

**SCOTT TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES—OCTOBER 16, 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 William G. Hafner, Kathleen A. Lynn, Lanny R. Sheehan, and Dennis N. Wildt. Solicitor Anthony J. McDonald from Marinos, McDonald & Knecht LLP, Engineer Todd Pysher of Pysher & Associates, Inc., Police Chief Raymond J. Klingler, Maintenance Supervisor Mark J. Koons, and Secretary/Treasurer Brittany M. Stasik were also in attendance.

**QUESTIONS FROM THE AUDIENCE**

Mr. Jean LaValley requested more information regarding the solar energy ordinance and the nature of the restrictive zoning. Mr. McDonald and Ms. Stasik gave the background of how and why the Township decided to move forward with this ordinance. Ms. Stasik stated the ordinance was enacted to provide some type of regulation, especially for the commercial solar farms, but the Board could adopt amendments as they find necessary. Mr. LaValley explained why he felt the ordinance is too restrictive. Mr. McDonald stated if Mr. LaValley has good ideas for positive changes the Board would be open to discussion. He recommended that Mr. LaValley provide his suggestions in writing. Mr. LaValley stated that the way the ordinance is written, specifically the design of the panels, it encompasses even the small solar cells comparable to those used to line a walkway. Mr. McDonald assured Mr. LaValley that the Code Enforcement Officer or the Zoning Officer would not interpret the definition of ground stations so stringently as to include these small solar cells, and thus class their installation as a violation of the ordinance. Mr. LaValley has submitted a variance application, which will be considered by the Zoning Hearing Board on October 28, for permission to install solar panels. Mr. McDonald and Ms. Stasik recommended that he provide written suggestions for ordinance changes to the Zoning Hearing Board that evening.

**APPROVAL OF MINUTES**

Minutes of the September 18, 2019 meeting were presented for approval. Ms. Lynn made a motion to approve the minutes as presented. Mr. Wildt seconded and the motion carried 4-0.

**APPROVAL OF MONTHLY REPORTS**

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

**APPROVAL OF BILLS TO BE PAID**

The General Fund bills to be paid were presented as one transfer of electronic funds and check numbers 15883—15919 for \$98,818.94. In addition, a Liquid Fuels Fund bill to be paid was presented as check number 1753 for \$275.22. Ms. Lynn made a motion to approve the bills to be paid, totaling \$99,094.16. Mr. Hafner seconded and the motion carried 4-0.

**NEW BUSINESS**

Regarding the Community Services Group (CSG) agenda item, Peg Van Schaick, Vice President of Intellectual and Developmental Disability Services, attended the meeting to represent the

company. Mr. McDonald explained three intellectually disabled individuals have been living in a two-story house in the Township for a number of decades. Due to declining health, it has become advisable to relocate to a one-story house. CSG found a suitable house, 1165 Lightstreet Road, but it is in the Residential-Suburban Zoning District. Under a strict reading of the Zoning Ordinance, the Zoning Officer had explained they must submit a variance application to the Zoning Hearing Board because a group home is not a permitted use in the Residential-Suburban Zoning District. In addition, as strictly defined, the three unrelated individuals would be considered a Group Family Household, rather than a Family. The attorney for CSG provided a letter stating that the residents are intellectually disabled and they are entitled to a fair and reasonable accommodation under the Federal Fair Housing Act. Mr. McDonald stated in this particular case, with this particular set of facts, and with this particular group of people, it is his opinion that the individuals are entitled to fair accommodation, that they should be considered a family, and that they should be allowed to move into a house in the R-S District without any additional requirements. He does not recommend requiring them to apply for a Variance, or requiring a zoning change for the property, or that the Township should term it as non-conforming. Mr. Sheehan made a motion to consider this group of people to be a family and to permit the individuals to relocate to a house within the Residential-Suburban Zoning District without any additional requirements. The house will remain a single-family residence, with no change in zoning, and it is not considered to be a group home. Ms. Lynn seconded and the motion carried 4-0.

### **SUBDIVISION & LAND DEVELOPMENT**

Regarding the Cleveland C. and Rosemary C. Hummel Preliminary/Final Minor Subdivision/Incorporation Plan, Ted Oman, PLS, of Ted L. Oman & Associates, Inc., and C. Cleveland Hummel, Esquire, attended to represent the owners. Mr. Oman stated the ten-foot wide easement that went along the dirt lane has been eliminated. Because that lane is still depicted on the plan, Mr. Pysher stated he recommends adding a notation that the drive is removed. Discussion ensued regarding whether the drive is serving a function now and whether the owners want to encumber it moving forward. After considerable discussion, Mr. Hummel stated he must confer with the owners regarding the dirt drive. Mr. McDonald recommended leaving the ten-foot wide easement for use only by the residue lot and the Rosemary C. Hummel lot that will include the incorporated portion, not for access to Lot No. 1. The Board tabled this.

