

February 28, 2012  
Scotland, PA 17254  
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, February 28, 2012 at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

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

Gregory Lambert  
Daniel Bachman  
Diann Weller

Visitors: See list

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

The Minutes of the February 14, 2012 Public Hearing regarding an amendment relative to erosion and sedimentation control, identified as Township ***Ordinance No. 2012-6*** shall stand approved as presented.

The Minutes of the February 14, 2012 Regular Meeting shall stand approved as presented.

The Chairman noted the Township's intent to remove Engine Tanker 14 (ET-14) from all box alarms in Greene Township based on, but not limited to, the following: (1) not covered by Workman's Compensation insurance; (2) do not have trained personnel. The Chairman further stated he had conversed with the Borough of Chambersburg's Fire Department Chief who stated the personnel of ET-14 were given a year in which to meet the Borough's regulations regarding training, etc, or the apparatus would have to be removed from Borough property. They did not comply, therefore, were instructed by the Borough to remove the apparatus and they would not have Workman's Comp insurance. Mr. Shawn Corwell, in attendance at this Meeting, informed the Board that he was affiliated with Chambersburg Firemen's Relief Association and he could also verify the Association did not pay for Workman's Comp as well; he stated the Association made them obtain their own liability insurance. The Chairman stated he had contacted all affected fire companies as well as County Control (Franklin County Department of Emergency Services) and instructed that ET-14 was not to be dispatched/respond to alarms in Greene Township. He also stated he had spoken with Letterkenny Army Depot Fire Department regarding this same matter. He stated that all the aforementioned entities will be notified via (written) correspondence that ET-14 will no longer be permitted on Greene Township (response) calls. Supervisor Brookens asked "who or what is ET-14" and the Chairman noted it was a spin-off from the former Goodwill Fire Company in Chambersburg. The Chairman stated that after the apparatus was removed from Borough property, it is presently being housed in a warehouse on Commerce Street. 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 Engine Tanker (ET-14) currently shown on box alarms in Greene Township be removed immediately and correspondence be forwarded to the appropriate companies and County Control.

The Chairman stated that in sending a newly hired employee for the standard testing of all CDL driver/operators, the State Association noted a program for “non-CDL” vehicle operators and stated it is not required at this time and is the prerogative of the Township if they wish to implement the policy. The Chairman recommended implementing the policy due to Township vehicles being operated late at night and/or for emergencies noting he did not foresee a problem but need to be sure the Township is covered as to liability. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted that a policy be put in place for “non-CDL” vehicle operators.

The Chairman presented a proposed Township Resolution that would designate the Chairman of the Board of Supervisors as the Chief Administrative Officer (CAO) regarding the Township Pension Plan. He noted this came about from a recent audit performed by a State Pension Auditor from the Auditor’s General Office noting the Township needed the proper documentation indicating who was “trustee” of the Plan and authorized to sign on behalf of the Township. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve Township **Resolution No. 6-2012** which designates the Chairman of the Board of Supervisors as the Chief Administrative Officer (CAO) regarding the Township Pension Plan.

The Vice Chairman (Supervisor Todd E. Burns) presented a request to select a consultant for the Township Trail Feasibility Study as part of the Appalachian Trail Conservancy Grant recently awarded to the Township. Supervisor Burns stated that a Feasibility Study needed to be done within network in the Township and that two (2) proposals were received for consideration from the following engineering firms: (1) Campbell-Thomas; and, (2) Rettew Associates. After the proposals were reviewed, he stated it was being recommended the firm of Campbell-Thomas be directed to perform the Study. The Vice Chairman stated their main office is in Philadelphia, they have done extensive work in Franklin County and presently performing a study in Mercersburg. He stated that overall, Campbell-Thomas appeared to have more experience and their proposal was better. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 2-0-1, with Chairman Jamison abstaining, the firm of Campbell-Thomas was selected as the consultant to perform the Township Trail Feasibility Study as part of the Appalachian Trail Conservancy Grant awarded to the Township.

