

August 27, 2013  
Scotland, PA 17254  
Public Hearing

The Greene Township Board of Supervisors held one (1) Public Hearing on Tuesday, August 27, 2013, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA. The Public Hearing was held to gain public input regarding a proposed ordinance regarding Sewer Permit Provisions.

Present:

Charles D. Jamison, Jr.  
Todd E. Burns  
Travis L. Brookens

Gregory Lambert  
Daniel Bachman  
Diann Weller  
Welton J. Fischer

Visitors: See list

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

The Chairman proceeded by first giving instructions as to how the Hearing would be conducted by reviewing the proposed ordinance and giving anyone who wished to speak an opportunity to do so, etc. He then asked the Township Solicitor to explain the reason for this Public Hearing. The Solicitor stated the problem this proposed ordinance was trying to address is a concerted effort and provide better coordination between the issuance of sewer permits by the Greene Township Municipal (Sewer) Authority with the issuance of Land Use Permits from the Township Board of Supervisors. Greene Township is under a moratorium for new sewer permits; Township has no control, PA DEP does; DEP upset that no permits were available and stated a person had built a home, sold his other home, and have to live in hotel room with no anticipated time when he could move; DEP advised the Township they had to create some type of provision that a land use permit could not be issued until a sewer permit was issued. Greene Township Municipal Authority is independent of the Township Supervisors. DEP insisted that land use permits could not be issued until sewer permits were available but the Township did not know when they would receive, how many, etc; permits cannot be reserved that someone could buy a number of permits and never build anything. With the cooperation of the Municipal Authority for this limited time when there is a moratorium, a system of reservation must be designed and the Township would allow persons to get on the list to reserve a connection and once a connection becomes available they would be able to obtain a land use permit. One problem was that persons were not being told they could not occupy their home without a land use permit. The Township looked back six to seven years to determine what type of permits were issued and based on that the Township decided what types and how many permits would be issued; at this time the Solicitor read the first paragraph (Section 2. A.) of the proposed ordinance. He then read Section 2. B. with comments being offered by Tom Mongold, Greene Township resident and realtor, as to definition of 'duplex', 'multi-family' and the Solicitor stated the definitions would follow what is contained in the Township Zoning Ordinance. Section 2.C.1. explained with Jim Greenfield, large land owner in the Township, alledging that puts every developer out of business; the Solicitor responded 'no, sir'; Mr. Greenfield inquired 'how do we proceed with this'? Supervisor Todd Burns stated the way it is written currently it allows anyone to build a

home if they have a buyer; explained how a developer, i.e. Dan Ryan Builders, would have sales agreement and in that case they could apply for a permit; have to have a sales contract in order to get a sewer permit; maybe better understood when later in the ordinance the terms are defined. The Chairman stated at this time the purpose of this Hearing was to obtain all the comments, take the input, and go back and try to analyze and see if these comments can develop an ordinance more acceptable; it does not mean this is in concrete at this time; once the Authority, Supervisors, and staff meet and review further, the hope is to have this ordinance more detailed and refined. The Solicitor stated it would be unfair to have a developer take a large number of permits and hasn't even built homes and/or has definite buyers. Supervisor Burns corrected Tom Mongold as to the number of permits and limitation of connections and that DEP has forced the Township into handling matters in this way. Supervisor Travis Brookens also informed Mr. Mongold that he was incorrect in some of his statements. The Solicitor and Chairman both tried to help Mr. Mongold understand, that everyone is going to have to adapt to changes but Mr. Mongold stated he still thought it was not fair; problem compounded by DEP by requiring signature of a "Consent Order" which will be signed by the appropriate parties and send back to DEP. Mark Reiff, local building, inquired regarding 'spec' houses asked if he obtained a permit not in his name, built and sold a house, and then come in for another permit? The Chairman stated that question would have to be addressed. It was noted that DEP will review every six months and issue a number of permits available. Dick Briggs (Township resident) voiced concern there could be a potential of fraud; should be some type of deposit so there's no transferring of permit; link sewer and land use permit together and the Solicitor noted that raised a good question. Janice Burkholder noting she was a long-time resident stated she has been waiting for months to obtain a permit to build a single family house. The Solicitor read Section 2.C.2. and explained that 'multi-family' would be defined a little later; no comments were received initially and then Chuck Sioberg noted a problem with only transferring one time would not allow more than one and asked what would be the impact for townhomes, for example? Supervisor Burns noted they were talking about sewer permits and not land use permits and the Chairman noted that should be expounded. The Solicitor read Section 2.C.3.; then moved to D. stating that DEP would be involved to assist on these developments (commercial, institutional, and industrial). Section 2.E. would possibly allow the Supervisors to adjust various allocation formulas or make exceptions to accommodate extraordinary circumstances. After reading F. the Solicitor noted that six months would get us beyond the winter; effort was made to give enough time to make the connection but also put a limitation on how long a reservation would be valid; no comments offered. G. read with no comments offered. H. 1. through 6. (terms used) – 1. No comments; 2. No comments; 3. Mark Reiff asked if he could build, move in for a week, then sell and was informed that under the way the ordinance is presently written it would mean 'yes' but the Township is going to review and possibly revise. The Chairman noted that all agencies would meet in an executive session the following morning to further discuss and review all comments presented at this Hearing. Tom Mongol asked if persons (public) in attendance at this Hearing could attend and the Chairman and Solicitor both stated it is a public meeting but no comment accepted from the public; Tom Mongold asked if public meeting and the Solicitor stated 'yes'. The Chairman noted there will be a time frame to allow persons to submit comments and the Solicitor stated that if there are changes made to the proposed ordinance, it must be re-advertised. The Township Engineer inquired if one occupancy permit could be issued at one time and the Solicitor stated that possibly would not work; waiting for occupancy permit will not work; this has to be

