

May 12, 2009
Scotland, PA 17254

The Greene Township Board of Supervisors met in regular session Tuesday, May 12, 2009, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA, following a Public Hearing regarding Conditional Use Permit request for Poetry Estates Development.

Present:

Charles D. Jamison, Jr.
Todd E. Burns
Glenn O. Shetter
Welton Fischer

Travis Brookens
Daniel Bachman
Diann Weller
Gregory Lambert

Visitors: See list

The Chairman called the Regular Meeting to order at approximately 7:28 P. M., following a few minutes' recess after the Public Hearing.

The Minutes of the April 28, 2009 Public Hearing regarding the Rules and Regulations for the Greene Township Park stand approved as presented.

The Minutes of the April 28, 2009 Public Hearing regarding an Amendment to the Sign Ordinance stand approved as presented.

The Minutes of the April 28, 2009 Regular Meeting stand approved as presented.

The Board discussed the need to appoint one or two new members to the Township Agriculture Security Committee. The Committee consisted of the following: J. Stanley Stratton, Nelson Wengert, Herman Wirth, Clyde Kuhns, with the fifth member being the Board of Supervisors Chairman (Charles D. Jamison, Jr.). It was noted that Mr. Wirth is deceased and Mr. Wengert had attended perhaps only one meeting. The Solicitor commented he thought the Township Planner was handling the Ag Security. The Chairman stated he has not been able to contact Mr. Wengert to determine if he was still interested in serving on the Committee. The Chairman also noted that Mr. Kuhns would like to be removed due to no longer being in farming. Therefore, he stated there would be at least two positions to be filled. The Board discussed *possible* candidates (in farming) for the open positions and they were Lynn Eberly, Stanley Burkholder, and Ernie Rotz. The Chairman suggested contacting the individuals to determine if they would be willing to serve on the Committee. Following discussion, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted that the following three (3) individuals be contacted to serve on the Township Agriculture Security Committee: Ernie Rotz, Lynn Eberly, and Stanley Burkholder; and, at the next meeting if they are willing to serve, they would be appointed to serve.

The Board and Solicitor discussed the requirements for setting a date to conduct a Public Hearing regarding an update of the Township Agriculture Security Areas(s). Following discussion, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted that the Public Hearing for the update of the Agriculture Security Area(s) be set for July 13, 2009, at 7:00 P.M., at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, PA.

The Chairman noted a box alarm change requested by Fayetteville Vol. Fire Department. He stated that Company 16 (South Mountain Vol. Fire Department) has been added to the box alarm for dwelling and outbuilding (calls) due to Company 16 being closer for response to that box alarm than either New Franklin or Mont Alto Fire Departments. Following review and discussion, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the box alarms for Fayetteville Vol. Fire Department be added with condition that Station 16 (South Mountain Vol. Fire Department) be added to the dwelling and outbuilding (calls) on the initial response and Engine Tanker 27 be added to all categories for Box 7-5 for water and power.

The Board reviewed a price quote regarding the purchase of a high-lift with trade-in, addition of a clam shell bucket, and disks for a total package of approximately \$147,000. Member Shetter noted he has been in contact with Mack (Trucks) and inquired as to holding the 2010 Mack (on order) when considering delivery date of the high-lift due to current cash flow. The Board discussed these purchases and Member Shetter then inquired as to whether a second leaf machine and truck would be considered for purchase noting availability of funds and the Chairman stated he was hopeful it could be ordered and the monies available. The Chairman further noted he had asked the sales rep to separate items out for the high-lift and box. Vice Chairman Burns voiced concern whether grant funding will come through and whether the leaf machine and truck should be purchased before the grant funding is received. The Chairman and Vice Chairman discussed these concerns whether or not to order the leaf machine and truck with the Vice Chairman asking about the condition of the (Township's) current high-lift and the Chairman noted maintenance, repair costs, etc. The Board continued discussing the purchase of the high-lift and if it was determined necessary to finance, what the rate would be. The Chairman stated he was not sure of the rate because the credit application was submitted to be ready in case it was needed although the Township would most certainly not want to have to finance. The Board also discussed delaying delivery of the high-lift purchase. Following this lengthy review and discussion, on a motion by Glenn O. Shetter, seconded by Charles D. Jamison, Jr., and by a vote of 2-1, with Supervisor Burns opposed, it was voted to purchase a high-lift with the condition that delivery not be made until after August 1, 2009.

