

The meeting of the Douglass Township Board of Supervisors was called to order at 7:08 P.M. Attending were Chairman John Stasik, Vice Chairman Anthony Kuklinski, Supervisor Fred Ziegler, Solicitor Paul Bauer, John Sartor from Gilmore & Associates, Bob Dries, Mike Heydt, Andy Duncan, Chief Templin, Pete Hiryak and approximately 28 residents.

Mr. Stasik announced to place cell phones on silent, no texting, and pointed out the exits. Mr. Stasik led us in the pledge of allegiance.

Mr. Stasik asked for any additions or corrections on the minutes from the April 20th, 2015 Board of Supervisors Meeting, no additions or corrections were given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve the minutes from the April 20th, 2015 Board of Supervisors Meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Stasik asked if there were any changes, corrections, or additions to the May 4th, 2015 Agenda, no changes were given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve the May 4th, 2015 Board of Supervisors Agenda as presented. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Engineer's Report – John Sartor, Gilmore & Associates

Hallowell Division (Residential Cluster) – Recall that we received plans and a cost estimate on 4/16/15 from the applicant's design engineer regarding proposed roadway and drainage improvements along Congo and Hallowell Roads. We completed our review of the submitted documents and provided comments to the design engineer to revise the plans and cost estimate. To date, we have not received a response. We also attended a meeting on 4/29/15 with Mr. & Mrs. Zajac regarding the proposed roadway & drainage improvements along Congo Road in the vicinity of their property. Mr. Sartor asked Mr. & Mrs. Zajac if they had any comments or concerns on the proposed improvements, the Zajac's who were present, had no questions or concerns.

Berwind II Subdivision – Douglass Estates Phases 2 & 3 – This project is proceeding through construction. Please recall that we issued our first review letter on 3/27/15 regarding the final plan submission for Phases 2 and 3. The applicant received a recommendation for conditional final plan approval from the P/A at their 4/9/15 meeting. On 4/17/15 we received the design engineer's construction cost estimate via email which we have reviewed and provided comments back to the design engineer. As of 4/30/15, we had not received a response. Also, as of 4/30/15 we had not received revised final plans that address our 3/27/15 review letter.

Donnelly Tract – Michael Gambone was present to give a brief overview of the proposal Donnelly Tract Subdivision which he officially submitted at the end of April 2015 and distributed copies of the proposed plan for the public to view. The layout consists of 44 lots located on Middle Creek Road and approximately 64-65 acres to be donated as open space to Douglass Township that adjoins the Township owned Libor Tract property on Congo Road. Mr. Kuklinski asked if an HOA would be involved and if the roads would be dedicated to the Township, Mr. Gambone replied that there would be a possibility of an HOA and the roads would be dedicated to the Township if the Township wishes to accept dedication. Mr. Kuklinski responded that if there is an HOA involved it would have to be handled differently with open space than the Summer Hill open space has been handled. Mr. Bauer stated that he would recommend accepting the road dedication if 65 acres of open space would be donated to the Township, a Township roadway would allow public access to the proposed open space area. Mr. Ziegler asked when Mr. Gambone anticipated starting this project, Mr. Gambone replied that he expected to start approximately in 1 year with full built out in another 18 months. Mr. Diccio asked if the lots would be cluster zoning, Mr. Gambone replied yes, the Township approved cluster zoning, the lot sizes would be 12,000sf. Mr. Brumwell stated that every developer should hand out copies of their proposal like Mr. Gambone did this evening, Mr. Stasik stated that this is a preliminary plan, Mr. Gambone has to go through the Planning Agency for the development process. Mr. Brumwell asked if they don't have to build up Middle Creek Road, Mr. Kuklinski stated that the road improvements are done near the end of construction, Mr. Brumwell stated what

