

February 9, 2010  
Scotland, PA 17254  
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, February 9, 2010, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

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

Daniel Bachman  
Todd Dusman  
Gregory Lambert  
Cynthia Schriver

Visitors: See list

The Chairman called the Regular Meeting to order at approximately 7:00 P. M.

The Minutes of the January 26, 2010 Regular Meeting stand approved as presented.

Mr. Gregory Lambert, Township Engineer, presented the Franklin County Rural Planning Organization project. He stated that the application has been prepared by staff relative to the Rt. 997/Rt. 11 Intersection Improvement. The Township is eligible for funding from Congressman Shuster in the amount of \$2.85M. As a part of the application is a budget summary that Mr. Lambert prepared that enumerates construction cost estimates, project costs, and where possible funding could be available. Mr. Todd Dusman, Assistant Zoning Officer, prepared three (3) drawings. Mr. Lambert explained each drawing indicating such things as lane configurations; intending to provide three (3) turning lanes in each direction; showing the limits where the Township would expect to construct, and the intersection and the actual turning movements on a bigger scale. These drawings will remain a part of the presentation and the application. The final drawing shows where the right-of-way takings would be required. The construction cost estimates are approximately \$1M; engineering estimated at \$200,000; utility relocation estimated at \$220,000; right-of-way acquisition almost equals the amount of construction. The Township also knows that Sheetz is moving to the opposite corner and it would be a potential source of funding our local 20% share. Sheetz could provide right-of-way dedication and utility relocation and curbing. We have \$72,000 and we would anticipate \$150,000 coming in during the course of the project planning. Mr. Lambert will make this presentation to the Rural Planning Organization. Supervisor Brookens verified the amount of Congressman Shuster's funding as \$2.85M. Mr. Lambert stated that that amount is correct; that total includes the Township's 20% share. The grant is \$2.28M that the Federal Government would put in as their 80% share. The Township would have the requirement to put up 20%, so when the two numbers are added together it would equal \$2.85M. Mr. Lambert stated he could only find \$1.6M of that to be spent. The Township is fortunate to have that \$800,000 left; so that really assists part of the \$2.4M project. There will be some money left over that the Congressman will have to find another place to spend it. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to authorize the Township Engineer to conduct the Transportation Presentation to the Rural Planning Organization and also to authorize the Chairman to sign the application.

Mr. Gregory Lambert, Township Engineer, indicated that the Township Supervisors had authorized him to go forward on the other grant that the Township is receiving from Congressman Shuster in the amount of \$750,000 to provide traffic signalization at the Exit 17 Interchange at Walker Road. Mr. Lambert solicited for four (4) engineering proposals from TPD, Trans Associates, Grover Miller and Rettew. Of those four, TPD provided an innovative response to the proposal and they would have the lowest proposal cost but it was contingent on the Township providing the personnel to do the traffic counts. That was in the amount of \$1,600 and then the \$1,400 credit; \$1,500 was their base bid. The second bid was with Trans Associates who altered our Transportation Capital Improvements Plan and also did a project at Rt. 433 and Rt. 11, their proposal was for a flat \$2,400. Grove Miller provided their proposal price at \$2,600 and Rettew was at \$4,700. So, that being said, the Township Engineer indicated that he felt confident of all four of the level of engineering. Mr. Lambert stated that the innovative proposal that was presented by TPD is something that the Township could use to the Township's advantage because that is \$1,500 that the Township could do in-kind service that will go towards the 20% and it wouldn't be taken directly out of the Township's budget but it will be out of the Township's personnel. Mr. Lambert indicated that he has worked with TPD in the past and has nothing but good things to say about them. They also were the ones that were responsible for the Traffic Impact Study and agreed with the Township about making the recommendation to close Kohler Road. Mr. Lambert talked with Craig Mellott about that and he wholeheartedly agrees with us on our assertions. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to appoint TPD to do a warrant study for traffic signals at I-81 and Walker Road; using the innovative process and allowing \$1,400 credit for the Township to do part of the traffic study and \$1,500 would be TPD's share which brings the total of \$2,900.

Chairman Jamison presented a request for funding support for the Cumberland Valley Animal Shelter (CVAS). He noted a copy of correspondence included in their packets from Alan Loessy of CVAS. Included with the correspondence was a copy of the letter the Township had signed and forwarded to Mr. Loessy on March 10, 2009. CVAS is going to Congressman Shuster for funding and they would like the Township to give them a new support letter with the present Board's signatures. It would probably be the composition that is here now. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that the request from Alan Loessy to update the support letter for CVAS be granted with the new Board's signatures.

