

June 23, 2015
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, June 23, 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

Visitor: See List

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

The Township Secretary informed the Board it appeared a total of three (3) Sealed *Re-Bids* from two (2) different vendors had been received for the consideration of 89 Octane Gasoline, Ultra Low Sulphur Diesel, and #2 Fuel, however, one (1) (sealed envelope) did not indicate the exact contents. All three (3) re-bids were opened by the Secretary and given to the Chairman to be read aloud; then forwarded to the remaining Board Members and Township Solicitor for their review. The results of the bids received for 89 Octane Gasoline and Ultra Low Sulphur Diesel are as follows:

Bidder's Name	Bid Price 89 Octane Gasoline (8,000 Gallons)	Bid Price - DIESEL (Ultra Low Sulphur) (30,000 Gallons)
McCleary Oil Co.	\$ 2.199	\$ 1.999
Talley Petroleum	\$ 2.1879	\$ 2.0588

When one of the re-bids for the Gasoline and Diesel was read aloud, the Chairman noted there was a handwritten note on the bid sheet that was not understood by neither the Board nor the Solicitor. He also noted that both vendors' pricing included escalator clauses. The Solicitor informed the Board they could table a decision on both items included in one bid packet or award one product and table the other and contact the vendor for clarification. The Board discussed the one-cent difference between the vendors for the Gasoline and noted a delay in the award of that product is not as vital as the Diesel due to the amount of usage. 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 award the sealed bid for Ultra Low Sulphur Diesel to McCleary Oil Company at their bid price of \$1.999 per gallon delivered; and, table the bids for 89 Octane Gasoline until further clarification of the handwritten clause that was provided in one of the bids.

The results of the re-bid received for #2 Fuel Oil are as follows:

Bidder's Name	Bid Price (2,500 gals. – Unit price delivered as directed)
McCleary Oil Co.	\$ 2.019

Following review and consideration, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to award the sealed bid for #2 Fuel Oil to McCleary Oil Company at the unit price of \$2.019 per gallon.

The Minutes of the Public Hearing held June 9, 2015 regarding a Conditional Use Permit Request for Solar Energy Conversion System, Richard and Patricia Shoap, 3361 Carnoustie Drive, shall stand approved as presented and become part of the official record.

The Minutes of the Regular Meeting held June 9, 2015 shall stand approved as presented and become part of the official record.

There was no public comment offered at this Meeting.

The Chairman noted the continuation of requesting funding from the DCED Grant with the PA Fish and Boat Commission for the removal of the Scotland Dam, in the Scotland area to Chambersburg Borough, but still provide for the pond. Martin and Martin, Inc. are continuing to work on the current submittal with the Township being required to pass a resolution. The Township did so last year but was not approved and Martin and Martin have been in contact with DCED and F/B Commission to strengthen the Township's application. The deadline for submittal is June 30 and Martin and Martin intends to have the application submitted by Friday, June 26. Supervisor Brookens inquired if the Township still has the support of Winebrenner (Seminary) and the Chairman stated 'yes' and also have support letters from the County, et al. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Travis Brookens, and by a vote of 3-0, the Board unanimously voted to approve Township **Resolution No. 15-2015**, co-applicant to DCED Grant with PA Fish & Boat Commission for the Water Trail Application.

The Zoning Officer presented information regarding the appointment of a Building Code Official stating the current Building Code Officer is Commonwealth Code Inspection Service (CCIS) in Chambersburg (responsible to implement State Building Code regarding Building Permits, etc). The person who was in charge locally has left and started own company, PA Municipal Code Alliance, Inc. (PMCA). At the April 14 Meeting, the Board of Supervisors provided a ninety-day notice (via written correspondence) to Commonwealth Code that the Township intended to terminate the current contract by placing them on notice and the Board is being requested to appoint a Building Code Official for the Township at this Meeting. The ZO noted the ninety days would expire around July 13 and that is one day

