

Greenwich Township Board of Supervisors  
Monday May 6, 2024 @ 7:00 p.m.

Attending: Supervisors: Dean Spohn, Victor Berger, Steven Diehl, Professional Staff: Colin Macfarlane-Kozloff Stoudt P.C., Michael Bingham and Diane Hollenbach-Administrator

Guests: Linda Wood, Andrew Dietrich, Marc and Dodie Sable, Fred Germann, Jane Rumsey, Brian Focht, Adam DeBernardis, Michael Santanasto, Terry DeGroot, Angel Soto Garcia, Rob Hain

Mr. Spohn called the Greenwich Township regular meeting to order at 7:00 p.m. and asked everyone to rise for the Pledge of Allegiance.

**ANNOUNCEMENTS:**

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.

A public hearing was held from 7:01 p.m. until 7:28 p.m. on the ordinance to vacate a portion of Zettlemyer Road.

**APPROVAL OF THE MINUTES:**

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve the minutes of the April 1, 2024 regular meeting. All voted in favor. Motion carried.

**APPROVAL OF ORDINANCE 2024-01**

A motion was made by Mr. Diehl, seconded by Mr. Spohn, adopting Ordinance 2024-01 which vacates a portion of Zettlemyer Road that lies across 50 Zettlemyer Road. All voted in favor. Motion carried.

**PERSONAL APPEARANCES and PUBLIC COMMENT:**

Marc Sable of 593 Old Route 22 has questions about Resolution 2024-13 and asked to speak during that portion of the meeting.

**PLANS TO REVIEW:** The monthly Subdivision and Land Development Status Report was reviewed.

Folino Inn and Spa

A motion was made by Mr. Berger, seconded by Mr. Diehl, to accept the developer's extension of time to the review period for the Folino Inn and Spa Preliminary Land Development Plan until November 11, 2024. All voted in favor. Motion carried.

A motion was made by Mr. Berger, seconded by Mr. Diehl, to adopt Resolution 2024-11 and forward the Folino Inn and Spa Planning Module to the Pennsylvania Department of Environmental Protection. All voted in favor. Motion carried.

Zerfass Sketch Plan – The Planning Commission recommended approval of the Zerfass Sketch Plan with three conditions: all necessary permits for the retaining wall constructed on the

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property are obtained; compliance with the April 10, 2024 Systems Design Engineering review letter which is incorporated by reference; and reconfiguration of the entire side lot line for the length of the lot so that it is perpendicular to the right of way in accordance with Section 504.1(A) of the Subdivision and Land Development Ordinance. The first condition was resolved with a determination from the zoning officer. The property owner sought a variance to the setback encroachment, which was denied because the standards for a variance were not met.

Attorney DeBernardis countered that Section 504.1(A) states lot line “should” be at right angles to straight street lines. Per the township definitions in the SALDO Section 202, “should” is permissive. Mr. DeBarnardis believed that there was no section in the SALDO that required an entire side lot line to be perpendicular to the right of way. The plan shows a side lot line that is at a right angle to the right of way for the first 270 feet before it juts out to correct the setback encroachment for the basketball court. He requested, due to the ambiguity of the ordinance, an interpretation of the ordinance in favor of the landowner and elimination of the condition because it was not a condition they could accept.

Mr. Berger questioned what brought this lot configuration to this point because the lot line was a straight line. Mr. DeBernardis explained the property owner built a basketball court in the setback. Mr. Berger asked if a permit was acquired, how far into the setback the basketball court was and stated that the township did not create this issue. Mr. Bingham stated that the basketball court could be removed to rectify the situation or more land purchased from the neighboring property. The Supervisors are not required to approve a plan with conditions. Attorney DeBernardis maintained that they believe the plan complies with the ordinance and the property owner was unwilling to take any further action to change the lot line and asked the plan be approved as presented.

A motion was made by Mr. Berger, seconded by Mr. Diehl, to deny the Zerfass Sketch Plan for failure to comply with Section 504.1(A) of the Greenwich Township Subdivision and Land Development Ordinance. All members voted in favor of the motion. Motion carried.

