

**The Township of Greenwich
Board of Supervisors Meeting
Monday, October 7, 2019**

Minutes

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Chairman Victor Berger called the meeting to order at 7:30 pm. Members present: Alice Flyte. Professionals present: Solicitors, Alex Elliker; Engineer, John Weber; Secretary, Jane Werley.

ANNOUNCEMENTS:

1. Chairman Victor Berger informed the audience to state their name and address if addressing the Board.
2. Executive Session was held October 2, 2019 from 7:00 pm to 8:00 pm to discuss pending litigation regarding UMH appealing the Validity Challenge denied by the BOS.

APPROVAL OF THE MINUTES:

1. Motion to approve the Minutes of the September 3, 2019 Board of Supervisors Meeting made by AF, seconded by VB. Motion carried 2-0.

HEARING OF THE VISITORS:

1. Fred Germann – Presented his written submission to PennDot explaining his evaluation of the PA 737/Old US 22 intersection in relation to general HOP applications. Fred states that the current calculations being used by PennDot and the ITE are inadequate and need to be updated. PennDot disagrees with Mr. Germann's calculations, and rejected his analysis. J. Weber stated that the information submitted by Fred was from 1990, around 30 years old, and questioned whether or not some of the issues from 1990 would have been updated and implemented over the last 30 years. PennDOT also stated in its review letter that the PSIP JVI Warehouse developer has followed all applicable policies and regulations. Solicitor Elliker then read the letter the BOS sent to PennDOT regarding the PSIP JVI Warehouse project traffic issues and PennDOT's response to that letter.
2. Dodie Sable – Wanted to know the status of her request to the BOS regarding the Engine Retarder issue. VB stated that the issue is being reviewed by LTL Consultants.
3. Paul Alonso – Albany Twp – Question whether the Township can restrict traffic on Long Lane Rd. J. Weber explained that the Township must first do a study and follow state guidelines, and if warranted then go through PennDOT for approval of signage. LTL Consultants is working on this issue. Mr. Alonso also asked if the BOS can put restrictions on the number of extensions received for a land development plan. Again Solicitor Elliker explained how extensions of time work and that the BOS needs to follow the MPC state requirements, which they have done. If developers are reasonably working on corrections based on an engineering review the BOS should not deny an extension. Extensions are granted by the developer, not the BOS. Mr. Alonso stated that the residents should be able to review the plans themselves. Again Solicitor explained that residents can review plans at the office.

4. Dave Uslar – Old Philly Pike, Kempton nonresident – Asked if citizens can review plans. Yes, they can come to the Township office and review plans.
5. Linda Wood – Requested that the BOS consider increasing the Township's yearly donation to the Kutztown Library.
6. Theresa Davis – Questioned the BOS about dealing with a neighborhood dispute regarding farm animals repeatedly breaking through a fence and going onto other neighbor's properties. J. Weber will check the Zoning Ordinance and get back to her.

PLANS TO REVIEW:

1. Subdivision of Land Development Plan Status Report. BOS reviewed the report.
2. R.E. Pierson Construction, 171 Gensinger Rd. – Motion made by AF to accept an extension of time moving the Planning Commissions deadline to October 21, 2019 and the BOS deadline to November 4, 2019. Seconded by VB. Motion carried 2-0.
3. The Barn at Walnut Grove – Motion made by AF to accept an extension of time moving the Planning Commissions deadline to February 17, 2020 and the BOS deadline to March 2, 2020. Seconded by VB. Motion carried 2-0.
4. Harmike Investments – Motion made by AF to accept an extension of time moving the Planning Commissions deadline to November 18, 2019 and the BOS deadline to December 2, 2019. Seconded by VB. Motion carried 2-0.
5. Crossroad X, Plan #2 – Preliminary Plan – Motion made by AF to accept an extension of moving the Board of Supervisors deadline to December 2, 2019. Seconded by VB. Motion carried 2-0.

