

November 15, 2016  
Scotland, PA 17254  
Public Hearing &  
Regular Meeting

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, November 15, 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  
Welton Fischer

Visitors: See list

The Chairman called the Meeting to order at approximately 7:00 P. M.. He welcomed all those in attendance, noted there was a sign-in sheet and asked if they had not signed it when they arrived to please do so before leaving so there is a record of attendance. He further stated that due to a Public Hearing being conducted if anyone wished to testify, they would need to come forward and clearly state their name, address, and any comments they wished to give.

The Chairman opened the Public Hearing by having the Zoning Officer read the (legal) public notice as it appeared in the local newspaper. Mr. Kurt Williams, special counsel for the Board of Supervisors, then addressed all those in attendance and noted this public hearing was being recorded and explained the proceedings. (Note: A transcript will be made an integral part of these Minutes upon receipt by the Township.)

The Chairman closed the Public Hearing at approximately 8:27 P.M. noting the record (Public Hearing regarding IESI) will remain open until December 13, 2016, at 7:00 P.M., at the Greene Township Municipal Building. The Chairman stated there would be a brief recess before the Regular Meeting.

Following a brief recess, the Chairman convened the Regular Meeting at approximately 8:34 P.M..

The Minutes from the Public Hearing and Regular Meeting held October 25, 2016 shall stand approved as presented and become part of the official record.

The Township Engineer noted that over the years dating back to 2009, the Township has been collecting escrows and holding until projects have been completed. He referred to the list as prepared by the Township Treasurer that was provided to each Board Member for this Meeting for their review and consideration; a copy of said list shall be made a part of these Minutes. He stated the Township then sends out statements notifying those who submitted escrows to request a refund from the Township if there are funds remaining for their particular escrow. He stated the Township Treasurer noted there are twelve escrows still on the books and requested they be cleaned out and refund monies to various persons/entities. The Engineer stated that all reviews have been completed and need to refund the monies. The Treasurer has prepared a cover letter to be included with each refund explaining what is being returned. The Chairman asked the Engineer if he was confident that all work has been completed and the

Engineer stated 'yes'. The Chairman then referred to two new escrows also being requested that could be handled with the older escrows. The Engineer then reviewed the two new escrows as follows: (1) IESI Blue Ridge Second Scale Amendment, Project #16-016 – original escrow submitted of \$1,500, expended \$1,053.25 in fees, no retainage required, recommend release of full refund remaining in the amount of \$446.75, check to be made payable to Martin & Martin, Inc.; (2) Chambersburg Hospital/Falling Spring IV, LP, Project #16-017 – original escrow submitted of \$1,500, expended \$524.50 in fees, no retainage required, recommend release of full refund remaining in the amount of \$975.50, check to be made payable to Salzmans Hughes, P.C.. Supervisor Brookens asked the Engineer that with some of the older escrows if the Township still had current mailing information and the Engineer stated the refunds would be returned to the address on record. The Township Solicitor suggested that a letter be sent first if not sure of the address and ask the parties to contact the Township. He stated he would not recommend sending the check out initially until mailing information has been confirmed. Once that happens, then the check could be sent directly rather than taking a chance that something would prevent the check from being received by the proper person. 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 release of the various escrows as presented.

The Township Engineer presented a proposed stormwater management plan to place a culvert along the rear property line swale for property owned by Mr. and Mrs. Matthew Kemp at 2986 Constellation Drive and submitted by same. The Engineer stated he has been in contact since August with Mr. Kemp who lives in the Eastview Development. There is a large waterway across the Forrester field and bisects through the development. Mr. Kemp has asked to fill in the swale and put in a pipe to carry the runoff water primarily so that he may utilize more of his property to the rear. The Engineer explained that it would be necessary to amend the stormwater plan on Mr. Kemp's lot and reviewed the proposed plan as prepared by Mr. Joe McDowell of Martin & Martin, Inc.. The Engineer stated he has also spoken to the next door neighbor, Mr. Mitchell regarding this proposal. The Engineer stated he has concerns that if the Kemps' plan were approved and constructed it would create more of an issue with the amount of water as shown on the picture provided by Mr. Mitchell included with other information distributed to the Board. Mr. McDowell spoke on behalf of the Kemps and reviewed the 25-year stormwater plan. He stated he had viewed the picture submitted by Mr. Mitchell just this date and has been reviewing same. Mr. Kemp inquired as to when the picture was taken and stated the Township has done work in the area where the flooding occurs and has not noticed any large amount of water as depicted in the picture. Mr. Mitchell stated the picture was fairly recent, yet this year. He stated his concern is what happens downstream when something is changed upstream and stated the picture shows what happens every year; concerned with what may be the impact affecting his property and he would be responsible for any additional problems incurred. Mr. Kemp stated that has not happened (referencing the picture) the last two years. The Chairman noted that water coming from the mountains across the Forrester property has been there for a long time as a natural drainage. The Chairman asked Mr. McDowell if there was any provision being given for any flow on top of the pipe or if they were looking to fill the entire swale and that everything would be going through the pipe. Mr. McDowell stated they are trying to maintain the bottom as it is presently and described the proposed construction of the pipe with a concave area placed on top of the area. The Solicitor asked if there would be any backup on adjoining property and stated it would be illegal to permit

