

November 22, 2011  
Scotland, PA 17254  
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, November 22, 2011, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Todd E. Burns	Gregory Lambert
Travis L. Brookens	Daniel Bachman
Welton Fischer	Diann Weller

Visitors: See list

Todd E. Burns, Vice Chairman, called the Regular Meeting to order at approximately 7:00 P.M., and noted there was one Board Member missing and the Vice Chairman would be presiding over the meeting.

The Minutes of the October 25, 2011 Regular Meeting shall stand approved as presented.

There was no public comment at this time.

The Vice Chairman noted the Township intended to replace a current F450 by purchasing off a state contract and since it was being purchased off a state contract, the Township is not required to bid the truck. He noted that various discounts made the price very attractive. The purchase would consist of a F450 4x4 crew cab to replace an existing truck the Township owns. It will also include a bed portion supplied by U.S. Municipal Supply, Inc.. No comments were offered by those in attendance and no further questions from the Board. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the purchase of a new Ford F450 2012 Crew Cab off CoStars Piggyback with the body being supplied by U.S. Municipal Supply, Inc..

The Vice Chairman noted the Township intended to replace an existing plotter which is outdated and in need of replacement. Two (2) quotes were received that reflected stated contract pricing and the Township considered the lowest (state contract) bid of \$9,887.02 on a Hewlett-Packard Plotter/Scanner/Printer. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the purchase of a new Hewlett-Packard Plotter at the contract price of \$9,887.02.

The Township Solicitor stated the Borough of Chambersburg has entered into an agreement with a company that is installing equipment at the (IESI) Landfill to collect methane gas and turn into electric. Because of that there is some of the transmission line that will be in Greene Township's right-of-ways and they have asked the Township to sign a lease agreement to place the line in the Township's right-of-ways. He further stated that all parties involved have signed off except for the shopping center and the Township is signing only what deals with where the lines cross Township right-of-ways. He reviewed the Agreement

and stated it is a standard agreement used between municipalities. No comments were offered by those in attendance and no further questions from the Board. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted to authorize the Chairman to sign the electric easement between the Borough of Chambersburg and Greene Township.

The Vice Chairman noted that quite a few requests have been received by non-residents to use the large meeting room; mainly small groups needing meeting room space. He stated the residents that have routinely used have been homeowners associations and the Board considered that non-residents be charged a fee to use the facilities. The use would be after hours; no requests for use during business hours have been received to date. Supervisor Brookens noted the most recent request was received from the District Justice for training purposes but all those attending would be non-residents. They considered having a fee of \$30.00 per event or use to cover some of the Township costs; i.e. electricity, personnel would have to be sure room is open and closed for the session, etc.. No comments were offered by those in attendance and no further questions from the Board. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted the Township assess a \$30.00 fee per event for use of the Township's meeting room by non-residents and reservations will be done during regular business hours through the Secretary/Treasurer or Assistant Secretary/Treasurer.

The Zoning Officer presented a request from Vince Elbel, Township S.E.O., for sewer extension to an existing system for Sunset Metal Works (SMW), Sunset Boulevard. He noted that SMW is currently operating a paint shop as part of their facility and propose installation of a new wash area to tie in to the existing system. The total wastewater flow for this project is 5,875 gallons, approximately 27 edu's. No comments were offered by those in attendance and no further questions from the Board. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted to adopt Township **Resolution No. 15-2011** for the sewer extension to existing system for Sunset Metal Works, Sunset Boulevard.