**OLD BUSINESS:**

PSATS Pension Trust Agreement

A motion was made by Mr. Diehl, seconded by Mr. Berger, adopting Resolution 2024-12 authorizing Greenwich Township’s participation in the Pennsylvania Municipality’s Pension Trust and authorizing the chairman to sign all required paperwork. All voted in favor. Motion carried.

**NEW BUSINESS:**

Purchase of Equipment

A motion was made by Mr. Diehl, seconded by Mr. Berger, authorizing the purchase of new forks for the loader. All voted in favor. Motion carried.

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Fill Site Agreement

A motion was made by Mr. Berger, seconded by Mr. Diehl, to extend the fill site agreement with H & K until September 1, 2024 for the grading and seeding of the fill site and until October 31, 2024 for paving of the municipal parking lot contingent upon the parties memorializing the extension in a written agreement prepared by Kozloff Stoudt. All voted in favor. Motion carried.

Property and Liability Insurance Policies

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve and bind the MRM Property and Public Official Liability Insurance Policies. All voted in favor. Motion carried.

Resolution 2024-13 Standards for Public Comment – The draft Resolution on public comment that was obtained from the Pennsylvania State Association of Township Supervisors was read at the request of the public. Mr. Sable asked if these same standards set for the public apply to the Board of Supervisors, and if a meeting got out of control, how would a First Amendment lawsuit be handled since the recordings are deleted and the minutes do not communicate someone's tone. Mr. Germann questioned limiting public comment to topics on the agenda and added that Rockland Township asks for public comment after each topic is discussed. Mr. Macfarlane stated that the resolution still entitles residents and taxpayers to raise matters of public concern and commented that the township is not obligated to allow public comment after each agenda item. Mrs. Wood thanked the Board for allowing her to ask questions throughout the meeting.

Mr. Macfarlane advised that item #9, which allows action on items while deferring public comment due to time constraints, be stricken from the resolution.

A motion was made by Mr. Diehl, seconded by Mr. Berger, after striking #9 from the resolution, to adopt Resolution 2024-13 setting standards for public comment. All voted in favor. Motion carried.

Ordinance Allowing Fire Companies to Recoup Costs – Mr. Macfarlane explained the Pennsylvania Municipal Cost Recovery Rule dictates that a municipality cannot bill for public services to a taxpayer or resident. The Township may pass an ordinance to seek reimbursement from insurance companies as long as there is an adopted fee schedule. Mr. Berger asked what happens if a motorist is not insured. Mr. Macfarlane stated that payment would be sought from the insured party in the accident. Mr. Dietrich agreed with billing people who lived outside the township and asked if the fire company could pick and choose who to bill. He was concerned that residents might stop making donations. Mr. Macfarlane stated that if billing is a policy of the fire company, everyone must be billed. Mr. Spohn stated that the fire companies can spend \$10,000 on materials on one incident on I78. Mr. Germann suggested tolling the I78 Lenhartsville bridge and using the money for the fire companies.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to authorize the solicitor to prepare a draft ordinance that allowed the fire companies to recoup costs from insurance companies. All

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voted in favor. Motion carried. The Supervisors will work with the fire companies to develop a fee schedule for the ordinance.

**REPORTS:**

Administrator – nothing further to report. A written report was provided.

Road Master - Mr. Follweiler is setting up a meeting with Penn DOT to discuss the Gun Club Road Bridge and the work Penn DOT would trade for their assistance with the bridge through the Agility Agreement.

Engineering and Zoning Reports – Written reports were provided.

Solicitor

A motion was made by Mr. Berger, seconded by Mr. Diehl, to schedule the conditional use hearing on the application submitted by A & C Truck Repair for June 3, 2024 at 7 p.m. All voted in favor. Motion carried.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to authorize Kozloff Stoudt and the Township Administrator to advertise and notify the public of the conditional use hearing. All voted in favor. Motion carried.

**FINANCIAL MATTERS:**

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

Having no further business, Mr. Spohn adjourned the regular meeting at 8:22 p.m.

Respectfully Submitted,

Diane Hollenbach

Administrator/Secretary/Treasurer