

The Greene Township Board of Supervisors held their Regular Meeting on Tuesday, June 23, 2020 at the Greene Township Municipal Building, 1145 Garver Lane, Chambersburg, PA 17202. (Note: Due to COVID-19, all persons maintained an additional distance during this meeting.)

Present:

Todd E. Burns	Gregory Lambert
Travis L. Brookens	Lindsay Loney
Shawn M. Corwell	Kurt Williams
Daniel Bachman	

Visitors: Frank Flohr, Glenn Shetter, Kip Feldman, Michael Noll, Esther Weaver Farner, Robert Farner

The Chairman called the Meeting to order at 12:00 Noon. He welcomed everyone and reminded the audience that there is a sign-up sheet in the back of the room and that the meeting is being recorded.

The Chairman announced the opening of the sealed bids for the 2020 Line Striping and Marking. Two bids were received, from Alpha Space Control Co., Inc. and Midlantic Marking, Inc. The Chairman opened and read the bids aloud. Pricing is as follows:

Description	Approx Qty	Alpha Space Control Co., Inc.		Midlantic Marking, Inc.	
		Unit Price	Total	Unit Price	Total
Single Yellow Line	35,441 ft	.0535	\$ 1,896.09	.07	2,480.87
Double Yellow Line	590,126 ft	.107	61,127.07	.14	82,617.64
Edge Line	569,381 ft	.0535	29,962.51	.07	39,856.67
24" White (Stop Bars & Crosswalks)	1,308 lf	2.25	2,943.00	12.00	15,696.00
24" Gore Bar(s) Yellow	823 lf	2.25	1,851.75	12.00	9,876.00
6" Single White Line Crosswalks	3,038 lf	1.85	5,620.30	1.50	4,557.00
12" White Line Crosswalks	210 lf	1.95	409.50	7.00	1,470.00
PennDOT Left Turn Arrow(s)	74 ea	0.45	3,330.00	200.00	14,800.00
PennDOT Right Turn Arrow(s)	23 ea	0.45	1,035.00	200.00	4,600.00
PennDOT Combo	16 ea	0.90	1,440.00	400.00	6,400.00
RxR Crossing w/3 transverse bars	6 ea	1.75	1,050.00	600.00	3,600.00
"997" Legend	2 ea	125.00	250.00	600.00	1,200.00
"NORTH" Legend	2 ea	125.00	250.00	900.00	1,800.00
<b>TOTAL AMOUNT OF BID</b>			<b>\$119,928.77</b>		<b>\$188,954.18</b>

Supervisor Corwell commented on the large difference between the two bids (\$69,025.41) and noted that the Township has used Alpha Space the last few years and they have done a good job. Supervisor Brookens noted that part of the difference in price may be because Alpha Space is local and Midlantic Marking is located in Gaithersburg, Maryland. The Township Engineer concurred that he is surprised by the difference in bids, and Alpha Space's bid price seems to be comparable to their 2019 bid price. 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 award the 2020 Line Striping and Marking Contract to Alpha Space Control Co., Inc. in the amount of \$119,928.77 as quoted in their bid.

The Minutes of the Regular Meeting held June 9, 2020 shall stand approved as presented and become part of the official record.

The Chairman opened the floor for public comment. Mr. Glenn Shetter (resident of 3353 Interchange Drive) notified the Board that driveway permit regulations are being ignored. He stated that he has three neighbors who have widened their driveways more than the allowed amount of 27 feet. Two neighbors have widened their driveways to 36 feet (3657 and 3664 Valley View Drive), and the other has widened their driveway to at least 40-45 feet (3693 Valley View Drive). Mr. Shetter stated that when he altered his driveway, he would have liked to have had it wider than 27 feet, but he knows the regulations and followed them. The Township Engineer asked Mr. Shetter if he had any idea which contractors were used, to which he replied that he did not. One of the driveways was done either this year or last year to make room for a motor home. Mr. Shetter went on to suggest that the Supervisors notify contractors in the area that permits are required in Greene Township. That had been done several years ago, but maybe it needs to be done again. The Zoning Officer inquired if the driveway was widened where it crosses the Township right of way, to which Mr. Shetter replied they were all widened out to the road. The Zoning Officer pointed out that it makes it difficult to enforce regulations after the work is complete. It is hard to go back a few years to track down who did the work, when it was done and what was there previously. The Chairman asked Mr. Shetter to see that the Zoning Officer and Engineer get the addresses that are in violation, to which he replied that he would.

