

Township of Greenwich
Board of Supervisors Meeting
Monday, April 3, 2023, 7:30 p.m.

Attending: Supervisors: Dean Spohn, Victor Berger, Steven Diehl, Professional Staff: Colin Macfarlane-Kozloff Stoudt P.C., Bobby Follweiler-Road Master, Ryan Wessner – LTL Consultants and Diane Hollenbach-Administrator

Guests: Dodie and Marc Sable, Linda Wood, Andrew Dietrich, Fred Germann

Mr. Spohn called the Greenwich Township Regular Meeting to order in the Greenwich Township Municipal Building at 7:30 p.m.

ANNOUNCEMENTS: Mr. Spohn asked the public to please state your name and address if addressing the Board. This meeting will be recorded for the accuracy of the minutes and deleted. Attending visitors may also be recording.

APPROVAL OF THE MINUTES:

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve the minutes of the March 6, 2023 regular meeting. All voted in favor. Motion carried.

2023 SEAL COAT BID

Two bids were received for seal coating of Rhoades Road and Lutz Road.

AMS (Asphalt Maintenance Solutions) - \$50,855.28

Martin Paving Inc. - \$56,455.415

A motion was made by Mr. Diehl, seconded by Mr. Spohn, to accept the bids for the 2023 Seal Coat Contract. All voted in favor. Motion carried.

A motion was made by Mr. Berger, seconded by Mr. Spohn, to adopt Resolution 2023-07 awarding the 2023 Seal Coat Contract to AMS in the amount of \$50,855.28 and authorizing the Board of Supervisors to sign the contract between meetings. All voted in favor. Motion carried.

PERSONAL APPEARANCES & PUBLIC COMMENT:

Marc Sable of 593 Old Route 22 distributed a copy of the Tredyffrin Township's "Special development regulations designed to control noise pollution" from their Zoning Ordinance. Tredyffrin Township has Route 202, Route 422 and the Turnpike running through their township. Penn DOT told Mr. Sable that traffic noise is a land development issue but in the Greenwich Township noise ordinance, vehicle noise is an exception to the noise ordinance. Mr. Macfarlane stated that the Tredyffrin Township ordinance is citing various federal laws that are not relevant to a zoning ordinance but a township cannot regulate noise in a public street. Mr. Sable asked who he calls if traffic noise is causing sleep loss, windows shaking, etc. Mr. Macfarlane stated that if a truck is idling, the township can enforce its ordinances. If the decibel limits are being exceeded on a road, the state police enforce the vehicle code. Mr. Sable cited a 2020 court case about a township setting business hours of operation where the courts ruled a township can impose reasonable regulations of the use of a property.

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Linda Wood of 142 Circle Road asked about limiting the hours of operation of a warehouse facility. Mr. Macfarlane responded that there is nothing in the zoning ordinance about hours of operation but warehouses are in the Industrial Zoning District and need a special exception. The Zoning Hearing Board may impose reasonable conditions during a special exception hearing.

Fred Germann of 1274 Krumsville Road asked that the Facebook posts on the township site indicate who made the post. He brought to the Board's attention an open drainage ditch on Krumsville Road that has no cover. Mr. Follweiler stated that this is a state road and Penn DOT seems to be aware of the problem since they marked it. Mr. Germann suggested putting a team together, like they do in the private sector that includes residents to review equipment purchases. He asked again about putting proposed plans on the website. Mr. Macfarlane stated that it remains Kozloff Stoudt's position that it is unlawful to publish plans because the creator of the plans has a proprietary interest in them until plans are recorded with the recorder of deeds. Mr. Germann discussed the fill at the Dollar General site and stated that water follows its historical path and the township should make Dollar General remove the fill and put it back in a controlled manner. Last, he addressed the American Rescue Plan funds and the declining value of the dollar. He questioned if the money had been allocated and suggested the township return the money to the federal government. Mr. Spohn responded that the money was allocated to the bridge project at Sittler Valley Road.

PLANS TO REVIEW:

Dollar General Land Development Plan

A motion was made by Mr. Berger, seconded by Mr. Diehl, to amend the agenda to include a motion to accept the Developer's agent offer of an extension of time until June 5, 2023 for the Dollar General Land Development Plan. All voted in favor. Motion carried.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to accept the Developer's offer of an extension of time until June 5, 2023 for the Dollar General Land Development Plan. All voted in favor. Motion carried.

