

# GREENE TOWNSHIP BUSINESS MEETING FEBRUARY 6, 2024

Present:

Rodney Weaver

Robert Bressler

Todd Pysher – Twp. Engineer

Scott Williams – Twp. Solicitor

Jeff Corson

Mary Ann McHale

Jim Harbach

Rob Ohl

John A Kauffman

Bill Kerstetter

Benuel K Stoltzfus

Brian Miller

Shawn Shadle

Matthew J Miller

Mala Moore

Kyle Kehoe – Zoning Officer

Chris Scaff – EMC for Greene Township

Ivy Dolan

Robert E. Myers – Hawbaker’s Engineer

Coreena Meyers

Isaac E Kauffman

John K Fisher

Benjamin L Zook

Abe Repine

Duane Eichenlaub

Jen Rodgers - LDG

John L Stoltzfus

Tom Jeffries

Gayle Phillips

Ron Brungart

Ike K Esh

Toni Slaterbeck

Ashleigh Shadle

Matthew Miller called the meeting to order at 7:00PM with the Pledge of Allegiance.

**John L Stoltzfus/EJ Commerce LDP Discussion:** Jen Rodgers from LDG was present and stated that she was in possession of a revised Plan. Todd responded that a review can be determined after he has been emailed the revised Plan. John Stoltzfus/EJ Commerce asked that they be put on the Planning Commission agenda for the February 21, 2024 meeting. Jeff Corson will take care of that. John Stoltzfus/EJ Commerce asked if his Plan could be approved at the March 5, 2024 Board of Supervisors Meeting? That may be determined upon the Planning Commission meeting. Todd stated that a 30 day comment period is in process. Official public notice is published in the Pennsylvania Bulletin. That being said, it will be the middle of March, 2024. As Todd stated to John many times, this process will take at least 6 months which puts the project into April, 2024. John asked if he could begin his project while waiting for the NPDES approval. The answer is “nothing can be started until after the NPDES permit” (Common Plan of Development.)

Todd also stated that DEP has their own timeframe of processing NPDES permits. Please note that DEP will be processing Chapter 102 (E & S Plan) instead of the Clinton County Conservation District as that has been temporarily taken from our county due to staff training.

John questioned the LDP review process. It was sent to Todd on December 20, 2023 in an email and Todd replied that the Plan would not be reviewed until January, 2024. John questioned the invoice dates and how the township received and mailed out engineering invoices. Todd invoices monthly. The Township receives the invoice and it is mailed out the following month.

**The Sugar Valley Produce Auction:** Last month minutes reflected that the BOS have answers. The Board of Supervisors put a work session together with SV Produce, Kyle Kehoe, and Todd Pysher. SV Produce Auction board member Isaac (Ike) Kauffman was not present. Isaac asked to be on the agenda for an explanation of why the kitchen, office and horse shelter cannot be permitted.

1. No Zoning permits were issued for their specific uses: Upon looking at the Township records there were two zoning permits issued at various times through Zoning Officer Ivan McElwain. The permits were written as storage sheds. The storage sheds have become an office, a kitchen and a horse shelter.
2. Kyle stated that there is no grandfathering. They are not permitted uses at present.
3. All accessory buildings in commercial use must have a building permit.
4. This is not an agri-business.
5. They will need to be in compliance with our Ordinance and UCC Building Code.

There were several suggestions made to the representatives of the SV Produce Auction. Ultimately, the SV Produce Auction must make their decision based on the information. It was strongly recommended that they ask the Township for a 90 day extension so that the entire Plan can be extended rather than denied. The representatives stated they will call a Board meeting and notify us of their decision.

Ike asked the Board of Supervisors to grant them permission as they are Township Supervisors. Supervisor Robert Bressler asked that Scott Williams, Township solicitor comment on that statement.

Scott stated that Local government under the MPC is designed to provide a particular process for the enforcement and review of local ordinances, including zoning. The role of the Supervisors is legislative in nature. They adopt ordinances and resolutions which establish the “local law” of the Township. That “law” is enforced by someone designated with that power in the ordinance or in state statute. In the Zoning ordinance and SALDO, the Zoning Officer is empowered with enforcement power. Therefore, it is the Zoning Officer who determines whether someone is in violation of or compliance with the Zoning Ordinance. If a property owner is not happy with a decision, all they have to do is appeal that decision within 30 days to the appropriate board for review. Most people do not understand this process and think the Supervisors can just do whatever they want, however, that is not true and would violate the division of power built into local government by the MPC the same as State and Federal Constitutions regulate the division of power in State and Federal Government.

#### Public Comment:

Brian Miller was present and introduced Duane Eichenlaub to the BOS. Duane will be working alongside of Brian with Nicholas Meats, LLC.

