

December 12, 2017  
Scotland, PA 17254  
One (1) Public Hearing  
and Regular Meeting

The Greene Township Board of Supervisors held one (1) Public Hearing and the Regular Meeting on Tuesday, December 12, 2017, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Todd E. Burns	Gregory Lambert
Travis L. Brookens	Daniel Bachman
Shawn M. Corwell	Diann Weller
	Welton Fischer

Visitors: See List

The Chairman called the proceedings to order at approximately 7:00 P. M.. He welcomed all visitors presented, asked that they be sure to sign in on the sheet provided, and obtain a copy of the Agenda, and further noted the Meeting was being recorded.

The Chairman opened the Public Hearing regarding a proposed ordinance for certain Stop intersections within a residential development known as “Grand Point Crossing” located along Grandpoint and Kohler Roads. The Township Solicitor then explained the reason for the public hearing and reviewed the proposed ordinance. He stated that in the development known as Grand Point Crossing, the developer has asked the Township to accept certain portions of small tracts of streets. In that process Stop signs were placed but the Township was not asked to adopt an ordinance to validate these stop signs as follows: (1) intersection of Hartford Drive with Somerset Road with stop sign being located on and regulating traffic flow from Hartford Drive onto Somerset Road; (2) intersection of Cornwall Road and Hartford Drive with stop sign being located on and regulating traffic flow from Cornwall Road onto Hartford Drive; and, (3) intersection of Hartford Drive and Austin Avenue with stop sign being located on and regulating traffic flow from Hartford Drive onto Austin Avenue. There were no comments, questions, etc from those visitors in attendance. The Chairman closed the Public Hearing at approximately 7:04 P.M.. There being no further comments from Board Members, 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 **Ordinance No. 2017-4** hereby establishing Stop signs in the Grand Point Crossing Development as outlined in the Ordinance.

The Minutes from the Regular Meeting held November 28, 2017 shall stand approved as presented and become part of the official record.

Resident Emily Yardley, 502 Black Gap Road, addressed the Board requesting speed reduction on Black Gap Road at Knob Hill Road noting a most recent bad accident as well as several other accidents and one in particular which involved her realtor in her (Yardley) driveway. Ms. Yardley stated she obtained 57 signatures on a petition requesting a speed reduction or blinking red light for the safety of residents along Black Gap Road and Knob Hill intersection due to speeding vehicles and a blind hill. She submitted that petition to the Board for their review (and shall be made an integral part of these minutes). The Township Engineer stated the Board understands the issues, however, 997 (Black Gap Road) is a State road and

under the jurisdiction of the State. One way to make the State aware of the issues is to notify them and in order to establish a lowering of the speed limit would be a speed study. He explained they would physically take samples of vehicle speed on the road and use an 85 percentile of speed; a State law written into the (State) Vehicle Code. The Chairman stated the Township is very aware of the intersection and the area is a dangerous stretch of road within the Township and there are certain portions of the road that have been requested to be reviewed in the past and the Township was denied. He emphasized again the Township is certainly aware of the situation and has no issue in forwarding the request to the State; Township can request but cannot initiate the process. Supervisor Brookens noted the Township's regulation of the number of driveways onto a Township roadway and asked the Engineer if the State might have something similar. The Engineer stated there are many factors that would be taken into consideration beginning with the 85 percentile and steps after that; all based on engineering studies; maybe additional signs, etc. Supervisor Brookens asked the Engineer if the Township would state the area of interest, the "parameters" of area to which the Engineer stated the Township may wish to request a larger portion of roadway. Supervisor Corwell stated he was definitely in favor of contacting the State to request the study. The Engineer noted one of many factors would also be the number of accidents that have occurred. Supervisor Corwell asked how long it usually takes the State to complete such a study to which the Engineer stated it could take two to three months. Ms Yardley thanked the Board for their interest and consideration in forwarding this request.