Greenwich Commons Subdivision Plan

A motion was made by Mr. Diehl, seconded by Mr. Berger, to accept the Developer's offer of an extension of time until May 1, 2023 for the Greenwich Commons Subdivision Plan. All voted in favor. Motion carried.

Krumsville Convenience Store

Mrs. Hollenbach reported that the approved Highway Occupancy Permit for the Krumsville Convenience Store was received that morning. The plan was approved in November of 2019. The plan would need to be updated with the HOP information and agreements signed.

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OLD BUSINESS:

2009 International 7400 Workstar Dump Truck (Truck #2) – Mr. Follweiler reported that the reserve price was not met on the 2009 International. One of the bidders, a municipality, had reached out after the auction to find out the reserve price. A municipality may sell items to another municipality without going through the bidding process. The Supervisors agreed that staff should reach out to that bidder. Mr. Follweiler asked if the Board would be interested in bidding on the 2006 Mac truck that Upper Macungie Township was selling through sealed bids.

A motion was made by Mr. Diehl, seconded by Mr. Spohn, to authorize a bid be placed on the Upper Macungie Township 2006 Mac truck not to exceed \$55,000 if the Township sells truck #2 for an amount not below \$20,000. All voted in favor. Motion carried.

Township Cell Phone Plan

A motion was made to authorize the administrator to set up a cell phone account with Verizon Wireless. Linda Wood asked if the cell phone numbers would be published on the website. Mr. Berger stated procedure would be to call the township office and the office would relay messages to the supervisors and road master. Hearing no further questions on the motion, all voted in favor. Motion carried.

Fee in Lieu of Open Space for Recreation Purposes – It was explained that fee in lieu of open space was paid by developers on a per lot or per dwelling unit basis for residential new construction and on a per acre or building square foot basis for new commercial and industrial development. The fees are used for the development of recreational facilities in the township. Mrs. Hollenbach provided the Board with a list of recreation fees that surrounding municipalities charge.

The Board has a fee in lieu of open space regulation in its Subdivision Ordinance but has not adopted a fee. Mr. Berger felt that the township should implement the fee before development begins. The money can be returned if recreation facilities are not built. Linda Wood thought it was a great idea. Marc Sable confirmed with the Board that the fee was not charged to existing homes. Fred Germann commented that the recreation area would probably be used by the warehouse employees. Marc Sable felt that square footage was the better option for calculation of the commercial/industrial fee. Mr. Macfarlane confirmed that the Municipal Planning Code had no restriction on how the fees are set.

Based on the fees charged by surrounding municipalities, the Board agreed to amend the Greenwich Township Fee Resolution to include fee in lieu of open space for subdivisions and land development plans as follows: one new residential lot/dwelling unit - \$750; two to four new residential lots/dwelling units - \$1000 per residential lots/dwelling units; over four new residential lots/dwelling units - \$1,500 per residential lots/dwelling units and .25 per square foot for new commercial/industrial buildings with a minimum fee of \$2,500.

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A motion was made by Mr. Diehl, seconded by Mr. Berger to authorize the administrator to prepare an amendment to the Fee Resolution to include recreation impact fees to be adopted at the next meeting. All voted in favor. Motion carried.

NEW BUSINESS:

2022 Audit

A motion was made by Mr. Berger, seconded by Mr. Diehl, to accept the 2022 financial audit. All were in favor. Motion carried.

Donation to Kutztown Community Library

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve the disbursement of the 2023 donation to the Kutztown Community Library in the amount of \$3,500. All were in favor. Motion carried.

Joint Comprehensive Plan – The Planning Commission recommended participation in the proposed Northeastern Berks Joint Comprehensive Plan. Mr. Macfarlane stated that the Joint Comprehensive Plan regionally plans the area and the township retains exclusive authority over its zoning. Comprehensive plans should be updated every ten years and the current plan was due for updating. Mr. Spohn explained that financially it makes sense since the cost to update the plan on our own could be \$30,000 or more and the cost of the joint plan is estimated at \$6,000 to \$8,000.

A motion was made by Mr. Spohn, seconded by Mr. Berger, to authorize the administrator to contact the Berks County Planning Commission and signal the township's intent to participate. All voted in favor. Motion carried.

REPORTS:

Administrator – Mrs. Hollenbach reported that she had created a list of all township ordinances by number and by subject. The township Facebook page was created. She prepared for the State Liquid Fuel audit which will happen April 17th and the Holding Tank escrows and agreements were reviewed and filed in one place. \$1,600 in escrow was discovered that was not being tracked in the accounting.