Benuel Stoltzfus Sr. asked why a residential horse carriage garage cannot be heated. Kyle stated that you have to do what you applied for on your zoning application. Example: If you apply for a garage or carriage house and when the inspection is due there is a heater in the garage that is not what you applied for. In this case, the applicant must be compliant and the heater will need UCC inspections. It puts the application into an all new classification according to the UCC Building Code. Kyle has a commitment to perform the duties of Zoning Officer and Building Code Official to the standards that is required.

**The Planning Commission Report:** Jeff Corson was present and reported that the Planning Commission met on January 17, 2024 to review the Subdivision Lot Consolidation Plan for Samuel F & Annie S Stoltzfus. The Planning waived the contours and recommended the Plan to the Board of Supervisors. After reviewing the Plan, Supervisor Robert Bressler motioned as a condition of approval that the Township receives a file copy of a stamped, sealed, recorded lot consolidation deed. Rodney Weaver seconded the motion. Motion carried. The secretary will send out a letter of conditions to the applicant.

**Report of Zoning Officer:** Zoning Officer Kyle Kehoe emailed that there was activity with no zoning permits issued in January, 2024.

**Emergency Management Coordinator Report:** Chris was present and had an invoice for his meeting. The county will be emailing the Mitigation Plan for adoption.

**Minutes:** The minutes were emailed to the Board of Supervisors. Robert Bressler motioned to accept the minutes from the January 2, 2024 meeting as presented. Rodney Weaver seconded the motion. Motion carried.

**Treasurers Report:** The Board inspected January paid invoices as well as January payroll at a work session prior to the Board of Supervisor meeting. The Treasurer’s Report was reviewed. The General Fund Account stands at \$452,576.22. Liquid Fuels State Account Balance is \$713.14. Robert Bressler motioned to accept the Treasurer’s Report/payroll/invoices as presented. Rodney Weaver seconded. Motion carried.

Robert Bressler motioned to allow the treasurer to pay all incoming bills for the month of February 2024. Rodney Weaver seconded. Motion carried.

Nicholas Escrow Account balance as of 12/29/23 was \$139,803.46 which includes interest of \$72.16.

### OLD BUSINESS

**John E Glick Subdivision:** The tabled Subdivision Plan for John E & Malinda Glick was presented to the Board of Supervisors by Jeff Kreger. After a review of the Subdivision Plan, Robert Bressler motioned to approve the Plan as presented. Rodney Weaver seconded the motion. Motion carried. The Board signed the Plan and a copy was kept for our records. Mala will send a letter of approval/statement to the Glicks.

**Solar Zoning ordinance amendment:** A Hearing was held at 6:30PM to adopt the Ordinance 2024-01 Solar Ordinance amendments. The Notice appeared in The Express on January 26, 2024. Robert motioned with Rodney seconded the motion to adopt Ordinance 2024-01. The Board of Supervisors voted to adopt Ordinance 2024-01.

**General Code:** General Code sent the Board of Supervisors an analysis sheet. The Board filled it out and asked that the secretary mail it with the solar amendment attached. Also ask General Code if when future amendments are made should we email them as they are passed.

**Sustainable Resource Project (SRP) Preliminary LDP:** Conditions 3,4,5,7 and 10 are still outstanding. Nicholas Meats had no additional information to report this month.

**Nicholas Meat, LLC Sewage Deposal Plan:** The Township signed the Plan and returned it to Brian on July 11, 2023. Brian Miller commented that it can be taken out of the agenda. He will send confirmation.

**NM Stormwater LDP:** Release of funds took place on January 5, 2023. Nicholas had no additional information to report this month.

### NEW BUSINESS

**2024 Road Project:** Rodney presented the Board with an estimate from Daren Stover. Robert Bressler motioned to advertise for T347 (W.Winter Road) 0.97 miles, T-412 (Brungard Road) 0.91 miles and T-361 Spruce Run Road 1.27 miles fiber reinforced seal coat. Rodney Weaver seconded the motion. Motion carried.

**Pole Saw Purchase:** Rodney Weaver inquired about purchasing a battery operated pole saw for the Township. Purchase motion by Robert Bressler, seconded by Rodney Weaver. Motion carried.

Correspondence:

1. A letter dated January 23, 2024 from Rob Willig's office. Nicholas Meats sent the OAG a letter concerning ACRE issue/ road bond requirements. The Board asked Mala to reach out to our solicitor and begin processing the 30 day request.

**Adjournment motion Robert/Rodney.** Motion carried at 8:20 PM: The next meeting will be on **Tuesday March 5, 2024 at 7:00 P.M.**

Respectfully Submitted,  
Mala Moore