

The meeting of the Douglass Township Board of Supervisors was called to order at 7:31 P.M. Attending were Chairman Fred Ziegler, Supervisor John Stasik, Supervisor Tim Turner, Solicitor Charles Markofski, P/A Solicitor Charles Garner, Bob Campbell, Pete Hiryak, Mike Heydt, Chief Templin, and 26 residents.

Mr. Ziegler asked Chief Templin to lead us in the Pledge of Allegiance.  
Mr. Theil announced that he will be taping tonight's proceedings.

Mr. Ziegler asked if there were any additions or corrections to the minutes of March 21<sup>st</sup>, 2011, Mr. Turner wanted the statement by Mr. Conti's attorney added, Mr. Pizonka stated that "an irrevocable escrow will be set up in the bank account". No other changes were made.

On motion by Mr. Turner, seconded by Mr. Stasik, the Board approved the minutes of the March 21<sup>st</sup>, 2011 Board of Supervisor's meeting with the addition of Mr. Pizonka's statement that "an irrevocable escrow will be set up in the bank account". Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

### **Chief Templin presented the Police Department Report**

Recently I announced that the Drug Enforcement Agency will coordinate a collaborative effort with state and local law enforcement agencies focused on removing potentially dangerous controlled substances from our nation's medicine cabinets. A national take-back day will provide a unified opportunity for the public to surrender expired, unwanted, or unused pharmaceutical controlled substances and other medications to law enforcement officers for destruction. This one day effort will bring national focus to the issue of pharmaceutical controlled substance abuse. The program also provides an opportunity for law enforcement, prevention, treatment, and the business community to collaborate and establish a safe collection site for all Americans, regardless of where they reside. We are looking to partner with our local Giant Food Store as our collection site and we now have a date and time locked in for this event. The event is scheduled for April 30, 2011 (Saturday) 10:00am-2:00pm.

A motion to accept the Police Department Report was made by Mr. Stasik, seconded by Mr. Turner. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

### **Mr. Bob Campbell presented the Engineer's Report**

1. BUI/Jordan Drive Subdivision – Conditionally approved at the September 15, 2008 meeting. Resolution approved at October 6, 2008 meeting. Resubmission received October 21, 2008. Review letter dated November 3, 2008.
2. Hollenbach – Warehouse Expansion – Conditionally approved at the May 5, 2008 Supervisors meeting. Final plans and financial security request have not been received.
3. Hallowell (Danny Jake) – Received latest plan revision dated September 2008 along with the list of improvements. The list of Improvements has been finalized.
4. 400 Gilbertsville Road – Received Conditional Preliminary/Final approval from the Planning Commission. Outstanding items are administrative and permitting.
5. Windemere Subdivision – Need to complete final stabilization in the spring.
6. AAA – Dunkin Donuts – Met on Thursday, July 22, 2010 and discussed outstanding items including overall site clean-up, mulching, and guide rail.
7. Cobblestone Crossing-Phase 3- See Solicitor's Report.
8. Smith Road Bridge – Currently in fabrication. April 11<sup>th</sup>, 2011 closure signs up.
9. Market Street – Working out details for Bartman Avenue intersection. Looking at possibilities of relocation businesses. Intersection improvements and timing at Gilbertsville Shopping Center will have to be looked into. There will be some additional time needed for relocation possibilities for Red Hill Tavern, the Manager asked for a cost estimate of this additional time, Mr. Campbell stated another \$1500.00. Mr. Theil asked what the Zern's Market owners position is, Mr. Campbell stated that he did

not know, we are not in the design phase yet. Mr. Theil stated why don't you make it a horseshoe turnaround, Mr. Campbell stated that Market Street is supposed to alleviate traffic from E. Philadelphia Avenue so we need it to go through. Mr. Theil stated that Bartman Avenue people are not happy now with the traffic.

