

July 10, 2018  
Scotland, PA 17254  
Public Hearing &  
Regular Meeting

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, July 10, 2018 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

Visitor: See list

The Chairman called the Public Hearing to order at 7:00 P. M., welcomed those in attendance, noted the Meeting was being recorded for accuracy purposes, asked that everyone be sure to sign in, and if anyone wished to address the Board they should speak clearly and state their name for the record.

The Chairman asked the Zoning Officer to present the proposed ordinance. The ZO stated that a bed and breakfast is permitted in residential zoning districts with only certain activities permitted. There had been some discussion several years ago to expand the uses of a bed and breakfast, however, the previous owner moved and discussion did not proceed. The ZO further noted that he had received no inquiries regarding the proposed ordinance and the required legal advertisement with a summary of proposed changes appeared in the local newspaper. He stated in addition to the normal activities of a bed and breakfast (night lodging and breakfast next day), other activities that would be permitted with the proposed ordinance would be wedding parties, meetings, outside events (property must be minimum four acres in size). The new permitted uses could only be held between certain hours of 9:00 a.m. and 10:00 p.m. (prevailing time). A Parking and Circulation Plan would be required regarding the proposed permitted activities. A copy of the proposed amendment was provided to the following agencies for their review and any comments: (1) Franklin County Planning Commission for their review and had no comments; (2) Township Planner noted a few comments but basically typographical errors; (3) Township Planning Commission reviewed and discussed at their meeting held June 11, tabled, and amendment did not include clarification from Building Code official. The Township Solicitor stated he spoke to the Building Code official and then modified the part of the conditional use process. The ZO stated the Planning Commission reviewed again at their July 9 meeting. The Chairman asked the Applicant if he had any further testimony to present. Ken and Barbara Kipe, owners of the Ragged Edge Inn, thanked the Board (of Supervisors) for considering their request and are thankful to be a part of history; worked through this process with the ZO and appreciates the assistance received. Mr. Kipe stated he had received a copy of the proposed ordinance to review and was 'ok with it.' Mr. Kipe concluded by stating there were several neighbors and other persons who have attended events at the Inn who may be interested in speaking. John Hull, resident at Menno Haven, voiced appreciation for the Inn, considers it a treasure to Franklin County, opening doors to Menno Haven with concerts on occasion, inviting the public at no cost; would appreciate consideration of this ordinance. John Jacobs asked the Board as to the status of his inquiry regarding open air burning from a previous meeting. The Chairman informed him the

Board was currently holding a public hearing and would hear him during the “public comments” period on the Agenda. The Chairman had two inquiries regarding the proposed ordinance of the Township Solicitor; (1) #1, Page 1 under Section 2, would a conditional use request be required for each event to which the Solicitor stated that only one request for all permitted events would be needed. Supervisor Brookens agreed that the determination is of the bed and breakfast and not a separate request for each event. The Solicitor stated there may be specific requirements for weddings or seminars that may spill outdoors; may need a special building permit; only need to apply one time in addition to conditional use for bed and breakfast; if it is a new establishment and it is known that the various functions will be held, required permits could be completed at one time. (2) #6, Page 2, is the Parking and Circulation Plan requirement only need to be done one time? The Solicitor stated that Items 1 through 8 (Section 2) relates to a bed and breakfast that is going to have one of the accessory uses. If it is a new establishment and it is thought they would have the permitted activities then an application would only be needed once. The Chairman asked the Zoning Officer if he had reviewed the proposed ordinance with the applicant. The ZO stated he had and the applicant had also received a copy to review. The ZO stated that parking may be limited for the number of guests allowed. The Solicitor stated these items were prepared by the attorney for the previous owner and the Township is only saying they are agreeable to them. The ZO stated the Township had started with what was prepared previously and the Kipes’ and ZO researched what other municipalities had and devised something thought to be mutually acceptable. Supervisor Brookens stated that with most ordinances, you start with something and then once in place and being used, it can be modified as may be needed; neighbors and others have had the opportunity to give feedback. The Township Engineer stated this ordinance has been a long time coming and remedies a problem that has been present over the years and it is good to see it meeting the needs of the general public and guests; very positive thing. He further noted that when the Township Planning Commission was reviewing the proposed ordinance, it was felt it was fair to all involved. Supervisor Brookens noted it was needed to have these types of facilities to have these approved activities. There was no further testimony presented at this time, therefore, the Chairman closed the Public Hearing at approximately 7:16 P.M..

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 adoption of Township **Ordinance No. 2018-4** authorizing certain accessory activities for authorized bed and breakfast facilities.

