

**THE TOWNSHIP OF GREENWICH  
BOARD OF SUPERVISORS  
MINUTES OF THE MONTHLY MEETING  
Monday, June 2, 2014**

**CALL MEETING TO ORDER / PLEDGE OF THE FLAG:**

Members of the Greenwich Township Board of Supervisors met for the regular monthly meeting on Monday, June 2, 2014, in the Township Building. Chairman Victor Berger called the meeting to order at 7:34 p.m. with members Jacqueline Hollenbach and Harry Hoppes present. Also in attendance were Solicitor Dan Becker, Engineer Dennis Smaglinski, Zoning Officer John Stine and Secretary Joni McPike.

**ANNOUNCEMENT:**

Chairman Berger informed the audience that this meeting is being recorded principally to aid in the preparation of the Minutes and for such other purposes as the Board sees fit. For that reason, each person wanting to give any comments during this meeting, please state his or her name and address for the record, and address your comments to the Board of Supervisors.

**APPROVAL OF MEETING MINUTES:**

Reading of the Minutes of the May 5, 2014, Regular Meeting was waived since copies of the Minutes were distributed before the meeting. On motion by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, the Minutes are accepted as presented and the tape recording ordered to be erased.

**PLANS TO REVIEW:**

**Scattered Acres - Request for Planning waiver & Non-Building Declaration:** On motion by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, to authorize Secretary McPike to sign the document.

**Folino Estate Winery – discuss Traffic Study and action on time extension:** Developer Marco Folino and Robert Hain of Berks Surveying & Engineering, Inc., were present. Engineer Smaglinski gave an overview of the Traffic Study and based on the study the recommendation is that no lane additions are necessary on Old Route 22 to service the winery. Engineer Smaglinski recommended that in order for this Traffic Study report to be official it must have the P.E.'s seal along with his signature on the document. Mr. Hain stated this omission could have been an oversight and will have it corrected.

Engineer Smaglinski informed the Board of the time extension received, and clarified for Mr. Hain, that the applicant does not request an extension from the Township; they grant the Township an extension of the review period. On motion by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, to accept the time extension of Folino Estate Winery Land Development Plan to September 8, 2014.

Engineer Smaglinski, in relation to the Traffic Study, asked the Board if they would accept the analysis and recommendation of Mr. James P. Dimmerling, P.E., of Dimmerling Consulting, Inc., that no lane widening on Old Route 22 is necessary. On motion by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, to accept the Traffic Study Report conditioned upon the receipt of the officially sealed document by the Township.

Mr. Hain asked about the sewage module and the omissions he forwarded to the Township and Allen Madeira, and if the Board would give authorization for the Secretary to sign the documents. Solicitor Becker stated that the Board may give conditional approval for the appropriate parties to sign the sewage module upon verification of Allen Madeira's final approval that it is ready to be submitted to DEP. On motion by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, to authorize Secretary McPike to sign the sewage module upon receipt of Allen Madeira's final approval that the module is ready to be submitted to DEP.

Mr. Hain stated they still need clarification from the Zoning Hearing Board for their original application due to the expiration of time in the Zoning Hearing Board decision and asked if there is a Zoning Hearing scheduled. Solicitor Becker stated that they should submit a letter to the Township and contact the Zoning Hearing Board solicitor, Mr. Rodney Fisher, for further instructions.

**Monthly Subdivision & Land Development Plan Status Report:** Report was reviewed; discussion was held regarding upcoming dates and deadlines for plans submitted. Monitoring of this report will continue. No action was taken.

**HEARING VISITORS & PUBLIC COMMENT:**

**Dean Bruno, of Interstate Collision Center,** came before the Board and gave a detailed description of how he and his family came to be residents and the opening of his business within the Township. Mr. Bruno spoke of his business truck traffic in detail, and states his truck traffic consists of 1 to 2 trucks in and out of his body shop and 3 of his tractor trailer trucks leaving and returning during the week. He continued to discuss his hardships of acquiring the right property he wants to put his home and business on, and how frustrating it is to deal with all levels of Government, including the Township, especially about starting a small business. Also present were a great number of residents supporting Mr. Bruno with his explanation and request to the Board of Supervisors to change their previous motion and to support him and his application for a variance for the property on Wessner Road.

609358

After discussions back and forth by Mr. Bruno, the residents, the Board of Supervisors and Solicitor Becker regarding the purpose of Mr. Bruno coming before the Board tonight, Solicitor Becker further explained to Mr. Bruno and the residents that the appropriate place for Mr. Bruno's discussion is before the Zoning Hearing Board where he may present his case and establish a hardship. The residents who came to support Mr. Bruno tonight were informed that they need to go and support Mr. Bruno at his Zoning Hearing scheduled for June 19, 2014; the Board of Supervisors cannot do anything tonight to change the zoning decision. Solicitor Becker further explained that this system is law passed down by the State Supreme Court and legislature. This is how it works in every Municipality across Pennsylvania and similar standards are followed across the United States.

