

My name is Chris Davies and I'm a citizen of Greene Township, Pike County. Climate change and environmental preservation are among my top priorities. Informed by this I've significantly altered my life and habits to align with these values. I am a committed vegan since 2020, I compost all of my food scraps to avoid them ending up in a landfill, and for over a year now I've been able to cancel my garbage collection service completely, as I'm now manually sorting and recycling all of my plastic and packaging waste. This last one I began when I learned how many recycling programs don't actually recycle but instead just send everything to a landfill.

I'm really doing everything I can on a personal level and I'm constantly trying to improve. And so one October morning, I was disturbed by a piercing grinding noise as my township road crew was cutting my branches for regular tree maintenance, and sending them through an industrial-size woodchipper without my permission. I began attending local meetings expressing my concerns with the Roadmaster/Supervisor about the use of a woodchipper in this way, and how it's an unnecessary significant emitter of carbon. The Roadmaster responded that they prefer the aesthetic look of chipped wood. I responded that I don't think an aesthetic preference justifies such large carbon emissions, especially on taxpayer dollars.

I then studied The Second Class Township Code (the rules this agency is beholden to), and I found that it states that all branches, logs and cordwood must be surrendered to the abutting owner. I brought this up at the next meeting and was told by the solicitor that he would look into it. Then, at the meeting following that meeting, the agency passed a resolution that they would send a notice to the abutting owner that they were going to cut wood there, and that if the owner didn't respond within 5 days, the township would take ownership of their branches, logs and cordwood and would damage/dispose of them as they please (which implicitly means using a woodchipper as they're currently doing).

When I became aware of this resolution (Resolution 23-15), I consulted with a lawyer and explained to him this case as I'm doing before you now. He did some research and agreed with me that what they're doing is illegal according to the township code, and that I have a strong case.

I have tried my best to work with this agency and gave them the benefit of the doubt at every step of the way. I have given them every opportunity to resolve this amicably and without litigation, They have been nothing but dismissive of me and my grievances.

I request that the Citizens Advisory Council review this full document which contains further evidence of my testimony here, and the legal basis from The Second Class Township code upon which this legal case would be based upon.

I think this suit would be a worthy candidate for a grant project to help mitigate climate change and ecological destruction in Pennsylvania for 3 reasons:

1. Woodchippers are large carbon emitters. A woodchipper on this scale costs around \$60,000. The carbon costs of extracting and manufacturing the metal to construct it, the hauling of it across the township, and the fuel to run and maintain it, are significant.

2. This project is finely targeted and efficient. Every cent of this grant would go directly to the cause sought. There would be no administrative overhead whatsoever.

3. This legal suit would be replicable to many other rural township across the state. This case has legal basis in The Second Class Township Code. This means that if a win is secured, a similar suit could be filed in many other rural township across the state. So the significant carbon emission reductions this grant could secure for Greene Township (Pike County) could be multiplied many times over with easier wins on the new legal precedent in other rural townships.

In conclusion, I don't think it's enough to just "add more things" to solve the climate crisis. We must also be reducing our own personal contributions and the contributions of our localities. When public officials are engaging in activities that aren't necessary for their duties, and produce significant carbon emissions (and in this case are also illegal), I believe there is an urgent need to hold this behavior accountable. This grant would enable that accountability.

Pennsylvania

Second Class Township Code

Section 2325. Saving Trees and Shrubbery.--(a)

The board of supervisors or its agents shall not remove any shrub or tree growing within the right-of-way of any township road or street except those shrubs and trees the board of supervisors finds to constitute a hazardous or dangerous condition to the use of the highway or those which impair the use or maintenance of the public road or street. **No tree having a trunk diameter in excess of six inches shall be removed without notice of the proposed removal having first been given to the abutting property owner. The township supervisors shall determine by resolution the form of notice to property owners.**

Section 2325. (b)

All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highways shall be surrendered to and remain the property of the abutting owners.

Section 2325. (c)

(c) The board of supervisors may clear out brush and other refuse along the sides of the road to the legal width thereof. All clearing and removal of brush and refuse shall be confined to growth that is within the right-of-way and to the removal of branches that in any way interfere with public travel. No other injury by fire, cutting, abrasion or otherwise shall be done to the standing timber.

Section 2325. (d)

Any person who violates the provisions of this section commits a summary offense. All fines shall be paid into the general township fund.