Electronic Records and Codification – Mrs. Hollenbach explained she felt the township would benefit more from the codification of ordinances than from electronic records. With a codification, all the ordinances ever adopted are reviewed and compiled into a searchable format. Ordinances are reviewed for conflicts and against current laws. Mr. Macfarlane stated that a lengthy report is generated for the supervisors to review. For an annual fee of \$1,195, General Code posts the code online once adopted and the residents have access to it 24/7. The township can also post agendas, resolutions and minutes on the site at no charge. With electronic records, the township pays to purchase the program and for training, then records are back loaded for an additional fee but residents would not have access to the records and have to request what they

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wanted through right to know forms. There is no review of ordinances. Electronic records would just be scanned into a system.

A motion was made by Mr. Berger, seconded by Mr. Diehl to start exploring codification. All were in favor. Motion carried.

Road Master - Mr. Follweiler reported that a 14,000 lb. trailer was purchased. Two dealers offered \$1,000 and \$1,200 trade in for the old trailer. Mr. Follweiler would like to sell the old trailer.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to advertise the trailer for sealed bid. All were in favor. Motion carried. The advertisement will be in the Kutztown Patriot.

Mr. Follweiler also told the Board that the new truck arrived Saturday with a chipped windshield. The windshield is being replaced and then the truck will go to the upfitter. The upfit will take approximately 45 days.

Engineering and Zoning Reports

973 Krumsville Road

Mr. Wessner reported that the owner of 973 Krumsville Road had been working with the Berks County Blighted Property Board. Grants had been secured by the County but the homeowner has stopped cooperating. The roof of the addition has collapsed and the owner and his mother are living in the home.

A motion was made by Mr. Berger, seconded by Mr. Diehl, to authorize the Code Enforcement Officer to issue 973 Krumsville Road a final warning to take substantial steps to make the building safe. All were in favor. Motion carried.

Fire Safety Ordinance – The Board reviewed the draft ordinance which takes Appendix D of the International Fire Code and places it in the township Subdivision Ordinance as section 518 Fire Safety Review. Mr. Berger suggested changing 518.2b Fire Safety review for multi-family residential development by requiring a fire safety review for plans proposing more than 25 dwelling units instead of 100. He also suggested changing 518.2c from 30 one or two family dwelling units to 10. The Board agreed with the two changes.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to authorize Kozloff Stoudt to prepare an ordinance for the Board's review. All were in favor. Motion carried. A hearing and adoption of the Fire Safety Section of the SALDO could happen as early as June.

Solicitor – Mr. Macfarlane reported that discussions have been ongoing with Mr. Leid's counsel. The Township is requiring the widening of Berger Road and there may be a county grant that the Township is willing to help obtain. Mr. Macfarlane is awaiting the receipt of the settlement

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agreement from Leid's counsel so the Township can proceed with the grant application. Mr. Berger asked who asked for the extension to the grant application period. Mr. Spohn asked if the escrow would be in place and Mr. Berger agreed the escrow needed to be in place the day of signing the agreement. Linda Wood asked who the parties were in the agreement. Mr. Macfarlane explained the agreement was between the Leid's and the Township and any cost for improving Berger Road not covered by the grant would be the Leid's responsibility.

A motion was made by Mr. Diehl, seconded by Mr. Berger to amend the agenda to include the Leid agreement. All were in favor. Motion carried.

A motion was made by Mr. Berger, seconded by Mr. Diehl, to authorize Great Valley Consultants to start preparing the grant application and plan contingent upon Matthew Leid and the Board of Supervisors signing an agreement and Mr. Leid complying immediately with applicable provisions therein. All were in favor. Motion carried.

EMERGENCY MANAGEMENT COORDINATOR

A motion was made by Mr. Berger, seconded by Mr. Diehl, to accept the resignation of the Emergency Management Coordinator. All were in favor. Motion carried. The Board asked that a thank you letter be sent to Mr. Brett.

FINANCIAL MATTERS:

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve the bills and accept the Treasurer's Report as presented. All present voted in favor. Motion carried.

Hearing no further business, Dean Spohn adjourned the April 3, 2023 Board of Supervisors meeting at 9:23 p.m.

Respectfully submitted,

Diane Hollenbach
Administrator/Secretary/Treasurer