

August 22, 2017
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors held a Regular Meeting on Tuesday, August 22, 2017 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

Visitors: See list

The Chairman called the Meeting to order at approximately 7:00 P. M. noting the Meeting was being recorded.

The Minutes of the Regular Meeting held August 8, 2017 shall stand approved as presented and become part of the official record.

Township Resident Paul Holbrook, 3892 Scotland Main Street, with two additional neighbors, addressed the Board regarding their concerns of what is occurring at the property located at 3920 Scotland Main Street. He noted a letter he had delivered to the Township signed by residents at the end of Lincoln Street concerning the activities and the subsequent letter sent by the Township Zoning Officer that stated a time frame. Mr. Holbrook was informed that unless residents can prove what is allegedly occurring on the property the Township has nothing to stand on, that it would be "hearsay only", if taken to the District Magistrate. Mr. Holbrook stated the observations of alleged violations by areas residents is what is actually occurring and not "hearsay". They see daily or nightly what is occurring and do not feel the Township ordinance(s) are being enforced. His noted the following: have small trailer (camper) on property and living in it since October or November of last year; he has been keeping a daily log of the neighbor coming and going. The Township Solicitor asked Mr. Holbrook what that proves to which Mr. Holbrook stated that it doesn't necessarily prove anything and understands that but driving by won't prove anything. Mr. Holbrook stated the neighbor is taking advantage of the ordinance(s) of the Township and living in the trailer. He stated he also has pictures of the occurrences noting if the Zoning Officer were to give his home telephone number, Mr. Holbrook would call the ZO when the neighbor is present. Mr. Holbrook stated that in the letter to each of the residents they (residents) must be willing to personally appear before the District Magistrate with charges but their view that was not their job but because they are violations of Township ordinance(s) the Township needs to act. The ZO noted the letter stated the Township must have positive proof provided in order to consider pursuing it further before the District Magistrate. Mr. Holbrook stated he had proof the septic tank on the trailer was pumped out in July and that he also had pictures of items being loaded in and out of the trailer but that activities only occur very early in the morning and late at night when the neighbor knows the Township office is closed. Supervisor Brookens noted the Township has been checking on occasion but again reminded Mr. Holbrook that the proof of burden lies on the Township to prove the case and must have concrete evidence. Mr. Holbrook stated he and neighbors would be happy to provide pictures if the Township so desired. Mr. Holbrook stated there is no water or sewer service to the property because the water was cut off last October and has pictures of water

being delivered and saw it being taken into the trailer. The Township Solicitor asked Mr. Holbrook if he would be willing to testify (to District Magistrate) as to what he has observed and Mr. Holbrook stated he would be willing. Resident Melissa Kennedy, 3856 Lincoln Street, Scotland, stated she had also signed the letter that Mr. Holbrook had delivered to the Township, was in attendance at this Meeting to find out what residents can do about the situation as well as get some clarity how they (residents) could better support Township officials to enforce laws. Mr. Holbrook stated having lived in the Township and worked with the various codes and ordinances of the Township, he fully understands this is a sensitive situation. He stated the neighbor is a hoarder which can contribute to health issues and cited an instance where the lights were on in the house, TV was on, door was open but no movement inside and were worried that neighbor was in trouble so went to check and at that point saw the condition of the home. The neighbor has since moved out due to not paying for utilities and whatever else. The Township Solicitor reminded Mr. Holbrook and other residents that the Township's only job is to administer laws. Mr. Holbrook inquired as to who the residents should contact, the Zoning Officer or attorney, and the Solicitor stated the ZO. The ZO reminded Mr. Holbrook that he could not testify, i.e. pictures, but to actual proof of the situation. The Solicitor noted that as a general rule he has insisted the Township investigate alleged violations so that it can testify of their own knowledge and not by what others have stated. When Mr. Holbrook mentioned he would try to meet with the District Magistrate to find out what would be required to prosecute, the Chairman stated that before moving further with the matter, they should wait to see if the Magistrate would be willing to meet with Mr. Holbrook. Supervisor Corwell cautioned that the District Magistrate may not be able to meet or give any advice if the issue is pursued to his court and may refer Mr. Holbrook and/or whomever to an attorney. Supervisor Brookens suggested the ZO could pose the issue as a hypothetical situation to determine if any information is available. The Township Solicitor noted a person must appear personally to present testimony because the defendant has the right to cross-examine testimony and would not be able to cross-examine an affidavit. The ZO stated he would consult with the District Magistrate to see what the Township needs to which Mr. Holbrook requested the ZO would hold off at this time. The ZO stated he would not show anything to the District Magistrate and only pose as a hypothetical case and noted the Township would not want to present something they feel they would lose in a court of law. Mr. Holbrook and other residents in attendance thanked the Board for their time and assistance regarding the neighboring issues.

