

September 13, 2016
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors held a Regular Meeting on Tuesday, September 13, 2016 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

Visitors: See list

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

The Township Secretary informed the Chairman and Board Members that two (2) Sealed Bids had been received for the Re-bid of *2016 Striping & Marking* as voted upon by them at the August 23 (2016) Regular Meeting. The Secretary opened each bid and handed to the Chairman who then read each bid aloud as follows:

BIDDER	TOTAL AMOUNT OF BID
Alpha Space Control Co., Inc.	\$103,438.20
O. H. Striping, Inc.	\$102,673.43

The Chairman and Board Members briefly reviewed the bids and the Chairman noted the bids could be held to review or award the bid if the Board so wished. Supervisor Brookens stated he would like to check references since nothing is known about the second bidder. The Chairman agreed. Supervisor Corwell noted that only \$764 was the difference between the two bids, he would also like references checked, and also noted that it is easier to obtain someone local. 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 table the awarding of Sealed Bids for the *2016 Striping & Marking* (Re-bid from August 23) until the next regularly scheduled Meeting to be held September 27 in the Township Office Meeting Room.

The Township Secretary informed the Chairman and Board Members that one (1) Sealed Bid had been received for the *2016 Road Paving Equipment Pricing*. The Secretary opened the sole bid and handed to the Chairman who then read the bid aloud as follows:

Item #	Bid Item	HOURLY RATE	ESTIMATED TOTAL
		Schlusser's Paving	
1	Paver equivalent ... 100 +/- hrs	\$175	\$ 17,500
2	10 ton or Greater Roller & Operator 100 +/- hrs	\$ 80	\$ 8,000
3	Tack Oil Truck & Operator 100 +/- hrs	\$ 80	\$ 8,000
4	4' Minimum Milling Machine ... 100 +/- hrs	\$350	\$ 35,000
5	(1) Triaxle Dump Truck & Operators 100 +/- hrs	\$ 70	\$ 7,000
6	6' Minimum Milling Machine ... 100 +/- hrs	\$375	\$ 37,500

The Chairman stated the Township typically does not receive many bids for this contract and the prices appear to be similar with past prices. The Township Engineer also noted and agreed with the Chairman that the prices were in line with past prices. Following review and consideration of the sole bid received, 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 *2016 Road Paving Equipment Pricing* to Schlusser's Paving in the amounts as listed in their bid submitted and as noted on the tabulation sheet.

The Minutes of the Public Hearing and Regular Meeting held August 23, 2016 shall become part of the official record.

Mary Crumlich, 2480 Stillhouse Hollow Road, began her presentation on behalf of neighbors in the vicinity regarding noise, etc and referenced Township Ordinance Chapter 46. She first wanted to extend appreciation to the Board for all they do for Township residents and really appreciate what is done in the winter and other times of the year. She asked that the Board look into the issue in their neighborhood noting that in Chapter 46 it references noise and read its definition from the Ordinance. She stated that 24 of the neighbors in the area that have been inconvenienced and loss of reasonable rights of their properties due to the issue with one of the neighbors. She said that a letter had gone out (from the Township) regarding this matter, the neighbors causing the disturbances, etc have been personally told about the issue(s), etc. She noted the letter stated about prosecution and that complainants would have to go the Magisterial District Judge and that a fine could be imposed if found guilty. Further, because the Township does not have a police department, they have to rely on the State Police who have mostly appeared to ignore the problems stating it was a Township matter and at times even refused to come when asked by residents regarding the problems. She stated the area residents have gone as far as they can go and are asking the Township to help with this issue. The