Greene Township's Resolution 23-15

Original

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Greene Township, Pike County, will provide written notice to abutting property owners in the form of a letter mailed to the mailing address provided on the Pike County GIS map in order to provide adequate time for property owners to submit a written request for logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highways to be surrendered to and remain the property of the abutting owners. If no request is submitted by property owners, the township will dispose of such logs, cordwood, branch wood or other forms of wood in a manner deemed acceptable by the board of supervisors and/or roadmaster.

Amended

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Greene Township, Pike County, will provide written notice to abutting property owners in the form of a letter mailed to the mailing address provided on the Pike County GIS map **in order to notify the property owner that a tree in diameter of 6 inches or more will be removed that the board of supervisors finds to constitute a hazardous or dangerous condition to the use of the highway or those which impair the use or maintenance of the public road or street, as required by Section 2325 (a) of the 2nd Class Township Code. If the property owners wish, they may submit a request to the township for any logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highways to be disposed of in a manner deemed acceptable by the board of supervisors and/or roadmaster.**

Constitutional Support

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

Quiet Enjoyment (not a primary source)

Property owners have the right to the quiet enjoyment of their property. That means that they should be able to use their property without interference from others. When deciding if a neighbor's actions violate a property owner's right to quiet enjoyment courts typically consider the duration of the neighbor's actions, the reason for the actions and the impact or burden on the property owner. It is important to keep a log of the behavior that you find to be a nuisance and your attempts to resolve the behavior before addressing the matter in court.

RESOLVED AND ADOPTED THIS 6th DAY OF December, 2023.

Maranda Seago
Secretary

[Signature]

Gerald . Albert

Ben Hunt

MINUTES OF THE REGULAR MEETING
November 1, 2023

Call to Order: The Regular Meeting of the Greene Township Board of Supervisors, held in the Municipal Building on Brink Hill Road, Greentown, PA, was called to order by Chair Justin Wittenbrader at 7:00pm, who led the audience with the Pledge of Allegiance.

Adopt Agenda: Mr. Wittenbrader made a motion to add to the agenda the CDL Reimbursement Contract for Employees, then to adopt the agenda. Mr. Krautter seconded; motion carried.

Action on Minutes: Mr. Wittenbrader made a motion to approve the minutes of the Regular Meeting on October 4, 2023. Mr. Krautter seconded; motion carried. Mr. Wittenbrader made a motion to approve the minutes of the Special Meeting on October 25, 2023 for the purpose of the 2024 Proposed Budget Workshop. Mr. Krautter seconded; motion carried.

Announcement of Meetings: None.

In Attendance: Chairperson: Justin Wittenbrader, Supervisor: Gerald Obert, Supervisor: Barry Krautter, Secretary: Amanda Seagraves, Treasurer: Sandra Oziemblo, Solicitor: Jeffrey Treat.

Visitors: Marylou & Glenn Reilly – Observing.
Chris Davies – Mr. Davies handed out a printout to the supervisors regarding the clearing and chipping of trees along township roads. He read aloud portions of the Second-Class Township Code which address trees and shrubbery and advised he does not agree with purchasing, renting, or using a wood chipper as he feels it is a public nuisance and an illegal abuse of power. He stated that, per the code, the trees are the property of the abutting property owners. Mr. Treat confirmed that is correct and the property owners have the right to take the wood that is cut from the sides of the roads; however, if they do not want the wood, the township has the right to dispose of it as the board of supervisors see fit. Mr. Davies is concerned that removing so many trees will eliminate the canopy over the roads for walkers and bikers. The board explained that doing so will allow sunlight to reach the road and melt ice and snow, reduce blind spots for vehicles, and allow safer passage for large vehicles like school buses.
Merrilee & Mike Ulisny – SEO report. Mr. Wittenbrader provided his report.
Jean-Luc & Silvio Vitiello – New to the township. Came to observe.

Solicitor: Mr. Treat made the requested changes to the CDL Employee Reimbursement Contract per the board's requests at the October meeting. Mr. Wittenbrader made a motion to approve the contract with the changes. Mr. Krautter seconded; motion carried. Mr. Treat also stated that he recommends the amendments to the Short-Term Rental Ordinance #99 be completed by the new year. He will draft an ordinance to address such amendments, which include section 11 (b) the Sewage Enforcement Officer's inspection to be completed by May 1st at the latest each year; 12 (a) (1) bedroom persons requirements and acknowledgement of children; 12 (a) (8) parking restrictions. Mr. Wittenbrader made a motion for Mr. Treat to draft an amendment ordinance and to advertise it before adoption in the newspaper and on the township website. Mr. Krautter seconded; motion carried.