Mr. Glenn Watson of Dennis E. Black Engineering, Inc. addressed the Board stating that no action is required by the Board but he wanted to inform the Board of a civil action between two (2) Township property owners (Wilson/Wong, Cumberland Highway) regarding concerns with a gravel driveway. He distributed a copy of a map/plan showing both properties. He noted the process has been on-going and when the matter reached the (State) Superior Court and the issue reviewed, it was the ruling of the Court that the property line was not correct as shown on the plan. Mr. Watson referred the Board and Solicitor to observe on the map where the Court stated the property division line was located. Mr. Watson stated this was the reason he felt he needed to contact the Board regarding this matter and emphasized that this matter was neither a property dispute nor a consensual line. He stated he will be submitting a deed correction and that it was the Court's decision that it was not a recording of a subdivision but recording a property line correction. Discussion ensued as to whether this was a change to a subdivision that was previously approved. Mr. Watson noted it was an issue of survey of land and deed corrector and the Court stated the survey was wrong

regarding the property and the survey needs to be corrected. He would be revising the survey to bring it in line with the Court's decision by correcting the line on the survey. The documents will be placed on record and be given to the Township. The Solicitor stated that reference must be made to the original record. The Chairman suggested making a note and placing it in Township files of the Court's decision for anyone looking at the subdivision in the future. There was no action required for this matter. Mr. Watson thanked the Board for their time in reviewing this matter.

The Zoning Officer presented and reviewed the April 2009 Monthly Zoning Office Report (a copy was distributed to each Board Member for their review). The Chairman stated that hearing no corrections or additions, the Report stands approved as presented.

The Zoning Officer presented correspondence regarding a request from William A. Brindle Associates, Inc. on behalf of their client for plan withdrawal for the Deer Crossing Subdivision Plan. The ZO noted from the correspondence received that current conditions have limited the interest and investment with this development. The Chairman asked when this plan would expire and the ZO stated that if no action were taken at this meeting it would expire this date. The Chairman voiced concern that if the plan were withdrawn there might be some outstanding costs not yet paid. Vice Chairman Burns suggested that similar requests have been required to have some type of escrow and the Solicitor stated the Township could have a minimum (escrow) amount and the Township engineer could review and set a minimum amount. The Township engineer stated that other municipalities require an amount and noted that if the funds are used then more (funds) can be required. Supervisor Shetter asked the Solicitor if the Township could accept the letter of withdraw and the Solicitor stated that any fees owed must be paid and if not then the Township could prosecute. The ZO asked the Solicitor if a resolution would be needed if any escrow would be required and the Solicitor stated 'yes'. Following review and discussion on this matter, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the Deer Crossing letter for withdraw be granted and that (Township) staff forward revised invoices and advise the developer that all invoices must be paid immediately.

The Township engineer presented correspondence from David H. Martin Excavating, Inc. requesting a bond release for Franklin County Prison. He stated the project has been completed, a punch list was issued, he re-inspected the site recently, and found that all items have been complied with and recommended release of the bond in the amount of \$12,540.00. On a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted that the bond requested be released in the amount of \$12,540 for the Franklin County Prison.

The Township engineer presented correspondence from Carl Bert & Associates on behalf of their client requesting bond reduction for Phase X of Sycamore Meadows (Development). He stated there are still some remaining infrastructure items that need to be completed, therefore, he recommended a reduction of \$11,370 from the original bond amount of \$42,995 for a remaining bond amount of \$31,625. On a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted that the request for bond reduction for Sycamore Meadows be granted to reduce the bond from \$42,995 to a total of \$31,625.

The Township engineer asked the Board to discuss briefly the matter of infiltrator systems and the process if improvements need to be done. He noted two (2) methods that could be used: (1) View the infiltrator system as a septic system and the Township would hold up the building permit with either the money being placed up front until the infiltrator system is installed and not issue the permit until completed; OR, (2) When the developer sells off individual lots, the developer would transfer the name of the person purchasing the lot and transfer the name to the Letter of Credit and submit to the Township under the new owner's name. The engineer stated he just wanted the Board to take under consideration. The Chairman stated he would want to discuss further.

The Assistant Zoning Officer presented the Preliminary Land Development Plan for Capital Estates Phase I, a 38-lot Mobile Home Park. This proposed mobile home park is to be located in an R-1 (Low Density Residential) zoning district and public sewer is required for the park. The AZO stated that Greene Township Municipal Authority (GTMA) has denied the request of Capital Estates due to capacity issues at present (per correspondence dated April 13, 2009). The Solicitor stated that if public sewer is required and GTMA has denied the request, the Township cannot approve the Plan. The AZO also stated the Plan was presented to the Township Planning Commission and they recommended denial based on GTMA's letter. Supervisor Shetter noted that at this time there is no idea as to when public sewer may become available and voiced concern as to how many extensions could conceivably be requested. Following review and discussion, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the Capital Estates Phase I, 38-lot Mobile Home Park Preliminary Land Development Plan be denied for the reason there is no sewer capacity available for this Plan. (*Note: Refer to statements later in these Minutes regarding this matter.*)