Supervisor Corwell stated that in the past the Township has established a *Special Fire Police Assistance Agreement* with various other (fire) departments and municipalities regarding emergency and non-emergency responses; primarily, due to Workman's Compensation issues. He explained the emergency dispatch is initiated by 9-1-1 whereas the non-emergency would be through the municipalities, i.e. events such as parades, charity walks/runs, etc. This *Agreement* would be with Washington Township and Supervisor Corwell stated he has reviewed and has no issues. The Chairman stated the Township has *Agreements* with most other municipalities/fire companies and this would be added to those already in place. The Township Solicitor asked if this *Agreement* was similar to all the others to which Supervisor Corwell stated they were. The Solicitor stated he hadn't reviewed this particular *Agreement* but would do so. Supervisor Corwell asked the Township Solicitor who should sign on behalf of a municipality and the Solicitor stated he would rather have the Chairman rather than the Manager to sign the document. 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 *Special Fire Police Assistance Agreement* with Washington Township and Greene Township and authorize the Chairman to sign that *Agreement*.

The Chairman stated that under Act 48-2015 the Township may consider the appointment of a Deputy Tax Collector (DTC) to serve in the absence of the Township Tax Collector. Township Tax Collector Kathy Frazer has asked the Board of Supervisors to appoint Brenda Hill as Deputy Tax Collector for Greene Township to cover in Mrs. Frazer's absence. Supervisor Brookens asked the Solicitor if this would be on a yearly basis or only for the term of the current Tax Collector. The Solicitor first stated that the Township would "acknowledge"

or “approve” the DTC and does not actually “appoint” the DTC and the Board’s action is not done regularly on an annual basis. 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 confirm the appointment of Deputy Tax Collector for Greene Township as Brenda Hill.

The Township Engineer presented a request for release of security for East Fayetteville Auto Sales, Project #11-002, in the amount of \$5,521.20. The security was submitted as a stormwater improvement guarantee as part of the Land Development Plan approved in March 2011 for a warehouse structure located at the rear of their property along the north side of U.S. 30, Lincoln Way East (Fayetteville). The Engineer stated all work has been completed and he had made an inspection of the site and found that the required infiltration bed had been satisfactorily installed, therefore, would recommend release of the security being held by the Township. He stated that it was discovered the Township was still holding the security and East Fayetteville had not requested the release. He contacted East Fayetteville to remind them that the Township still held the security and they have now requested the release. 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 release of security for East Fayetteville Auto Sales, Project #11-002, in the amount of \$5,521.20.

The Township Engineer presented a request for refund of remaining plan review escrow for the Sheetz Lot Addition Plan, Project #16-003, in the amount of \$1,908.70. He stated this Plan was for the reconfiguration of the new Sheetz project at the intersection of Route 11 and Cumberland Highway. An original escrow of \$2,500 had been submitted; \$591.30 was expended in fees; no retainage required to be held by the Township, therefore, the Engineer stated he would recommend release of a full refund of the remaining amount of \$1,908.70 with the check to be made payable to Frederick, Seibert & Associates, Inc. (who had submitted the original escrow). 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 refund of the remaining plan review escrow for the Sheetz Lot Addition Plan, Project #16-003, in the amount of \$1,908.70 with the check to be made payable to Frederick, Seibert & Associates, Inc..

The Township Engineer presented a request for refund of remaining plan review escrow for the PA Southern Railway Land Development Plan, Project #16-011, in the amount of \$2,502. He stated the railroad was widened at the intersection of Technology and Opportunity Drives where they were going to construct a very large shelter. The Plan was approved in August 2016 and they have requested a refund in the amount of \$2,502; however, the Engineer stated he recommended the Township retain \$500 for a stormwater facility that needs to be installed when the construction has been completed. Supervisor Brookens inquired if the Township holds funds for stormwater inspection in escrow to which the Engineer stated funds are retained for inspection work and it is an insurance bond and in the past the Township has held funds from an escrow. The Chairman asked if there was a timeframe when the shelter was going to be constructed and the Engineer stated it was unknown at this time. The Zoning Officer asked if there had been any work done to date and the Engineer stated he did not know

because he had not received any requests for inspection. Supervisor Corwell stated he had noticed some work being done at the site but there is no structure to date. Discussion ensued regarding the release, retainage etc. The Chairman asked if the partial escrow would be released if there were still more inspections to be made and the Engineer stated that was correct; the way it has been handled in the past. Supervisor Corwell asked the Engineer if \$500 retainage would be enough for the inspections and the Engineer stated 'yes'. Supervisor Corwell asked what the insurance bond was submitted for and both the Chairman and Engineer stated that is for the construction of the structure. 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 grant the request for refund of plan review escrow in the amount of \$2,002 with the Township retaining an amount of \$500 for future inspections.

