

December 8, 2015
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, December 8, 2015, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Todd E. Burns
Travis L. Brookens
Shawn M. Corwell

Gregory Lambert
Daniel Bachman
Diann Weller
Welton Fischer

Visitors: See list

The Chairman called the Regular Meeting to order at approximately 7:00 P. M.. He noted the presence of a number of students in attendance at this Meeting, asked them to be sure everyone had signed in and received an Agenda, and then welcomed everyone. In addition, he informed the students to feel free to ask questions at any time during the Meeting and if so to be sure they stated their name before doing so, or they were welcome to ask after the Meeting.

The Minutes of the Regular Meeting held November 24, 2015 shall stand approved as presented and become part of the official record.

There was no public comment offered at this Meeting.

The Chairman presented proposed Township **Resolution No. 24-2015** regarding funding for concrete curb and sidewalk along Scotland Main Street. He stated the funding is applied through grant monies being offered by PennDOT's Transportation Alternatives Program (TAP) for projects such as this. The Township had applied last year but did not receive anything and applications are being accepted again so the Township is going to apply. The project is to repair the sidewalks and curb along Scotland Main Street and also entering into the Township Park. The Township Engineer had worked on the application process last year and will be doing so again this year on the Township's behalf. The Township Engineer stated he feels the Township has a good, strong application and has received good support from local legislators as well as support from GMS Funding Solutions. He further noted that part of the application process is to "state the resolution" to participate. Supervisor Brookens asked the Township Engineer if this would still be within the Township's plan and the Engineer stated the application would be ranked by the Franklin County Metropolitan Planning Organization (MPO) after it has been submitted in January (2016) and at the MPO Meeting to be held in February. The Engineer stated the Township will be presenting their application in early 2016 and hopefully will get support from the County Planning Commission as well. He noted that both the Boroughs of Waynesboro and Chambersburg had applied last year with Waynesboro being chosen first and Greene Township was chosen second. Following review and discussion, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to adopt Township **Resolution No. 24-2015** for the TAP Grant Application regarding funding of a project for continuous concrete and curb sidewalk along Scotland Main Street.

The Township Engineer presented proposed Township **Resolution No. 25-2015** requesting authorization for his signature on the Right-of-Way Plans prepared by Traffic Planning and Design (TPD) for State Routes 0011 and 0997 Intersection Improvement Project recommending the acquisition of the Right-of-Ways and Easements that are required. He noted these are the long-awaited right-of-way plans for Rts 997/11 Intersection Improvement Project and has received informal approval by PennDOT and that Congressman Shuster found some funding for the project. This project will assist with truck traffic between Letterkenny Army Depot and Interstate 81 and to improve the radius and flow of traffic through the intersection noting there were various issues that have delayed the project. The Township has taken the role of pursuing the funding and the Engineer is asking the Board to authorize his signature on the right-of-way drawings along with the PennDOT District Engineer and other appropriate agencies. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to adopt Township **Resolution No. 25-2015** authorizing the signature of the Township Engineer on the Right-of-Way Plans prepared by Traffic Planning and Design (TPD) for State Routes 0011 and 0997 Intersection Improvement Project recommending the acquisition of the Right-of-Ways and Easements that are required, as presented.

The Township Engineer presented a request for remaining plan review escrow for the Wayne Helman 1-lot Final Subdivision Plan, Project #15-020, in the amount of \$998.50; property is located along Salem Road. An original escrow of \$1,500 was submitted; \$501.50 was expended in various review fees; no retainage required; therefore, the Engineer recommended a full refund of the remaining escrow of \$998.50. There were no further comments or questions from Members of the Board. On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to grant the request for refund of the remaining plan review escrow for the Wayne Helman 1-lot Final Subdivision Plan, Project #15-020, in the amount of \$998.50 with the check to be made payable to "Helman Brothers Farms".

The Township Engineer presented a request for remaining plan review escrow for the Milton Rotz 2-lot Final Subdivision Plan, Project #15-017, in the amount of \$886; agricultural subdivision plan on property along Pine Stump Road. An original escrow of \$1,500 was submitted; \$614 expended in various review fees; no retainage required; therefore, the Engineer recommended a full refund of the remaining escrow of \$886. There were no further comments or questions from Members of the Board. On a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to grant the request for refund of the remaining plan review escrow for the Milton Rotz 2-lot Final Subdivision Plan, Project #15-017, in the amount of \$886 with the check to be made payable to Milton and Stacey Rotz.