The Assistant Zoning Officer presented a 105-unit Preliminary Subdivision Plan for Poetry Estates and noted these types of dwellings require public sewer and correspondence from GTMA, dated April 13, 2009, stating that due to capacity issues they denied the request for Poetry Estates. Mr. Dennis McCanns, engineer for the developer, asked that if this Plan is denied how would the application fees be handled whether refunded or write off as expense to developer. The Board and Mr. McCanns discussed which fees may have already been paid to date (i.e. Franklin County Planning Commission and Franklin County Conservation District). The Solicitor stated the developer or Mr. McCanns would have to contact each entity regarding that inquiry and he could only speak for the Township. Mr. McCanns asked if the Sewer Authority has given any insight as to the projected time that sewer will again be available. The Chairman stated that could not be known at this time because the matter is between the State and the Borough of Chambersburg Wastewater Treatment Plan and noted the biggest problem facing municipalities at this time is infiltration. Mr. McCanns asked the Board if approval could be given for the preliminary and that during the five-year timeframe perhaps the sewer would be resolved but the Chairman stated that preliminary cannot be given approval. Mr. McCanns noted the developer has put alot of money out for this project. Mr. Jeryl Martin, developer, stated that much money has been paid and if new regulations are made then they would have to start all over again with the plan process and he stated that just did not seem right. The Chairman and Board stated they understood but could not do anything at this time; the issue is that "no sewer available". Vice Chairman Burns noted the

Conditional Use Permit request is for dwellings that require sewer and it is not available. Mr. McCanns asked if the moratorium was still in place and the Chairman stated that it was off but explained it is the Borough and PA DEP making the decision as to whether there are any connections permitted. Mr. Martin stated his displeasure with the matter and the Chairman stated it is State law (MPC – Municipalities Planning Code). The Chairman asked when the plan expires and the AZO stated the Plan was granted an extension on March 10, 2009 which extends it to June 10 and the next Supervisors meeting is scheduled for June 9. Mr. McCanns asked if the Board would consider another 90-day extension and keep it in the process. The Chairman stated a written request could be submitted and the Board would consider the request. Following the lengthy discussion regarding this Plan, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the Poetry Estates 105-unit Preliminary Subdivision Plan be tabled until the June 9, 2009 Supervisors Meeting.

Immediately following the vote for the above Agenda item, the Chairman asked when Capital Estates would expire and the Assistant Zoning Officer stated June 23, 2009. The Solicitor reminded the Board that a request for extension must be submitted by a developer and not the Township. The Board then re-opened discussion regarding **Capital Estates** and on a motion by Todd E. Burns and seconded by Glenn O. Shetter, the earlier motion to deny their request was withdrawn. Further, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the **Capital Estates Phase I, 38-lot Mobile Home Park Preliminary Land Development Plan** be tabled until June 23 Supervisors Regular Meeting and at that time the Board will consider approval or denial of the Plan.

The Township engineer informed Mr. McCanns the Subdivision Plan and Conditional Use Permit application are different. The Zoning Officer stated the Preliminary Plan was submitted prior to the Conditional Use Permit request and advised the developer not to submit anything preliminary until the Conditional Use process is completed. Mr. McCanns asked if the Conditional Use is conditional upon sewer and the Solicitor explained the difference between a Conditional Use request and Land Development and what can and/or cannot be done.

The Assistant Zoning Officer presented a 106-unit Preliminary Subdivision Plan for White Church Meadows and stated this Plan was in the same situation as the previous two (2) Plans in that GTMA has denied the request for sewer. The Chairman asked when this Plan expired and the AZO stated a letter requesting a 90-day extension had been received. He further noted this meeting would be the last meeting because the Plan expires May 23 (next Supervisors Meeting to be held May 26). Mr. Scott Barnhart on behalf of Black Gap Holding, LLC, addressed the Board stating he had a module signed by the Borough of Chambersburg. On a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the White Church Meadows 106-unit Preliminary Subdivision Plan be granted an additional thirty (30) day time extension commencing May 23, 2009.

On a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted to authorize payment of invoices as follows: Check Numbers 14161 through 14190, inclusive, to be paid from the General Fund; Check Number 1399 to be paid from the Electric Light Fund; and, Check Numbers 1658 through 1661, inclusive, to be paid from the Liquid Fuels Fund.

There being no further business before the Board, the Chairman adjourned the meeting at approximately 8:54 P.M..

Respectfully submitted,

Secretary