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

**Subdivision Report-400 Gilbertsville Road(Graterford Properties)**

Susan Rice of Stout, Tacconelli gave a brief review of the proposed 9-lot subdivision located at 400 Gilbertsville stating that this started as a 10 lot subdivision but now is a 9 lot subdivision with an aboveground stormwater management system on lot 5 and an underground system on lot 4. Ten waivers have been requested. Mr. Sell asked how big are the lots; Ms. Rice stated that 20,000 sq. ft. minimum which meets the R-2 requirements. Mr. Hunter asked as far as the recharge volume what percentage can't you recharge, Ms. Rice stated the required recharge volume is 17,125c.f. and the provided recharge volume is 9,198c.f. , so it is about half. Mr. Brumwell stated that it seems that you want us to give a lot, why do we have these standards if we are going to give in. Ms. Rice stated that we've done everything we could to meet this standard. Mr. Brumwell stated that trees help with water, think about the Township and what we need, I think you need to think about this more. Mr. Campbell stated that the trees in the filtering buffer are not included in the replacement trees. Several questions were asked by the residents. Ms. Rice responded saying these lots will have public water and public sewer, this is not 2acre zoning(R-1), this area is zoned R-2. Ms. Rice stated that she is looking for preliminary approval. Mr. Turner stated that the stormwater numbers better be right, Mr. Campbell stated that this area actually floods backward from Thrush Drive, this development will not cause flooding. Mr. Turner stated that the underground basin maintained by the homeowner is a problem waiting to happen; he also prefers street lights towards the front of the development towards Gilbertsville Road because someone will get hurt with the traffic on that road. As far as the sidewalks, I cannot in good faith say no sidewalks, I think you need sidewalks on a 20,000 sq. ft. lot development at least up to the last house; it's a quality of life issue. Mr. Ziegler concurred. Mr. Wynne stated that the sidewalks were waived because of impervious surface. Mr. Turner stated that you need sidewalks to keep the kids safe. Mr. Stasik agreed with Mr. Turner to have sidewalks and also to have street lights at least at the intersection at Gilbertsville Road. Mr. Markofski stated the Summer Hill basin issue is a nightmare no one wants to maintain them or pay to maintain the basins. Mr. Ziegler stated that he was not alright with any of the waivers. Mr. Garner explained some reasons why the Planning Agency recommended approval of the waivers and that the Board certainly did not have to agree with these waivers however it was not unusual for the property owners to assume the responsibility for the maintenance of these basins, it is fairly common these days. Mr. Turner stated that no street lights, no sidewalks, and not having more than one person responsible for the maintenance of the stormwater basins is not an option. The Manager asked where did the Board want to go with this; do they want it to go back to the Planning Agency? The Board decided that since the disagreement was with the maintenance of the basin, street lights, and the sidewalks that the Board would handle this through the Solicitor and the Engineer. The Manager stated to Ms. Rice that her contacts for these changes would be Solicitor Markofski, and Mr. Campbell, the Township Engineer.

**Solicitor's Report – Mr. Charles Markofski**

Mr. Markofski gave a brief overview of the RV Ordinance. Mr. Ziegler stated that he received three complaints about parking such vehicles on the street; Mr. Heydt stated that he has received several complaints also. Mr. Ziegler asked the Manager to pass out the pictures of some problem areas with parking. Several residents asked what the problem is with the RV's, the Manager stated that the problem is using the street to store and park RV's and related vehicles. Mr. Heydt stated that in the winter the plows have trouble maneuvering around these vehicles and if there is an emergency, the responders will also have difficulty maneuvering. Mr. Wynne stated that the term similar vehicle was used in this ordinance because of the thousands of different types of trailers, haulers, etc.; this ordinance basically is to stop these vehicles from parking on public streets.

A motion to adopt Ordinance 2011-01 to amend sections 101, 404 and 411, of Chapter 15, Motor Vehicles, of the Douglass Township, Montgomery County, Pennsylvania, Code of Ordinances to regulate and restrict the parking of recreational vehicles was made by Mr. Ziegler, seconded by Mr. Turner. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

**Summer Hill HOA/Gambone Brothers Dev Co.**

On April 1, 2011 a letter as sent from Allen M. Mandelbaum, Esq., on behalf of the Summerhill HOA, to Stephen Kalis, Esq., on behalf of Gambone Development, advising of the following:

Summerhill HOA has rejected the idea of any sale of open space in that it believes that it would not be in the long term interests of the HOA, would have no practicable effect of raising reasonably sufficient monies to even meet the cost to effect a sale and could lead to further delays and legal complications in attempting to resolve the problem; HOA will accept ownership of certain components of the Open Space area as were denoted on a color coded map in exchange for \$15,000.00; as to a certain portion of the Open Space, the HOA would not accept ownership under any circumstances and this would remain the property of Gambone Development who would then be required to negotiate with the Township; HOA would accept ownership of the retention basin if an inspection was conducted by an engineer hired by Gambone Development and by the Township Engineer followed with a written report from the Engineer which would include recommendations for proper maintenance. Gambone Development would correct any problems; all Open Space would be bush hogged at Gambone's expense and subject to the approval of the Township Engineer; Gambone Development would pay the HOA the amount of \$5,000.00 to restore items in the Tot Lot to good operational condition; all expenses and costs which Gambone Development would incur under the agreement would be capped at \$20,000.00; and, HOA would be willing to fine tune the agreement but not make any significant modifications. Mr. Markofski stated that it is his opinion that they are back to square one.

**Cobblestone Crossing/Smith Road Bridge**

On March 24, 2011, a staff meeting took place with Jon Herzog of Beazer Homes, Kim Freimuth, Esq. of Fox Rothschild, Supervisor Turner, Nick Conti of Stewart & Conti, Peter Hiryak, Township Manager, Mike Heydt, Code Enforcement Officer, Matt Hunter of Pennoni Associates, and myself. At this meeting we agreed that the Township would provide counsel for Beazer with a copy of the current SALDO Agreement for Cobblestone Crossing as an electronic file. We also agreed to carve out the work associated with Phase III and the bridge. This would also include a breakdown for the Smith Road Bridge which would be a separate agreement with Stewart & Conti. It was further discussed that Beazer was requesting five (5) years from the execution of the agreement to complete Phase III improvements and that we would also need to work on the performance bond. The current agreement was e-mailed to Mr. Gundlach from Fox and to Mr. Hertzog on March 24<sup>th</sup>. On April 4, 2011, I received a proposed Land Development Agreement from Beazer's counsel along with a breakdown on the escrow account between Beazer and Stewart & Conti. I forwarded this information to Mr. Campbell in order to determine if the revised scope of work for the completion of the project was correct. Mr. Campbell advised that the scope for the completion of the project in the proposed agreement is correct. Stewart & Conti and Beazer currently owe the Township approximately \$16,000.00 which is not addressed and would need to be covered. Mr. Campbell agrees with the breakdown of the items. It will be necessary to review the legal and engineering escrows for the remaining portion of the project. Mr. Campbell recommended escrows for the engineering fees for both the Smith Road Bridge portion and for the Beazer portion. At this time he was suggesting that Beazer would need to post approximately \$996,000 AND THAT Stewart & Conti would be posting approximately \$804,000. It will be necessary for us to confirm these numbers, review the first draft of the agreement, prepare changes and submit the final draft for approval to Beazer and then finally to the Board. I have not received a proposal from Stewart & Conti as to their Land Development Agreement but I will prepare a draft of their agreement now that I am aware of the items which they will be responsible for under the contract. A representative from Beazer was present and stated that a clean copy of agreement was presented to Mr. Markofski. Mr. Turner added to be sure in the agreement that Beazer will be responsible for any macadam damage. Mr. Hunter asked how can Stewart & Conti still owe \$16,000, Mr. Campbell replied that it is in escrow. The Manager stated that Mr. Conti was going to make a draw on the bridge escrow to pay these fees during the

progression of the bridge. Mr. Ziegler authorized the Manager to write a letter to Mr. Pizonka addressing the fees owed by Mr. Conti.

**Douglass Township Police Department-Officer Marshall**

This part of the report was not read out loud however it appears on the Solicitor's Report. Mr. Ziegler stated that no comments will be made publicly on this matter as it deals with personnel issues, however the public will be informed of the final outcome.