The Township Engineer noted the Township has been in negotiations with PennDOT for some time regarding the Rts. 11/997 Interchange Upgrade Project stating that Congressman Shuster would assist in obtaining funding for the much-needed upgrade. The Township previously went to the next stage in the process and obtained “Request for Proposals” which were then submitted to (PennDOT) Central Office which approved them and a Federal Aid Disbursement Agreement was sent to the Township and the Township Solicitor has reviewed. He noted that originally it was hoped to keep the engineering costs at approximately \$250,000 but the truer costs rose to \$300,000. The Township submitted a request that monies be moved to cover the additional estimate and PennDOT moved more than requested so the amount is now \$350,000 which will cover the cost and is fully funded by PennDOT. The Engineer stated he felt the project was very viable especially when

looking at an upcoming BRAC (Letterkenny Army Depot) and it would be good to have a direct corridor so feels it is a very worthy project and move ahead with it. 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 PennDOT Reimbursement Agreement for Rts. 11/997 Interchange Upgrade Project be approved, executed and returned to PennDOT.

The Engineer informed the Board that part of the Reimbursement Agreement just discussed previously is to consider entering into an engineering agreement for the Rts. 11/997 Interchange Upgrade Project. He stated seventeen (17) proposals were received with three (3) being chosen to present more technical details and prices with the Township negotiating same. He stated he had conferred with PennDOT several times and that now PennDOT Central Office has approved the firm of TPD (Traffic Planning & Design) and the Township may now move forward. The Township Solicitor stated the Township should not hire the consultant until the agreement is signed and the funds have been received. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the engineering agreement with TPD for Rts. 11/997 Interchange Upgrade Project be approved and signed but will not be forwarded to PennDOT or dated with signatures until such time the Township receives notification or a copy of the signed Reimbursement Agreement from PennDOT.

The Engineer noted the Township has had a good working relationship with Mr. Jim Cullison and has been instrumental in the implementation of the Township's (transportation) impact fees. The Engineer stated that Mr. Cullison has left employment with Trans Associates and is now employed by the Larson Design Group, headquartered out of Williamsport, PA. The Engineer stated the Township currently has an "open-ended" engineering agreement with Trans, however, the Township now is experiencing some issues with Trans; in addition, several other persons previously employed by Trans have also ended their employment with Trans. The Engineer stated that Mr. Cullison has provided an open-ended agreement packet which was provided to each Board Member for their review and consideration. The Township Solicitor requested a definition of "open-ended" and the Engineer stated that standard rates are provided. The Solicitor asked the Engineer if the Township could terminate this type of agreement at any time and the Engineer stated 'yes'. The Solicitor cautioned that any agreement would not bind a future board and stated he wanted to review the current contract. Discussion ensued regarding the various types of consultants, agreements, etc. The Solicitor stated he wanted to review it to be sure there would be no present or future problems. The Chairman agreed the agreement be for the remainder of 2012 with action being taken again at the Supervisors Re-Organization Meeting held in the beginning of January of each year. Supervisor Brookens asked the Engineer if he happened to know what Mr. Cullison's billable rate was at present and the Engineer noted he was not positive but noticed previously the hourly rate for a project engineer was \$110 but could not be sure at this time. Following review, discussion, and consideration of the requested to enter into an open-ended engineering agreement with Mr. Jim Cullison of Larson Design Group to perform traffic consulting, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to retain Mr. Jim Cullison of Larson Design Group for the remainder of calendar year 2012 as a traffic consultant.

The Engineer presented a request for remaining plan review escrow from Mr. James Maun of William A. Brindle Associates, Inc. on behalf of his client, Highlands of Greenvillage, LLC, Greene Township Project #11-024, noting to the Board that this plan is going to be requested to be withdrawn as shown later on this Meeting's Agenda. He stated that all charges have been accounted for with \$572.00 in review fees from the original \$1,500 escrow submitted to the Township for a remaining balance of \$928.00 requesting to be refunded. The Township Solicitor stated the Board should not take any action on this request until a decision is made regarding the request to withdraw the plan and that *all* expenditures have been calculated. Following review and consideration, 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 remaining plan review escrow for Highlands of Greenvillage, LLC, Project #11-024, in the amount of \$928.00 be tabled until a future meeting. The Solicitor noted that due to it being the end of the month, his February invoice will be forthcoming very soon and the Township could verify there were no charges regarding this plan on his invoice.