The Zoning Officer presented information regarding a request for public sewer tap-in submitted by Vince Elbel, Township Sewage Enforcement Officer (SEO) for the Scotland Road Market Subdivision, Route 30 East (Fayetteville) and Anthony Highway. He stated the Township had received the planning module; property owned by Scotland Road Market; propose subdivision of three (3) different sections of the property; three (3) new edu's would be generated by the subdivision. He further noted the narrative and plan are quite clear with no development planned at this time. He stated the complete module packet is currently in the Township office and once the Resolution is passed it will be forwarded to the SEO and then forwarded to PA DEP. Supervisor Brookens inquired if the module was proposing all three (3) edu's at this time and the ZO stated 'yes'. 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 adopt Township **Resolution No. 15-2017**, from Vince Elbel, Township S.E.O., for public sewer tap-in, Scotland Road Market Subdivision, Route 30 East Fayetteville and Anthony Highway.

The Chairman stated that in the past the Township has entered into a "Winter Maintenance Agreement" with PennDOT for a small reimbursement. The Township performs road maintenance, primarily plowing snow, in the Exit 17 area. 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 adopt Township **Resolution No. 16-2017**, for the 2017-18 Municipal Winter Agreement program with PennDOT and authorize the Chairman to sign same.

The Chairman noted that as part of the grant application for the Franklin County's Tourism and Quality of Life Enhancement Grant Program, the Township is looking to apply for some funding through the County's grant program for the Township's Conococheague Trail project. He stated this is a good idea and would be the first step in applying for those funds. Supervisor Corwell stated he also felt it was a good idea, great project, and is hopeful the Township will receive the funding. On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to adopt Township **Resolution No. 17-2017** to request grant funding through Franklin County's Tourism and Quality of Life Enhancement Grant Program as part of the application process for the Township's Conococheague Trail project.

Supervisor Brookens, Director of Parks and Recreation, presented a Change Order request from David H. Martin Excavating, Inc. for the Township Playground Improvement Project. He stated it involves extension of sidewalk that was not included in the original project documents. After reviewing the project, he felt it was a good idea to finish some sections of sidewalk, proposed some additional sidewalk, and additional pavers under this Change Order at a total cost of \$13,603.58. The Chairman stated he would agree to the additional work for safety purposes and ease of pedestrian traffic. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to approve the Change Order request from David H. Martin Excavating, Inc. regarding the Township (Park) Playground Improvement Project in the amount of \$13,603.58.