Chairman first noted that the Township Solicitor was unable to be present at this Meeting and apologized for same but assured the neighbors the Board was here to help and were distressed of the discomfort the residents were experiencing. He stated he had reviewed each one of the numerous complaints that were filed and were included in the letter to the offending neighbor. Supervisor Corwell stated that he and the Zoning Officer went out to the residence in question shortly after the written complaints were received noting there was no one home but did see the 'track' out back and one motorcycle. The Chairman stated the Township Secretary had prepared the violation letter which he signed and there are some questions with regard to when the complainant(s) would take the next step in pursuing the matter with the Magisterial District Judge and they are in the process of working on that step. Ms. Brenda Jumper stated she had spoken with the Magisterial office and was told she would have to go through the District Attorney's office to file the complaint. Supervisor Corwell stated he had spoken with the Magisterial's office to understand that statement and found that residents did not have to hire an attorney but just needed to know the section and subsection numbers that would have to be stated on the complaint form to pursue the matter. He stated the Magisterial's office had stated that if they were to help fill out the complaint form, that office would not be able to hear the complaint (in court). It was noted that both Supervisor Corwell and Ms. Jumper had called the State Police Barracks and found they could file under "disorderly conduct". Ms. Jumper stated that she had gone to the local Magisterial District Judge's office, then to Magisterial District Judge in Chambersburg who in turn sent her to the Law Library who did not know if they could help. Ms. Jumper stated she had also gone to Congressman Shuster's office but they stated they could not help because theirs is a 'federal' office. She stated there had been a man and woman living at the residence but the man left and there is only the woman with one son, she's hardly ever home, and it is the son that invites his friends to the property running motorcycles and four-wheelers without mufflers causing so much dirt and dust and constant, loud, offensive noise at all hours of the day and night. She stated that both she and Willie (Green) had talked to the son on August 19 and he stated they had received a letter from the Township; however, it was believed the letter was from the Zoning Officer which was delivered within a very few days of the violation letter for the noise and was not perhaps the violation letter. Ms. Jumper and Mr. Green stated they and some of the neighbors have tried to work with the offenders but to no avail. It seemed the general consensus of those neighbors present at this Meeting thought that if the kids would not race through the field (causing the dirt and dust), nor race up and down private driveways, would put mufflers on the motorcycles, and not race at night during the hours of 10 p.m. and 6 a.m. as stated in the Township Ordinance it might not be so bad. Both Mr. Green and Ms. Jumper stated that much happens between 10 and 6 and would even rather that no noise of that type would happen at any time; it is annoying even during the day noting the extremely loud noises happening. Mr. Green stated the noise is so loud that you could not hear even if the person was sitting right next to you. It was also stated that even on Heisey Road the noise was loud and that all those residents had also filed complaints to the Township; it is not just adjoining property owners being affected on Stillhouse Hollow but those on Heisey Road as well. Mr. Green stated he was cited by the Township when he first moved to his residence regarding a drainage problem and the Zoning Officer visited his property stating a neighbor complained of water running from Mr. Green's property onto the neighbor but Mr. Green stated it was not and still has yet to resolve that matter. The Chairman informed Mr. Green that was unrelated at this time to the issues at hand. The residents were once again