The Zoning Officer presented and read correspondence from Michael Hurt regarding a request for release of the original Letter of Credit for Tyler Drive Townhomes in the amount of \$29,148.90. The ZO stated that Mr. Hurt had purchased the Tyler Townhomes project and at that time took over the obligation of bonding under the existing Letter of Credit. The project currently proposes 5 residential units and 1 private garage. Mr. Hurt requests the release of the original Letter of Credit being replaced with a new Letter of Credit in the amount of \$41,912.22 for M & T Partners, LLC for the Tyler Drive Townhomes project. 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 to grant the request for release of Letter of Credit for Tyler Drive Townhomes in the amount of \$29,148.90 for Michael Hurt to F & M Trust Company but not be released until a new bond (Letter of Credit) in the amount of \$41,912.22 is received by the Township.

The Zoning Officer presented a request for release of maintenance bond for Upland Estates in the amount of \$20,820.00 that was submitted to the Township in 2010 for 18 months noting the time frame had expired. The Engineer stated the maintenance bond was for dedication of a long cul-de-sac and small street perpendicular to it. He noted the developer had to repair a small portion of road to be sure it was done correctly and stated he had observed the roadway this day. He stated the roadway looked good and would recommend release of the maintenance bond. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the maintenance bond for Upland Estates be released in the amount of \$20,820.00.

The Zoning Officer presented and read correspondence from Mr. James Maun of William A. Brindle Associates, Inc. on behalf of his client, Highlands of Greenvillage, LLC, Greene Township Project #11-024, requesting withdrawal of the plan. The developer was to provide a second ingress/egress into the development but rather than move forward he decided to request withdraw of the plan and request a refund of the remaining escrow for this project. Supervisor Burns asked if the temporary cul-de-sac had any time frame or agreement for further work and the Chairman stated he did not think so at this time. The ZO stated there was a preliminary plan but the final data did not encompass this area. He further stated that PennDOT only allowed a limited number of entrances before the developer had to make wider. The Engineer stated there has been no road construction. The Solicitor asked if this

was the same Project #11-024 as previously discussed regarding a refund and the ZO stated 'yes'. The Chairman noted the streets were approved with the stipulation the cul-de-sacs would be allowed on condition they be constructed. The Chairman voiced his concern the withdrawal may be because of the Township requiring conditions. He then suggested that Township officials meet with the engineer and developer of this project to discuss the areas of concern, etc. He also stated the Deed of Dedication would need to be reviewed to determine any details on the temporary cul-de-sacs. The Chairman asked the Zoning Officer when this plan would expire and the ZO stated it would have to be on the next meeting's agenda. Following a lengthy review and discussion, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve the request to withdraw the 1-lot Final Subdivision Plan for Highlands of Greenvillage, LLC.

The Zoning Officer presented a 2-lot Final Subdivision/Lot Addition Plan for the Carl Walter Estate; property located on Grand Avenue; propose subdivision with lot addition. The ZO displayed a copy of the plan showing the property lines as they are currently and then what is proposed. There is an existing well on the property and an existing garage on the back parcel with access to it having been changed. A copy of the *Approval Checklist* was provided to each Board Member for their review with comments as follows: Franklin County Planning Commission reviewed with no comment (2-20-12); copy was provided to Greene Township Municipal Authority just for information; Form B was acknowledged by PA DEP (2-14-12); both the Planner and Township Engineer reviewed the plan noting any previous comments had been addressed and both recommended approval; plan was staff reviewed by Township Zoning Office on behalf of the Township Planning Commission and recommended approval (2-28-12). Supervisor Burns inquired as to dual responsibility for stormwater. Other discussion and comments included the existing garage is located on a separate lot shown by itself, adjoining parcel is not consistent with zoning criteria, it is not known how long the garage has been in existence and whether it is non-conforming. The Solicitor inquired as to how it was zoned and the ZO stated R-2 (Medium Density Residential) and the Solicitor noted what is required under zoning. The ZO noted and read item #10 on the plan and discussion ensued regarding the length of time a structure was on a separate lot whether it was before the Ordinance was enacted or after and also how long the garage has been in existence. The Solicitor recommending tabling this matter until all questions, concerns, etc could be resolved. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the Carl Walter Estate 2-lot Final Subdivision/Lot Addition Plan be tabled until clarification regarding the existing garage and other matters was obtained.

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 payment of invoices as follows: Check Numbers 17443 through 17464, inclusive, to be paid from the General Fund; and, Check Numbers 2042 through 2046, 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 7:57 P. M..

Respectfully submitted,

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Secretary