

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, October 27, 2020 at the Greene Township Municipal Building, 1145 Garver Lane, Chambersburg, PA 17202. (Note: Due to COVID-19, all persons maintained an additional distance during this meeting.)

Present:

Todd E. Burns	Gregory Lambert
Travis L. Brookens	Lindsay Loney
Shawn M. Corwell	Kurt Williams
Daniel Bachman	

Visitors: Michael Runyon, Josh Heck, Marcos Cintron, Thomas Findley

The Chairman called the Meeting to order at noon. He welcomed everyone, noted that copies of the Agenda are available at the entrance, and asked visitors to complete the sign in sheet. He also informed everyone that the meeting would be recorded for accuracy purposes.

At this time, the Chairman opened the Continuation of the Public Hearing held October 13<sup>th</sup> to consider a Conditional Use Application submitted by HR Recycling, LLC. The Zoning Officer (ZO) informed the Board that since the last Hearing, the applicant has come to an agreement with the neighboring property owner to use a portion of his property. The ZO stated that a new application would need to be submitted, and the Hearing will need to be re-advertised to reflect that change. The applicant was present and brought the signed lease agreement with the neighboring property owner (Mr. Whitfield). The lease agreement will become Exhibit 1 of the application. The Solicitor informed the applicant that he would be responsible for the additional advertising costs due to the change; the applicant agreed. The ZO explained to the applicant that he would need to modify the application and have the adjacent property owner sign the application as well. Once the modified application is received, a zoning notice will be posted on the neighboring property. The Solicitor suggested to the applicant that he be open to conditions of approval and include any conditions he would be willing to accept on his application. He further noted that the Board still has questions regarding the operation of the business, and it would be helpful for the owner to be present at the Hearing. Supervisor Brookens asked the applicant if he was purchasing the property, to which he replied that he is, but the process was held up because his lawyer had to have emergency surgery. The current property owner did sign the initial application. The Solicitor noted that it would be a good idea to have a copy of the deed showing the applicant as the property owner once the purchase is complete. 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 continue the Public Hearing for the Conditional Use Application submitted by HR Recycling, LLC to Tuesday, November 24, 2020 at noon and also to re-advertise the Public Hearing with the additional property owner information.

The Chairman closed the Public Hearing at 12:12 p.m. and then convened the Regular Meeting.

The Chairman announced that two sealed bids were received for the Conococheague Creek Fish Habitat Project, and proceeded to open and read aloud the bids. The project consists of five individual items. The Chairman suggested delaying the bid award to the November 10<sup>th</sup> meeting to allow the Solicitor and Engineer time to review the documents for completeness. Supervisor Corwell asked what the target date of completion is for the project. The Chairman replied that the work is to be done over the winter; there is a fishing restriction for stream work from March through July. The bid tabulation is as follows:

<b>Item No.</b>	<b>Description</b>	<b>Flyway Excavating, Inc.</b>	<b>RiverLogic Solutions, LLC</b>
1	Mobilization and Demobilization	\$ 6000.00	\$ 9,500.00
2	Rock Vane	\$ 8,000.00	\$ 18,000.00
3	Random Boulders	\$ 3,600.00	\$ 6,000.00
4	Tree Removal	\$ 2,000.00	\$ 2,500.00
5	Pipe End Section and E&S Measures	<u>\$ 3,000.00</u>	<u>\$ 3,070.00</u>
	Lump Sum Base Bid	<u>\$ 22,600.00</u>	<u>\$ 39,070.00</u>

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 award for the Conococheague Creek Fish Habitat Project to November 10, 2020 at 7 p.m.

The Minutes of the Regular Meeting held October 13, 2020 shall stand approved as presented and become part of the official record.

The Chairman opened the floor for public comment; none was offered.

The Chairman announced that the next item on the agenda is a Driveway Waiver Request for a Second Driveway from Marcos and Danielle Cintron, submitted by Thomas Findley (former property owner). The ZO explained that the request is for a waiver of Greene Township Code 85-54(b) for the property located at 1196 Knob Hill Road. That Code limits residential properties to one driveway on each street frontage. The ZO presented an aerial photo of the property, and pointed out that the only access to the garage located at the rear of the home is by use of the neighboring property's driveway. The Chairman asked if there was an agreement between the property owners for use of the driveway. Mr. Findley responded that there is no written agreement. He explained that he purchased the home in 2007, and the neighboring property owner at that time was Bobby Monn. Mr. Monn gave him verbal permission to use the driveway, and in return Mr. Findley maintained the lawn and driveway in that area. Mr. Monn no longer owns the property. Mr. Findley recently sold his home to the Cintrons, and one week before settlement, the new owner informed them that the Cintrons would not be permitted to use his driveway to access the garage. Mr. Findley explained that he looked into going to court to obtain an easement, but it was going to be time consuming and the new owners wanted \$16,000 to purchase the easement. Mr. Findley stated that he received an estimate to construct a new driveway for \$4,050, which is obviously much more affordable and will resolve any future right of way issues. The Chairman noted that he is familiar with the property and asked if Mr. Findley would be removing the two retaining walls to accommodate the new driveway. Mr. Findley pointed out on the map where a tree has already been