informed they would not have to get an attorney but they may want to consult an attorney if they had difficulty filling out the form for the Magisterial District Judge's office; it would be filed against the property owner. Ms. Jumper stated the father no longer lives at the property and asked the Board if they could send the same letter to the father. The Zoning Officer stated he had spoken with the property owner (father) about the solid waste issue (alleged trash cans spilled out over the roadway, etc) shortly before the noise complaints were filed with the Township. Gregory Day is the owner and the solid waste violation was forwarded to an address in Dillsburg (PA). Ms. Jumper stated the complaint forms were all placed in the mother's name (Valerie Day). An unidentified female asked if the violation letter (noise complaints) could be sent to the father's work site and the Chairman stated the Township would follow up with other procedures. It was noted the original violation letter to Ms. Day had been mailed and the return receipt still had not been returned to the Township indicating if it was actually picked up and received. The Township Secretary stated she had checked the Post Office's website with the tracking number of the certified letter first mailed and it indicated the mailing was in transit to its destination but nothing beyond that with no receipt, etc; she then went to Scotland Post Office and spoke with personnel who confirmed the letter had been received and forwarded from the Scotland Post Office; they tried contacting by telephone to no avail; they recommended she call Shippensburg Post Office to check further; called Shippensburg Post Office and spoke with its Postmaster since the original mailing address was Shippensburg and would have had to be picked up and signed for at that location. In conversation with the Shippensburg Postmaster he also confirmed the absence of any mailing there after searching. The Secretary stated that at this point no original mailing nor the green (certified) card signed had been returned to the Township. Supervisor Brookens noted the Township could re-issue the letter to the property owner and several residents voiced "we appreciate it". Supervisor Corwell stated the Township now has the Dillsburg address and there will be two separate letters; one that was sent to the mother at the address in question and the other will be sent to the Dillsburg address. Kory Wengert, 2508 Stillhouse Hollow Road, stated she had lived at that address since 1994 and that just this date at 6:00 a.m. there were 3, 4x4 trucks at the residence in violation covered in mud which she sees all the time. She noted there are two ordinances, noise and nuisance, with the noise ordinance with the hours between 10 and 6 and actually wondered why two and what the difference was between them. She stated that since the letter was sent they (neighbors in question) were up all night so they broke the ordinance and were up again all night the previous Sunday night as well; causes disturbances, dirt, inconvenience, and discomfort. She stated they have been dealing with this situation for three years and could have no picnics or family outside for those three years because of the noise, dirt, etc. She continued by stating that recently she had seen two motorcycles within fifteen minutes make fifteen trips jumping a hill. She asked the Board that when they met the complaint form process and had followed through, why it was up to the citizens to file the complaint with the Magisterial District Judge office and not the Township. The Chairman stated he understood what she was saying but that was how the ordinance was written when it was created; the Township would actually have to witness the actions in order to file a complaint. It is filed with the Magisterial District Judge and it is up to him to offer his opinion on the situation and he has the guidance for a summary offense and if a person is found guilty would be charged accordingly. Ms. Wengert also stated the ordinance refers to enforcement being enforced by a peace officer and since the Township has the ordinance and questioned

why the police wouldn't enforce it. Supervisor Corwell stated the Township needed to look at the ordinance because there is confusion as to the order of steps and process. Ms. Jumper asked if the residents could be notified when the second letter is accepted by the property owner. Mr. Stan Crumlich, 2480 Stillhouse Hollow Road, strongly stated that he would take issue that the enforcement would fall back on the State Police and that the Board are the elected ones and should make the State Police respond to the complaints. Supervisor Corwell stated they are certain State statutes and not Township. Both the Chairman and Supervisor Corwell stated the Township has asked the State Police to assist with various issues and have been refused. Mr. Crumlich continued by stating there is more than just noise that is occurring on the property, i.e. dragging of logs behind the bikes (motorcycles), see dust going over the homes which can cause damage to air conditioners and homes. He asked the ordinance be changed. Mrs. Crumlich then spoke and stated she humbly asked that the Supervisors look into this matter and assist in resolving the problems the neighbors are experiencing and they would really appreciate it. The Chairman stated that in regards to the dust being created, the Township will notify PA DEP to investigate if that much dust is a problem they could address. In addition, if there are other individuals who go to the property, it may take it to other levels under Township ordinance(s), i.e. using the property as commercial recreation. There was no other public comment at this time. The Chairman thanked those in attendance for coming and said there would be follow-up by the Township and if there were any changes on the neighbors' end, he would appreciate them contacting the Township as well.

Supervisor Corwell presented a request and information from Caledonia Golf Course and American Heart Association regarding a 5K Run that will occur through a part of the Township and then into Adams County. He stated the Golf Course is going through the State for a permit to hold the event and are requesting 'conditional approval' from the Township to hold this event. He noted that included in the Board's packets distributed for this Meeting was a map of the Run which was attached to a copy of the letter from the Golf Course regarding the request. He recommended the Township 'acknowledge' the Run which is taking place on October 22 and that way the organizations can complete the permit process. Supervisor Brookens noted they were looking for 'conditional approval' which the Township cannot approve because only State roads are being used but the Township could 'acknowledge' the event. The Chairman stated he concurred with both Supervisor Corwell and Supervisor Brookens as to 'acknowledging' the event. 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 from Caledonia Golf Course and American Heart Association as 'acknowledgement' from the Township regarding the 5K Run and also the letter (of acknowledgement) provided to them would state that the Township will not be liable for any activities in State rights-of-ways.