The Chairman stated that in the recent elections in November there was a vacancy for Township Auditor, therefore, the Board will need to appoint someone to that position and term to be served. He stated that Wilson Adkins voiced his willingness to be appointed to the position and had served previously in the same position and had done an admirable job. The Township Secretary confirmed Mr. Adkins' interest and willingness to serve. The term would begin in 2016. Supervisor Corwell also noted that Mr. Adkins had served in the past, knows

the system, did a good job previously, and that he would agree with the recommendation. Supervisor Brookens stated he also agreed with the recommendation noting he thought that Mr. Adkins had received a few votes but not enough to qualify. On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to appoint Wilson Adkins as Township Auditor beginning his term in 2016.

Supervisor Corwell presented information regarding a new single axle dump truck the Township was considering to purchase and was 'spec'ing' through Mack and U.S. Municipal (both CoStars vendors). He stated that two years ago the Township had begun updating the maintenance and purchasing newer vehicles. He stated that a 'committee' consisting of the Township's mechanic, several members of the road crew, and he had reviewed specifications with suggestions, some changes, etc to 'spec' the vehicle needed for the Township's needs. He stated all costs reflected CoStars pricing as follows: Mack – Chassis – Total Factory price of \$228,064, less CoStars discount of \$109,877.72, less tire tax credit \$223.78, for a total CoStars purchase price of \$117,962.50; U.S. Municipal – J & J Body – total price \$78,545.20; total cost to purchase both chassis and body off the CoStars contract, \$196,507.70. Supervisor Corwell noted the Township has other J & J truck bodies and have been working well. He stated the truck will be single axle, aluminum body, automatic transmission due to the difficulty finding someone who can drive a manual, current vehicles years older, and this vehicle will be good to apply the de-icing agent being used by the Township (beet juice). Supervisor Brookens inquired if the price quoted would include a plow and spreader to which Supervisor Corwell stated the new vehicle would have a Falls plow to be consistent with what the Township is currently using. Supervisor Brookens inquired as to a trade-in value or if the Township would sell a current vehicle outright. Supervisor Corwell stated that when he had spoken with Rick Springer, J & J Body representative, the Township would do better by selling rather than trade-in due to low trade-in rate. Supervisor Corwell noted that smaller municipalities are basically always ready to purchase (Greene) Township vehicles knowing the history regarding maintenance, etc of Township vehicles. He further noted the delivery time should be four to five months per Mack and J & J Body. The Chairman stated this purchase would not affect the 2015 Budget but would be purchased from the 2016 Budget. The Chairman also noted the Township has several older single axle vehicles and the Township takes very good care of its vehicles and will be looking to trade-in or sell 1980's vehicles. They are in good working condition but it is time to upgrade the fleet. Supervisor Brookens stated it should be noted that a portion of this purchase will be utilizing Liquid Fuels monies which are State funds given to municipalities to support road systems and related purchases. Following review and discussion, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to authorize the purchase of one new single axle Mack Truck through CoStars for the chassis and the body purchased from U.S. Municipal/J & J Body, in the total amount of \$196,507.70.

The Board reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly Report for November as submitted. The Chairman noted that December is probably already busier than November. There being no further questions or comments regarding the Report, it shall be accepted as presented and become part of the official record.

The Zoning Officer presented and reviewed the Monthly Zoning Office Report for November with the Board Members. He noted the Zoning Hearing Board (ZHB) Application referenced on the Report involves the former M & T Bank property at the corner of Black Gap Road and Scotland Main Street; it will be presented to the ZHB at their December meeting. He further noted that one Conditional Use Permit (CUP) request was received but was found to be deficient and advised the contractor for the applicant the fee was not received with the application submitted so this particular item will probably be on the next Supervisors Agenda. Following his presentation of the remaining Report, it was consensus of the Board to accept the Monthly Zoning Office Report for November as presented and becomes part of the official record.