Township Engineer, Mr. Gregory Lambert, presented a Deed of Dedication for consideration by the Board regarding a portion of St. Andrews Drive in Scot-Greene Estates development at the end of Grandpoint Road Extended and opposite of St. Andrews Drive that has already been dedicated to the Township. The Engineer stated the proposed dedication of roadway is approximately 1,000 +/- feet in length and someday will be grouped back on the road from Grandpoint Road Extended. He stated road construction occurred in spring (2011) when weather conditions were very wet and the road did not pass inspection at that time and now has passed inspection and ready to be accepted. Supervisor Burns asked if PennDOT was satisfied with the location and the Engineer stated 'yes', that a PennDOT representation had recently reviewed the road when he was in the Township to check other new Deeds of Dedication. Supervisor Burns inquired as to the 10% maintenance bond being required and the Engineer stated it is 15% and that he (Engineer) would prepare same. No comments were offered by those in attendance and no further questions from the Board. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted

to accept the Deed of Dedication for Portions of St. Andrew Drive, Township **Resolution 16-2011** and the Township Engineer prepare the 15% maintenance bond. The Township Solicitor noted there are two other items associated with this matter; set the speed limit on this roadway at 25 mph which he (Solicitor) has prepared said Resolution; and, secondly, there are stop signs needed but an ordinance needs to be adopted. He stated that Board needs to schedule a public hearing date to consider the ordinance to install two stop signs along portion of St. Andrews Drive to be accepted by the Township. Following consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted to adopt Township **Resolution 17-2011** to set the speed limit for the newly accepted portions of St. Andrews Drive at 25 mph. Discussion then ensued how much time was required to advertise the ordinance (for stop signs) whether it was 60 days or different. Following discussion, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted to schedule and advertise a public hearing to consider stop signs on the newly accepted portions of St. Andrews Drive, said public hearing to be held Tuesday, January 24, 2012, at 7:00 p.m., prevailing time, at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, Pennsylvania, prior to the Supervisors Regular Meeting.

The Vice Chairman stated the next item on the Agenda was in regards to legislation in place to amend weight limits for trucks on and State and Federal highways through Pennsylvania. It is currently being challenged by PSATS (PA State Association of Township Supervisors) and other groups, particularly Boroughs and other municipalities; it would have a great impact on local roads not ready to handle the additional weight. The current level (weight) permitted is 80,000 pounds and proposed to be increased to 100,000 pounds plus adding the additional axle on trailers and height of the trucks would have significant impact on local municipal roads. Therefore, it is being asked of municipalities to forward correspondence to Senator Casey and Senator Toomey and ask them to vote against this legislation. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to have the Township forward correspondence to Senator Casey and Senator Toomey to object to the proposed legislation to increase the current truck weight limits from 80,000 pounds to 100,000 pounds.

The Vice Chairman stated that Chambersburg Borough plans to use methane gas from the (IESI) Landfill to supply the Borough. The Borough is currently seeking funding through grant application and asking for support of the project and through the grant application. No comments were offered by those in attendance and no further questions from the Board. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request from Chambersburg Borough for the PPL project and draft a letter of support for the grant funding application.

In regards to the previous item discussed, it was further noted there is a letter of compliance that simply states this process has been reviewed and meets all local regulations and ordinances that required a signature and Supervisor Brookens asked the Solicitor if the Zoning Officer could sign this letter and the Solicitor advised that either the Chairman or Vice Chairman sign. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the Vice Chairman to sign the compliance letter for PPL Renewable Energy, LLC (project).

The Vice Chairman stated that on an annual basis the 25-member municipalities in Franklin County, under Act 32, prepare an operating budget. Each municipality is asked to review and approve two actions requested for the 2012 proposed budget; one on the budget itself and another relative to software equipment which would allow the office to implement electronic filing for tax purposes. The Vice Chairman stated, that as the Township's representative to the Tax Board, he reviewed the proposed budget and found it to be a very lean budget and 2% (wage tax) is one of the lowest in the State of Pennsylvania and prepared in the budget are some of the expenses related to the purchase of the software which is estimated at \$24,000 for maintenance and to oversee that software. Supervisor Brookens asked if the Supervisors were in favor of purchasing the software or not and Vice Chairman Burns stated that a portion could be purchased in 2012 and in two packages. Vice Chairman Burns stated he did not think the Tax Board was ready entirely but only to purchase part of the package and maintenance fees for one year which is reflected in the budget. No comments were offered by those in attendance and no further questions from the Board. Following consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted the Greene Township Board of Supervisors recommend the Franklin County Area Tax Board Proposed 2012 Operating Budget be adopted and that Greene Township also recommend the purchasing of software for on-line filing.

