

**The Township of Greenwich
Board of Supervisors Meeting
Monday, December 6, 2021**

Minutes

CALL TO ORDER: Chairman Victor Berger called the meeting to order at 7:34 pm. Members present: Dean Spohn and Alice Flyte. Professionals present: Solicitor, Colin Macfarlane; Road Master, Bobby Follweiler; Township Administrator, Jane Werley.

ANNOUNCEMENTS:

1. Executive Session held
 - a. November 1, 2021, 9:05 pm to 10:40 pm to discuss litigation and personnel matters.
 - b. November 12, 2021, 7:30 am to 8:00 am to discuss personnel matters and budget items.
 - c. December 1, 2021, 6:30 pm to 8:00 pm to discuss personnel matters.
2. Please state your name and address when addressing the Board.
3. Chairman announced that the meeting is being recorded for accuracy of the minutes and if anyone else is recording they should identify themselves at this time. No one acknowledged recording of the meeting.

APPROVAL OF THE MINUTES:

1. Motion made by DS to approve the Minutes of the November 1, 2021 Board of Supervisors Meeting. Seconded by AF. Motion Carried 3-0.
2. Motion made by AF to approve the Minutes of the November 12, 2021 Board of Supervisors Budget Workshop Meeting. Seconded by DS. Motion Carried 3-0.

HEARING OF THE VISITORS:

1. Solicitor Macfarlane reviewed the Sunshine Act Requirements on conducting public meetings and allowing public comment. The Sunshine Law allows for reasonable public comment on matters of concern or matters going up for deliberation or action. The current policy allows for 10 minutes per person. Public comment is a statement not a debate or a questioning of the township engineer, solicitor or anyone else. It is an opportunity to make a statement on a matter of public concern. Board meetings are not a public forum or a town hall. Once public comment ends and the Board starts discussing Board Business, attendees do not have a rite to question a developer, solicitor, engineer or anyone else. The public may only do so with the consent of the Board. Moving forward the Board intends to enforce the Sunshine Act as they are required by State Law. The Solicitor further stated that if any attendees have issue with the Sunshine Act or the Board's enforcement of it then they should contact their State Representative. Meetings are public but attendees may not interrupt board discussion to give comment or question the board on their discussion.
2. Marc Sable, 593 Old 22, Lenhartsville – Stated that he believed the Sunshine Act allows public comment after every item discussed by the BOS. Said he will look it up later. Also made an objection to the announcement asking attendees to identify themselves if making a recording of the meeting. Marc stated that the law allows anyone in attendance to record the meeting and those individuals are not obligated to disclose that they are recording. Solicitor Macfarlane explained that the township is trying to be transparent about the recordings and will continue to

ask their meeting attendees to be transparent as well, acknowledging that those attendees are not obligated to be transparent when recording. Solicitor Macfarlane read aloud Section 710.1, “Public Participation”, of the Sunshine Act after being questioned by Mr. Sable about his summary of the law.

3. Linda Wood mentioned a news article from somewhere out in Western Pennsylvania about a municipality filing a lawsuit on a toll bridge situation and asked if the Board of Supervisors if they would be willing to enter into a class action law suit for the proposed toll bridges on Route 78.

PLANS TO REVIEW:

1. Monthly Subdivision and Land Development Status Report. Board Reviewed the Report.
2. Echo Valley School - Motion made by DS to accept an extension of time on the Echo Valley School LDP as recommended by the PC moving the PC deadline to February 21, 2022 and the BOS deadline to March 8, 2022. Seconded by AF. Motion carried 3-0.
3. Harmike Investments – Motion made by DS to approve the maintenance agreement for the turning lane and road improvements on Krumsville Rd. and authorize its execution. Seconded by AF. Motion carried 3-0.