The Chairman noted the Township (Board) needed to consider scheduling a public hearing to consider North Parkwood Drive as a public street following its recent completion and being opened to the public. The Township Solicitor continued by stating the ordinance had been prepared and have thirty (30) days in which to hold the public hearing. The Chairman inquired if the Township would have enough time in order to submit to PennDOT for Liquid Fuels funds and the Township Engineer confirmed they would. The Chairman also inquired if the speed limit had been included in this ordinance and the Solicitor stated it did not at this time. Supervisor Brookens inquired if it would be possible to schedule the public hearing for the Regular on September 12 due to the stop sign already installed but no ordinance to enforce it. Supervisor Corwell asked the Solicitor if a separate ordinance would be needed for the speed and the Solicitor stated 'yes'. The Township Engineer noted that a speed study could not be performed until there was traffic on the roadway which just occurred and until it is posted the speed limit is 55 mph. The Solicitor reminded the Board that it would not qualify for 25 mph speed limit which the State will allow without a speed study because it is not located in a residential area. The Solicitor stated he will confirm that September 12 is an acceptable time to hold the public hearing, however, the Board could take action on condition of his findings.

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 schedule and advertise for a public hearing to consider the adoption of an ordinance to ordain portions of North Parkwood Drive as a public street and establish the intersections of North Parkwood Drive and Kohler Road (T-517) as a Stop intersection to be held September 12, 2017 at 7:00 p.m., prevailing time, at the Greene Township Municipal Office Building, 1145 Garver Lane, Scotland, PA.

Supervisor Corwell presented information from two (2) bids received to consider purchasing a tandem dump truck off CoStars contract; chassis to be purchased Mack Legacy for tandem. He stated it adheres to all other trucks the Township currently has except for the gross weight since it is a tandem and the price of \$131,998 was just updated on August 21. He received two (2) bids for the body from (1) Intercon Truck Equipment, Joppa, MD, and (2) U.S. Municipal Supply, Inc., Huntingdon, PA, wanting to be sure of comparing the same items. U.S. Municipal has a lower size on the tailgate whereas Intercon has a longer tailgate. He spoke with both vendors regarding a tank on the truck for treatment of material and both will have a tank on the back of the cab on the body; both are CoStars priced. U.S. Municipal quoted a price of \$67,284.28 and if the Board wanted a barn door tailgate added, the total would be \$68,818.72. Intercon quoted a total bid price of \$70,225. Supervisor Corwell stated the Township has never dealt with Intercon to his knowledge, however, is aware the representative worked previously for J & J Body and also U.S. Municipal Supply, Inc.. He stated both quoted placement on J & J Body; built-time would begin next year; noted U.S. Municipal supplied lower bid. Supervisor Brookens inquired if they had given a construction time; would it be done by the end of next year. Supervisor Brookens then inquired as to how long it would take to build the chassis and Supervisor Corwell stated the completed truck would be available next fall; would be a 2018 model. 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 authorize the purchase of a tandem dump truck from CoStars contract with the chassis to be obtained from Mack and the body from U.S. Municipal Supply, Inc..

The Board received a request from Fayetteville Volunteer Fire Department regarding a fund-raising event to be held September 23, 2017. The Department is required to provide a letter to the Liquor Control Board (LCB) from the Board of Supervisors stating they are aware of the event being held. Due to questions that arose, 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 consideration of the request from Fayetteville Volunteer Fire Department regarding a fund-raising event to be held September 23, 2017.

Supervisor Corwell presented consideration of donation to West End Fire & Rescue (WEFR) noting they currently only have on-street parking but have been able to obtain a stone parking lot to park off-street. WEFR desires to have the parking lot paved and have received a bid price of \$11,570 from AAA Paving. Discussions have been held over several months to request funding as follows: \$5,000 donation from Southampton Township (Franklin County), \$5,000 donation from Greene Township, and WEFR donating \$5,000. Supervisor Corwell stated that Southampton Township has approved their \$5,000 donation at a recent meeting and is now bringing the request to Greene Township Board of Supervisors for their consideration. Supervisor Corwell provided some details of the project work (i.e. saw cut part of an alley, etc).

He further stated the Township had placed funds in the fire department budget for small projects and felt it was a reasonable request with WEFR doing a good job for the Township and its residents. 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 authorize a donation to West End Fire & Rescue in the amount of \$5,000 for their paving project for 2017.