The Board reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly and Year-to-Date Reports. Vice Chairman Burns noted "another busy month". There were no further questions and/or comments from Supervisor Brookens. The Reports shall stand approved as presented.

The Vice Chairman noted correspondence received from the Fire Chief of Fayetteville Volunteer Fire Department requesting permission be granted by the Board of Supervisors to remove two (2) Special Fire Police Officers; namely, Mike Haga and Bob McCleary. In addition, the Fire Chief provided a list of the Special Fire Police Offices that have already been approved by the Board. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted that Mike Haga and Bob McCleary be removed as Special Fire Police Officers; and, further, the Board voted unanimously to accept the following list of Special Fire Police Officers as previously approved by the Board: Mike Balsley, Ron Royer, Bruce Anderson, Carl Shuey, Curtis Bumbaugh, Guy Jansen.

The Township Engineer presented a request for refund of remaining plan review escrow received from Stouffer Mechanical Contractor (SMC), Project #10-010, noting the plan was approved in 2010 and just last month SMC had completed the swale where they expanded on their property. The original escrow amount was \$2,500, \$477.95 in expenditures, with a remaining balance of \$2,022.05 to be returned and the Engineer stated he would recommend returning the remaining balance. Following consideration and review, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted to grant the request for refund of remaining plan review escrow in the amount of \$2,022.05 for Stouffer Mechanical Contractor, Project #10-010.

The Township Engineer presented a request for refund of remaining plan review escrow received from Christian Sease/Robert Happel, Project #11-017; very minor subdivision for lot addition; final plan approved by Board in October (2011). The original escrow amount was \$1,500, \$292.50 in expenditures, with a remaining balance of \$1,207.50 to be returned and the Engineer stated he would recommend returning the remaining balance. Supervisor Brookens inquired as to who would receive the remaining escrow fund check since the request letter was signed by Chris Sease and the Zoning Officer stated that the plan was for Ms. Happel but Mr. Sease had provided the escrow. Following consideration and review, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request for refunding of remaining plan review escrow to Chris Sease in the amount of \$1,207.50, Project #11-017.

The Zoning Officer reviewed the Monthly Zoning Office Report for October 2011. Following presentation and consideration, it was consensus of the Board that the Monthly Zoning Office Report for October 2011 shall stand approved as presented.

The Zoning Officer informed the Board the Township had received a Conditional Use Permit Application from EarthNet Energy for the Cumberland Valley Animal Shelter (CVAS) to install a solar energy conversion system on their property. The Application was received by the Township November 17, 2011, and a public hearing would need to occur on or about January 12, 2012. Following consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 2-0, the Board unanimously voted to schedule a public hearing for Cumberland Valley Animal Shelter Conditional Use Permit Application/request to be held January 10, 2012, at 7:00 p.m., prevailing time, at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, Pennsylvania.

The Zoning Officer informed the Board the Township had received another Conditional Use Permit Application from EarthNet Energy for property of Milton Rotz, 592 Pine Stump Road. The ZO asked the Township Solicitor if a hearing was held would it be permissible to be included with the previous item as one advertisement and the Solicitor stated 'yes'. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to schedule a public hearing for Milton Rotz, 592 Pine Stump Road, Conditional Use Permit Application/request to be held January 10, 2012, at 7:00 p.m., prevailing time, at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, Pennsylvania.

The Township Engineer presented a request for bond release received from Stouffer Mechanical which relates to the earlier item regarding their request for remaining escrow refund. The property is located along Carbaugh Avenue and the Engineer stated he had reviewed the property and the pit is complete and functioning; further, he had checked this date and functioning well even with all the recent rain. Therefore, the Engineer would recommend the Board release the bond. Supervisor Brookens inquired if the full amount should be released and the Engineer stated 'yes', the full bond of \$2,800. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request for bond release for Stouffer Mechanical in the amount of \$2,800, as presented.