The Township Secretary informed the Board that it appeared two (2) Sealed Bids had been received regarding construction of Greene Township Park Phase 2 Playground Improvement Project. She then proceeded to open each bid as received and gave to the Chairman and Board Members to review. They were as follows:

<u>Bidder's Name</u>	<u>Total Base Bid</u>	<u>Deduct Alt No. 1 Playground Equipment Installation</u>	<u>Unit Price No. 1 Concrete Pavement</u>
D. H. Martin	\$ 130,172.50	\$ 10,370	\$ 15.00 per sq ft
Kinsley Construction	\$ 136,499.00	\$ 6,070	\$ 15.25 per sq ft

Following the opening and reading of each Sealed Bid received for this Project, the Board briefly reviewed each Bid and 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 Sealed Bids for Greene Township Park Playground Improvement Project Phase 2 to allow time for the Architect to review the Bids as received and the Bid will be awarded at the next regularly scheduled meeting of the Board of Supervisors to be held July 24, 2018, at 7:00 p.m., prevailing time, at the Greene Township Municipal Office Building.

The Minutes of the Regular Meeting held June 26, 2018 shall stand approved as presented and become part of the official record.

Resident Donald Franzwick (Mountain Shadows Development) asked the Board for suggestions how to get an unhealthy, unkempt yard area cleaned up where children play in his development. He stated he has informed the Homeowners Association (HOA) but nothing has been done to date. He stated the person living at the residence has accumulated trash, furniture, etc. In addition, there is high grass and weeds creating a breeding ground for mosquitoes and other vermin. The Chairman inquired if Mr. Franzwick had called the office yet to report the issues. The Zoning Officer addressed the inquiry. Mr. Franzwick described the property in question and stated he did not know the property owner's name but drives a white Suburban. The Zoning Officer stated he has already served the property in question regarding violations and that it sounds as if the property needs checked again. The ZO stated he will check the property in question the next day and asked for Mr. Franzwick's address and contact numbers. Mr. Franzwick stated his address as 3780 Mountain Shadow Circle and gave both home and cell numbers to the ZO. Another issue Mr. Franzwick stated he wished to note to the Board was the issue of fireworks. He stated a Waynesboro newspaper reported not many complaints regarding fireworks had been reported, however, he stated they are still occurring all over the development and apparently people are not aware of the restrictions regarding the use of fireworks that are now legal in Pennsylvania. He stated he would not mind the fireworks if the restrictions were adhered to and if debris on roads, etc would be cleaned up. He asked if a note could be placed in the next (Township) newsletter regarding the restrictions for the use of fireworks now permitted in the State. Mr. Franzwick then asked the Board that in view of the issues and problems with the current developer (S & A Homes) in charge of the HOA, they consider adopting an ordinance for future HOAs that would require them to meet certain criteria (i.e. must be within an hour's drive to the Township; at least 50% of homeowners should be part of the HOA Board, etc); would like to have the HOA turned back to the local homeowners in the development. He noted the proposed development and then the actual type of development that has occurred; alleges (S&A) only interested in collecting dues and feels residents get nothing in return. He stated the remaining lots have been sold to Dan Ryan (Builders); HOA should not have been allowed to be based in State College; have experienced many issues; cannot get documentation from the "home office"; covenants are not enforced. The Township Engineer stated he has met with the new Board president of the HOA which is now based locally, now that the local HOA has been charged with the maintenance of the stormwater basin. In addition, he stated the development has several other stormwater facilities on individual lots and others that are part of the HOA. The Engineer stated he has managed to located where those facilities are located but S & A needs to turn over deed(s) for those facilities

noting the Township Stormwater Ordinance now requires that any stormwater facility be attached to an individual property owner rather than a HOA. He noted that regarding the various problems Mr. Franzwick spoke of, it seems as if he would need to contact an attorney. The Township Solicitor informed Mr. Franzwick that the Township does not control HOAs; a private matter; has in fact advised the Township not to take control of a HOA because of the manpower that would be needed to try and handle various issues. Mr. Franzwick again stated that it is virtually impossible to get anything done through S & A or the property in question; looks like a total junk yard and can see items all the way to the back of the property. The Solicitor stated that individual homeowners can enforce deed covenants. Mr. Franzwick asked how to do that and the Solicitor stated they should hire an attorney and take the offending property owner to court. The Solicitor stated that covenants should be recorded at the County Court House and should be able to go to the Register and Recorder's Office for those records. The Chairman noted if the Township would implement an ordinance as Mr. Franzwick suggested, it would be very difficult to administer. Supervisor Brookens added that the Township will do what it can with its regulations by enforcing them. Mr. Franzwick thanked the Board for their time and information.

Resident John Jacobs, Heritage Road, addressed the Board regarding his concern about health from smoke coming from neighbor who burns incessantly. He stated at a previous meeting when he presented his issues, he would be notified but had not received anything. The Chairman stated he had observed the site numerous times but there was no burning. He stated he had discussed with Board Members as to Mr. Jacobs request for restrictions for (legal) burning (i.e. certain hours, etc) and this Board was not willing to amend the Ordinance to limit times that a person could (legally) burn. The Chairman even noted a personal experience recently on a nice day windows were open, laundry on the line, and smoke from nearby neighbor permeated his house and he was forced to close his windows. Mr. Jacobs inquired as to regulations for "open burning" and the Zoning Officer stated there are no setback requirements but cannot burn yard waste or any solid waste. The Chairman stated that if there is evidence that something that is not allowed is being burned, it can be investigated because it does happen in other parts of the Township and the Township does investigate when notified. The Chairman stated that at this point this was the only complaint the Township has received for "limited hours" to burn. He concluded stating the Township had to look at matters administratively; if it can be enforced it will be; not only how it affects this individual but others as well.