The Zoning Officer presented a 1-lot Final Subdivision/Land Development Plan for the new proposed Sheetz in Greenvillage with the following comments: new drawings depicting the new layout for both stormwater and parking; plan was submitted previously; sidewalk waiver was presented and the Board granted the request; review time extension will expire December 9 (2015) so action needs to be taken at this Meeting; Applicant has extension letter to submit at this Meeting. The ZO then reviewed the *Approval Checklist* with the Supervisors, a copy having been provided to them: Franklin County Planning Commission reviewed with no comment (9.2.15); Greene Township Municipal Authority – under review; planning module forwarded to PA DEP (11.23.15) (The ZO noted that GTMA typically will not act until DEP approves.); Guilford Water Authority – under review; PennDOT – under review; Franklin County Conservation District – under review; comments from the Township Planner attached to this *Checklist* (11.13.15); comments from the Township Engineer attached to this *Checklist* with a recommended stormwater bond in the amount of \$106,874.71 (11.30.15); correspondence from Larson Design Group regarding traffic impact fees (12.7.15); Greene Township Planning Commission reviewed and recommended approval subject to approvals from Greene Township Municipal Authority, Guilford Water Authority, Franklin County Conservation District, PennDOT, PA DEP, traffic impact fees resolved, resolve comments of Township Engineer and Township Planner; traffic impact fee - \$168,336. The ZO further offered his own comments regarding the revised plan as follows: revised plans continue to be submitted to the Township and then forward those to the various reviewing agencies as well as having the Township Planner and Township Engineer review all revisions to ensure they are consistent. The Township Engineer stated that he has received two revised plan submissions and they have covered all previous comments so the only outstanding comments are those indicated on the attachment to this *Checklist*, posting the stormwater bond of \$106,874.71, and the remaining reviewing agencies that are required to act on the Plan; concluded by saying he had nothing further to offer at this time. At this time, the Chairman asked if the Applicant wished to offer any comments. Mr. Ron Lucas, Attorney for Sheetz, distributed copies of a drawing to each Board Member and reviewed the drawing noting the location of sidewalks. He stated the waiver previously granted by the Board was shown on this drawing and was for the lower part of Rt. 997 and lower portion along Rt. 11. He noted the discussion regarding the required traffic impact fees that occurred at two meetings and proceeded to discuss the reason that Sheetz was asking for additional reduction. He stated that upon termination of business at the existing store, Sheetz will remove the canopy, fuel pumps, signage, and the underground storage tanks and only the

building will remain. He noted that with the existing right-of-ways, property lines become very close and if the building were to be expanded by a future occupant they would have problems. Attorney Lucas distributed a copy of written correspondence to the Board Members regarding removal of the items as previously noted; then he referred to correspondence that had been forwarded to the Township Engineer regarding the proposed impact fees being charged against the new store. According to correspondence from Mr. James Cullison of Larson Design Group, who is responsible for setting the Township's impact fees, first noted that 17 trips would be credited to the new store location but the new location will be located in another (transportation) service area that has a different fee and Sheetz is requesting an additional reduction in the required impact fee for their new location. Attorney Lucas stated that Sheetz and the Township are at opposite ends at present regarding the impact fees being proposed and wished to resolve the matter with the Board as expeditiously as possible. He referred to the last 'bullet' in Mr. Cullison's correspondence referencing "... some form of guarantee from the property owner ..." and stated he had not heard this comment in any of the previous meetings and just now was aware of it. Mr. Michael LeCesa, Sheetz representative, addressed the Board noting the current store had opened in 1999 and the Township Ordinance is unique because it does not address a new location for the same business. He described the proposed new store building with indoor seating and is a unique situation in that Sheetz is only moving across the street. He, too, noted that Sheetz will be removing steel pumps, signage, and everything else and that only the building will remain and that Sheetz original plan to purchase the properties but not begin until after the intersection was completed but because of so many unexpected changes and PennDOT's long delay in even beginning the intersection project, Sheetz has had to incur many expenses. Attorney Lucas noted that PennDOT has again moved back the beginning date for the intersection project and Mr. LeCesa stated the Sheetz project may take less time than the PennDOT project due to the delays by PennDOT. Both Attorney Lucas and Mr. LeCesa were asking the Board for the impact fee consideration and hopefully the reviewing agencies will submit any comments and their approvals. Mr. LeCesa stated they hoped to have the HOP (Highway Occupancy Permit) conditional permit within the next thirty days and is looking to settle on the adjoining properties being purchased when approvals are received. The Chairman wanted to clarify what exactly Sheetz was asking for regarding the impact fees; that it was for a credit to the fee that was set at \$168,336 which Mr. Cullison based on 112 new trips during the afternoon peak hour at the approved \$1,503/trip impact fee for TSA-2 (being the traffic service area the new store will be located within). Attorney Lucas stated he could agree if this were a totally new business but it is unique in that it is the same business just relocating within a very short distance to the same existing business. The Chairman asked if Sheetz was asking if they felt the traffic impact fee should be \$138,110 rather than the \$168,336 as stated by Mr. Cullison. Mr. LeCesa stated that Sheetz is asking for relief beyond that; the trips generated at the existing store will be moved to the new location. Discussion ensued between Board Members and staff and Sheetz personnel with Mr. LeCesa adding that he was unable to tell the Board how long Sheetz may lease the existing building to a new occupant. The Chairman stated the existing building will still be a convenience store until someone else would perhaps change the use of the building. Again, Mr. LeCesa noted the unique situation of the relocation. The Township Engineer noted that traffic impact fees are collected to help in maintaining, improving, and the like of the various service areas relative to traffic use and the importance of collecting such fees and when credits are given for which the Township