any water to go onto adjoining property. Concern was voiced by Members of the Board, Township Engineer, and Mr. Mitchell regarding the issue that there was no guarantee that could be given that no further problems would occur if the Kemps' proposal were approved. Mr. McDowell stated during this discussion that his opinion was that the Kemps' proposal when compared to the entire area relative to any ponding occurring would be minute. The Chairman asked the Township Solicitor that if the Township were to approve such a design with no guarantee of future flooding if the Township could be liable. The Solicitor stated he would have to check definitely but his initial opinion would be the Township could be liable. The Chairman then asked the Solicitor that in reference to the Engineer's correspondence to the Board regarding this proposal request, would the Township have the authority to change the stormwater management plan in any way or modify. The Solicitor stated there would have to be an amendment on file to show what is being done; the Board would have authority but would be responsible for what is done. He further noted the natural flow of water cannot be changed by anyone without approval by all parties affected/involved. The Solicitor cautioned the Board that their decision would have to be based on an engineer's plan/design and if a change did occur, the Township could be potentially liable. Supervisor Corwell asked if the change would alter notes on the plan and the Solicitor stated the Board would have to amend the subdivision on file. The Solicitor further noted the Township does not design these types of plans. The Engineer stated he had initially concurred with Mr. McDowell regarding the 25-year plan but then developed concern after viewing the picture submitted. The Chairman addressed the Kemps' that he understood what they wished to do with their property but he was not confident that something would not occur and perhaps more investigation was needed to convince him otherwise, therefore, he could not personally approve the request at this time. Supervisor Brookens stated he also had some concerns and in reference to the 25-year event, thought of properties of Lots 15 and 65 and the Forrester's. It is in a floodplain area and property owners are unable to get flood insurance, therefore, he has the same concerns as the Chairman and would not want to cause a problem. Supervisor Corwell stated he agreed with the other Members' concerns and another concern of his would be the comments on the existing plan stating his opinion that there is a reason why they were put on there in the first place; further, the comments as to no obstructions, etc are not to be located in the drainage easement. Further concerns voiced included if the Kemps' were to move and then the issue of who would be responsible to take care of the pipe. Mr. Kemp stated he could not understand why there was a problem with what he was proposing because it was what was proposed in the very beginning because now they have a retention basin where they did not before. 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 deny the request for the proposed stormwater management plan to place a culvert along the rear property swale at Matthew Kemp's property located at 2986 Constellation Drive as presented.

The Board reviewed a copy of the Fayetteville Volunteer Fire Department Fire Police Monthly Report for October 2016. The Report shall become part of the official record.

The Zoning Officer presented and reviewed the Monthly Zoning Office Report for October 2016. The Report shall become part of the official record.

There were no subdivision and/or land development plans submitted for this Meeting.

The Chairman reviewed the Franklin County Area Tax Bureau's Proposed 2017 Operating Budget, a copy of which is submitted to member jurisdictions for their review and action. He stated the projected cost of collection by the Bureau for 2017 is 1.78% noting it is one of the lowest collection rates in Pennsylvania; presently it is running about 1.8% and historically has always run under 2%. The Chairman informed the Board that the current Executive Director is preparing to retire and the new Director will begin at a lower rate but the Bureau Board will attempt to increase to be in comparison with other collecting agencies. He noted the total Proposed 2017 Budget has been set at \$1,214,699 and stated that typically the Board of Supervisors renders its decision whether to approve or oppose a proposed budget and then a total of all benefitting municipalities renders a majority vote. Supervisor Brookens commented the Bureau has been doing a good job and this Budget speaks for itself noting the budgeted increases for their health care is increasing as is everyone else's. The Chairman stated the Bureau is part of a larger insurance group and they receive refunds at year's end from expenses not used. 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 Franklin County Area Tax Bureau's Proposed 2017 Operating Budget as presented.

The Township Solicitor had no further comment to present 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 24806 through 24840, five credit card payments, and one direct deposit, inclusive, to be paid from the General Fund; Check Numbers 3301 through 3306, one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2093 and 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 9:30 P.M..

Respectfully submitted,

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Secretary