removed and half of the first retaining wall will be removed and rebuilt to match the new curve of the driveway. The second retaining wall will be adjusted accordingly to allow for the driveway. Mr. Findley noted that there is a swale along the property that should drain any water across the driveway and away from the house. He further explained how the stormwater works on the property and how it is directed from the road and away from the house. Mr. Cintron agreed that he is accepting all of these changes. The Township Engineer stated that he informed the applicant when he first presented the waiver that the Township would not allow another access into the cul-de-sac. The ZO noted that he reviewed the original plans of the development, and this is not a typical cul-de-sac. It appears that when the plans were originally done, it was the intent to continue the development further up the mountain but that did not happen. Mr. Findley confirmed that the new driveway will not enter into the cul-de-sac. Supervisor Corwell inquired what width the driveway will be; Mr. Findley responded 10-12 feet. The ZO noted that the Township Ordinance requires it to be a minimum of 12 feet. Supervisor Corwell recommended that Mr. Cintron sign the driveway application since he is the owner now. 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 Driveway Waiver Request for a Second Driveway from Marcos and Danielle Cintron, submitted by Thomas Findley, with the condition that the driveway will not access the bulb of the cul-de-sac as constructed.

The ZO presented a request for review time extension of the Jaindl Land Development Plan. A letter from Jaindl's attorney, Marc Kaplin, was provided to the Board members. The letter states that Jaindl will not ask the Township to review the plans or ask the Planning Commission or Board to allow presentations of the plans until there is a final, un-appealable court decision in their favor. The letter further states that based upon the assumption that the court upholds their right to develop the property, Jaindl will resubmit plans to address Township, DEP and DOT comments. The ZO informed the Board that the current time extension for the project carries through until October 30, 2020. The Solicitor pointed out that the time extension request Jaindl submitted is open ended, but is subject to 30 days after a final un-appealable court decision. It is designed to "put the plan on the shelf" until the courts decide the two zoning issues. 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 review time extension for the Jaindl Land Development Plan until 30 days following an un-appealable court decision. The time extension shall commence October 30, 2020.

The Chairman presented a quote from Stephenson Equipment for a 10,000 gallon vertical tank to hold salt brine. The Chairman informed the Board that he was contacted by an outfit in Maryland that has 5,000 gallons of geomelt that they are willing to give to the Township free of charge, but we do not have any further capacity to store it. He also noted that one of the tanks has a very small leak. With a new tank, the leaking tank could be pumped clean and repaired. The quote provided is \$10,791 and is CoStars pricing. The Chairman noted that there is a six week lead time for delivery. 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 authorize the purchase of a 10,000 gallon tank for salt brine from Stephenson Equipment in the amount of \$10,791 off the CoStars Contract as presented.

The Chairman presented a proposal from ECS Mid-Atlantic regarding permitting for the parking lot to be constructed at 4103 Scotland Main Street. The Chairman noted that the grant from the Franklin County Commissioners can be used for the permitting fees. The biggest delay in the construction of the parking lot has been the permitting, because the area is in the flood plain area of the Conococheague. The Chairman stated that the Township tried to get the parking lot added to the permit for the dam reconstruction, but DEP denied the request. Therefore, the Township has to go through another permitting process. The proposal provided by ECS is in the total amount of \$24,900. 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 authorize the Chairman to sign the proposal from ECS Mid-Atlantic for the permitting of the parking lot at Scotland Main Street in the amount of \$24,900 as presented.

The Township Engineer presented a series of bond releases for the Menno Haven project, which began in 2017. All three facilities have been complete for at least six months, and the stormwater systems are complete and acceptable. The first bond to be released is in the amount of \$906,642.57 for Genesis at Brookview, which is the skilled care facility located behind Menno Haven on Scotland Road. The Engineer noted that a fairly large basin was constructed due to DEP requirements, and it is complete. 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 release the Bond for Genesis at Brookview in the amount of \$906,642.57 as presented.

The Engineer stated that the second bond to be released is for the memory care facility that was constructed on the Penn Hall Campus. A basin was constructed in between the two buildings, and that has been complete. 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 release the Bond for Genesis at Chambers Pointe in the amount of \$180,881.02 as presented.

The Engineer presented the third bond, which is for the rehabilitation center along Scotland Road. He explained that a basin was constructed adjacent to the building. Initially there were some problems with the infiltration, but sand was added in and reconstructed. The basin is now complete and seems to be functioning adequately. 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 release the Bond for the Skilled Restore Building at Chambers Pointe in the amount of \$188,783.01 as presented.

The Chairman presented for review Township Resolution #19-2020, PennDOT MTF Grant Application. He explained that part of the application process for the PennDOT MTF Grant is to adopt this resolution. 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 Resolution #19-2020, PennDOT MTF Grant Application as presented.

The Chairman reminded the Board that the Township provides a donation to the Cumberland Valley Animal Shelter on a yearly basis in the amount of \$16,000, and has not done so yet this year. 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 release of the annual donation to the Cumberland Valley Animal Shelter in the amount of \$16,000 as presented.

The Solicitor informed the Board that the Jaindl appeals have been assigned to Judge Myers, and he expects the two cases to be consolidated. He also mentioned that he has an ambulance agreement with West Shore that he is reviewing for Supervisor Corwell.

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 29033 through 29058, one ACH transaction and two credit card transactions to be paid from the general fund, check numbers 3673 through 3677 to be paid from the liquid fuels fund and check number 2215 and one ACH transaction to be paid from the electric light fund.

There being no further business before the Board for this meeting, the Chairman adjourned at approximately 1:13 p.m.

Respectfully submitted,

---

Treasurer/Assistant Secretary