The Chairman presented a correction to the 2020 Ultra Low Sulphur Diesel bid, which was awarded at the previous meeting on June 9, 2020. The bidder, McCleary Oil Company, provided two bid sheets by mistake. At the June 9<sup>th</sup> meeting, the bid was awarded to McCleary Oil Company at \$1.299 per gallon delivered to 1145 Garver Lane and \$1.359 per gallon delivered to Fayetteville Volunteer Fire Department. McCleary Oil Company was contacted regarding the two prices and clarified that the correct price is the lower amount of \$1.299 per gallon, delivered to both 1145 Garver Lane and the Fayetteville Volunteer Fire Department. The Solicitor informed the Board that a motion would need to be entertained to ratify the lower price. On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board voted to award the 2020 Ultra Low Sulphur Diesel bid to McCleary Oil Company in the amount of \$1.299 per gallon, as provided.

The Zoning Officer presented a request for time extension of the Jaindl Land Co. Preliminary Land Development Plan, Project #20-001. E-mail correspondence between the Township Solicitor and Attorney Marc Kaplin was provided in the packets for review, in which Attorney Kaplin agreed to a time extension through August 25, 2020. The Solicitor inquired if this had been posted on the Township website, to which the Zoning Officer confirmed it had been. The Solicitor noted that requirement will continue as long as the Governor's pandemic

declaration remains in effect. Mrs. Ester Weaver Farner (resident of 4965 Greenvillage Road) voiced her concern about the plan. Mrs. Farner stated that she nor any of her neighbors were aware of the possibility of a distribution center coming to the area. She is concerned about the amount of tractor and trailer trucks that would be coming through the area, and asked if there was anything she could do to keep this from happening. Mrs. Farner stated that plan she saw looked like there would be approximately 200 trucks going in and out and they would be hiring approximately 1,000 people. She noted that she is not against hiring new people, but she is against having a distribution center in Greenvillage. The next generation will be the one to deal with the mess. Mrs. Farner stated that she saw the zoning signs go up, but she did not read them. However if she would have known about the plan months ago, she would have voiced her concerns sooner. Dr. Michael Noll (business owner at 4755 Philadelphia Avenue) informed the Board that he was not aware of the plan either. Several months ago, he was doing some outside cleanup and noticed a sign about a meeting here at the Township. However, that was shortly before COVID-19, and he lost track of time and forgot about it. Dr. Noll expressed that he is not in favor of a distribution center going in the area. He has elderly patients with slower reflexes that already have difficulties pulling in and out of his office. Sometimes he has trucks pulling into his parking lot to park alongside the road. It makes it difficult to get in and out of his office. A couple years ago, as he was coming into his office one morning, there was a double trailer parked at his entrance, and he only had approximately 5-6 feet to get into his parking lot. Dr. Noll indicated that the last thing he wants is more trucks in that area. It would be more wear and tear on the roads and most likely cause property values in the area to decrease. Mrs. Farner asked if the Board made the public aware when this started. The Solicitor gave a brief overview of what has occurred with the plan to date. In 2019, the Board contemplated changing the zoning of that tract of land from light industrial to transitional commercial, which would remove the possibility of a warehouse going into that area. That is not the reason for their decision; it made more sense for the area to be transitional commercial in their opinion. A Public Hearing was advertised and held mid-January, 2020. The change in zoning was strenuously objected to by the land owner and the development company out of Allentown. The Public Hearing was approximately an hour and a half. The day prior to the Public Hearing, the development company that has a contract to purchase the land submitted a land development plan to build a warehouse. That is the plan on the agenda today, for the Board to act on the time extension of that plan. The time extension is needed because the developer objected to the change of zoning, and the Supervisors are in the process of defending that decision to change the zoning in front of the Zoning Hearing Board (ZHB). At a ZHB hearing on June 16<sup>th</sup>, a decision was made regarding whether the old ordinance applied to the plan submitted by the developer or the new ordinance applied. The ZHB determined that the new zoning (transitional commercial) applied to the land, because it was advertised in December, prior to the plan being submitted. That decision is subject to appeal by the developer to the Court of Common Pleas. On June 30<sup>th</sup>, a second issue will be heard by the ZHB, regarding if the zoning was changed because the Supervisors wanted to target the developer. The Solicitor conveyed that he does not think a decision will be made on the 30<sup>th</sup>. The Supervisors are defending their position on the zoning change vigorously. Should the developer appeal to the Court of Common Pleas and be victorious that the old zoning applies, a warehouse is a by right plan in a light industrial zone. If that happens and the developer submits a plan, it would then have to go through the normal process for approval. Those ZHB meetings and Supervisor meetings are always open to the public. The Solicitor informed the audience that as neighboring land owners, they are affected, and have the option to hire private council to challenge the land development plan. Dr. Noll questioned if the Board had advertised the change from light industrial to transitional commercial. The Solicitor confirmed that yes, it had been advertised three times in December, as required by law. The zoning change was also posted with a physical sign on the property.

