

The meeting of the Douglass Township Board of Supervisors was called to order at 7:33 P.M. Attending were Chairman Fred Ziegler, Supervisors Tim Turner and John Stasik, Solicitor Charles Markofski, Robert Campbell, Cynthia O'Donnell, Pete Hiryak, Mike Heydt, Chief Templin, and 35 residents.

Mr. Ziegler led the Pledge of Allegiance.

Mr. Theil announced that he will be recording tonight's proceedings.

Mr. Ziegler announced that at 6:30pm there was an Executive Session involving the police contract and stated that Mr. Turner will head that police contract meetings.

Mr. Ziegler asked if there were any changes or corrections to the minutes, no one replied.

On motion by Mr. Ziegler, seconded by Mr. Turner, the Board approved the minutes of the June 20, 2011 meeting. Stasik-Abstain, Ziegler-Aye, Turner-Aye. Motion passed.

Chief Templin presented the Police Report

June 2011 Statistics: 361 incident reports, 6 vacation notices, 1,307 business checks, 8 reportable accidents, 11 non-reportable accidents, 27 criminal investigations, 9 criminal arrests, 188 traffic citations, 9 non-traffic citations, 10 parking tickets, 8,008 miles traveled. On July 5, 2011 our intern Richard Krzemein finished his 120 hour internship requirement with our police department and will be returning to Bloomsburg University. Mr. Krzemein conveyed his thanks for allowing him to complete his internship with Douglass Township. In 2004 the Federal Communications Commission (FCC) was tasked to address a growing problem of harmful interference to the 800 MHz public safety communication systems caused by high density commercial wireless systems. This plan is designed to protect the lives of first responders and other emergency personnel and fulfill the FCC's obligation to promote safety of life and property through the use of wire and radio communications. Implementation of the 800 MHz band reconfiguration is a top priority of the Public Safety and Homeland Security Bureau. As part of this new plan, most 800 MHz public safety licenses are reconfiguring their systems to operate on new assignments in the 800 MHz band, with some of the cost of the reconfiguration being paid by the Sprint/Nextel Corporation. This must be accomplished by January 2013, after that licensees not complying will be in violation of the FCC's rules and could be subject to FCC enforcement action, which may include admonishment, monetary fines, or loss of license. The Montgomery County Commissioners must make a decision on this matter in the very near future. There are three alternatives: 1. Have public safety agencies stay with the radio systems that they currently have. Most of these systems are analog, deteriorating, and parts are hard to find because Motorola is no longer making or supporting these models. These systems will eventually fail and will not meet compliance. There are still a lot of police departments operating under this system; we are not one of them. 2. Have public safety agencies move from analog radio systems to digital. Reband these radio systems to compliance and give the Montgomery County Commissioners more time to decide what they want to do in near future. Sprint/Nextel will be paying for this. Currently all of our radios are digital, this is where our police department would fit in. 3. Upgrade the entire infrastructure which includes: 10 additional towers, upgrading 20 current towers, upgrading the entire backbone of system, and requiring municipalities to pay for the new radios to operate on the new/upgraded system. This affects every police department and public safety agency in Montgomery County. This proposed upgrade will cost an estimated 48 million dollars. 17 million dollars of this estimated cost will be for the purchase of the new radios to operate on the new/upgraded system. In mid-June the Montgomery County Commissioners sent out a questionnaire to all municipalities in reference to whether they are in favor of the upgrade, and if so, the number of radios each municipality will require, how those numbers might be staggered over a 3 year phase in period and whether the municipalities would like to purchase them outright with the municipalities funds or lease them from the County for about \$850.00 each annually over a 10 year period. The Montgomery County Commissioners would also like each municipality to adopt a resolution letting the Montgomery County Commissioners know the Municipality's preference. All of this is to be returned to the Montgomery County Commissioners by August 1, 2011. In September 2011 a recommendation will be made to the Montgomery County Commissioners based on these questionnaires/resolutions which in turn will be voted on the Montgomery County Commissioners at a later date. As of now, it appears that only option #2 & #3 are in play. Should the Montgomery County Commissioners vote for option #2 we will bear no cost of

