

**SCOTT TOWNSHIP
BOARD OF SUPERVISORS
MINUTES—APRIL 17, 2019**

The Scott Township Board of Supervisors met on the above date in the Municipal Building, 350 Tenny Street (Espy), Bloomsburg, PA. The meeting was called to order at 6:30 p.m., and opened with the Pledge of Allegiance to the Flag. In attendance were Supervisors Kathleen A. Lynn, Paul R. Eyerly IV, Lanny R. Sheehan and Dennis N. Wildt. Solicitor Anthony J. McDonald from Marinos, McDonald & Knecht LLP, Police Chief Raymond J. Klingler, Maintenance Supervisor Mark J. Koons, and Secretary/Treasurer Brittany M. Stasik were also in attendance.

Vice-Chairperson Lynn conducted the meeting

LIQUOR LICENSE TRANSFER HEARING—GIANT FOOD STORES, LLC

The Hearing began at 6:31 p.m. Testimony was closed at 6:43 p.m. (Ervin Blank Associates made a stenographic record of the hearing.) Mr. Eyerly made a motion to adopt Resolution 4-17-19 as presented, approving the transfer of PLCB License No. R-5284. Mr. Wildt seconded and the motion carried 4-0. Mr. Eyerly made a motion to adjourn the hearing. Mr. Sheehan seconded and the motion carried 4-0.

QUESTIONS FROM THE AUDIENCE

A number of residents from Sherwood East attended to express concerns regarding the home occupation permit issued to the owner of 1008 Clifton Drive. Ms. Yen V. Phan applied for a home occupation permit for eyebrow microblading. At the same time, a zoning permit was applied for and approved to convert the garage into additional living space and the office. Mr. Dan Knorr stated he feels the exterior renovations are rather extensive, although the home occupation permit application includes the question, “Will you be altering the outside of the home?” and the applicant underlined “No”. Mr. Knorr stated his biggest concern is that he does not know what the final project will look like and there appears to be a commercial door installed. He feels the Ordinance is not being followed because the home occupation will change the nature of the residential neighborhood. Mr. McDonald stated he and Zoning Officer Brittany Stasik reviewed the application that was filed along with the Ordinance and they determined that the use does fit within the Ordinance. Ms. Stasik stated her interpretation as Zoning Officer was that the changes did not constitute altering the exterior. In her opinion, enclosing the garage door areas was no different than if a homeowner chose to convert a garage into living space. However, changes such as adding signage, commercial lighting, awnings, striping the driveway for parking, etc., would constitute altering the exterior. Mr. McDonald added that what would be considered altering the exterior is at the discretion of the Zoning Officer. Ms. Lynn asked what the residents are looking for since the use does fall within the guidelines of the Home Occupations section of the Zoning Ordinance. Ms. Tara Davis of Clifton Drive stated she feels the applicant is changing the feel of the neighborhood. Also she expressed concern regarding increased traffic since Clifton Drive ends in a cul-de-sac. Ms. Amanda Stout stated the door has a pull handle. Mr. Andrew Bui, representing Ms. Phan, stated the door was a requirement of the building inspector for handicapped accessibility. Mr. Don Davis asked how removing two garage doors and installing a commercial door is not altering the outside of the home. Ms. Stasik also noted that the residents have the right to appeal her decisions. Mr. Ryan Stout noted that the Homeowners’ Association has private covenants prohibiting any business uses. Mr. McDonald explained the municipality is not responsible to enforce restrictions in the deeds or private

covenants. It is the responsibility of the neighbors to enforce those issues. Mr. Nick Rockey stated that microblading is tattooing and questioned the disposal method for needles. Ms. Chelsea Rockey stated one of Ms. Phan's contractors told the Rockeys that the business would be microblading and a massage parlor. Mr. McDonald stated a massage parlor would not be a permitted use. Ms. Stasik stated the permit must be renewed annually and if the home is being used for an occupation other than what is listed on the application, she would have the authority to revoke the permit. Ms. Stasik stressed she cannot rescind the permit based on rumors of what might happen. One resident asked what constitutes a single-family residence and asked if there is a limit on the number of people or the relationships in order to constitute a single-family. Mr. McDonald explained that the PA Supreme Court has determined that the traditional definition of family no longer applies. [Township Ordinance Chapter 135, Section 7 defines a DWELLING as "a building, structure or shelter designed for or occupied exclusively as the residence or sleeping place or one or more persons." A DWELLING, SINGLE-FAMILY DETACHED is defined as "a dwelling containing only one dwelling unit from ground to roof, having independent outside access and open space on all sides..."] Ms. Carole Chiaramonte expressed concern regarding the safety of pedestrians and children on bicycles with any increased vehicle traffic. She added that Ms. Phan has a business on Route 11, and asked what gives Ms. Phan the privilege of conducting a microblading business on Clifton Drive if she is not allowed to perform that service in her salon on Route 11. Mr. Bui noted they did not realize opening the business would be an issue for the neighborhood and he was not aware there might be deed restrictions regarding businesses. Mr. Eyerly suggested the residents choose a spokesperson to volunteer to be the liaison between these residents and the applicant to mediate a solution. The Sherwood Village residents have the option to enforce their deed restrictions or they can appeal the Zoning Officer's decision to approve the Home Occupation Permit to the Zoning Hearing Board. Mr. Don Davis volunteered to be the liaison. Mr. Kirk Gilbert stated he feels the State Licensing Board does not have clear guidelines. Ms. Lynn suggested he bring that to the attention of the State representatives. Ms. Stasik explained the appeal process. Mr. Gilbert asked for an update on the Kinney Run water issue. Mr. Eyerly provided the latest information. Ms. Rachel Boone added some remarks. One of the residents felt Ms. Phan lied when she was asked what the renovation was. Mr. Bui read an excerpt from a letter Ms. Phan plans to provide to the residents in Sherwood Village. He noted Ms. Phan can be contacted at her place of business.