OLD BUSINESS:

NEW BUSINESS:

1. Motion made by AF to approve the 2022 MMO as revised by The Standard Co. Seconded by DS. Motion carried 3-0.
2. Motion made by DS to approve the 2022 Preliminary Budget. Seconded by AF. Motion carried 3-0.
3. Motion made by DS to approve the purchase of a new Roller at \$66,250.16. Seconded by AF. Motion Carried 3-0.
4. Motion made by AF to adopt Resolution No. 2021-13 Authorizing Greenwich Township to enter into an Intermunicipal Agreement with Maxatawny and Albany Townships for the purchase and use of a pavement roller. Seconded by DS. Motion carried 3-0.
5. Motion made by DS to authorize and execute an Intergovernmental Cooperation Agreement for the Purchase and Utilization of a new Pavement Roller. Agreement between Greenwich, Maxatawny and Albany Townships. Seconded by AF. Motion carried 3-0.
6. Motion made by AF to Approve and Execute the Comcast Renewal Proposal. Seconded by DS. Motion carried 3-0.
7. Barn at Walnut Grove – David Laudadio. Motion made by AF approving the release of \$ 172,058.50 from the letter of credit number 100394808, issued by Fleetwood Bank March 24, 2021. (Escrow release No. 7). Seconded by DS. Motion carried 3-0.
8. Kutztown Fools Run– Don Sechler – Motion made by AF to approve the Optimist Club of Kutztown’s 2022 Fools Run on April 2, 2022.
9. Motion made by AF to hire Gavin Austin as a full time road crew employee. Seconded by DS. Motion carried 3-0.

REPORTS:

1. Roadmaster – Tree trimming letters going out this week.
2. Engineering and Zoning Reports – Motion made by DS to accept the report as presented. Seconded by AF. Motion carried 3-0.
3. Solicitor – Kozloff Stoudt –

- a. Joan London made argument for the JVI/Crossroads hearing, reports that the court seemed receptive to her argument and waiting for the court to render its decision. Dodie Sable cut in to ask the names of the judges on the case.
- b. UMH – waiting for court to render its decision.
- c. Gave report on the research the Board requested be done after Mrs. Sable requested during the November meeting that the Township appeal any HOP potentially issued by PennDOT for the Crossroads Warehouse development, enact a noise study requirement in the SALDO, amend the buildable area restrictions in the Zoning Ordinance to limit development from total to net acreage, and adopt a fire code by ordinance. Solicitor Macfarlane recommended that the Township not appeal any HOP issued by PennDOT for the Crossroads Warehouse development because the driveway appears to comply with all state and local laws. If it did not, such an issue would've been raised in the current appeal before the Commonwealth Court regarding whether the developer followed local law in obtaining the piece of land necessary to construct the proposed driveway. The Solicitor also stated that his conversation with Mr. Boyer of PennDOT revealed that the property owners of the Old 22 – Krumsville intersection may have had an opportunity to sell their land to the developer for improvement of that intersection but declined. Solicitor Macfarlane also recommended that the Township not enact a noise study requirement in the SALDO due to the jurisdiction's proximity to I-78, a loud interstate highway, and the fact that noise pollution can be policed by restrictions already set forth in the Zoning Ordinance. Solicitor Macfarlane likewise recommended that the Township not amend the Zoning Ordinance to change the building restrictions from total to net acreage because the Township spent significant time and money consulting APA certified planners, local farms, business owners, and other residents in considering all available options, their lawfulness and constitutionality, when revamping that law not long ago. Finally, Solicitor Macfarlane recommended that the Township consider enacting another ordinance, not a fire code, setting forth additional standards that it believes adequately regulate fire safety concerns for public health, safety and welfare. After report was given a motion was made by DS to reject (i.) appealing the warehouse HOP that PennDOT intends to issue JVI/Crossroads if the Commonwealth Court permits to the development to proceed; (ii.) amending the SALDO to include a noise study; and (iii.) changing building restriction requirements in the Zoning Ordinance. Seconded by AF. Motion carried 3-0. Motion made by AF to authorize the Township's consultants to start drafting an ordinance addressing fire safety concerns. Seconded by DS. Motion carried 3-0.

FINANCIAL MATTERS:

1. Motion made by AF to approve the bills and accept the Treasurer's Report as presented. Seconded by DS. Motion carried 3-0.

ADJOURNMENT: Chairman Berger Adjourned the meeting at 8:35 pm.

Respectfully Submitted,

Jane Werley
Secretary/Treasurer