prior to the next regularly scheduled Meeting of the Board of Supervisors, therefore, they must consider action at this Meeting. Supervisor Corwell noted the new business (PMCA) is located on Wayne Avenue in Chambersburg. The ZO stated he would recommend to the Board that up until the official time if the change were to occur, that any permits already in the process would be completed by CCIS. The Board briefly discussed current fees by both parties, whether the Township was in possession from both entities, and the Solicitor stated the Township was not required to obtain bids but could if they so wanted. The Board noted the Township does not pay fees directly to Commonwealth but by an applicant desiring a (State) Building Permit. The Solicitor stated he was not aware of the policy and verified the Township does not pay fees and the Board collectively stated 'yes'. Supervisor Brookens stated that if the Township were to call Commonwealth and asked them to go out and investigate a matter, there may be a fee but otherwise, a direct inspection and permit costs go directly to the applicant. The Solicitor noted there is currently a dispute whether there existed a "no competition" clause (between these two entities) and one side requested a preliminary injunction and put in writing there was not a clause and then the court ruled against the preliminary injunction. Supervisor Brookens inquired as to whether there had been a decision and the Solicitor noted this matter could go on for a long time and if it should go to trial, there is no way to put a time frame to it. The Chairman noted that Clem Malot has served the Township a number of years through CCIS and always available when contacted and now is leaving and starting new company. He further stated that he appreciates what he (Mr. Malot) has done for the Township in the past and would recommend going with PMCA and then follow through with a termination notice to CCIS with condition that PMCA provide a fee schedule if not already on file with the Township. Supervisor Corwell stated he agreed with the Chairman's statements and that in the short period he has been with the Township, he has been impressed with the prompt service received from Mr. Malot and would agree the Township receive a fee schedule as a condition. The Chairman stated that other municipalities including the Borough have completed the same transaction. Supervisor Corwell requested verification that the deadline is July 13 for the ninety-day expiration and the Board discussed possibly tabling the matter until the (Board's) July 14 Meeting. Following further discussion 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 table the consideration of a Building Code Official to the July 14 Meeting and in the meantime, request a fee schedule from PMCA as directed.

Supervisor Corwell presented the continued consideration of Air 10 Active Roster as tabled from the June 9 Regular Meeting with the reason being so the Township Solicitor and (Township) staff would have more time to research their concerns and what the law states. He again noted that Air 10 submitted their roster because the Township is required to cover Air 10's Workman's Compensation. Supervisor Corwell stated that one member is a convicted sex offender and was greatly concerned because of that conviction. Following their research, he stated that both the Solicitor and he found the individual could be a member of Air 10 and there was no legal stand the Township could use to prohibit it. The Township cannot legally tell Air 10 who they may or may not have on their roster; the only legal stand the Township would have any say would be if an individual is convicted of 'arson'. Supervisor Corwell stated he would reluctantly approve Air 10 Active Roster with the Board and Solicitor discussing whether they would/would not take action with Supervisor Brookens

asking what would be the repercussions if the Board chose not to do anything. The Solicitor stated the Township has to include Air 10 because they already cover Workman's Comp on them. The Chairman suggested not 'approving' but 'recognizing' the Roster for insurance purposes because the Township has to submit a roster to the insurance company. Supervisor Brookens stated he would prefer using the term 'accepting' rather than even 'recognizing' because the only reason a roster is submitted is because they are located in the Township. The Solicitor stated that he would add that what he found in his research was that when the issue of character or moral issues is at hand, that is done under the 'company membership'. Following discussion and review, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to accept the Active Roster as submitted by Air 10 for insurance purposes and in turn to be submitted to the insurance company.

