarding any earthmoving activities. The Engineer stated he would recommend approval of the stormwater management and erosion and sediment control plan for Bentley World Packaging. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Bentley World Packaging Stormwater Management and Erosion and Sediment Control Plan be approved as presented.

The Township Solicitor had no further comments to present at this Meeting.

On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to authorize the payment of invoices as follows: Check Numbers 17314 through 17349, inclusive, to be paid from the General Fund; Check Numbers 1467 and 1468 to be paid from the Electric Light Fund; and, Check Numbers 2027 through 2034, inclusive, to be paid from the Liquid Fuels Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:56 P.M..

Respectfully submitted,

Secretary