The Zoning Officer presented a request for review time extension of ninety (90) days from Curfman & Zullinger Surveying, Inc. on behalf of the Paul Nolt Land Development Plan; current deadline expires November 27, 2011; awaiting approval from Greene Township Municipal Authority, Franklin County Conservation District, and PA DEP; there may also be some outstanding Engineer comments. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request for review time extension for the Paul Nolt Land Development Plan for a period of ninety (90) days commencing November 27, 2011.

The Zoning Officer presented a request for review time extension of ninety (90) days from Dennis E. Black Engineering, Inc. on behalf of the Harry R. Rotz, Jr. Subdivision Plan; current deadline expires December 5, 2011; property located off Rice Road; first request for review time extension; awaiting module approval by PA DEP. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request for review time extension for Harry R. Rotz, Jr. Subdivision Plan for a period of ninety (90) days commencing December 5, 2011.

The Zoning Officer presented a request for review time extension of ninety (90) days from Dennis E. Black Engineering, Inc. on behalf of the Second State Enterprises Land Development Plan; current deadline expires November 27, 2011; all comments have been addressed and awaiting LOMA letter from FEMA. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request for review time extension for the Second State Enterprises Land Development Plan for a period of ninety (90) days commencing November 27, 2011.

The Zoning Officer noted receipt of correspondence from the law firm of Dick, Stein, Schemel, Wine & Frey, LLP, on behalf of the owners of the Ragged Edge Inn proposing possible amendments to Greene Township Code for "Bed & Breakfast Inn Ancillary Uses". The ZO noted uses they desire on the property as opposed to what is permitted in the Ordinance. Attorney Paul Schemel addressed the Board on behalf of Lew and Fran Martin, owners of the Ragged Edge Inn, Mr. Martin being in attendance at this Meeting. Atty. Schemel stated the Martins had purchased the property in 2009 and the Inn is not a typical home. Mr. Schemel gave background history on the property as to the person who had built it, etc and that the Martins have done a very nice job of renovating and now are looking for additional uses to make the property more economically viable beyond just being a B&B. They are requesting a change to the Zoning Ordinance to allow special events on a limited annual basis (i.e. retirement dinners in the afternoon; rehearsal dinner for weddings, etc). Mr. Schemel stated he had spoken both with Pennsylvania State Association of Township Supervisors (PSATS) and Pennsylvania State Association of Boroughs (PSAB) and only one ordinance found for the Borough of Greencastle that specified permissible ancillary uses of B&Bs. Mr. Schemel stated that a PSAB representative remarked that an ordinance such as being suggested is a reasonable way for municipalities to preserve historic structures that do not otherwise have reasonable alternative uses. Resident Glenn Shetter, former Supervisor and current Chairman of Township Planning Commission, stated the former owners tried to do ancillary uses and past problems have included noise, actions from too much imbibing, etc.. He cautioned the Board of what is around in residential district and understands they

