

July 14, 2020  
Chambersburg, PA 17202  
Regular Meeting

The Greene Township Board of Supervisors held their Regular Meeting on Tuesday, July 14, 2020 at the Greene Township Municipal Building, 1145 Garver Lane, Chambersburg, PA. (Note: Due to COVID-19, all persons maintained an additional distance during this Meeting.)

Present:

Todd E. Burns  
Travis L. Brookens  
Shawn M. Corwell

Gregory Lambert  
Lindsay Loney  
Kurt Williams

Visitors: See Attached List

The Chairman called the Meeting to order at 7:00 PM and informed the visitors that a sign-up sheet and copies of the agenda are at the back door. He asked any visitors wishing to speak this evening to please stand and state their name and address before speaking.

The Minutes of the Regular Meeting held June 23, 2020 shall stand approved as presented and become part of the official record.

The Chairman opened the floor up for public comment. Mr. Jamie Reed (539 Nicklas Drive) stated he and the other visitors are from the Greenwood Forest Development and came to the meeting to voice their concerns about a noise issue with a neighbor at 7200 Brownsville Road. The development has always been a quiet area, and the residents have always been able to enjoy themselves outside during the summer months. The property on Brownsville Road changed ownership in April, and since then, there have been twenty-six documented cases of loud music being played for hours on end at all times of the day. One of the neighbors voiced his concern to the property owner, to which he replied something like "I did twenty-six years in prison. I'm going to party everyday as long as I can and no one's going to stop me." He allegedly posted on Facebook that he just moved in and plans on barbecuing and partying everyday and his neighbors will either love him or hate him and he doesn't care. Mr. Reed noted that he is in possession of the Township Noise Ordinance, and believes it is a well written ordinance except that it only covers the hours of 10PM to 6AM. Mr. Reed stated that the police have been to the residence a few times, and they have advised the neighbors to approach the Township about the ordinance. The state law does not go into effect until 11PM. The state police informed Mr. Reed that if it occurs enough times and is well documented, it could be considered harassment, but they

would need to have a very strong case to go that route. Mr. Reed pointed out that he looked over many of the neighboring township's noise ordinances and some of them are in effect all day long, not just certain hours. The Chambersburg Borough's noise ordinance states that the noise cannot travel across the property line, and it is effective all day long. Mr. Reed also stated that the neighbor works second shift and comes home after 11PM most nights. The sound system in his car is very loud and wakes him up sometimes. Mr. Reed noted one particular incident on July 4th that the neighbor played music from 10AM until 10PM. The noise is so loud that he can hear the music inside his house with the windows closed and the TV on; it rattles the windows. Mr. Reed suggested that the Supervisors remove the times from the ordinance. Mr. Mark Helman (4 Greenwood Forest Road) concurred that he is also able to hear the bass when he is inside his house with the TV on. He stated that he approached the neighbor and asked him to turn the bass down or play the music on a different side of the house, and he replied that he bought the property and he likes to barbecue and play music so that's what he's going to do. Ms. Vicki Wishard (551 Nicklas Drive) stated that her daughter is working from home and it is very disruptive to have the constant noise. Chairman Burns expressed that he understands how frustrating this must be; there is nothing worse than having a bad neighbor. He went on to note that noise ordinances are difficult to administer and difficult to write. He recalled when the noise ordinance was written, it was not an easy process because there are many different issues that come up - decibel levels, what is considered annoying or offensive, subjective language, etc. The Chairman concurred that the time of the noise ordinance is a bit of an issue, but he recalls that when the ordinance was written there were discussions about the time. The Chairman noted that it is difficult to enforce the noise ordinance because the Township does not have a local police force or the administration or authority to enforce the ordinance. Therefore, it falls back on the property owners affected by the noise to file a civil complaint against the perpetrator. The Chairman inquired if any of the twenty-six documented cases occurred during the hours of 10PM and 6AM. Mr. Reed responded that most of the times were during the day, but there are five instances that occurred after 10PM. He noted that they understand the burden falls on them to file the complaint; they just need the ammunition to take to the court and the times limit that. The Solicitor advised that removing the time restrictions would make the ordinance very strict. Anyone playing music outside at any time throughout the day would be in violation if it is heard over the property line. Ms. Kim Terteglie (3 Greenwood Forest Road) expressed her frustration that between the hours of 6:01AM and 9:59PM, there is no regulation, regardless of the sound level. Supervisor Brookens stated that this ordinance was adopted approximately fifteen years ago, and there could be some items that need to be adjusted. The Board is not opposed to reviewing the ordinance and making necessary changes as they see fit. Supervisor Brookens noted that it may be helpful for the Board to approach the state police and ask them to look into the problem and maybe talk to the individual. He also pointed out that filing a complaint against the individual will not be an overnight solution. There will be time involved where the issue will probably still go on before it gets before a judge. Supervisor Corwell stated that if there are five documented occurrences between the hours of 10PM and 6AM, they could file tomorrow. Mr. Reed responded that he is concerned if they file a complaint now, it will only make things worse because the neighbor can do what he wants during the daytime hours. The Chairman concurred with Supervisor Brookens that he is willing to review the ordinance and make changes if appropriate. He re-iterated that process will take time. The quickest way to deal with the issue now would be to start the process with the district justice regarding the five cases that are already documented. The ordinance is written such that every violation is a violation; five documented cases would be five charges. Mr. Reed again stated that he is concerned that filing charges

