

March 23, 2010  
Scotland, PA 17254  
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, March 23, 2010, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

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

Daniel Bachman  
Gregory Lambert  
Diann Weller  
Welton J. Fischer

Visitors: See list

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

The Minutes of the March 9, 2010 Public Hearing regarding prohibit parking on portion of south side of Fayetteville (East) Main Street stand approved as presented.

The Minutes of the March 9, 2010 Public Hearing regarding speed reduction on portion of Ragged Edge Road stand approved as presented.

The Minutes of the March 9, 2010 Regular Meeting stand approved as presented.

Resident Glenn Shetter stated he is still hearing comments from the public regarding how well the Township did regarding snow plowing during the past bad winter season and again commended the Board "job well done, gentlemen". The Chairman stated that positive comments are continuing to trickle in to the office.

The Board discussed and considered the receipt of Sealed Bids for the following products: Diesel Fuel (Ultra Low Sulphur); 89 Octane Gasoline; #2 Fuel Oil; Bituminous Materials; and, Crushed Aggregate. 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 Secretary to advertise the receipt of Sealed Bids for *Diesel Fuel (Ultra Low Sulphur); 89 Octane Gasoline; #2 Fuel Oil; Bituminous Materials; and, Crushed Aggregate* and the bids to be received no later than 3:00 P.M., Tuesday, April 27, 2010, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA, and then to be opened and read aloud at the Regular Meeting in the Township Municipal Building Meeting Room, 1145 Garver Lane, Scotland, PA, beginning at 7:00 P.M., that same date.

The Board discussed real estate property for sale at the corner of Garver Lane and Scotland Main Street. The property needs to be appraised by an appraiser hired by the Township and then the property owner(s) and/or attorney would be contacted to discuss the matter further. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to solicit proposals of pricing for an appraisal of real estate property and upon satisfactory terms with an appraiser, the Township would then authorize the appraiser to move forward and begin the process.

The Township Secretary presented a recommendation from the independent auditing firm that Board action be taken and reflected in the official Meeting Minutes whenever a (financial) account is opened or closed from this point forward. A new Impact Fee Account identified as Dan Ryan 7 for Lot 88 in Saddle Ridge located in Zone 5 needed authorization. The Board discussed the reason for taking action on the volume of accounts being opened just for Impact Fees. Supervisor Burns asked if this action already took place when a subdivision plan was approved and the comments and/or conditions are part of an approval that require (transportation) impact fees are paid each time a Land Use Permit is obtained whether for one lot or multiple lots. The Board and Solicitor seemed to be confused as to what was being requested and following discussion, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to table this request until further clarification and opinion could be obtained from the independent auditor.

The Township Secretary presented a request for Board action regarding the closing of the Menno Haven fire insurance escrow account and refund said funds to Menno Haven per the Fire Insurance Act. Supervisor Brookens inquired as to whether the property had been cleaned up and cleared through the Township. The Secretary explained that in this particular case the fire damages were limited to interior only of a rental property owned by Menno Haven and the Township had received a signed "Building Permit – Certificate of Final Inspection" from Commonwealth Code Inspection Service for this property, therefore, no further action was required from the Township Zoning Department due to the nature of damages. 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 Secretary to close the account at Sovereign Bank and transfer funds to the General Fund and refund the fire insurance escrow funds to Menno Haven as required by the (State) Fire Insurance Act (93 of 1994) and Township Ordinance No. 2001-3.

The Township Secretary presented a request for Board action regarding closing a dormant Certificate of Deposit II #6941 which is not a "certificate of deposit" but rather identified as "government banking investment account". The closed funds would then be deposited in the Township General Fund Regular Checking Account. Following discussion and determination this was not a "certificate of deposit" in the normal terms but an "investment account" without the limitation of when it may or how it may be closed, 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 Secretary to close the account at Sovereign Bank and transfer the funds to the General Fund Regular Checking Account.

The Zoning Officer presented a request for waiver of Greene Township Code 80-23-BB, Placement of fence within stormwater easement, for property at 3325 Portrait Way. The request is to install a panel fence for safety to keep small children in and animals out. The ZO noted various items that were included in the Supervisors' packets for this Meeting for their reference that explained the reason for the request; those items included both correspondence from the property owner, Mr. Chester King, and photographs that depicted the various concerns as noted in the correspondence. The property consists of a two-family semi-detached dwelling with a fence that was constructed by the previous land developer without a Land Use Permit. The ZO stated that some of the existing fence has been removed

and is constructed across an easement. Gregory Lambert, Township Engineer, stated he had met with Mr. King and the ZO and that Mr. King had agreed to take a certain part of the fence down. Mr. Lambert stated he understood the request to be a valid one in that it will not impede any stormwater flow and the fence could be removed if it was found that it was impeding flow or if any type of maintenance on the drainage swale needed to be done. Mr. Lambert stated a similar request had been approved before where no surface flow was impeded. The ZO noted it is a drainage easement with 18" pipe. Mr. Lambert noted that Mr. King has some valid points for the request; i.e. steep slope, children, it is a retention basin. In addition, it was noted the insurance company has stated the insurance for the property would be lower if the yard was closed in with a fence for children. The Chairman asked the Solicitor if the Township could place a condition that if maintenance would need to be done on the swale, the Township could remove the fence. Supervisor Burns also asked how a new owner would be made aware of any conditions placed on the property. Mr. Lambert stated an agreement could be recorded with the deed. Mr. King stated he had no problem with any type of this condition and would do what is best. During this discussion it was noted the Solicitor could be directed to prepare the proper agreement between this and any future property owner and the Township for access to the property regarding the fence. 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 waiver of Greene Township Code 80-23-BB, Placement of fence within stormwater easement, for property at 3325 Portrait Way be granted with a condition that a document be prepared to be filed at the Court House advising that if any work needed to be done within that easement, the fence will be removed and replaced at the property owner's expense.