discussed further. Mark Reiff inquired as to the reservation list, what happens if this becomes a long list and out of taps; if run out would the next 40 taps be the next ones on the list and the Solicitor stated that is the intent; the Chairman stated they did not want a person taking numerous permits at a time. Tom Mongold asked if that was fair; if one of my buyers does not buy what happens? The Chairman noted the connections is already issued and would go to whoever buys the home and the Solicitor noted that may need to be made clearer. Dick Briggs again stated that goes back to what he said earlier about fraud; wants to avoid; guard against someone becoming a "professional" tap applicant; getting taps under multiple names (i.e. parents, siblings, etc) and then selling them to others. The Solicitor noted that a number of issues raised have already been thought of and others not but if the same name would keep appearing (i.e. same last name, etc), that would definitely place an alert ("red flag"). Janice Burkholder stated she was getting nervous wondering how long would it be until she could get permit; how is a single family person going to get a sewer tap? The Chairman asked Jeffrey Clopper, Sewer Manager, when they thought they would start list and Mr. Clopper stated once this is resolved, they will begin the list. The Chairman stated that once this ordinance is passed and once DEP releases taps, then a list can begin. Glenn Shetter suggested it be clarified how this will happen and that the Township will re-convene at a later date to continue this review. The Chairman suggested that when a person sees the legal ad is placed they check to have reservation. Tom Mongold if there was a 30-day waiting period and was informed 'no'. Bob Hickey suggested that something be put in the ordinance to make it clearer what builders and developers can do; put rules in that controls them; what you do this evening affects me; a builder/developer could get two connections. Richard Fogal asked that once a consent agreement is signed and DEP agrees to these terms, do we have to wait six months or get at the time? Supervisor Burns stated it would be up to DEP; would not know we have taps until we actually get notice from DEP; unfortunately we are at the mercy of DEP. Continuing with: 4. Solicitor read – no comments; 5. Solicitor read – no comments; 6. Solicitor read – no comments; Section 3. Ordinance shall take effect five days after enactment; the Chairman noted the ordinance is in effect five days after adoption. The Chairman announced the meeting of discussion mentioned earlier would be held the next day, Wednesday at 9 a.m. here (Township Meeting Room). The Solicitor stated again it is a work session, public welcome but not permitted to comment and then may come back to the Public Meeting/Hearing for input. Tom Mongold asked if work sessions are recorded and was informed 'no'; Tom Mongold asked if they could record; Solicitor and Chairman stated 'yes, if they wanted'. At this time Allen Piper, President of Citizens for Responsible Government, stated there were four ladies in attendance with a concern but did not wish to speak and the Chairman reminded Mr. Piper the matter of which he spoke was not relative to this Public Hearing. The Solicitor recommended to continue the Public Hearing. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted this Public Hearing be continued until September 24 at 7:00 p.m., at 1145 Garver Lane, Scotland, Greene Township Municipal Building Meeting Room.

There being no further business for this Public Hearing, the Chairman adjourned at approximately 8:05 P.M..

Respectfully submitted,

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Secretary