happens to the floodplain and wetlands, I thought you were not allowed to touch it, Mr. Kuklinski stated that the wetlands and floodplain areas are adjoining to our current open space property and is proposed for dedication to the Township therefore it would be permanently preserved and protected. We want to make sure that the water goes where it is supposed to go so the residents don't get additional runoff from the development, we are holding the developers to a higher standard now and we have engineering and legal checks and balances in place. Mr. Ziegler said to Mr. Brumwell, if you want to be honest you know where that water is coming from. Mr. Ziegler said he saw where the water is coming from but that person doesn't want to take responsibility his runoff. Mr. Ziegler stated that for the record I have tapes showing where the water comes from, if anyone wants to view them. Mr. Gambone was looking for approval to start the subdivision process with the Planning Agency.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to give approval to Mr. Gambone to start the Donnelly Tract Subdivision process with the Planning Agency. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

County Line Road Bridge Replacement – We are completing/have completed the following pre-design tasks: the stream and floodplain field survey has been completed, the existing features plan of survey will be completed next week, geotechnical test boring drilling field work is in the process of being scheduled for some time within the month of May, preliminary drawings have been completed for delineating available space for potential widening and lengthening of the bridge to assist with improving the waterway opening characteristics, initial structure alternatives analyses have been completed based upon DVRPC criteria for retro-reimbursement projects, initial documents for permit evaluation and environmental assessment have been assembled.

New Township Maintenance Building – We are completing/have completed the following pre-design tasks: all survey and building stake-out work has been completed, existing features plan has been completed, a preliminary layout plan has been completed, geotechnical test boring drilling field work was completed on 4/27/15, preliminary information should be provided within the next week, ongoing coordination will follow as geotechnical work progresses and results are forwarded to the structural department, lab test results and final report will be provided three weeks after the field study, preliminary load and foundation pressure calculations have been completed, two (2) preliminary structural layouts have been completed. One option is for largest practical spacing for steel columns and roof joists, the other option is for the maximum number of bays as requested by the Township. Preliminary code evaluation will be finalized when complete test boring results and foundation recommendations are available. No questions were asked on the Engineer's Report.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to accept the Engineer's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Solicitors Report – Paul Bauer

Mountain Mulch Update – as you may recall a Motion to interpret the Settlement Agreement was filed by opposing counsel along with our Motion for Sanctions. A hearing before Judge Drayer has been scheduled for Thursday May 21, 2015 at 9:30am in response said motions. I want to reach out to the Court because Judge Drayer has nothing to do with the Mountain Mulch case, Judge Drayer was involved in the Gilbertsville Fire Company Trustee issue so I want to be sure this is not a mistake.

Gilbertsville Fire Company – Lease – As previously stated the final draft of the lease has been prepared and presented to the Board. Unfortunately, after a few attempts have yet to receive a signed copy of the deed for the properties of Gilbertsville Fire Company No. 1 back from Charles Haddad, the former trustee. As such, the drafted lease agreement cannot be executed because it requires a recitation of the deed's recording information. I sent a third letter today to Mr. Haddad requesting a status update. In addition we are in receipt of a hearing notice from Montgomery County Courthouse scheduling this matter for a settlement conference on June 10, 2015 at 10:30am.

Trash Ordinance – As you may recall at the last meeting a request was made to revise the existing Trash Ordinance. I am in the process of preparing a draft ordinance and will have it available for review by the next Board meeting.

Litigation Updates – There are no additional updates to report. Mr. Stasik asked if there were any questions for Mr. Bauer, Mr. Stouch asked for an update on the junk yard in the center of Gilbertsville. Mr. Bauer replied that he is still working his way through the documents that the zoning department forwarded to him, Mr. Stouch commented that he intends to stay on top of this because this is his Mountain Mulch. The manager stated that enforcement notices were sent to the Gilbertsville Car Wash, however the owners never addressed the issues pertaining to those enforcement notices, can we resend the notices. Mr. Bauer stated that the car wash was part of two separate parcels and the owners combined both parcels into one parcel, they don't need permission to consolidate parcels only to subdivide and he recommends not to withdraw enforcement notices and to cite them for any present violations. Mr. Ziegler added that 30-40 years ago the body shop had cars sitting in the rear leaking oil and at the fenced in area there was paint and turpentine all over, this should be a health issue, Mr. Bauer replied this is a conflict between the State and the Township – the State issues junkyard permits however the State will not release copies of those permits or information about this issue. I want our legal plan of action to be a solid plan of action. No other questions were asked.