The Township Engineer presented the current Scotland Run Letter of Credit (LOC) in the amount of \$58,740 stating it would expire July 12, 2015 which is prior to the next Regular Meeting. He stated that some work as to sidewalks and stormwater both need to be completed and that the developer has been in contact with the bank. (LOC is being held by Susquehanna Bank on behalf of the developer.) The Engineer stated he has exchanged e-mails this date regarding this matter and that Tom Mongold (representative for the developer) has indicated they will perform the work but the Township cannot take a chance of losing the security placed for the development. The Solicitor advised the Township could call the bond at the bank; bond protects the Township in the event required work is not done. The Township must send notice otherwise the Township loses all security and the Solicitor advised sending the notice out immediately. Supervisor Brookens asked if the notice be sent tomorrow but the Township would not call the bond until the expiration date and the Solicitor stated the notice needed to be sent immediately to allow enough time for response. Supervisor Brookens agreed with the notice, however, the bond would not be called until the exact date and the Solicitor stated that would be acceptable. The Engineer stated the bank is aware of the LOC expiration date and that this project has had its problems and now it is very close to being finished and he is very hopeful that everything will be completed. The Chairman noted the importance of the Township needing to forward the notice to call the bond so as not to lose the security. 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 direct a letter be sent to Susquehanna Bank notifying them the Township will be calling the Letter of Credit for Scotland Run/Divinity Investments in the amount of \$58,740 and also directed the letter be sent immediately notifying them that the credit shall be disbursed from Susquehanna Bank prior to July 12, 2015.

The Zoning Officer presented a request for waiver of Greene Township Code 101-5, *Well Location, Minimum 30' Setback Distance from Building Foundation to Well*, Arthur Shaffer property at 3519 Letterkenny Road, Chambersburg. The ZO stated the Township had received a Land Use Permit Application for the Shaffer property on Letterkenny Road for a proposed construction of an addition to their existing home. He stated that when he went to the property to make the inspection, it was found the addition would encroach into the area too near the location of the well; after construction, it would be located at approximately one

foot. The ZO stated he spoke to the neighbor and this well would be far enough away from him and that it would only impact the applicant and not the neighbor. He spoke to the applicant (owner) and gave him two options: (1) re-drill the well (current well is in good condition); or, (2) request a waiver from the Township from the minimum requirement setback. Tom McCleaf, McCleaf Construction and the Shaffers' contractor, appeared before the Board representing the Shaffers' noting the bank required a print of the proposed construction for loan approval plus there is a limited area as where the new addition could be located. He stated the Shaffers' have put a significant amount of money for the well and drilling a new well would be a financial burden. Mr. McCleaf contacted Negley's Well Drilling and was informed the area is not geographically known as an area for water, whereby they (Shaffers') have guaranteed water now. He stated the Shaffers' are willing to sign a statement that if their existing well would become unusable, they would set the new well back the required minimum 30 feet. Mr. McCleaf then presented a copy of the plan for the Board to review what the proposed addition would look like and the distance setback being required. The Township Engineer asked the age of the well and Mr. Shaffer stated it was existing in 1994 when they purchased the property. Mr. Shaffer further noted that just last year they had a new liner casing put on their new line. Supervisor Brookens asked the ZO if there had been any conditions placed on waivers granted in the past and the ZO stated that each request to date has been unique in its own. The ZO stated the setback is required to keep anything from getting into the well (i.e to contaminate drinking water). Supervisor Brookens stated he had only asked about the neighbor just to be sure the applicant did not pollute the water or allowing something to go to the aquifer that would then most likely also affect the neighbor's water supply. The ZO noted the new addition would be placed on a concrete slab, hence, no basement. Following review and consideration of the request, on a motion by Shawn M. Corwell, seconded by Travis I. Brookens, and by a vote of 3-0, the Board unanimously voted to grant the request for waiver of Greene Township Code 101-5, *Well Location, Minimum 30' Setback Distance from Building Foundation to Well*, for Arthur Shaffer property at 3519 Letterkenny Road, as presented.