Treasurer's Report: Report received from Sandra Oziemblo. Mr. Wittenbrader made a motion to ratify the bills. Mr. Obert seconded; motion carried.

Road Report: Mr. Wittenbrader said the roadcrew has been doing a lot of ditch work, trimming trees, and sealing cracks.

SEO Report: Report received from Glen Martin.

Code Enforcement Report: Report received from Edward Geisler.

Unfinished Business:

**MINUTES OF THE REGULAR MEETING
December 6, 2023**

Call to Order: The Regular Meeting of the Greene Township Board of Supervisors, held in the Municipal Building on Brink Hill Road, Greentown, PA, was called to order by Chair Justin Wittenbrader at 7:00pm, who led the audience with the Pledge of Allegiance. Mr. Wittenbrader announced that this is the last meeting for supervisor, Gerald A. Obert. The township presented him with a service recognition certificate and an appreciation plaque for his many years of service to Greene Township.

Adopt Agenda: Mr. Wittenbrader made a motion to adopt the agenda. Mr. Obert seconded; motion carried.

Action on Minutes: Mr. Obert made a motion to approve the minutes of the Regular Meeting on November 1, 2023. Mr. Wittenbrader seconded; motion carried.

Announcement of Meetings:

- a. Mr. Wittenbrader made a motion to set the time for the Organization Meeting for Tuesday, January 2, 2024 at 4:00pm, with the regular January meeting to directly follow. Mr. Krautter seconded; motion carried.
- b. Mr. Wittenbrader announced that the board of auditors will hold their Organization Meeting on Wednesday, January 3, 2024 at 6:00pm.

In Attendance: Chairperson: Justin Wittenbrader, Supervisor: Gerald Obert, Supervisor: Barry Krautter, Secretary: Amanda Seagraves, Treasurer: Sandra Oziemblo, Solicitor: Jeffrey Treat.

Visitors: Edward Geisler – Observing.
Dakota Darroch – Promised Land Volunteer Fire Status
Kelly Prell - Promised Land Volunteer Fire Status
David Prell - Promised Land Volunteer Fire Status
Steve Nesco - Promised Land Volunteer Fire Status
Marcia Folenta - Promised Land Volunteer Fire Status
Lisa Delfer - Promised Land Volunteer Fire Status
Andrew Folenta - Promised Land Volunteer Fire Status
MaryLou Reilly – Observing.
Chris Davies – Mr. Davies stated that he appreciates the township did not use a wood chipper for the roadwork on Saw Mill Road. He asked for an update on the status of the township purchasing a wood chipper. Mr. Wittenbrader explained that 430.26 line item on the 2024 Budget will not be removed; however, the township is under no obligation to spend those allotted funds. Mr. Davies explained that he still feels a wood chipper is noisy, a public nuisance, and bad for the environment. He also does not feel the work done with the boom mower on Saw Mill Road and Lake Paupack Road was acceptable. He is also concerned with the fact the supervisors allowed Lighthouse Harbor Marina to erect a boat storage building in the township. The board advised that all township ordinances were complied with, therefore they cannot deny property owners to build just because another resident is unhappy.
Bob Davies – Mr. Davies agreed with Chris Davies in the fact that the work done with the boom mower made a mess and some of the trees did not need to be removed. He felt the work was excessive and unnecessary.

Solicitor: At 7:11pm, Mr. Treat called an executive session to discuss a letter received by the township from Attorney Spall in regards to Promised Land Volunteer Fire Company. The board of supervisors, Mr. Treat, and Auditor, Steve Nesco, attended the executive session and returned from at 7:26pm. Mr. Treat recommends the board allow him to send a response letter to Attorney Spall. Mr. Wittenbrader made a motion to approve Mr. Treat to send a letter in response. Mr. Krautter seconded; motion carried. Mr. Treat also asked Mr. Obert if he was still a member of the Greene-Dreher Volunteer Fire Company. Mr. Obert advised that he retired from

Work done by their boom mower, 1/2

Lake Paupack Rd



Work done by their boom mower, 2/2

Sawmill Rd