The Chairman noted receipt of correspondence from the local PennDOT office regarding participation in the 2016-17 Municipal Winter Agreement program with PennDOT. This Agreement provides a minimal reimbursement from the State for winter maintenance

(snowplowing) in the vicinity of Exit 17. 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. 17-2016** for the Township to participate in the 2016-17 Municipal Winter Agreement program with PennDOT and further to authorize the Chairman to sign the Agreement on behalf of the Township.

The Township Secretary presented Township **Resolution No. 18-2016** for the disposition of certain Township records noting a copy of those records to be disposed was included in this Resolution and forwarded to the Township Solicitor for his review. Supervisor Brookens recommended that due to the Solicitor's absence from this Meeting, the Secretary contact the Solicitor for final review approval before disposing of said records. The Secretary stated she would follow through with the Solicitor. 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. 18-2016** for the disposition of certain Township records.

The Township Engineer presented a waiver request from Lance Kegerreis of Dennis E. Black Engineering, Inc. and representing the Chambersburg Hospital regarding Greene Township Subdivision and Land Development Ordinance Section 85.50, *Street Construction Specifications*, to allow for a pavement section of 6" 2A stone base, 5" 25 MM base course, and 2" wearing surface course for the North Chambersburg Improvement Project, Fifth Avenue Extended. The Engineer stated that the Parkwood project is coming in under budget such as there will be extra monies available, therefore, the Hospital wants to annex Fifth Avenue Extended into the Project which had not been included in the original design construction specifications. In Mr. Kegerreis' correspondence he stated it was desired to design Fifth Avenue with the exact same specifications as Parkwood Drive (which runs through both the Borough and Township). They are asking to place 6" for the required 8" 2A stone base and although the Township only requires 4-1/2" base course they are requesting a base course of 5" and this would structurally match the Township paving specifications for non-HC (Highway Commercial) and non-HI (Heavy Industrial) zoning districts. In addition, they are asking for pavement widths of 36' which would exceed the Township's requirement. The Engineer also noted there were two other items; one, being the right-of-way width which he feels should be 80 feet wide with 10-foot easement on each side at a minimum to keep continuity with the Parkwood project; two, being the issue of sidewalks which they have not specifically asked for at the moment but would probably be a walking trail 5 feet wide down along one side. He recommended the Township reserve the right to require sidewalks and the street sections should include some accommodation. The Chairman noted that is already required by ordinance so that would not need to be included. Supervisor Brookens noted the 80-foot width with 10-foot utility easements on each side asking if something else was being requested. The Engineer stated he is recommending that and the Chairman noted it would be beneficial to state that; it be clear and in writing. Supervisor Brookens commented this is certainly going to be a commercially used road to which the Engineer agreed. Supervisor Corwell asked (to confirm) that Parkwood was already designed to these specifications to which the Engineer stated that was correct. 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 waiver

request from Greene Township Subdivision and Land Development Ordinance Section 85.50, *Street Construction Specifications*, to allow a pavement section of 6" 2A stone base, 5" 25 MM base course, and 2" wearing course for the North Chambersburg Improvement Project, Fifth Avenue Extended, and also on Fifth they provide an 80-foot right-of-way with 10-foot easement on either side of that right-of-way.

The Township Engineer presented a request from Mr. Marty Curfman, R.S., representing Susan and Bill Naugle, for a bond reduction for storm water improvements for their approved 10-lot development located along Smoketown Road. He stated that part of that development is construction of a detention basin and four houses. The Township has held a Letter of Credit (LOC) since 2007 in the amount of \$32,554.50 for the improvements which were completed two weeks prior which the Engineer inspected. He stated the basin was constructed exactly as the as-built plans and matches perfectly. However, during his inspection he found two deficiencies for which he would recommend the Township retain certain monies until completed satisfactorily as follows: an outlet pipe needs to be added and an end section with rip-rap valued at \$1,300 x 1.20 for a total of \$1,560 to be retained, or a reduction of \$30,994. The LOC could be reduced to a total of \$1,560 which Mr. Naugle wishes to provide a cash bond in lieu of having to obtain another LOC for that small amount. Supervisor Brookens asked the Engineer when the LOC would expire to which the Engineer responded it would be the end of September 2016. 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 grant the request for bond reduction for the storm water improvements for the Naugle development along Smoketown Road in the amount of \$30,994 with the Township retaining a cash bond of \$1,560.