Mr. Bruno stated he is asking the Board of Supervisors to change their previous motion and to support his application for zoning relief on the Wessner Road property. Solicitor Becker addressed the Board of Supervisors and asked if they were interested in reconsidering their position on a previous motion made to not support Mr. Bruno's application. Solicitor Becker asked for a motion to support Mr. Bruno's application for zoning relief on property Mr. Bruno purchased from Metropolitan Management. Supervisor Hoppes made a motion to support Mr. Bruno in his project. There being no second, the motion failed. The Board of Supervisors did not change their previous decision to not support Mr. Bruno.

Supervisor Hollenbach stated that at a previous meeting held by the Board of Supervisors, the Board gave full support to the Zoning Hearing Board on behalf of the hardship Mr. Bruno presented for his variance request at that time, which was for his property located near Lenhartsville. Also, at the time that Mr. Bruno submitted his variance application, there was no discussion with the Township about other properties Mr. Bruno was looking into purchasing. Supervisor Hollenbach further stated that her issue is not with the use proposed for the property, but rather that the property is not zoned for a commercial use. Therefore, the proper course and legal process is to go before the Zoning Hearing Board.

Mr. Bruno and the residents then rudely brought up personal issues related to a single Board member that were not relevant to this discussion. Supervisor Berger explained that when Mr. Bruno first came in and discussed his hardship issue, he wanted to put his business and home on his property near Lenhartsville. It was known that the property was zoned Village and the Board fully supported him, but they told him he must go through the variance process, which meant going before the Zoning Hearing Board for a variance. The Zoning Hearing Board did grant Mr. Bruno approval for a variance on the Lenhartsville property. Shortly after this judgment, Mr. Bruno purchased the property along Wessner Road, which is zoned Rural. Supervisor Berger explained to Mr. Bruno and the residents present that according to the Township Zoning Ordinance; the Rural District does not allow any type of commercial use. Mr. Bruno stated that he already knew the property along Wessner Road was zoned Rural, but he wanted to put his business there and he felt it could go there anyway.

**Cyndi Kershner, 46 Zettlemoyer Road – Complaints: Unmowed Grass areas & Noise at the Krumsville Diner:** Mrs. Kershner gave a detailed description of the noise going on in the diner parking lot late at night from the asphalt trucks related to the I-78 project. She made phone calls to PennDot and their subcontractor, and was assured that there would be no more banging of tailgates, and the noise would be stopped. In addition, there is an issue with Semi trucks parking on the lot and leaving their engines running. Mrs. Kershner and the residents are asking the Board if this issue is considered in violation of a noise ordinance. Solicitor Becker commented that with the Board's authorization John Stine, our Zoning and Codes Enforcement Officer; could look into anything we can do under our zoning ordinance to prevent the noise from continuing. Mrs. Kershner also stated the grass has not been mowed all season and is over two feet tall. She has noticed skunks, ground hogs and rabbits migrating in the grass. John Stine stated all he can do zoning-wise is write a letter for rodent harboring. There is nothing in our zoning for grass cutting. On motion by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, John Stine was authorized to review the Zoning Ordinance to determine if there is anything the Township can do about the noise and parking on the Krumsville Diner lot and overgrown grass issues.

**David Rothermel, 20 Bower Road – Complaint: Trash on 1496 Route 737:** Mrs. Kim Rothermel was present and stated she is following up to the complaint submitted by Frank Donchez from the last meeting regarding this trash problem. John Stine stated he had made a phone call on behalf of Mr. Donchez's complaint; however the State took over that property. Mr. Todd Rousenberger of PennDot District 5; Project Manager for the I-78 assignment, suggested that calls regarding this property should be directed to Bruce Bubser of PennDot's District 5 maintenance office. The Board suggested Mrs. Rothermel contact Mr. Bubser directly as well. Mrs. Kershner stated that there is also a safety hazard with the trash pile, and explained about a fire that happened several years ago that could have significantly affected the homes on Bower Road. Mr. Rousenberger stated he would share this information with the maintenance department when he gets in the office tomorrow.