(Martins) would like to enhance their income but (he) is thinking of residents. The ZO asked the Township Solicitor to confirm that if the Board were to hold a public hearing for amendments, they would also need to set forth the expanded uses and the Solicitor concurred. Vice Chairman Burns asked if there had been a Conditional Use Hearing in the past several years and the ZO stated the hearing was for the previous owner and had been re-convened for uses that were being used and not allowed. The Solicitor stated the Board at this time only needs to decide whether to hold a public hearing and the Board is under no obligation to hold it; it is entirely their decision. Then if the ordinance is changed to allow these additional events (proposed), there would have to be an additional Conditional Use Permit public hearing that would be part of those uses. Supervisor Brookens agreed the Inn is an asset to the Township and area and has a history involved with the Civil War, however, there were problems before with the previous owner and Township does not want to lump the Martins in with that but the Township must be aware of protecting surrounding residents. He voiced further concern with the Township trying to enforce the number of persons attending the events especially those held after hours, weekends, etc. He also stated he is concerned with the parking issue which currently does not meet the Township Ordinance for parking and would certainly want input from adjacent properties even before a public hearing is held. Vice Chairman Burns also commented of several events held during summer and had received two phone calls from residents who were familiar with Township Ordinance and were well aware the events did not meet Township regulations. Mr. Schemel stated that correspondence was also forwarded to the Board and offered to contact neighbors and submit letters from those willing to do that. Vice Chairman Burns also noted he would (also) like to commend Mr. and Mrs. Martin for their efforts for the work that has been done and the amount of that work; however, with that he stated he does agree with Supervisor Brookens regarding what might be difficult for the Township to enforce (i.e. language; permitted attendance at small events, etc). He then asked if there was enough parking for 75 vehicles on the property and would like that issue addressed as well. The Solicitor stated the Board has the option to gain public input at the public hearing and if the Board does not want to hold the hearing, they have the choice. The Township Engineer had no comment except to note the Board could make specific language if they choose to hold the public hearing and there would be no need for further study if the Board chose not to hold a public hearing. Vice Chairman Burns stated the best way would be to have a public hearing for (public) input. Supervisor Brookens stated there would need to be some criteria ready for the public hearing as to permitted uses and regulations. Mr. Schemel stated that in his correspondence dated September 26, 2011 he had noted additional restrictions and those two particular issues he was hearing at this meeting were parking and come back with a plan of parking. Additionally, comments from neighbors and a list of initial consent from them and could bring to the next meeting. It was noted there would need to be an ordinance prepared before a public hearing was held for its adoption. Resident Shawn Corwell noted the parking issue is up to the applicant to show how much parking is available on the property. He would also recommend the applicant notify the surrounding properties and the need to have an occupancy permit if they are holding events. Both Board Members noted there are certain regulations under the State Building Code to address the permit and Mr. Corwell stated it was just a suggestions; Vice Chairman thanked Mr. Corwell for his comments. Both Board Members noted the applicant should provide additional correspondence from neighbors and converse with the Zoning Officer and

Supervisors. Following lengthy discussion and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to table the discussion of the Ragged Edge Inn proposal to their next Regular Meeting to be held December 13, 2011 and the applicant will provide further information on the issues that have been addressed at this Meeting.

The Zoning Officer presented a request for re-approval of the 1-lot Final Land Development Plan for Dollar General Store for recording purposes. The Plan was approved by the Board at their August 9, 2011 Meeting; the time has expired; just for recording purposes; Plan has not left the (Township) office. Following consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to re-approve the 1-lot Final Land Development Plan for Dollar General Store.

The Vice Chairman reviewed the 2012 Greene Township Preliminary Budget noting it was in line with last year's budget; projected revenue is roughly the same with expenditures only about \$20,000 more than in 2011; and it appears that 2011 will hold fairly true to that year's projected budget. He further noted that expenditures proposed will be approximately the same as 2011; the Township will not be cutting any services they have offered in the past. He stated that due to the economic situation some line items had been reduced and services projected will remain in place. He was glad to announce that once again there are no property taxes proposed for this budget which has continued since 1979; 33 years and no property tax. No further comments were offered by those in attendance. Vice Chairman noted the total proposed revenue budget is \$3,727,000 and expenditures the same and follows in line with 2011's proposed revenue/expenditures. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to adopt the Greene Township 2012 Preliminary Budget as presented and it will be on public display at the Township Municipal Office during regular business hours for a period of thirty (30) days.

The Township Solicitor had no further comments for this Meeting.

On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the payment of invoices as follows: Check Numbers 17107 through 17147, inclusive, to be paid from General Fund; Check Number 1461 to be paid from Electric Light Fund; and, Check Numbers 2001 through 2005, inclusive, to be paid from Liquid Fuels Fund.

There being no further business before the Board for this Meeting, the Vice Chairman adjourned at approximately 8:30 p.m..

Respectfully submitted,

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Secretary