APPROVAL OF MINUTES

Minutes of the March 20, 2019 meeting were presented for approval. Mr. Sheehan made a motion to approve the minutes as presented. Mr. Wildt seconded and the motion carried 4-0.

APPROVAL OF MONTHLY REPORTS

The March Budget, Police, Roads, Treasurer's, Zoning, and Tri-County COG IBC Inspection Service Reports were presented for approval. Mr. Eyerly made a motion to approve the reports as presented. Mr. Sheehan seconded and the motion carried 4-0.

APPROVAL OF BILLS TO BE PAID

The current General Fund bills to be paid were presented as one transfer of electronic funds and check numbers 15587—15626 for \$32,394.70. In addition, Liquid Fuels Fund bills to be paid were presented as check numbers 1727—1729 for \$2,250.49. Mr. Wildt made a motion to approve the bills to be paid, totaling \$34,645.19. Mr. Sheehan seconded and the motion carried 3-0, with Mr. Eyerly abstaining due to a conflict of interest regarding the Press Enterprise payment, check number 15612.

SUBDIVISION & LAND DEVELOPMENT

Regarding the Bradford W. Gensemer Preliminary Major Subdivision Plan, David A. Drumheller, PLS, of Drumheller Surveying, prepared the Plan. No one attended to represent the applicant. Mr. Ryan Stout asked what Mr. Gensemer is planning to do. The County Planning Commission reviewed the Plan. In a letter dated March 18, 2019, Mr. Drumheller requested the following two waivers from the Township Stormwater Management Ordinance:

1. Section 1.1—Post-development peak discharge of a 1 year recurrence storm to exceed the pre-developed peak discharge rate.
2. Section III.B.4—Design criteria for Stormwater Basins, to permit less than the required one-foot minimum freeboard for the overflow structure.

Township Engineer Todd R. Pysher of Pysher & Associates, Inc., reviewed the Plan in a letter dated March 27, 2019, and recommended approval with the following four conditions:

1. No zoning or building permits may be issued until approval of the final subdivision plan, and until financial security is provided for any remaining necessary grading/site stabilization work at the time of final plan approval, and for the proposed site improvements.
2. Provide proof of PA DEP sewage planning module approval.
3. Provide proof that the County Conservation District approved the NPDES permit.
4. Allow waivers for the two items requested by Mr. Drumheller.

The Township Planning Commission reviewed the Plan and recommended that the Board of Supervisors approve the Preliminary Major Subdivision Plan, with the conditions as listed above, including allowing the two stormwater waivers. Mr. Sheehan made a motion to approve the Preliminary Major Subdivision Plan with conditions 1, 2, and 3 as listed above, and with granting the two waivers requested by Mr. Drumheller. Mr. Eyerly seconded and the motion carried 4-0.

Regarding the Nautilus Development Preliminary/Final Subdivision Plan and Preliminary/Final Land Development Plan, Ted Oman, PLS, of Ted L. Oman & Associates, Inc., was present to represent the developer, John O. Coates of Nautilus Development Holdings, LLC. Mr. Oman explained the project. The County Planning Commission reviewed both Plans. Mr. Pysher reviewed the Plans in a letter dated March 27, 2019, and recommended approval of both the Subdivision and Land Development Plans with the following conditions:

1. Provide financial security in an amount acceptable to the Township Engineer and in a form acceptable to the Township Solicitor.
2. Submit a waiver request for the freeboard requirement in the Stormwater Management Ordinance. Mr. Pysher recommends granting this waiver.
3. Provide proof of PA DEP sewage planning module approval.
4. Provide proof of the County Conservation District NPDES permit approval.
5. Provide a properly executed Developer's Agreement.