**Todd Rousenberger, PennDot representative, regarding a Traffic signal near the School:** Mr. Rousenberger informed the Board that because of the condemnation project of the intersection proposed at Zettlemoyer Road and Route 737 roads, PennDot is considering placing a traffic signal at the intersection of the proposed relocated Zettlemoyer Road and the cul-de-sac road for the Kunkle property with Route 737. However, they cannot actually do this unless the Township is willing to take over the Traffic signal and all maintenance responsibilities, which includes upkeep of all the signs, all line painting and all the maintenance and energy costs associated with the signal. In general, the estimated annual cost to the Township would be around ten thousand dollars (\$10,000.00). Additional discussion was held about the properties involved and Federal laws and criteria involved to justify the impacts from this project. Supervisor Hollenbach asked Mr. Rousenberger if it is true that on all State roads, is it the responsibility of the Township to maintain the traffic signals or just in this case. Mr. Rousenberger stated that PennDot would not install traffic signals unless the Township will take them over. Solicitor Becker stated it is not a PennDot requirement but it is a District 5-0 Policy. Supervisor Berger stated concerns in relation to the proposed traffic signal location and School bus traffic. The Board concluded their discussion and all agreed that they are not interested in a traffic signal at the proposed location, and recommended that Mr. Rousenberger come back to the Township with other alternatives.

**Kay Brendlinger, Township Tax Collector:** Kay discussed where most of her problem areas are in trying to collect the taxes, and is asking the Board for guidance in collecting these taxes. Kay asked if there is a way that she can be notified in advance when a mobile home is to be removed and/or demolished and when residents move in and out of the mobile home parks. Discussion was held regarding enforcing the Township's demolition permit requirements. Kay also brought up that she is not questioned about taxes being owed or paid in relation to changes in ownership of the mobile homes. The Board suggested the Zoning Officer and Solicitor review the Township's enforcement procedures required for mobile home parks, and report back to the Board.

**Susan Ensinger, of Long Road,** inquired about Zettlemoyer Bridge, and communication with the County Commissioners. Solicitor Becker stated that Solicitor Lubas had talked with Commissioner Barnhardt, and he did agree to discuss another alternative of a new one-lane bridge option with his engineers and get back to the Solicitor to schedule a meeting. They have not heard from him yet. The Board's recommendation was for a single lane bridge that the County would maintain, and now we are waiting to hear back from the County.

**Rodney Freeman, Kutztown Ambulance:** came before the Board to address the letter the Township received from the County in reference to the radio issue, and the letter sent by Kutztown Ambulance. Mr. Freeman discussed the problems they are having with the County, with the radios and the Tower sites, and wanted to assure the Township that they are working with the County to clear up any outstanding issues regarding the radio system.

#### **OLD BUSINESS:**

**Employee Policy Manual:** This item is tabled until the next meeting.

**Bauscher Agreement:** The Board discussed if there were any outstanding items remaining to make the secondary residence non-habitable in accordance with the agreement. The Township received a letter from Allen Madeira stating he is satisfied that the secondary residence has been permanently disconnected from the primary septic system. The Board directed Secretary McPike to review the agreement with Solicitor Becker to verify prior to release of those funds, if any fees and charges incurred on behalf of this agreement are allowed to be deducted from the escrow funds currently being held by the Township.

**Service Electric Cable Co. –** Secretary McPike informed the Board that there will not be added charges to install a main box in the maintenance room to house all the equipment and cable lines. There would be a \$2.00 fee per month for each additional email address over the initial five (5) addresses. The Township will save \$68.00 per month with the switch from Verizon to Service Electric Cable for Telephone and cable services. On **motion** by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, Secretary McPike was authorized to purchase two phones and contact Service Electric Cable Company to switch and install telephone and cable services to the Township.

#### **NEW BUSINESS:**

**Purchasing Policy for Township Staff:** The Board stated the Staff's starting purchase threshold amount will be \$500.00, and to continue monitoring expenditures along with the Budget vs Actual report and address the Board with any necessary changes. The Board directed Secretary McPike to review current expenditures against the current Budget vs Actual report for any differences and bring them to the Board for discussion at their next month's meeting.

**Road Materials Bid:** Supervisor Berger stated that there was a joint meeting held on May 12, 2014 with Maxatawny Township. Supervisor Berger, Supervisor Hoppes, and Roadmaster Follweiler were present. The Supervisors accepted and awarded the aggregate portion of the road materials bid to Eastern Industries, however the asphalt and cold patch materials were not awarded at that time. The Board discussed holding off awarding the asphalt portion of the bid until necessary information and forms are obtained from PennDot. Action to award the blacktop will be scheduled for the next month's meeting. On **motion** by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, to award all of Greenwich Township's aggregate totaling \$33,612.50, and cold patch totaling \$5,500.00; bid portions of the Joint Bid to Eastern Industries.

**Seal Coat Bids:** Solicitor Becker announced there were three bids received from: Dosch King Emulsions, Asphalt Maintenance Solutions LLC, and Martin Paving, Inc. Solicitor Becker further opened and read aloud the following bid documents and stated Martin Paving, Inc. is the lowest bidder.

|                               |                                             |
|-------------------------------|---------------------------------------------|
| Dosch King Emulsions          | \$50,960.96 total / \$1.42 per square yard  |
| Asphalt Maintenance Solutions | \$45,864.87 total / \$1.278 per square yard |
| Martin Paving, Inc.           | \$44,142.24 total / \$1.23 per square yard  |

On **motion** by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, to accept the Seal Coat bids as presented. On **motion** by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, to award the Seal Coat bid to Martin Paving Co. conditioned upon verification of the bid bond.