The Zoning Officer presented a request for review time extension of ninety (90) days from Dennis E. Black Engineering on behalf of Thomasville Properties Preliminary Subdivision Plan; proposed townhome development currently in the Township process; current deadline is July 25, 2014. The ZO stated he spoke with Glenn Watson of Black Engineering regarding the project and Mr. Watson stated that progress has been made concerning the issue of sidewalks and that an agreement is being prepared by the entities' attorneys. The ZO stated the current time will not expire until after the next Meeting but prior to the second Meeting in July, and the ZO will not be present and asked the Board to consider the request at this Meeting. The Solicitor had advised the Township receive a request in writing because the Township cannot arbitrarily grant time but a request must be submitted by the applicant. Following review and consideration, on a motion by Travis I. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to grant a review time extension for the Thomasville Properties Preliminary Subdivision Plan for ninety (90) days commencing July 25, 2015.

The Zoning Officer presented a request for review time extension of ninety (90) days from All Land Surveying on behalf of the Ralph Tolbert Final Subdivision Plan stating that PD DEP is still holding the module and has not approved to date; current deadline is July 23, 2015. He stated that previously DEP had 90 days in which to act upon a module but then it was increased to 120 days and apparently they intend to take the full amount of time in which to act upon this Plan. The Plan was submitted to DEP in March so action should be rendered by sometime in July. The ZO stated if the planning module is approved by DEP, it would then proceed to the Township Municipal Authority and then back to the Supervisors. 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 grant the request for review time extension for the Ralph Tolbert Final Subdivision Plan for ninety (90) days commencing July 23, 2015.

The Zoning Officer presented a 1-lot Final Subdivision/Lot Addition Plan for Donna Wunderlich property between Brookens and Coldspring Roads; proposes subdivision of portion of Wunderlich property as a lot addition to Troy Coons property which faces Brookens Road. The ZO noted that property ownership has changed and also a former shed has been removed. The ZO reviewed the *Approval Checklist* with the Board, each member having received a copy for their review: Franklin County Planning Commission – reviewed with no comment (5.26.15); Sewage Enforcement Officer – non-building waiver submitted to PA DEP (6.22.15); Township Planner – non-building waiver request required (already in process); Township Engineer – reviewed plan and found it complied with Township Ordinances governing subdivision of properties, therefore, would recommend approval. The ZO stated the Plan had also been reviewed by Township Zoning staff and he would recommend approval as well. He stated that in the course of the previous subdivision, an existing shed was located in the front yard setback but it may be corrected with the construction of a proposed garage but the ZO will be in contact with the property owner to ensure that it will be in compliance if and when the existing shed is removed. 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 approve the Donna Wunderlich 1-lot Final Subdivision/Lot Addition Plan as presented.

The ZO presented a 1-lot Final Subdivision/Lot Addition Plan for the Bonnie Williams property located along Elevator Street; purpose of the plan is to subdivide a very small portion as a lot addition to the Township Park property. He stated the Williams property actually crosses Elevator Street and adjoins the Township Park. There were no additional comments presented for the Plan. Following review and consideration, 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 Bonnie Williams 1-lot Final Subdivision/Lot Addition Plan as presented.

The Solicitor stated he wished to inform the Board that he had received an e-mail from Vince Elbel, Township Sewage Enforcement Officer, regarding someone that has been having trouble with their sewer; apparently persons are not moving forward with their project so the

SEO informed the Solicitor and asked for direction in proceeding with the issue. The Solicitor discussed with the Board that he wished to proceed by first sending a letter and then proceed from that point depending upon what, if any, action would occur. The Board concurred at this time and thanked the Solicitor for informing them of the matter.

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 payment of invoices as follows: Check Numbers 22981 through 23013, inclusive, to be paid from the General Fund; Check Numbers 3186 through 3188, inclusive, to be paid from the Liquid Fuels Fund, and, one (1) online pay to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:18 P.M..

Respectfully submitted,

Secretary