Regarding the Columbia County Business Park Lot 1 Final Land Development Plan, Joshua Hoagland, P.E., of The Crossroads Group, LLC, and Dan Good, Vice-President of Marr Development, attended the meeting. Mr. Hoagland explained the changes made since the Board last discussed this as a Preliminary Plan. One item that has been resolved is the location of the sanitary sewer connection. Mr. Hoagland stated no more fill will be removed from the site for the Bloomsburg floodwall, but the contractor needs to restore a large pit on the site to get it stabilized for the winter. He stated they had some issues testing for the infiltration basins because of how deep the cut was, but that has now been completed and the results have been forwarded to Mr. Pysher and the County Conservation District. Mr. Hoagland will update the plan to show the additional test locations. Mr. Pysher reviewed the plan in a letter dated August 19, 2019, and listed the following five comments:

1. Provide financial security in amount acceptable to the Township Engineer and in a form acceptable to the Township Solicitor,
2. Submit the mailer to DEP and provide proof of sewage planning approval for the proposed buildings 2 and 3. In addition, provide verification that the existing 6-inch sewer

lateral can be burst and then increased to an 8-inch main. Also, address the easement for the sewer lateral that will connect the three buildings to the main.

3. Provide an engineer's and/or professional land surveyor's seal on the plan.
4. Correct the wording of the staging note 2.B on plan sheet 4.00.
5. Provide a Developer Agreement.

The County Planning Commission reviewed the plan. The Township Planning Commission reviewed the plan and recommended the Board approve it with the five conditions as listed in Mr. Pysher's letter. Regarding review comment 1, Mr. Hoagland stated they have not finalized the construction cost estimate. Regarding comment 2, Mr. Hoagland stated they have received the "will serve" letter from the Scott Township Authority. However, the Authority has a sewage collection and conveyance system but no treatment plant. The Authority has an arrangement for conveyance, treatment and disposal with Bloomsburg. Therefore, the Bloomsburg Sewer Authority must also provide a "will serve" letter. Mr. Hoagland did not realize that. Comment 4 will be addressed in the plan revision. Comment 5 cannot be completed until the construction cost estimate is finalized. Discussion ensued regarding the deadline to meet the conditions. Ms. Lynn made a motion to approve the plan with the five conditions recommended by Mr. Pysher and with the sixth condition that all items must be completed by February 19, 2020. Mr. Sheehan seconded and the motion carried 4-0.

Regarding Lion's Gate, Mr. Pysher provided an update. He stated that a revised final land development plan was considered at the Planning Commission meeting earlier in the evening and the Commission tabled it. He stated the developer is proposing a phased approach. The first phase would involve revising all the stormwater facilities that were constructed but have not worked properly, as well as two buildings at the northwest corner. Two regulatory agencies, the Township and DEP, must be satisfied with the redesign of the stormwater management facilities. Originally, the land development was not a phased approach. Everything was shown on one plan. To avoid having the same situation, Mr. Pysher has spoken numerous times with the developer and the engineer to come up with a phased plan. The Township's understanding was that after a certain number of residential buildings were completed, the commercial buildings that were to support the residential buildings had to be implemented. At the Planning Commission meeting, the engineer was strongly encouraged to include commercial sections of that plan in Phase 1, or to only include the corrections to the stormwater management facilities. Under the regulations of the PA Municipalities Planning Code, the development must be completed within five years of the plan approval. Mr. Pysher stated that previous State administrations permitted an extension of that time by a few years. However, both the five-year clock and the extended time have expired on the original Lion's Gate Land Development Plan.

Regarding a plan recording certificate, Mr. Pysher stated some townships use this to confirm that plans are being recorded. Ms. Stasik noted that the Township requires a copy of the plans with the confirmation on it that they were recorded at the County Register and Recorder's Office.

### **NEW BUSINESS (continued)**

Regarding the 20 Windsor Road item, Ms. Stasik stated there are property maintenance issues similar to the problems at the Brentwood Circle property. She has received numerous complaints regarding high grass. The owner has died and the two executors have been unresponsive. Ms. Stasik requested the Board's permission to have the Maintenance Department mow the grass. The Board directed Ms. Stasik to resolve this similar to the Brentwood Circle property as outlined in the July 17 meeting minutes.

Regarding building inspectors, Ms. Stasik stated she has two potential individuals to contact. The Board recommended asking them to attend the next meeting to provide information about their services.

Ms. Stasik drew the Board's attention to a letter in their packet regarding the Central Columbia School District real estate tax for the police station property. After receiving a tax bill for over \$8,000.00, she prepared the letter addressed to the School Board requesting tax exoneration for 2019. The hearing to appeal to be removed from the tax rolls will not take place until September of 2020. Mr. LaValley asked if support at the hearing from the residents would make a difference. Ms. Stasik responded that there is not usually an issue with exempting government properties.

### **OLD BUSINESS**

Regarding the 2020 Budget, Ms. Stasik requested that the Board schedule a work session. The Board members will check their schedules. Discussion ensued on the timeline to meet the budget advertising requirements. Ms. Lynn made a motion to move the regularly scheduled meeting from November 20 to Monday, November 4 at 6:30 p.m. Mr. Sheehan seconded and the motion carried 4-0.

Ms. Lynn made a motion to adjourn the meeting. Mr. Sheehan seconded and the motion carried 4-0. The meeting adjourned at 8:05 p.m.

Respectfully submitted,  
Brittany M. Stasik  
Secretary/Treasurer