Applications which are pending but inactive:

Zern Tract – Jackson Road

Quigley Bus Service – Swamp Creek/Schlegel Roads

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to accept the Solicitor's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Emergency Services Board Report – Andrew Duncan

Mr. Duncan gave a brief overview of the ESB meeting; the police department received Blankets of Hope for anyone in need, the drug take back program will continue, and two new police cars will be in service by the end of the week. The Fire Company mailed out their fundraiser letter, stated that it was a busy month with bush fires and assists, the fire company responded to a residence twice for illegal burning and the resident will be cited by the Fire Marshal, and the cooperation between the fire company and codes department is excellent. The ambulance has 2 trucks out of service, they are to be sold to a firm in Pittsburgh, GACAS replenished the police first aid kits, and there is a Mutual Aid Analysis. The zoning department resolved an issue with Ryan Homes on Fox Hollow Drive. Mr. Duncan stated that the Board at Large is still reviewing the proposed lease agreements between GF No. 1 and G&F. No questions were asked.

A motion was made by Mr. Stasik, seconded by Mr. Kuklinski to accept the ESB Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Manager's Report- Peter Hiryak

1. The Manager reviewed the upcoming meetings as follows: Thursday May 14th P/A Workshop (Act 209 Committee & Zoning Ordinance Revisions) @ 6pm, P/A Meeting @ 7pm, Monday May 18th @ 6pm Open space Meeting, 6:30pm BOS Agenda Meeting, Board of Supervisors Meeting @ 7pm.
2. BMMA Meeting Minutes – March 23rd, 2015 copies in lobby.
3. Fire Police Assistance Request – Authorization is needed by the Board to approve Fire Police Assistance at the Memorial Day Parade on Monday May 25th and at the Boyertown Fun Days on Saturday May 30th, 2015.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler authorizing the Gilbertsville Fire Police to provide assistance at the Memorial Day Parade on Monday May 25th and at the Boyertown Fun Days on Saturday May 30th, 2015 contingent upon coordinating all details through the Fire Chief and Fire Police Captain.

Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

4. Authorization to advertise an Act 209 Workshop with Planning Agency on May 14th, 2015 @ 6pm involving is requested involving the traffic impact study ordinance to set criteria impacting roads to insure traffic studies are completed before developments are approved, Mr. Kuklinski asked if Chief Templin could be involved in this, Chief Templin replied absolutely. Mr. Kuklinski stated that this all ties in with the ESB Board.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to authorize the advertisement of a workshop between the Act 209 Committee and the Planning Agency for May 14th, 2015 involving the Traffic Impact Study Ordinance. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The manager stated that the fish for the Trout Rodeo will be delivered to the Mashintonio pond on Tuesday May 5th, 2015 @ 6pm, we are in need of volunteers to help stock the fish that evening. Mr. Stasik asked if there were any questions for the manager, no questions were given.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to accept the Manager's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Old Business/New Business