The Board reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly Report for August 2016, a copy of which was distributed to each Member. The Chairman noted the high number of motor vehicle accidents (10) that occurred during the month. Following the Board's review, the Report shall become part of the official record.

The Zoning Officer presented a request for review time extension for the IESI Blue Ridge Landfill Corporation Land Development Plan, Project No. 16-006; second extension request for this plan; current time expiring 9.13.16; if granted, the extension would begin the following day (9.14.16); requesting extension until December 27, 2016. 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 grant the request for review time extension for the IESI Blue Ridge Landfill Corporation Land Development Plan, Project No. 16-006; said extension will be provided until December 27, 2016.

The Zoning Officer presented a request for waiver of Greene Township Code 85.54.E., *Only One Driveway Per Street Frontage*, submitted by Dean Smuro for property at 1966 Philadelphia Avenue; request is for an extra driveway that would exit onto Bayberry Drive. In Mr. Smuro's correspondence he stated he could connect to an existing driveway for the (existing) dwelling on the property, however, he cited a safety concern for a vehicle leaving the garage and using the dwelling driveway may have an accident should a child or other person exiting the home may enter into the path of the vehicle. The Chairman inquired if an existing

building to the rear of the property, as shown on the drawing displayed, were to be removed and Mr. Smuro indicated it would be disposed of. Mr. Smuro informed the Board that his request was more of a safety concern rather than for convenience. The Engineer asked Mr. Smuro if the proposed driveway could be re-routed to exit beside an existing building rather than be routed through the area between the dwelling and garage. Discussion ensued among the Board, Engineer, ZO, and Mr. Smuro regarding this proposed change. Supervisor Brookens stated he would be more in favor of connecting to an existing driveway at the garage as opposed to having a third separate driveway. The ZO informed Mr. Smuro of the required maximum width of a driveway and if he were to choose the suggestion by the Engineer and Board, a waiver would not be needed, only a driveway permit. Mr. Smuro stated he wished, as applicant, to withdraw his request for waiver of Township Code 85.54.E..

The Zoning Officer presented a 1-lot Final Subdivision/Lot Addition Plan for Divinity Investments for property located along Mountain View Drive. He stated it consists of a small (0.02 acre) triangular tract to be conveyed to adjoining property. The ZO reviewed the *Approval Checklist*, a copy of which was distributed to each Board Member, as follows: Franklin County Planning Commission reviewed with no comment (8.18.16); Greene Township Municipal Authority – N/A; Sewage Enforcement Officer – non-building waiver forwarded to PA DEP (8.16.16); Guilford Water Authority – N/A; one outstanding comment from the Township Engineer; plan was staff reviewed and recommended approval as presented (9.13.16). The Chairman inquired as to the purpose of the subdivision and the ZO stated the adjacent property owner desires a little more space. The Engineer stated his only outstanding comment was that an owner's certificate block is required to be added for the adjacent property owner(s) signature(s); upon completion of the owner certification, he would recommend approval of the plan. 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 1-lot Final Subdivision/Lot Addition for Divinity Investments as presented.

The Chairman noted receipt of a letter from Mrs. Cynthia Schriver who had recently resigned her employment with the Township. The Chairman stated he certainly sent out a big thank you to Cyndi for her employment with the Township, an excellent employee in her part-time capacity, assisted the Township in many ways, and he wanted to wish her all the best in her future. Supervisor Brookens stated he would agree with the Chairman's sentiment; Cyndi was very much an asset to the Township assisting residents and staff in the office and wished her luck in her future endeavors. Supervisor Corwell stated he had worked only a short time with her and she did a great job while employed at the Township. On a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to acknowledge the resignation letter of Cynthia Schriver for her employment ending date of August 23, 2016.

The Township Solicitor was unable to be in attendance at this Meeting.

On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to authorize the payment of invoices as follows: Check Numbers 24607 through 24640, one online payment, six credit card payments, and one direct deposit, inclusive, to be paid from the General Fund; Check Number 3287 and one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, Check Numbers 2088 and 2089 with one online payment, inclusive, to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:28 P.M..

Respectfully submitted,

Secretary