The Board reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly Report for November with no comment. It was consensus of the Board the Report become part of the official record.

The Zoning Officer reviewed the Monthly Zoning Office Report (November 2017) with the Board, each Member having received a copy for their review. He stated the Zoning Hearing Board was scheduled to meet December 18 to hear one request. Following review, it was consensus of the Board the Report become part of the official record.

The Zoning Officer presented a request for waiver of Greene Township Code 85-54.A., *Maximum Driveway Width*, submitted by Martin and Digna Reyes, 2263 Ocracoke Island Court. The ZO noted the Township Code states the limit of width for driveways is 27 feet; this driveway was increased after occupancy to 31 feet which would exceed the Township standards; driveway width is measured where the driveway cross the Township right-of-way at Bodie Island Drive and Ocracoke Island Court; property located at this intersection. The ZO noted that each Supervisor had received a copy of the correspondence from the Reyes' outlining their request as well as a colored aerial photo of their property and a copy of Section 85-54 from the Subdivision and Land Development Ordinance. Mrs. Reyes addressed the Board asking the Township to allow them to keep the existing driveway at 31 feet. Supervisor Brookens asked when the driveway was constructed and the ZO stated sometime this past summer when an addition was done. The Chairman asked the Reyes if they were the original owners and Mrs. Reyes stated 'yes'. The Chairman asked if a driveway permit application had been obtained for this widening and the ZO stated 'no' but the owner has since come in to the office and made application for a driveway permit. The Township Engineer inquired as to who the contractor (for the driveway) was and Mrs. Reyes stated it was Tristate Paving. The Chairman asked Mrs. Reyes if the contractor had informed them they would need a permit and Mrs. Reyes stated they had not. The Engineer noted the (home) builder would have most likely applied for the original driveway but no permit was applied for the widening and Mrs. Reyes stated that was correct. The Engineer then asked Mrs. Reyes if she had contacted Tristate and if they offered any remedy. The ZO confirmed with Mrs. Reyes that she had tried to contact Tristate but no response from Tristate to date. At this time the ZO explained to the Reyes' and those in attendance why the Township requires a permit for such work. The Solicitor addressed the

Board informing them they would have the right to cite Tristate for the error, not obtaining a permit and exceeding the width of the driveway. The Engineer asked Mrs. Reyes if she understood that the widening is within the Township right-of-way and asked if the area within the right-of-way could be removed; area behind the right-of-way could remain. The Chairman noted this was not first time the Board had received this type of request; some have been granted and others have been denied; various reasons the Board views as pro and con. He continued by noting that he could not see what the hardship would be at this time other than the contractor doing something that he should not have. He stated one solution would be to remove the widened portion of the driveway that is within the Township right-of-way. The ZO noted that when he saw the original driveway it was only 24 feet at that time. The Chairman stated the contractor should certainly be put on notice of the violation. The ZO noted that periodically the Township notifies various contractors of the driveway regulations and it would appear that it is time to do again. The Chairman noted that if the request were to be approved then the Township would have to revise its regulations. 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 deny the request for waiver of Greene Township Code 85-54.A., *Maximum Driveway Width*, Martin and Digna Reyes, 2263 Ocracoke Island Court as presented. Supervisor Corwell informed Mrs. Reyes the Township Zoning Officer and Township Engineer could visit the Reyes' property and show what needs to be done in order to comply. The Solicitor asked if there was any resolution to have a meeting to discuss the matter with the contractor. The Chairman informed the Reyes' that the Township was willing to work with them and visit the site as well as bring the contractor in and get this matter resolved; they (contractor) should not be able to walk away. The ZO asked Mrs. Reyes to provide information regarding the contractor so that he could contact them to meet on site. The Solicitor stated that if he were to be involved in this matter then the Township should contact him.