**Employee Health/Dental Insurance, Letter from the Benecon Group regarding possible membership termination:** Secretary McPike informed the Board that Benecon will be terminating our co-op insurance program effective December 31, 2014 if we do not have six (6) employees on our current plan by July 1, 2014. Benecon will help us look for other insurance companies should we not be able to comply with their deadline. Secretary McPike presented a breakdown worksheet to the Board with example premium costs projected with six (6) employees added along with additional premium costs from PSATS insurance programs. The Board directs Secretary McPike to contact Benecon to ask for their help in finding other insurance options available for the Township; possibly join another small Municipality, and report to the Board at their next meeting.

**Secretary request to attend Municipal Secretaries Training Meeting:** The subject matter of this training meeting is "Property Maintenance Codes". Due to this subject matter, Secretary McPike declined to attend this meeting. No action was necessary.

609358

**REPORTS:**

**Emergency Management Coordinator Report:** Harry Hoppes stated that he feels he is no longer qualified to continue in this position and suggested that the Township look for someone else to fill this position. The Township must have an Emergency Management Coordinator and it was recommended to contact surrounding Fire Companies for individuals who would be qualified and available to be our Coordinator. The Board instructed Secretary McPike to contact Maxatawny Township to see whom they currently have as their Emergency Management Coordinator and forward the information to the Board.

**Zoning Officer:** John Stine presented the Zoning Officer's report for May 2014; he discussed several items listed under the Property Maintenance Code that the Township may want to consider adopting and adding to the current Zoning Ordinance. John will forward the information to the Board should they want to consider this next year. John also recommended that the Board release Mr. Frank Donchez's driveway escrow. Mr. Donchez's driveway on Bower Road is complete and meets the requirements of the Driveway Ordinance. John will forward the letter and invoices to Secretary McPike to finalize the escrow fund balance. On **motion** by Supervisor Hoppes, seconded by Supervisor Hollenbach, and approved by all members, to approve the release of Mr. Frank Donchez's driveway escrow funds upon verifying all charges and fees incurred by the Township are withheld from the escrow funds prior to release. On **motion** by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, the Zoning Officers report was accepted as presented.

**Roadmaster:** Bobby Follweiler informed the Board that David Kistler started today and everything went well; they have been paving this last month, and used 900 tons so far this year; they are also working on complaints from residents regarding potholes, and they started mowing today. Supervisor Hoppes turned his employee key over to Bobby for David Kistler's use.

**Solicitor:** Daniel Becker informed the Board that he had addressed most of his topics under previous agenda items. He stated the Township received a letter from FEMA stating they have approved our Hazard Mitigation plan and we are now eligible to apply for Federal Disaster Assistance until May 13, 2018.

**Engineer:** Dennis Smaglinski informed the Board that he received a call from McTish, Kunkel & Associates; Mr. Bruno's engineer, informing him of their proposal to reduce the current HOP permit on Long Lane to a low volume driveway permit, and they were told by PennDot that they would need a letter from the municipality acknowledging awareness of their proposal. On **motion** by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, Engineer Smaglinski was authorized to write a letter to PennDot regarding the driveway from Long Lane onto Dean Bruno's property.

Engineer Smaglinski discussed items the Township will require to be included in the improvements escrow for the Folino project; Solicitor Becker stated that there is a separate stormwater agreement and related escrow needed for that as well.

Engineer Smaglinski shared with the Board for its consideration a fee schedule from Earl Township and stated the major difference is an added administrative fee requirement. This fee would be much less than a review fee but would allow the Township to recoup some administrative costs.

**FINANCIAL MATTERS:**

**Approval of Escrow Release request:** None at this time

**Approval of bills & transfers:** On **motion** by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, the bills and transfers totaling \$159,055.03, were ordered to be paid as presented for the period of 05/06/14 to 06/02/14

**Treasurer Report for Months Ending April 2014 & May 2014:** On **motion** by Supervisor Berger, seconded by Supervisor Hoppes, and approved by all members, the Treasurer's Reports are accepted as presented, subject to audit.

**CORRESPONDENCE TO ACKNOWLEDGE:**

**Auditor's Report for Township Tax Collector for year 2013:** The Board acknowledges receipt of this report. No action was taken.

**EXECUTIVE SESSION:**

The Board of Supervisors went into executive session from 10:45p.m. until 10:53p.m. to discuss personnel matters.

**ADJOURNMENT:**

On **motion** by Supervisor Hollenbach, seconded by Supervisor Hoppes, and approved by all members, the meeting was adjourned at 10:53p.m.

Respectfully submitted,

Joni D. McPike  
Secretary/Treasurer