Ordinance does not address, it takes away from the purpose of collecting traffic impact fees. The Chairman stated he could understand the initial credit of the trips from the existing store to the new store but asking for credit beyond that is not provided by the Township Ordinance; currently the Township Ordinance does not contemplate exemptions. Attorney Lucas stated the right-of-ways being given to the Township and to PennDOT for the intersection project are covered under the Township's Ordinance and MPC (Municipalities Planning Code). Mr. LeCesa noted that Sheetz had begun agreements with the acquisition of adjacent properties for this project in 2008 and 2009 and with PennDOT changing the right-of-ways, Sheetz has expended quite a bit of funds waiting for things to progress. The Chairman stated that putting a credit amount to right-of-way acquisitions from PennDOT is not feasible because no one knows what those amounts may be and have not been decided yet. Attorney Lucas again voiced disagreement with Mr. Cullison's calculations for the traffic impact fee and continued to ask the Board for credit above the \$36,000+ credit stating that Sheetz has worked for six years with Township, PennDOT, etc regarding this project and asking for consideration of their request. A comment was made that PennDOT will save much time and money not having to handle the relocation of existing property owners which is being handled through Sheetz acquiring the properties. The Chairman again stated that he could understand Sheetz' initial credit but the (Township) Ordinance does not provide for credit reductions and could not see that the new store could be classified as an "off-site improvement". Attorney Lucas believed the Ordinance and MPC permitted that any land given for a project could receive credit and the Board disagreed. Supervisor Brookens suggested that perhaps Sheetz wanted to wait until all approvals were received and voiced agreement with the Chairman against Sheetz receiving credits for something that is not affiliated with the (Township's) Capital Improvement. He further stated the fees were calculated according to the service area and the new store will be located in a different area than the existing store and that only a Land Development Plan causes a traffic impact fee and not just a building improvement such as perhaps would occur with a new occupant at the existing store when it has been vacated for the new. A comment was offered as to when the impact fee is determined and it was noted the fees are determined at the time of 'preliminary' approval and not 'final' approval. Attorney Lucas stated he would like final approval in order to settle on the properties and not be hindered any further because of PennDOT's many delays. Supervisor Corwell commented on the validity and basically impossible method of attempting to set a right-of-way credit when it is not known and the Township Engineer further noted there are other projects scheduled in this TSA and there is funding needed for those projects. Attorney Lucas asked if they could receive final approval pending approvals being received from the outside agencies who have not responded yet. The Chairman noted his hesitancy to grant final approval if any of the outstanding agencies were to return any further requirements to which Attorney Lucas responded by asking for conditions to final plan approval pending approvals being received by the reviewing agencies. The Chairman discussed with the Township Solicitor regarding the last item as noted in Mr. Cullison's correspondence and it was the Solicitor's recommendation if the Township were to accept Mr. Cullison's letter, they could give the initial credit now but in the event the pumps, etc were not removed by Sheetz, then additional monies would be required. Supervisor Corwell asked the Solicitor if a time frame could be placed on that and the Solicitor stated before the occupancy permit is issued. Supervisor Corwell asked Mr. LeCesa how long it was thought it would take for the removal

of the items. Mr. LeCesa stated there is a cleanup process they must follow and during discussion as to the time, a period of ninety days was suggested and Mr. LeCesa felt that ninety days should be sufficient. Supervisor Brookens asked the Township Engineer if all comments by both he and the Township Planner had been addressed to which the Engineer stated they had and only waiting for the reviewing agencies' comments and/or approvals. Following lengthy review and discussion, on a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve the Sheetz Greenvillage Final Subdivision/Land Development Plan with the following conditions: (1) All third-party approvals shall be provided; once approved by those parties, namely Greene Township Municipal Authority (GTMA), Guilford Water Authority (GWA), Franklin County Conservation District (FCCD), PennDOT, and PA DEP, and in the event there are revisions required regarding the Plan by any of those parties, Sheetz will continue to submit any revisions to the Township; (2) The Traffic Impact Fee will be set at \$138,110 with condition the pumps, canopy, signage, and underground tanks at the adjacent property be removed within ninety (90) days after issuance of the Occupancy Permit for the new building, and, if all those aforementioned items are not removed within those ninety (90) days, the amount of \$30,226 will be owed by Sheetz in the Traffic Impact Fee; (3) Stormwater Bond in the amount of \$106,874.71 will be posted prior to the Plan being released; (4) Traffic Impact Fees are due at the time of issuance of the Land Use Permit; and, (5) the Plan will not leave the Greene Township Offices until all fees and approvals are submitted to the Township.

The Township Solicitor had no further comment to offer at this Meeting.

On a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to approve the payment of invoices as follows: Check Numbers 23596 through 23629, with one on-line pay, two credit payments, inclusive, to be paid from the General Fund; Check Numbers 3230 and 3231, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2067 to be paid from the Electric Light Fund.

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

Respectfully submitted,

Secretary