The Zoning Officer presented a request for waiver of Greene Township Code 85-54.A., *Maximum Driveway Width*, submitted by Benishia McLean, 2320 Bodie Island Drive. The ZO stated the original driveway had complied with Township regulations but then the driveway was widened later to 31 feet. Upon observance of this violation the ZO contacted and spoke with the applicant afterwards. The Solicitor asked if there was any indication if this was also done by the same contractor. The ZO stated this driveway was done much earlier than the previous (Reyes) request and noted in the information provided to Board Members and legal counsel there was an aerial photo as of April 2017 but the Reyes' (driveway) was done later in the summer. The ZO stated that Mr. Plank (homeowner) is some type of contractor and the driveway was widened to accommodate his (work) trailer. The Board discussed this request noting again there was no hardship presented due to the owner not being in attendance. Again, the Chairman was not in favor of granting this request. Following review, discussion, 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 deny the request for waiver of Greene Township Code 85-54.A., *Maximum Driveway Width*, Benishia McLean, 2320 Bodie Island Drive due to no hardship being presented.

The Zoning Officer presented a request for waiver of Greene Township Code 85-51.A., *Requirement to Install Sidewalks*, submitted by Curfman & Zullinger Surveying, Inc. on behalf of the Jason Rissler Land Development Plan; property located off Sunset Pike; Project #17-007. The sidewalk waiver request is being submitted due to no other sidewalks in the area and the proposed project does not create a need for sidewalks; ZO noted the property is quite large. Supervisor Brookens noted that similar requests have been granted before but with condition that if sidewalks were required in the future the property owner would then be required to install (sidewalks); however, he stated the sidewalks need to be shown on these plans. The Solicitor cautioned the Board that even though a note regarding the possible future requirement of installing sidewalks is included on the plan, the present plan should also show the reserved location and design of sidewalks as a condition of approval; show a design and not just a "line" on 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 grant the request for waiver of Greene Township Code 85-51.A., *Requirement to Install Sidewalks*, for the Jason Rissler Land Development Plan with condition that the Township reserves the right that if it is determined in the future that sidewalks shall be required, the property owner will be required to do so, also show the design and location of any future sidewalk(s), and that a note be placed on the plan stating that information.

The Zoning Officer presented a request for waiver of Greene Township Code 85-18.A., *Minimum Plan Scale*, submitted by William A. Brindle Associates, Inc. on behalf of the Chambersburg Mall Realty Subdivision/Land Development Plan, Project #17-016. He stated the Applicant has shown on Sheet #1 of the plan an index of Mall property and outlying properties and the request for a waiver of plan scale will allow everything to be shown on one sheet. The Township Engineer stated he had no issue with the request. 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 request for waiver of Greene Township Code 85-18.A., *Minimum Plan Scale*, for the Chambersburg Mall Realty Subdivision/Land Development Plan as presented.

The Zoning Officer presented a 1-lot Final Land Development/Subdivision Plan for Chambersburg Mall Realty proposes subdivision of existing Mall structure and parking lot adjacent to it; site of former J C Penney Company (store) portion (of Mall). The proposed subdivision created many issues and they were resolved by the Township Zoning Hearing Board when the Board granted variances from two (2) separate Hearings. The ZO reviewed the *Approval Checklist*, a copy of which had been provided to each Board Member for their review: Franklin County Planning Commission – reviewed with no comment (12.4.17); Greene Township Municipal Authority – no comment (12.6.17); Sewage Enforcement Officer – Non-Building Waiver forwarded to PA DEP (12.6.17); Guilford Water Authority – no comment; various comments from the Township Planner and Township Engineer; Township Planning Commission reviewed at their Meeting held December 11 (2017) and recommended approval subject to all comments being satisfactorily addressed; no traffic impact fee required; sidewalk waiver would not be required. The Township Engineer stated this was basically a regular subdivision except for a previous landscaped portion but the applicant proposes to replace with