NEW BUSINESS:

OLD BUSINESS:

REPORTS:

1. Roadmaster – Bobby Follweiler – Road Crew has about two week of mowing to complete, then will start clearing drain pipes from all the rain and start leaf clean up.
2. Engineer and Zoning Reports – Pete Eisenbrown –Board reviewed the reports. Motion made by AF to accept the reports as presented. Seconded by VB. Motion carried 2-0.
3. Solicitor –Alex Elliker
 - a. Reviewed R.E. Pierson Project, developer is requesting whether or not a Fire Consultant Review will be necessary. BOS response was that a Fire Review is not necessary at this time but could be made a requirement in later plan reviews.
 - b. SEO has the completed agreement for the Krumsville Inn Commercial Holding Tank Agreement and is working to finalize it.
 - c. Explained that the executive session held on October 2nd was in regard to the UMH Validity Challenge Decision of the BOS being appealed to the Berks County Court of Common Pleas.
 - d. Addressed a Facebook post relayed to him. The Facebook post was made by Dodie Sable and stated “Wondering why Victor, Dean, Alice and Alex were having a “private” meeting at the township building 10/2/19”. Solicitor Elliker stated that there are many times when executive sessions need to be held for litigation and personnel matters. After holding an

executive session, the BOS is then required to publicly announce that an executive session was held at their next meeting, which they have now done tonight. As discussed, the October 2nd meeting was an executive session for litigation involving the UMH Validity Challenge Appeal. Solicitor Elliker expressed concern that D. Sable's post insinuated that the Supervisors and Solicitor were participating in an illegal or improper meeting, when in fact, they were operating in accordance with the law. D. Sable responded that eleven residents questioned her as to why there was a meeting going on at the Township Building when no one was notified about it so she posted it on Facebook to see if anyone would have an answer. Dodie stated that the meeting should have been posted on the Township website as well. Solicitor Elliker explained that executive session meeting dates are not commonly published ahead of time and are not required to be by law. Solicitor Elliker explained that D. Sable's post insinuating an illegal meeting took place, which was posted prior to the BOS's next opportunity to publicly announce at a meeting that an executive session occurred, instigates issues. Dodie turned and asked the audience if any of them had a problem with her post. Many of the residents in attendance, including one Planning Commission member, O. Kleinsmith, agreed with Solicitor Elliker that the post was inappropriate.

- e. Glenn Christman stated that the social media posts are out of control and that some posts should be stopped. O. Kleinsmith agreed and stated that the last post was slanderous.
- f. Sue Ensinger – Inquired about executive sessions and whether decisions can be made during an executive session meeting. Solicitor Elliker explained that the Board may discuss certain matters, like personnel and litigation matters, with their Solicitor at these meetings, but certain decisions through motions cannot be made. The Board is required to announce such executive sessions at their next public BOS meeting and any decision that would need a motion and vote would then take place at a public meeting. Executive session meetings are not public meetings.
- g. Chairman Berger asked, J. Weber, LTL Engineer, if there is anything in general from an engineer's perspective that he feels the Township should be doing. LTL has done substantial reviews on Township Ordinances, and will address outstanding issues from its review.
- h. Linda Wood stated that she is appalled that UMH is appealing the Township's denial of the Validity Challenge and soaking us with legal bills. Chairman Berger responded that it is a good point Linda brought up because many of the residents in the room are only concerned about the warehouse and not with other issues the Township is dealing with.
- i. Chairman Berger asked if everyone is aware that municipalities in the state of Pennsylvania must have a zoned area for every use. The Board has asked many times where the residents would rather have the industrial zone but has not gotten direct answers. Berger then asked the audience, since the State requires industrial zoning areas, where else in the Township would they recommend it go, keeping in mind that several residents were involved in the previous rezoning process. Dodie Sable replied that the industrial zoning should be located further South on 737. Supervisor Flyte asked if Dodie meant past the school and through the S turns, and D. Sable again responded yes South on 737. Chairman Berger stated that the Township gets complaints all the time about the truck traffic going

- from Rt. 78 and 737 to Kutztown as residents are concerned about the school, the turns and the horse and buggies.
- j. Fred Germann – Referring to the Krumsville intersection, questioned that we've done the engineering and we see the traffic is a big issue, so how do you fix it? He further stated that you go ahead and tell the State to exercise eminent domain and knock those homes out. That's what you have to do to accommodate for the traffic, invoke the State's eminent domain. Fred stated further that the reason warehouses are desirable to the State is because PA is in dire straits with their money. He said Senator Argall and other state representatives are pushing for warehouse development all over the state.

Motion made by AF to accept the Solicitor's Report as presented. Seconded by VB. Motion carried 2-0.

FINANCIAL MATTERS:

1. Motion made by AF and seconded by VB to approve the bills as presented. Motion carried 2-0.
2. Motion made by AF and seconded by VB to approve the Treasurers Report as presented. Motion carried 2-0.

ADJOURNMENT: Motion made by AF and seconded by VB to adjourn the meeting at 9:00 pm.
Motion carried 2-0.

Respectfully Submitted,

Jane Werley
Secretary/Treasurer

Linda Wood