Regarding review comment 2, the waiver request is printed on the title sheet of the Plans. The Township Planning Commission reviewed the Plan and recommended that the Board of Supervisors approve the Preliminary/Final Subdivision and the Preliminary/Final Land Development Plans with the conditions listed above, and with approving the waiver request. Because all of Mr. Pysher's review comments pertain to requirements for developing the parcel, Mr. Eyerly made a motion to approve the Preliminary/Final Subdivision Plan with no conditions. Mr. Wildt seconded and the motion carried 4-0. Mr. Eyerly made a motion to approve the Preliminary/Final Land Development Plan for Lot 5A with the conditions listed above, and with approving the waiver request. Mr. Sheehan seconded and the motion carried 4-0.

Regarding the Dollar General Minor Subdivision, LIVIC Civil prepared the Plan. No one attended to represent the applicant. The County Planning Commission reviewed the Plan. Mr. Pysher reviewed the Plan in a letter dated March 25, 2019, and recommended approval with the following conditions:

1. A professional land surveyor must sign and seal the plans.
2. Plot all building setbacks on plan Sheet SD03.
3. Place a note on the plan drawings relative to the proposed abandonment of two of the three existing utility easements that appear on plan Sheet SD02.
4. Correct the wording on the municipal signature blocks.
5. The Owner/Applicant signature blocks must be signed and notarized.
6. Provide proof of PA DEP sewage planning approval.
7. Provide copies of PennDOT Highway Occupancy Permits for both the DG lot and the residual lot.

The Township Planning Commission reviewed the Plan and recommended that the Board of Supervisors approve the Minor Subdivision Plan with the seven conditions as listed in Mr. Pysher's review letter. Mr. Eyerly made a motion to approve the Minor Subdivision with the seven conditions as listed above and with the additional stipulation that all conditions must be met within ninety (90) days or the approval is withdrawn. Mr. Sheehan seconded and the motion carried 4-0.

OLD BUSINESS

Regarding the health insurance compensation for a full-time police officer who is currently covered under a family member's insurance, Mr. Sheehan stated the Police Committee met and recommended compensating the officer for not taking an individual insurance plan at 33% of the health insurance cost. Mr. Eyerly made a motion to authorize the Police Committee to enter into a bargaining agreement with the police bargaining unit regarding compensating the officer at one-third of the health insurance cost, to be paid quarterly. This is the only item that will be negotiated. Mr. Wildt seconded and the motion carried 4-0.

Regarding the wind/solar farms resolution, Mr. McDonald stated this second resolution by statute had to be more specific than Resolution No. 3-20-19B. Mr. Wildt made a motion to adopt Resolution No. 4-17-19B. Mr. Eyerly seconded and the motion carried 4-0.

NEW BUSINESS

Chief Klingler explained the 2015 Police cruiser was involved in an accident and will likely be considered totaled. Due to the length of time required to receive a new vehicle, the Chief requested permission to order a new vehicle. Mr. Wildt made a motion to authorize the Chief and the Police Committee to check into purchasing a new vehicle, working through the insurance carrier. Mr. Eyerly seconded and the motion carried 4-0.

Regarding an update on the request for additional streetlights on Clifton Drive in Sherwood East, Mr. Koons stated the cost from PPL would be \$15 per month per light. PPL will do the installation. Mr. Eyerly made a motion to approve the addition of two additional streetlights on Clifton Drive at an annual cost of \$360.00. Ms. Lynn seconded and the motion carried 4-0.

The Board adjourned into Executive Session at 8:23 p.m. to discuss personnel matters and real estate matters. The Board reconvened at 8:47 p.m.

Mr. Eyerly made a motion that the Board suspend, immediately and without pay, an employee of the Maintenance Department until further notice, and that the Board accepts that employee's written notice of retirement, effective April 15, 2019. Mr. Sheehan seconded and the motion carried 4-0.

Mr. Koons stated he has advertised for a full-time employee.

Mr. Eyerly made a motion to adjourn the meeting. Mr. Sheehan seconded and the motion carried 4-0. The meeting adjourned at 8:52 p.m.

Respectfully submitted,
Brittany M. Stasik
Secretary/Treasurer

**SCOTT TOWNSHIP SPECIAL MEETING
BOARD OF SUPERVISORS
MINUTES—APRIL 24, 2019**

The Scott Township Board of Supervisors held a special meeting on the above date in the Municipal Building, 350 Tenny Street (Espy), Bloomsburg, PA. The meeting was called to order at 6:30 p.m., and opened with the Pledge of Allegiance to the Flag. In attendance were Supervisors William G. Hafner, Kathleen A. Lynn, Paul R. Eyerly IV, Lanny R. Sheehan and Dennis N. Wildt. Secretary/Treasurer Brittany M. Stasik was also in attendance.

The Board adjourned into Executive Session at 6:30 p.m., to discuss real estate matters. The Board reconvened at 6:43 p.m.

Mr. Sheehan made a motion to adjourn the meeting. Mr. Eyerly seconded and the motion carried 4-0. The meeting adjourned at 6:43 p.m.

Respectfully submitted,
Brittany M. Stasik
Secretary/Treasurer