

August 9, 2016
Scotland, PA 17254
Public Hearing &
Regular Meeting

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, August 9, 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 Meetings to order at approximately 7:00 P. M..

The Chairman stated a Public Hearing was to be held regarding an intergovernmental cooperation agreement with the Borough of Chambersburg for traffic signal communication upgrades at Exit 17 (Walker Road). He requested the Township Engineer to present this item in more detail. The Engineer stated at the previous Meeting he had presented information that the Borough had secured a grant through PennDOT to upgrade their traffic signals to digital. The Township has a signal located at Walker Road, currently analog, and the Township is able to participate in the grant funding to upgrade their light at Walker Road but there must be an agreement between the two entities to be signed by the Township and submit to the Borough and then subsequently sent to PennDOT. He noted as he did at the previous Meeting there would be no cost to the Township and the Township's signal would be in line with the Borough's. Board action is needed to approve and enter into this agreement in order to participate in the grant funding. The Solicitor noted that under Pennsylvania law the Township is required to adopt an ordinance for this matter.

The Chairman closed the Public Hearing at approximately 7:04 P. M..

There were no public comments offered regarding this matter; also, no further comments were presented by any Board Member. 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. 2016-5* as specified. The Solicitor advised the Board that the Ordinance they just approved only authorized the Township to enter into the agreement and now the Township has to approve the agreement itself. 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 agreement with the Borough and authorize the Chairman to sign the agreement.

The Minutes of the Regular Meeting held July 26, 2016 shall stand approved as presented and become part of the official record.

There was no public comment offered.

The Zoning Officer presented Township **Resolution No. 15-2016** on behalf of Vince Elbel, Sewage Enforcement Officer, for sewer tap-ins for Menno-Haven retirement community, Scotland Road. Menno-Haven proposes to expand its existing individual residential area by eighty-one (81) new living units for 20 edu's. The ZO also presented a sketch plan depicting the proposed new development on the Menno-Haven campus. Supervisor Corwell inquired if this would be all new construction and the ZO confirmed that it would be. 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 15-2016** as submitted by Vince Elbel, Sewage Enforcement Officer, for the Menno-Haven sewer tap-ins.

The Township Secretary presented a request for refund of fees paid for cancelled reservations for both a pavilion and ballfield on August 21 submitted by Elizabeth Shaffer. Following the policy of refund requests submitted prior to the reservation date, 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 cancelled reservations for both a pavilion and ballfield to Elizabeth Shaffer in the amount of \$80.00.

The Township Secretary presented a request for refund of fee paid for a cancelled reservation for a pavilion on September 10 submitted by William Martin. Following the policy of refund requests submitted prior to the reservation date, 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 refund of a cancelled reservation for a pavilion to William Martin in the amount of \$45.00.

The Chairman noted that Smith Elliott Kearns & Company, LLC (SEK) performs various audits on an annual basis for the Township. The Township received correspondence regarding providing services in preparing financial statements, provide third-party administration and compliance services, request authorization for the Chairman to sign a letter of understanding in connection with the Township Pension Plan; and, provide services in connection with the Township Section 457 Plan; all these services for year ending December 31, 2016. Supervisor Brookens stated that SEK has been doing a good job in providing their services to the Township for a long time. Supervisor Corwell stated he had met with a SEK representative this date and reviewed the various services, plans, and reports associated and would recommend approval of services and authorizing the Chairman's signature as needed. There being no further questions or comments from the Board, 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 Smith Elliott Kearns & Company, LLC to provide services in preparing financial statements, provide third-party administration and compliance services, and authorize the Chairman to sign the letter of understanding in connection with the Township Pension Plan; and, provide services in connection with the Township Section 457 Plan; all services will be for the year ending December 31, 2016.

Supervisor Corwell stated that last year the Fayetteville Volunteer Fire Department (FVFD) had a fund-raising event and were planning to hold the same event this year on September 24 (2016). In order for FVFD to hold this event, they are in need of a letter from the Township indicating they have no objections to the event, then to be sent to the Liquor Control Board (LCB). Supervisor Corwell stated he did not know of any issues that had arisen at last year's event. There being no further comments or questions from the Board, 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 signatures of all three (3) Board Members to correspondence to the Liquor Control Board acknowledging the fund-raising activities of FVFD.

Supervisor Corwell presented correspondence from the Fire Chief of Fayetteville Volunteer Fire Department (FVFD) requesting that Rob Lawyer, former fire police, be reinstated and placed on the active list for FVFD Fire Police. A background check was completed and approved for Mr. Lawyer and it was noted he had previously served in this capacity. If approved, this would give FVFD a total of five (5) active fire police. The Chairman noted it is always good to have more fire police. On a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to re-instate Fire Police Rob Lawyer as special fire police for FVFD as presented.

Board Members reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly Report for July. Supervisor Corwell noted the number of volunteer hours is high due to the Department's Annual Carnival and a bad traffic accident on Interstate 81. The Chairman commented it had been a bad month for vehicles accidents. The Report shall become part of the official record.