a concrete surface and suggested they be allowed to have some creativity such as the developer possibly using previous pavers, etc to allow for and satisfy stormwater requirements. The ZO suggested that a note be placed on the plan as to the plan scale waiver requested. The Township Solicitor stated there are still some open issues under the Uniform Construction Code (UCC) and the developer needs to understand that the Township is only approving that which is being requested and does not guarantee occupancy. Supervisor Brookens asked the ZO if there is a requirement of any type of percentage for landscaped areas for this type of project. The ZO stated the landscaping areas have been discussed at length, computed very closely, and exceed the landscaping requirement not including the area being referenced. Supervisor Brookens inquired if within this footprint plan is the green space being met; discussion ensued as to what is required for landscaping, parking, etc. Supervisor Corwell asked for clarification on the joint agreements alluded to during discussion. Mr. Mike Gavin, representing the Mall and Rural King (proposed new tenant), addressed the Board by stating an issue would first be directed to the Mall and then to Rural King (RK). Supervisor Brookens noted the current situation at the Mall and questioned that if it should close, who would that fall back on? Mr. Gavin stated the agreement cites both tenants and owners all have the same rights; i.e. he would have the right as an owner (Mall) to place a lien and the tenant (RK) would also have the ability to do so. The Solicitor stated that if there was an issue the Township would go against the property and then a tenant/renter; first letter going to the property owner. Mr. Gavin stated a person could contact RK direction if so desired. The Engineer stated there is one acre of parking that requires landscaping. Mr. Jim Maun, engineer for the developer, stated that in the calculations the whole parking area was included and not just this site. Discussion ensued as to the issues related to the UCC. Mr. Gavin stating there is an issue of Code interpretation which is trying to be dealt with by the Mall and RK. One of the UCC issues relates to fire walls required to be installed to which Mr. Gavin stated that if they are required then RK will not stay in this location/area. The Solicitor informed Mr. Gavin there was a problem with what he was saying in that the (UC) Code is not the Township's and therefore cannot take any action and/or make any decisions on what the Code may or may not require. In attendance for this discussion was Mr. Clem Malot representing PMCA (Pennsylvania Municipal Code Alliance) who administers and enforces the UCC. Mr. Gavin asked Mr. Malot about the Code interpretation; Mr. Malot stated he had reached out to the International Code Council for assistance on the issue(s). Mr. Malot stated one of the primary issues is that there is only one fire suppression system for the entire Mall at present. Mr. Gavin was informed that RK has the option of filing an appeal with the local Building Code Board of Appeals regarding issues. Mr. Gavin stated he felt that RK would have a stand-alone fire suppression system and if they have to consider an appeal then RK will not do that and 'will be gone'. In referring to Mr. Gavin's comments regarding other RK locations in Pennsylvania counties, the Solicitor stated that RK was still bound by State law regarding UCC regulations. Following a 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 approve the Chambersburg Mall Realty 1-lot Final Land Development/Subdivision Plan with condition that a note be added to the plan regarding the waiver of minimum plan scale being granted and the Township Engineer's comment regarding 10% pervious surface be added as well.

The Chairman stated the *Greene Township 2018 Preliminary Budget* had been on display for any public input for more than the required thirty (30) days with no public comments submitted. He stated there had been some minor modifications to the *Preliminary Budget* for the *Final Budget* being considered for adoption. The Workman's Compensation line item was increased slightly; all other line items remain unchanged. The *Greene Township 2018 Final Budget* shows the three (3) Funds and total as follows: General Fund - \$4,578,050; State (Liquid Fuels Fund) - \$682,042; Electric Light Fund - \$38,150; Total - \$5,298,242 (Income same as Expenses). The Chairman noted the Township would be starting 2018 with the same services it has been providing over the years and once again, *NO PROPERTY TAX* will be imposed upon residents throughout the Township; continuing as years prior. 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 the *Greene Township 2018 Final Budget* as presented.

The Township Solicitor had no further comment to offer 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 26046 through 26071, one direct deposit, five credit card payments, inclusive, to be paid from the General Fund; Check Number 3410 from the Liquid Fuels Fund; and, Check Number 2127 from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman called for adjournment at approximately 8:42 P.M..

Respectfully submitted,

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Secretary