Mrs. Farner asked if she should be looking at all signs posted on properties. The Solicitor replied yes, that is what they are there for. The Zoning Officer informed the audience that the Township sends notices to property owners directly adjacent to the affected property, meaning physically touching the property. He also explained that the zoning signs placed on properties are slightly different than land use permit signs. Land use permit signs are black and white; zoning notices have red lettering. The property was posted for the zoning change and for the zoning hearing board application. Dr. Knoll inquired if the Board felt that it was in a strong position to defend the change in zoning should the ZHB decision be appealed. The Solicitor responded that the Board is confident in its legal position; that's why it is asserting its rights to defend it. Mr. Robert Farner (resident of 4965 Greenvillage Road) expressed his concern that the extra traffic would affect Letterkenny. When there is an accident on I-81, traffic backs up on Rt 11 for a mile or more. Mr. Farner suggested that the new paving done on Greenvillage Road better be "the heavy stuff", because a lot of people use Greenvillage Road to beat the red light on Rt 11. He noted that there is already a lot of truck traffic on Greenvillage Road. Mrs. Farner stated she saw 20 trucks within 10 minutes this morning. Mr. Farner asserted that no one they spoke to in the last week knew about the possibility of this distribution center going in. The people didn't get a "fair shake" because they didn't know. Mrs. Farner asked if it would help if they had a lot of people come to the meetings. The Solicitor responded that the public is welcome to come to any of the meetings. The next ZHB meeting is June 30<sup>th</sup>, and the ZHB will take public comment at some point during that hearing and should take those comments into account. Supervisor Brookens pointed out that the only issue being discussed today is the extension of time to review the plan that has been submitted. There are many issues with that plan that still need to be reviewed: utilities, driveways out to Rt 11, etc. There is no guarantee of any plan approval at this point. The Chairman informed the audience that the Board greatly appreciates their comments and concerns that they gave today, but the most important meeting for them to attend at this point is the ZHB hearing on June 30<sup>th</sup> at 5:30 PM. Mr. Shetter expressed his concern that the public needs to read the classifieds in the newspaper every day; that is how you learn about these things. The Solicitor informed the audience that there are mandated public notice requirements that the Township has to follow to publicize its meetings. The Township does that faithfully. However, the Township cannot send special notices for particular projects. That would be treating this applicant different than others, and that is not appropriate. All applicants must be treated as fairly and equitable as possible. The Chairman noted that the minutes from all meetings are posted on the Township website after approval, so reading those would provide detail of what was discussed. 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 time review extension of the Jaindl Land Co. Preliminary Land Development Plan until August 25, 2020.

The Zoning Officer presented the CVBP, Oak Grove 1 Lot Preliminary Land Development Plan. This property is located off Coffey Avenue, behind the former Colonel's residence. The plan is to consolidate several parcels into one and construct three separate buildings and an interior roadway system with parking areas and a single access out onto Coffey Avenue. The property is in the heavy industrial zoning district. A sidewalk waiver was granted on January 28, 2020, with the condition that a note be placed on the plan regarding future construction requirements. That note has been placed on the plan. The Franklin County General Authority has approved the plan, and the sewage planning for the area has been approved. An NPDES permit was issued April 24, 2020, and a traffic impact fee has been provided for the three buildings. The plan was presented to the Planning Commission on June 8, 2020, and they recommended approval. The Township Engineer informed the Board that he did review the plan twice, and all of his prior comments have been addressed. He also noted

that this is a preliminary plan, so there would be no need for bonding. The Solicitor inquired if the plan was advertised on the website, to which the Zoning Officer confirmed that it was. 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 CVBP, Oak Grove 1 Lot Preliminary Land Development Plan as presented.

The Solicitor informed the Board that at the June 16<sup>th</sup> ZHB meeting, the Board issued a verbal decision on the pending ordinance doctrine issue of the Jaindl appeal. The ZHB voted 2-1 in favor of the Township, in that the pending ordinance does apply to the Jaindl plan. That decision is appealable to the Franklin County Court of Common Pleas within 30 days of the written decision being issued. That written decision should be issued within 45 days of the close of the hearing. On June 30<sup>th</sup>, the ZHB will continue with the second part of the appeal, regarding the special legislation issue. The Solicitor stated that he does not expect a decision from the Board that night, but there will be testimony. The Solicitor reported that he is still working with Supervisor Corwell on the three denitrification accounts. The Solicitor also informed the Board that the Township was notified of two traffic accidents recently. The first one occurred last year, and the plaintiff's council has been in contact with him. The plaintiff's council sites the design of the intersection as the liability of the Township. The Solicitor does not have any other details on the second accident, as it was just brought to his attention today.

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 28670 through 28708, two credit card payments and two ACH payments, inclusive, to be paid from the General Fund, check numbers 3640 through 3645, inclusive, to be paid from the Liquid Fuels Fund and check number 2207 to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 12:58 PM.

Respectfully submitted,

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Treasurer/Assistant Secretary