The Zoning Officer reviewed the Monthly Zoning Office Report for July (2016) with Board Members, a copy of which was distributed to each for their review. Following review the Monthly Zoning Office Report for July shall become part of the official record.

The Zoning Officer presented a request for a partial refund of a Land Use Permit Application fee in the amount of \$260.00, submitted by Ryan Mixell. The ZO explained that at the initial process, Mr. Mixell had given a construction value of the project which was higher than the actual construction cost. He paid an original fee of \$463 when it should have been \$203, therefore, he was requesting a refund of the difference of \$260. 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 a Land Use Permit Application fee due to incorrect construction value initially stated to Mr. Ryan Mixell in the amount of \$260.00.

The Zoning Officer asked the Board if they wished him to combine the next two items on the Agenda since they were included in one correspondence and related to the same project and the Board agreed. The ZO explained the first request is for a waiver of Greene Township Code 85-11, *Submittal of Plans*, for the Village at Luther Ridge, Skilled Care Building. Township Code requires an initial submission of plans as "preliminary" with the second

as “final” and the Applicant is requesting to forego the preliminary and submit as a “preliminary/final” plan for a proposed addition to an existing building. The second request submitted in the same correspondence was a request for waiver of Greene Township Code 85-20.A, *Plan Scale*, for the Village at Luther Ridge, Skilled Care Building. The Code requires a scale of 1” = 100’, however, the Applicant was requesting that some of the plan sheets be allowed 1” = 150’ and by doing so, would be able to show the entire site plan. The ZO stated the requests were presented to the Township Planning Commission for review at their Regular Meeting held the previous evening (Monday, August 8) and following their review, (they) recommended approval of the waiver requests as presented. The ZO noted the other plan sheets will have the required scale and would agree with the preliminary and final be combined and also with the scale request. The Solicitor noted the request for combining preliminary and final are fairly common requests in the Borough and that if a developer is determined to proceed with a project, the Borough will accept as a preliminary/final plan. Supervisor Brookens inquired if the Township had done something similar to this in the past. The ZO stated this was somewhat different in that ten or more units could be considered as a preliminary/final plan, the Township has received both ways, and (ZO) would see no detriment. The ZO continued by noting the preliminary process allows a five-year time frame to afford any protection from any changes and allows an applicant to begin construction without posting a bond first. 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 waiver of Greene Township Code 85-11, *Submittal of Plans*, for the Village at Luther Ridge, Skilled Care Building. Further, 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 85-20.A, *Plan Scale*, for the Village at Luther Ridge, Skilled Care Building.

The ZO presented a 1-lot Final Land Development Plan for PA Southern Railway, LLC, located in the Cumberland Valley Business Park in the HI (Heavy Industrial) zoning district at the intersection of Technology and Opportunity Avenues; propose covered storage but open on sides; intend to offload materials from railroad cars to storage area awaiting pickup by trucks. He reviewed the *Approval Checklist* with Board Members, a copy of which each Member received, with comments from the following reviewing agencies: Franklin County Planning Commission reviewed with no comment (6.24.16); Franklin County General Authority reviewed with no comment (6.7.16) – no sewer proposed – will have porta-johns on site; Franklin County Conservation District reviewed and noted as ‘adequate’ (7.8.16); Township Planner’s two previous comments have been addressed; traffic impact fee based on open storage for one peak hour, located in TSA-1 (zone) for total of \$2,065; stormwater bond determined at \$74,989; Township Planning Commission reviewed at their July 11 Regular Meeting and following review recommended approval subject to traffic impact fee, Township Planner’s and Engineer’s comments being satisfactorily addressed, and posting of the stormwater bond in the amount of \$74,989. The ZO noted the same issue was recently encountered when the Board reviewed the Fleagle Painting plan due to the open storage and in that matter, a note was required on the plan that if at any time in the future, the structure was enclosed the fees would be paid at that time. The Township Engineer stated that one of