Chairman Jamison presented the EIT By-Laws for consideration. The By-Laws are in the final draft stage; actually in the review process right now. Chairman Jamison indicated he does not think that in the present state the By-Laws are ready for approval; there are some things lacking and discrepancies that the Township's Solicitor feels should be changed. The attorney for the Chambersburg Area School District (CASD) and the Township Solicitor consulted on it and they both were in agreement. The one thing in particular the attorneys want changed is the By-Laws stating that any updated By-Laws or even the present By-Laws being presented must have a two-thirds super majority vote to pass. The law states until noted otherwise, the By-Laws will be approved by a weighted vote. Mr. Fischer and the CASD attorney looked at this and said it is in the early stages of this new group and it is too early to

go to a two-thirds vote. Mr. Fischer stated that if they do that they will have another amendment to these By-Laws the day they are approved to certain interest. So right now their main purpose is to do away with the present structure in the County. He stated it has been working well for thirty-some years and can't see any reason to change it; that is the reason why the weighted vote should be kept intact at this point and time. By February 11, 2010, any input from the entities involved in the County-wide organization will be submitted to the By-Laws committee. The Committee will then meet on February 11<sup>th</sup> to review and put together a final draft for vote. It is going to happen? The Chairman stated that he doesn't think so. The By-Law Committee is made up of five individuals and there is a difference of opinion. The Chairman indicated that the Committee is on a fast track because the State didn't do justice with this Act. The Committee has to have these By-Laws approved and in Harrisburg by April 15, 2010. By September 15, 2010 the Committee has to inform Harrisburg how they're going to collect this tax. The Committee has trouble getting out the gate just on By-Laws let alone trying to narrow it down on how to collect it. Our By-Law Committee went very well until the last thing that was put on the table and that was this two-third vote; there was some discussion. Supervisor Burns questioned as to what is the Township's role? Chairman Jamison stated the Board's role right now is basically to recommend that the two-thirds vote does not stay in the By-Laws; that the weighted vote controls at this point and that is the way we'd like to see it pass. Supervisor Brookens clarified that the Board isn't looking at adopting the By-Laws at this point, just the suggestion on what our concerns are. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that when considering the By-Laws, the Board recommends a change that the two-thirds super majority vote be changed to reflect a weighted vote from this point forward and then at a later date perhaps consider a change in the voting process.

The January 2010 Monthly Fayetteville Volunteer Fire Department Fire Police Report stands approved as presented.

The Zoning Officer presented Township **Resolution No. 6-2010** from Vince Elbel, Township S.E.O., for Poetry Estates, Woodstock Road, extension to existing collection system; propose construction on 126 lots of 61 single-family dwelling units, 8 duplex units, 53 townhomes, 66 multi-family dwellings (apartments); total flow for this site is estimated at 188 edu's. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted that Township **Resolution No. 6-2010** from Vince Elbel, Township S.E.O., for Poetry Estates, Woodstock Road Extension, be approved.

Supervisor Burns presented a request to purchase equipment for the Township Park ballfields. This equipment is utilized for preparation of the ballfields and other areas in the Park. He stated the Township has been fortunate the last several years to borrow a piece of equipment; this will replace having to borrow any equipment. It is available on the State Piggyback Contract; a good price for the equipment. On a motion by Travis L. Brookens, seconded by Charles D. Jamison, and by a vote of 3-0, the Board unanimously voted to authorize the Township to purchase equipment for the Township Park ballfields off the State Piggyback Contract.

The Zoning Officer reviewed the 2009 Annual Zoning Office Report with the Board as submitted. He highlighted some of the statistics with the Board such as the Addition to Existing Dwelling (category) has remained constant for the last three years; Commercial/Industrial Structure (category) for 2008 was a big year for those permits; in-ground swimming pools have steadily decreased since 2007; also declined is the single-family dwellings, however, there is an increase in townhome apartments. Revenue for the year has decreased and the construction value has decreased significantly since 2007. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that the 2009 Annual Zoning Office Report be accepted as presented.

The Zoning Officer reviewed the January 2010 Monthly Zoning Office Report with the Board as submitted. It was the consensus of the Board the January 2010 Monthly Zoning Office Report shall stand approved as presented.