Mr. Ziegler called Chief Templin to the podium and commented that it was reported that another police officer died and he just wanted to be sure that the Chief and the Constable have everything you need. Mr. Ziegler stated that I am concerned with the safety of your officers and also concerned with the coverage shortage, he felt that another patrol car should be on night duty and if overtime was necessary then he was okay with that. Mr. Ziegler stated that you only hear of the bad things these days and we have to give credit to the good things. Mr. Stouch stated that recently he was involved with Douglass Township Police in an arrest, we have a top notch police force. Mr. Ziegler stated that crimes are getting more violent especially with the drug factor. Mr. Updegrove asked if the County Line Road bridge would be closed or will the work be done around the bridge, Mr. Kuklinski replied that the bridge will be closed however it will have an impact but not longstanding because the structure will be prefabricated. The site will be prepped before the structure is put in place, the waterway will be widened. The manager stated that once work is started it is estimated to take between 30-60 days to complete the project. Janet Bauer stated that the election will be on Tuesday May 19th, I am the Judge of Elections and I am looking for workers on that day, it is a paid position for anyone 17 years old or older. The manager will put the information on the website. Mr. Ziegler stated that last year he supplied the food for them and he will do so again this year. Mr. Fisher on Moore Drive asked about the plans for making a swale in the common area, the manager replied that over the years the swale at the Virmay Drive open space has deteriorated in the area between Moore, Virmay, and Werstler causing drainage problems for some residents, Mr. Sartor has looked at it and the first plan of action is to recut the swale, the issue is to get the water to the crosspipe so the water doesn't pond in the yards. Carl Hiryak stated that 12-15 years ago Judge DelRicci stated that the Township was not capable to handle the Gilbertsville Fire Company. I ask the Board to remove Mr. Bauer from the case and contact Mr. Haddad and Judge DelRicci and give the property back to the members of the Fire Company where it belongs. Mr. Ziegler stated that he has given Mr. Bauer a hard time with certain Township matters however in looking back I should have taken more time to look at the direction in which Mr. Bauer was taking us. Mountain Mulch was perfect, if I had to do it over again I would never have given Mr. Bauer a problem with the way he handled it, Mr. Carl Hiryak stated I am asking for Mr. Bauer to be removed from the Gilbertsville Fire Company case not Mountain Mulch, don't put words in my mouth, Mr. Ziegler responded to Carl, don't get an attitude with me I am not putting words in your mouth. Mr. Stasik stated that during the time when Mr. Haddad was the Trustee for the Fire Company there was a lot pushing back and forth between the companies and Mr. Haddad did not want to be the trustee any longer and it was decided that Douglass Township would handle it, there are good people involved, the Township will oversee the deed, not control them. All we ask however is to see the books which is a reasonable request, we are also helping GACAS, all parties must compromise. Mr. Stasik is fine with how Mr. Bauer is handling the situation. Mr. Brumwell asked since there is litigation against Mr. Theil how could he be elected as Supervisor after this Mountain Mulch problem, isn't that a conflict of interest, Mr. Kuklinski stated I could say a lot on that subject but all I will say is that the voters will vote for the right person, it is in their hands. Mr. Sell commented that the Republican Party has Mr. Theil as a committee person, how can that be. Mr. Tarentino asked the Board why did you get rid of him, and now he is running again, Mr. Bauer stated that he can't divulge details of the resignation agreement between Mr. Theil and Douglass Township. A resident asked who is running and against who, the manager stated that Fred Theil and Alan Keiser are running on Tuesday May 19th in the Republican Primary for Township Supervisor, the winner will run against Mr. Stasik in the November

2015 election. Mr. Ziegler stated that he thinks it will work out in the end. Mrs. Norton said that the bad part is the people who come to the meetings know how he acted and the ones that don't come to the meetings don't know. Mr. Stouch commented that sadly there are people who know what he did and still signed his petition to run for Supervisor. Mr. Sell asked the manager if he informed the Chairman and Co-Chairman that the fish for the rodeo would be delivered on Tuesday evening, the manager replied yes I informed them by e-mail. No other business was given.

Public Comment

Mr. Yarnall stated that he is tired of hearing about the water on Middle Creek, Mr. Ziegler said, then stop talking about it because you are part of the problem. No other comments were given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to adjourn the meeting at 8:20pm. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday May 18th, 2015 @ 7:00 pm.

Respectfully submitted by,
Marcy Meitzler