Supervisor Corwell presented three (3) quotes, one from Mack dealer (Legacy Truck Centers) and two for the body all to be purchased through CoStars Contract, noting that information had been distributed to them for this Meeting. Truck to be purchased is a single axle Granite to be built in 2019; nine months proposed for truck to be built; same vehicle as last one purchased; cab will be slightly different; CoStars pricing for chassis is \$120, 872. The two quotes for the body are both for a J & J body; same body style, no plow or spreader (Township has two extra plows and three spreaders); quoted prices as follows: (1) Stephenson Equipment (Harrisburg) - \$62,139; and, (2) U.S. Municipal Supply (Huntingdon) - \$62,294.33. He stated he reviewed the quotes with the Township's mechanic and Road Crew Foreman to ensure both quotes were being bid exactly the same; Mack quote was over 60 days old, Stephenson and

U.S. Municipal both within the last 30 days; without a plow and spreader the cost is approximately \$5,000 less than the previous vehicle's cost. The Chairman noted that with proposed trade tariffs the Township should act quickly and also the Township desires to get rid of the last manual truck in its fleet. Supervisor Brookens noted his agreement with the Chairman's comments. 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 purchase one (1) new single axle Mack truck chassis off CoStars contract from Legacy Truck Centers at their quoted bid price of \$120,872 and a body system from Stephenson Equipment at their quoted bid price of \$62,139, as presented.

The Zoning Officer informed the Board that two (2) current Alternate Members to the Township's Zoning Hearing Board need to be re-appointed; namely, Ernest Tarner and Kevin Bodner. The ZO stated the Alternates are not needed often but need to have them in place; both were contacted and both are willing to serve as Alternates. On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to re-appoint Ernest Tarner and Kevin Bodner as Alternate Members to the Township Zoning Hearing Board for three-year terms (each) beginning 2018.

The Board received a copy of the Fayetteville Volunteer Fire Department Fire Police Monthly Report for June and reviewed with no further comments. Following review, it was consensus of the Board that the Monthly Report become part of the official record.

The Zoning Officer presented and reviewed the Monthly Zoning Office Report with the Board. Following review, it was consensus of the Board that the Monthly Zoning Office Report become part of the official record.

The Zoning Officer presented a request for review time extension of sixty (60) days from Lance Kegerreis, Dennis E. Black Engineering, Inc., on behalf of client, Menno-Haven Brookview; current deadline expires July 13, 2018; third extension requested. 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 Menno-Haven Brookview in the amount of sixty (60) days commencing July 13, 2018.

The Zoning Officer presented a Parking and Circulation Plan for Chambersburg Health Care Services; property located along Philadelphia Avenue; large expansion of parking lot; adjacent property was purchased for expansion. The ZO reviewed the *Approval Checklist*, a copy of which had been provided to each Board Member for their review: Franklin County Conservation District – noted 'adequate' (6.25.18); previous Comment #2 (regarding height of two proposed light fixtures) from Township Planner has been addressed as a note added to the Plan (6.21.18); Township Engineer - stated Plan meets all requirements, two large infiltration basins proposed, stormwater bonding required by Ordinance and Engineer concurs with amount of \$62,387. Supervisor noted there was no handicapped parking shown in the proposed expansion and the ZO stated all handicapped parking is being provided at the main front entrance. 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

Parking and Circulation Plan for Chambersburg Health Care Services as presented with a stormwater bond of \$62,387 to be posted.

The Zoning Officer presented a 3-lot Final Subdivision Plan for L. Marion Leshner; property located off the cul-de-sac of Winterberry Drive at Bikle Road; majority of property is located in Guilford Township, therefore, all reviewing agencies outside of Greene Township will comment to Guilford Township; no proposed development at this time; to remain as agriculture use; Township Planner - brief comments following review (7.6.18); Township Engineer – reviewed and satisfactorily conforms to Township Subdivision and Land Development Ordinance, therefore, would recommend approval of that portion within Greene Township; Township staff reviewed Plan on behalf of Township Planning Commission and recommended approval as presented. 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 L. Marion Leshner 3-lot Final Subdivision Plan as presented.

The Township Solicitor had no further comments 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 26617 through 26646, three credit card payments, one direct deposit, inclusive, to be paid from the General Fund; Check Numbers 3459 through 3462, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2144 to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:20 P.M..

Respectfully submitted,

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Secretary