now will only cause more issues during the daytime hours. Mr. Reed acknowledged that he understands the process of changing an ordinance is a long one and noted that some of the other ordinances specifically referred to “amplified music”. Mr. Reed asked if the Board would be willing to speak to the state police about the issue, to which the Chairman replied they would.

The Chairman presented a letter to the Franklin County Commissioners regarding the grant the Township received for the Scotland Dam stream restoration project. The purpose of the letter is to request a time extension of the grant, as well as adding the cost of permitting into the grant. The dam removal project is complete, but due to permitting issues the restoration project has taken longer than anticipated. The construction documents are complete, and the permitting is in the process of being completed and submitted to DCED. 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 issuing a letter to the Franklin County Commissioners requesting a time extension and budget revision for the Franklin County Tourism Quality of Life Enhancement Grant as presented.

The Chairman presented a consideration to accept bids for the additional work related to the Scotland Dam stream restoration project. He noted that the construction documents are completed and ready to go out for bid, and he recommends accepting bids in four weeks. Following review, 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 advertise the receipt of sealed bids for the additional stream work and enhancement for the Scotland Dam project to be received no later than September 8 2020, at 3:00 P.M., EST, at the Greene Township Municipal Office Building, 1145 Garver Lane, Chambersburg, PA; then to be opened and read aloud on September 8, 2020, at the regularly scheduled Supervisors meeting at 7:00 PM. EST.

The Board exited the meeting room at 7:41 PM to enter into an Executive Session regarding personnel matters. The Board returned from Executive Session at 8:32 PM. The Chairman made the announcement that personnel matters were discussed and the substance of the discussion will be addressed with that particular employee tomorrow, Wednesday July 15th at 8:00 AM.

The Solicitor informed the Board that on July 20th, the Zoning Hearing Board would be issuing a written decision on the pending ordinance issue that it issued a verbal decision on earlier in the month. The land owner/developer will have 30 days from the written decision to make an appeal. On June 30th, the Zoning Hearing Board held a hearing regarding the special legislation issue, and it was agreed that we would wait for receipt of the transcripts. Upon receipt of the transcripts, we have 15 days to file a brief. The Zoning Hearing Board will receive them at their next regularly scheduled meeting, and that will start the 45 day clock for them to issue their decision. The Solicitor noted that he feels good about the hearing on the 30th, and said the planner really did a great job presenting to Zoning Hearing Board about why the decision to rezone made good planning sense.

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 28721 through 28762, one credit card payment and four ACH payments, inclusive, to be paid from the General Fund and check numbers 3646 and 3647, inclusive, to be paid from the Liquid Fuels Fund and check number 2208 to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:37 PM.

Respectfully submitted,

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Treasurer/Assistant Secretary