The Zoning Officer presented and reviewed the Monthly Zoning Office Report for July 2017 with Board Members, each Member having received a copy. Following the review, it was consensus of the Board that the Monthly Zoning Office Report for July 2017 shall become part of the official record.

The Zoning Officer presented a request for waiver of Greene Township Code 85-51, *Requirements to Install Sidewalks*, received from Menno-Haven, Inc.. They have submitted a Land Development Plan for a skilled care facility. The property portion that is located in the Township is for stormwater management and all other areas are located in the Borough of Chambersburg. There is a network within Menno-Haven that provides a means for school students living in Franklin Square Drive to safety access CAMS North. The ZO reminded the Board that on previous approvals such as this they had placed a condition that if sidewalks were ever required in the area in the future the property owner would be required to install sidewalks. Lance Kegerreis, engineer for the developer, stated he only had one question at this time and that would be relative to placing such a note on the plan. The ZO stated the Township has specific wording by the Township Solicitor that would be provided. The Solicitor stated the plan would be checked to determine whether a notation was already present on the plan. During discussion the Township Engineer stated that what Menno-Haven proposes is more conducive for pedestrian traffic. The Chairman noted this was a good alternative and appeared viable. Following further 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 grant the request for waiver of Greene Township Code 85-51, *Requirements to Install Sidewalks*, from Menno-Haven, Inc. with the condition that if sidewalks would be required in the future they would be constructed.

The Zoning Officer presented a 1-Lot Final Land Development Plan for Menno-Haven, Inc. identified as "Skilled Care at Brookview"; property located along Scotland Road; the portion of the project to be located in the Township is construction of a stormwater system; majority of the Skilled Care will be located in the Borough of Chambersburg. The ZO reviewed the *Approval Checklist*, a copy of which had been provided to each Board Member for their review: Franklin County Planning Commission – majority of property located in Borough of Chambersburg; Greene Township Municipal Authority – approved with required sewer bond in the amount of \$44,667.80 (7.14.17); Sewage Enforcement Officer – PA DEP approved (3.23.17); Guilford Water Authority and Franklin County Conservation District – majority located in Borough; comments of the Township Planner were reviewed; Township Engineer – reviewed plan and satisfied with the land development design presented will adequately control stormwater for both proposed new impervious surfaces and the displaced basin which will be located in the Township; Township Engineer also concurred with the estimated for the construction of the bypass basin to be located in the Township in the amount of \$188,783.01;

therefore, he would recommend approval of the plan provided the required bonding is submitted. 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 Menno-Haven, Inc. Skilled Care at Brookview 1-Lot Final Land Development Plan with the conditions the Borough of Chambersburg also approves the Plan and the stormwater bond in the amount of \$188,783.01 be posted prior to the Plan leaving the Township office. Mr. Kegerreis informed the Board that the bond will actually be an insurance bond rather than a Letter of Credit and the Borough's will be the same format.

The Zoning Officer presented a Parking and Circulation Plan for Christian Missionary Alliance Church; property located along Siloam Road; propose expansion of existing parking lot to provide additional parking by adding seventeen (17) stalls. Supervisor Corwell asked the ZO if there would be adequate parking for the square footage of the expansion and the ZO stated there would. The ZO reviewed the *Approval Checklist*, a copy of which had been provided to each Board Member for their review: Franklin County Planning Commission – N/A; Franklin County Conservation District noted as 'adequate' (7.27.17); Township Planner – previous comments satisfactorily addressed (8.3.17); Township Engineer – reviewed and would recommend approval. 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 Parking and Circulation Plan for the Christian Missionary Alliance Church as presented.

The Township Solicitor had no further comment to offer at this Meeting.

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 25709 through 25749, five credit card payments, three online payments, inclusive, to be paid from the General Fund; Check Numbers 3375 through 3379, one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, one online payment to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:25 P.M..

Respectfully submitted,

Secretary