The Zoning Officer presented a request from Orrstown Bank for change of applicant, Letter of Credit 06-20, Sycamore Meadows Development. Currently, the Township holds the Letter of Credit in the amount of \$42,955. It is proposed to change the applicant on the letter. Sheldon Starr is in the process of contemplating selling his development and his son and daughter-in-law are the proposed change in applicant. The Zoning Officer talked with the Township Solicitor relative to this request and he suggested the applicant remain Sheldon and Marie Starr with Michael and Susan Starr to be added. The Zoning Officer also mentioned there was a previous reduction in the Letter that was granted by the Board May 13, 2009; the new amount is \$31,625. The Starr's never submitted a reduced Letter of Credit in the lesser amount. He spoke to the Starr's engineer at the time and they preferred not to go to the extra expense. The new Letter is in the amount of \$31,625. Chairman Jamison stated that it would not be submitted until the change of ownership. Chairman Jamison asked if Sheldon and Marie Starr's Letter of Credit was released yet and the Zoning Officer stated in the negative. Chairman Jamison stated not to release it until the Township receives the changes. Mr. Lambert, Township Engineer, advised the Board that while the Starr's were going through this process they brought in Adam Schellhase as attorney and asked Mr. Schellhase to explore ways that they could relinquish this Letter of Credit all together. Mr. Lambert stated the Board might recall in the past the Township had discussed with Carl Bert, the Starr's engineer/surveyor, about ways the Township could go forward without having to bond the infiltration trenches. They are the only monies remaining in the project and the Township had adopted a new policy. Mr. Schellhase is coming with the Starr's this week (Thursday, Feb 11, 2010) to go over the process they will have to go through in order to revise the plans. They will bring new plans that show just lots where the infiltration areas are required. A note similar to what was used for Tom Kriner's development that was started with the policy will be used and the Township will have to approve it and police it with the Land Use Permit application. Until the Township approves the plan and everything is in place, the Letter of Credit will have to continue. Chairman Jamison stated basically the Township is authorizing Orrstown Bank to make the changes. Orrstown Bank will take the existing Letter of Credit, remove Sheldon & Marie's names and rewrite it with Michael and Susan. He noted the Township cannot allow that to happen until the plan has been changed to Michael and Susan's names. Otherwise, there would be a bond that could not be collected because there would be

no plan to connect to; it also has to have a note on it for the infiltration system. 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 by Orrstown Bank for change of applicant, Letter of Credit 06-20, Sycamore Meadows Development, from Sheldon and Marie Starr to Michael and Susan Starr, be approved with the condition that the Letter of Credit does not change from Sheldon and Marie to Michael and Susan until such time the plan process is approved through the Township which puts this development into Michael and Susan Starr's names.

The Zoning Officer presented Letter of Credit 07-06 currently being held for improvements at Green Valley Estates Development stating the bond is due to expire February 21, 2010; said bond is for improvements to the Green Valley Estates Development in the amount of \$53,927.00. He stated the Township has not received a replacement of bond for this Letter and he further stated he has been in contact with Mr. Bellows who represents CreekrIDGE II. He stated he had forwarded correspondence dated February 9, 2010 informing Mr. Bellows that if a replacement Letter is not received in the Township prior to February 19, 2010 the Township will take action to withdraw. The Zoning Officer also stated he has talked with Mr. Steve Szady of Orrstown Bank and Mr. Szady stated he was aware of the Township's concern. He indicated they would give the Township a replacement Letter by close of business Friday, February 19, 2010 and also indicated he has been in contact with Mr. Bellows as well. Mr. Lambert indicated he is to meet with representatives from Snoke's Excavating to go over what needs to be completed and have discussions relative to how the deficiencies are to be remedied. Mr. Lambert also indicated there are some problems with the retention basin, in fact, there is a sink hole that is forming in the basin that needs to be remediated. On a motion by Charles D. Jamison, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that correspondence be delivered to Mr. Szady and Mr. Bellows on February 10 or 11, 2010 stating the Township is calling the bond, unless by 4:00 P.M., February 19, 2010 the Township has in their possession, in the Township office, a replacement bond; otherwise, the bond is being called.

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 payment of invoices as follows: Check Numbers 15073 through 15104, inclusive, to be paid from the General Fund; Check Number 1416 to be paid from the Electric Light Fund; and, Check Numbers 1769 through 1775, 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 7:42 P.M..

Respectfully submitted,

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Administrative Assistant