his concerns was the intensity of this use and was assured that only two railroad cars would be unloaded per week and the amount of truck traffic would be very small so that is how the impact fee was determined as well as the stormwater bond. The Engineer continued by stating a traffic statement was submitted to the Township regarding the railroad cars and truck traffic because there will not be anyone working daily at the site. The ZO stated the engineer for the developer stated the current railroad line would not allow anything further at this time. Supervisor Corwell questioned as to why 42 parking spaces for one person and the Engineer stated the parking requirement was based on the square footage of the proposed structure. Supervisor Brookens inquired as to only one employee and the Engineer stated only one employee part-time, off and on. Discussion ensued as to the difference between the Fleagle open construction and this proposed project. Supervisor Brookens stated this was completely new construction whereby Fleagle was already in business. The ZO noted correspondence received from Jim Cullison regarding this project's traffic calculation was based on one peak hour therefore the \$2,065 fee and recommended that if the building was either occupied or fully enclosed in the future, a note should be posted on the plan regarding further requirements and fees. The Engineer stated an impact assessment package was provided. The ZO referenced another different open structure and stated the (traffic) generation manual did not address open storage. The Chairman suggested a note be placed on the plan that if the structure would ever not be in conformance, it would have to comply with impact fee requirements. Supervisor Corwell inquired if that would include any additional employees and the Engineer stated 'yes' and also if truck traffic would increase. Discussion continued regarding the impact fee issue, if the use were to change or the building was enclosed or not enclosed, etc, with the Chairman noting concerns would be made part of the condition for approval. Following a lengthy discussion, 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 Land Development Plan for PA Southern Railway, LLC, with conditions: the stormwater bond in the amount of \$74,989 be placed prior to the plan leaving the office, traffic impact fee of \$2,065 be paid at the time of the Land Use Permit issuance, a note be placed on the plan stating that if the building is ever enclosed a land development plan will be submitted to the Township and at that time the impact fee would be recalculated and if the traffic would increase, the Township reserves the right to also recalculate traffic impact fees.

The Zoning Officer presented the Phase IV Final Subdivision/Land Development Plan for White Church Meadows (Covington Properties) noting the plan was initially received November 23, 2015. Since that time the plan has been provided to reviewing agencies with the Township Planner and Engineer both having many comments. Two time extensions of ninety days each were granted with the current extension expiring on August 15, 2016. The ZO stated he had left a message with the applicant's engineer to contact him last week and had not received a call back to date. He further noted the applicant has not acted on the comments provided and again the current extension will expire August 15. The Township Engineer stated the primary deficiencies were that more phases were added but still only provided for one access and no secondary access was provided. Following review and

consideration, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, said motion then amended, the Board unanimously voted to deny the White Church Meadows (Covington Properties) Phase IV Final Subdivision/Land Development Plan due to the fact the plan does not meet the requirements of the Township Code or the Ordinance requirements and also the applicant failed to respond to comments of the Township Engineer and Township Planner regarding the deficiencies on the plan.

Supervisor Brookens, Director of Park and Recreation, presented to the Board consideration to again participate in the co-op program with the Chambersburg Areas Senior High School with the new school year about to begin. He presented the names of Brice Kendall and Gage Boock, both seniors, to be hired who will be working with the Park Manager in the area of maintenance at the Park; said employment to begin August 22. On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to participate in the co-op program in coordinate with Chambersburg Area Senior High School for two individuals to work with the Park Manager, those persons being Brice Kendall and Gage Boock and also to authorize Travis L. Brookens to sign any agreements that would need to be in place between the School and the Township and that said persons will begin August 22, 2016.

Supervisor Brookens stated that three former co-op students who had worked at the Park since last summer were to be terminated due to all three beginning college careers in the fall. He stated there are varying days for each to begin college, therefore, would recommend all three be terminated from employment with the Township effective August 22, 2016. The Chairman inquired if all three were enrolled in turf management and Supervisor Brookens stated two were in turf management and one in business. On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to terminate the employment of three seasonal employees for the Township Park effective August 22, 2016. The Chairman noted the Township wishes each person good luck in their future endeavors and college curriculum of choice.

The Township Solicitor informed the Board that the Township has received a request from Attorney Macaluso who represents Ken Stake requesting permission from the Township to terminate the Letter of Credit by agreement to “withdraw the plan. He stated the plan has never been recorded even though the Letter of Credit was posted. The Solicitor stated he has reviewed the agreement and would recommend approval. He stated if the Board’s action were noted in the official Minutes that Mr. Stake had asked the Township to sign this “agreement” that would suffice. He further noted there had been very little work done towards the drainage. The Zoning Officer inquired if any reason had been given as to why they wanted to abandon the project and the Solicitor stated that apparently there had been an agreement between Mr. Stake and another party to build the storage units and the other party has decided not to pursue the project. Supervisor Corwell inquired if there had been any fees paid with regard to this plan and the Township Engineer stated there was an escrow with regard to the stormwater management, a bond but no traffic impact fees had been paid.

Supervisor Corwell asked the Township Engineer if he had already done any inspections and the Engineer stated he had and had also talked with several people. The Solicitor recommended the Board approve the withdrawal of the plan upon receipt from the applicant of his intent to withdraw the plan and authorize termination of the Letter of Credit. The Solicitor again noted he had reviewed the withdrawal correspondence and also checked that the plan was never recorded in any manner. Supervisor Brookens suggested the Township Engineer perform a site inspection to ensure that all is in order. Following review and further discussion it was suggested by the Township Solicitor this item be held over until the Township Engineer has an opportunity to inspect the site and the Township be sure they have a copy of the Letter of Credit.

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 24488 through 24523, one online payment, three credit card payments, and one direct deposit, inclusive, to be paid from the General Fund; Check Number 3282 and one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2086, to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:05 P.M..

Respectfully submitted,

Secretary