The Zoning Officer presented a request for waiver of Greene Township Code 101-5, Well Location, for construction of addition onto residence within required 30-foot setback from well for property at 2300 Hultzapple Drive owned by Mark Hultzapple. The ZO explained the problem began when Mr. Hultzapple applied for a Land Use Permit and during the permit inspection process it was found there was an existing well closer than the 30-foot setback requirement which had been previously drilled. The ZO stated this is a pre-existing condition and Mr. Hultzapple desires to construct an addition on the rear of the home. The property is now served by public water and the well is to be utilized but not for drinking, only for geo-thermal system. Mr. Hultzapple stated the house was built in 1981 and confirmed the existing well will be used only for geo-thermal purpose. Following discussion and review, 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 waiver of Greene Township Code 101.5, Well Location, construction of addition onto residence within required 30-foot setback from well for Mark Hultzapple at 2300 Hultzapple Drive be granted.

The Zoning Officer presented a request for bond reduction from Dan Ryan Builders for Upland Estates; current bond in place in the amount of \$237,719.00. The Township Engineer reviewed his comments with the Board noting the township currently maintains two (2) bonds to ensure completion of the public improvements for this development—an original bond for the overall work in the amount of \$167,335.52 and a supplemental bond in the amount of \$237,719.00 to be used for the completion of the stormwater improvements

required to rectify the offsite drainage issues in accordance with the DEP stop work order. Mr. Lambert stated he had inspected the completed work and found the request to be justified and re-computed the bonding requirement and would recommend the supplemental bond be reduced in the amount of \$192,820.30 for a total final bond still in place in the amount of \$44,898.70. His memo stated “this amount includes a 10% contingency and retains amounts for the continuation of E&S controls of unstabilized areas, items required for the completion of the bio-retention area, and 50% of the stormwater piping inlets and endwalls. Mr. Lambert noted the on-going problem at a property on Knob Hill Road and the lot will be graded so that water will be directed to the swale. He further explained that the swale from the road to a major swale onto Upland has been cleaned out and should solve the issue. He also noted that Dan Ryan Builders have been very cooperative to do what is necessary on their property to solve the problem. Following discussion and review, 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 bond reduction for Upland Estates is granted and the supplemental bonding be reduced by \$192,820.30 and the new bonding amount be posted for a total of \$44,898.70.

The Zoning Officer presented a request for review time extension of ninety (90) days for Rutter’s Farm Store #5; current time expires March 25, 2010. 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 Rutter’s Farm Store #5 be granted an additional ninety (90) days commencing March 25, 2010.

The Zoning Officer presented a 1-lot Final Subdivision Plan for William D. & Marian N. Mills; property located off Rocky Spring Road; proposed subdivision from rear portion of property for the construction of new single-family dwelling. Comments from the *Approval Checklist*, a copy being provided to each Supervisor, were as follows: Franklin County Planning Commission – reviewed with no comment (8-17-09); Greene Township Municipal Authority – approved (3-11-10); module approved by PA DEP (3-1-10); Guilford Water Authority – n/a, well on site; Franklin County Conservation District noted as ‘adequate’ (9-22-09); Township Engineer and Planner – ok and recommended approval (9-3-09); plan was staff reviewed by Township Zoning Office on behalf of the Township Planning Commission and recommended approval subject to transportation impact fee and right-of-way agreement (3-23-10). The ZO stated the Township Solicitor has reviewed the right-of-way maintenance agreement and it needs to be placed as a note on the plan. He also noted the allowable one-time exemption regarding the recreation impact fee was claimed as provided in the (Township) Subdivision and Land Development Ordinance. The traffic impact fee of \$2,065 is based on the property being located in Transportation Service Area 1. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the 1-lot Final Subdivision Plan for William D. & Marian N. Mills be approved with conditions: the impact fee of \$2,065 must be posted at the time of the Land Use Permit application; the plan not be released from the Township until such time the right-of-way maintenance agreement notation has been placed on the subdivision plan.

The Zoning Officer presented a 2-lot Final Subdivision Plan for Bennett & Sandra Farner; property located off Smoketown Road; propose subdivision of single family dwelling unit lot for another larger lot. Comments from the *Approval Checklist*, a copy being provided to each Supervisor, were as follows: Franklin County Planning Commission – reviewed with no comment (7-17-09); Greene Township Municipal Authority – approved (3-11-10); module approved by PA DEP (2-22-10); Guilford Water Authority – can serve (7-14-09); Franklin County Conservation District noted as ‘adequate’ (9-2-09); Township Engineer and Planner – ok (8-17-09); plan was staff reviewed by Township Zoning Office on behalf of the Township Planning Commission and recommended approval subject to impact fees (2-22-10). The ZO noted the one time/one lot exemption regarding the recreation impact fee had already been taken; still required to submit additional \$500 recreation fee. The property is located in Transportation Service Area 4; fee is \$2,531 per unit. Following review and discussion, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the 2-lot Final Subdivision Plan for Bennett & Sandra Farner be approved with conditions: the \$2,531 transportation impact fee be posted at the time of Land Use Permit application and the remaining \$500 recreation impact fee be posted.

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 15203 through 15207, inclusive, to be paid from the General Fund; and, Check Numbers 1797 through 1801, inclusive, to be paid from the Liquid Fuels Fund. In addition, any invoices coming due prior to the next scheduled meeting, the Board authorized the Township Secretary to pay.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 7:50 P.M..

Respectfully submitted,

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Secretary