On March 23, 2011, I sent a letter to James B. Allen, Secretary of the Pennsylvania Municipal Retirement System requesting clarification in order to determine if Officer Marshall was legally entitled to collect a PMRS retirement after his last day of compensated employment on November 13, 2010. The issue of the length of credited service was a primary concern in my correspondence. I received an e-mail response from Mr. Allen on April 4, 2011 in which he advised that Mr. Marshall was enrolled in the Douglass Township Pension Plan as of June 4, 2002. He advised that the Township had signed off on this date through its Township Secretary, Georgeann Rohrbach. Although I advised Mr. Allen that Mr. Marshall was on a probationary period for one (1) year at the time he was hired full-time, Mr. Allen produced a record dated June 22, 1998 from Ms. Rohrbach indicating that there was no probationary period associated with the Police Pension Plan. Mr. Allen also advised that the Pennsylvania Municipal Retirement System had, according to Mr. Allen's e-mail of April 4<sup>th</sup>, determined that Mr. Marshall was entitled to retirement benefits as we were aware from a Certificate of Benefits issued for Mr. Marshall which we received on April 1, 2011. Mr. Ziegler stated that no other comments shall be made on this matter; however the public will be informed of the final outcome.

Applications which are pending but inactive:	
Danny Jake – Hallowell	inactive 2 years
Cobblestone Commons	inactive 1 year
Weis Markets	inactive 6 months
Bui Jordan Drive	inactive 1-1/2 years

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

**Mike Heydt presented the Highway Department Report**

From March 22, 2011 – April 4, 2011 the highway department continued to clean up snow equipment on rainy days, plowed ice off roadways, dug out bad spot and patched Hoffmansville Road, trimmed Weller Road, continued cleaning out inlets for MS4 report, fixed inlet on Swinehart Road near Chandler's Crossing, cleaned up intersection in back end of Township, prepared baseball field for the year, and installed guiderail on Woodland Road. Mr. Ziegler asked if there were any questions for Mr. Heydt, Mr. Renninger stated that at the last meeting Mr. Heydt said that the shed behind Municipal Drive had been moved, Mr. Heydt replied yes it was moved. Mr. Renninger stated did you measure it? Mr. Heydt stated yes. Mr. Renninger replied it is not ten feet. Mr. Heydt asked did you go measure it, Mr. Renninger replied no I eye balled it and it doesn't look 10 feet from the line, I don't think you measured it. The Board stated that the shed was moved and that is the end of this issue. No other questions were asked.

A motion to approve the Highway Department Report was made by Mr. Stasik, seconded by Mr. Turner. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

**Pete Hiryak reviewed the Manager's Report.**

1. The Manager reviewed the upcoming meetings as follows: **Planning Agency Meeting Thursday, April 14<sup>th</sup> @ 7pm and Renters Ordinance Workshop 6:30pm, Open Space Meeting Monday, April 18<sup>th</sup> @ 6:30pm – Police Contract Meeting/Personnel Issues Monday, April 18<sup>th</sup> @ 6:30pm, Board of Supervisor Meeting Monday, April 18<sup>th</sup> @ 7:30pm. Auditor Meeting Tuesday, April 19<sup>th</sup> @ 9:00am. Police Regionalization Tuesday, April 26<sup>th</sup> @ 10:00am at New Hanover.**

Mr. Ziegler asked if there were any questions or comments for the Manager, no one replied.

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

**Public Comment**

Mr. Brumwell commented that this matter with the police officer, the public needs to know the final results. Mr. Zielger stated that the public will be informed of the final outcome. Ms. Norton asked whether the Trout Rodeo is still on and when is it? Mr. Ziegler replied that the Trout Rodeo is on April 30<sup>th</sup>, 2011. No other comments were made.

**Old Business or New Business**

Open Space/Recreation Committee Report – Mr. Theil reported that the fish rodeo is on Saturday, April 30<sup>th</sup>, 2011 and the donations are needed. Mr. Turner stated that no one has given him a bill. Mr. Turner asked the Manager to send him an invoice for the \$500.00 donation for the fish rodeo. Mr. Theil stated that there is no money for fish, Mr. Ziegler stated don't worry about the fish, that he is handling the fish. Mr. Theil stated who is paying for the fish, Mr. Ziegler stated it is a contribution in kind. Mr. Turner commented that this is for the kids. Mr. Brumwell stated to go to the schools and hand out flyers for the fish rodeo. The Manager stated that he will try to get flyers out to the schools but you need permission from the School District and he will try to put an advertisement in the paper before he leaves for vacation on Wednesday. The Board directed Mr. Heydt to distribute the flyers while the Manager is away.

A motion to adjourn the meeting at 9:30pm was made by Mr. Ziegler, seconded by Mr. Turner. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, April 18<sup>th</sup>, 2011 @ 7:30 pm.

Respectfully submitted by,  
Marcy Meitzler