re-banding what we have. Should the Montgomery County Commissioners vote for the new/upgraded system we will need to make a decision at a later time as to the purchase or lease of these new radios. As of now the Board needs to make a decision on whether or not they are favor of the upgrade. The Board needs to adopt/approve a resolution in regards to their decision and complete the questionnaire. I will be able to entertain any questions from the Board on this matter. Mr. Markofski stated that for the record he has reviewed the resolution. Mr. Ziegler asked Chief Templin what is his recommendation, Chief Templin replied that eventually the upgrades will have to happen; we would have 10 years to pay on it or lease the radios. Chief Smith commented to keep in mind that this is just Chief Templin's cost this does not include the cost to the Emergency Services stating that rebanding will be no cost to the Fire Company or ambulance. Mr. Turner commented that more information is needed on this, if you can't talk to the emergency services what good is it. Rebanding will be absorbed by Sprint/Nextel Corporation and will buy time. The Board agreed that rebanding will be the way to go to buy some time to get more information on the upgrades.

A motion was made by Mr. Turner, seconded by Mr. Ziegler to approve Resolution No. 071811-01 That an order of the Federal Communications Commission, the County of Montgomery's rebanding of the frequency used in its public safety communications is required, the County has agreed to undertake that rebanding, and at this time, no upgrade should be pursued. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

As many of you are aware, on July 2, 2011 our officers were dispatched to an address on Renninger Road in which five people were shot. Three of those people that were shot died as a result of their injuries, one of which was a two year old child. Through a collaborative effort we were able to track down the shooter, which ended in his demise. Incidents such as these can become quite chaotic and are always filled with stress and emotion. The Chief first and foremost thanked all of his officers, they were called in the middle of the night and worked long hours with little sleep until this incident was resolved and also publicly thanked a list of agencies that responded to the scene or had a hand in the investigation, bringing it to a quick resolution. Counseling services were provided to the Officers by the Montgomery County Critical Incident Stress Management team (CISM) and I would like to thank them for coming out. Thank you letters were sent out to all the agencies mentioned. The Chief stated that he will be on vacation from July 22, 2011 until August 1, 2011. Detective Boughter will be in charge of the police department while I am away. I will give the Board his contact numbers should something arise while I am away. Mr. Ziegler asked if there were any questions for Chief Templin. Mr. Theil commented that with the incident on Renninger Road he personally appreciates the work that the police department has done, this is why you need a good police department. Mr. Ziegler commented that Montgomery County was very impressed with the manner in which the officers conducted themselves and thank you for a job well done.

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

Garry Schmoltze presented the Ambulance Report

Mr. Schmoltze stated that for the month of June there were 88 calls. They have a 60 second response time. They are currently involved with a public service child with special needs for a chairlift. Seven volunteers were brought aboard this month and there are two more volunteers as of tonight. Mr. Ziegler stated that Hillcrest Village called him and told him that they have a chairlift available from someone that recently vacated Hillcrest Village and he will get back to Mr. Schmoltze with more information. Mr. Ziegler asked if anyone had any questions or comments. Mr. Theil commented that the changes are for the better at the ambulance company.

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

Mr. Haddad presented the Trustee's Report

Mr. Haddad stated that Chief Smith has informed him that litigation will be served on Friday. Mr. Haddad made several calls on this matter and was told each time that no one knew about the litigation. He also stated that if there is anything with Fire & Rescue and No.1 lets talk about it now and not in the paper on Friday. No one replied.

Ron Ebert presented the Gilbertsville Fire Co. No.1 Report

Mr. Ebert stated that the litigation is to return assets and property to Fire Company No.1. Now he has heard it will be called Douglass Township Emergency Services. Mr. Ziegler commented that Mr. Bartle is recovering from bypass surgery and the Lawyers will handle it when Bartle gets back and the Board will vote, Mr. Ziegler referred this matter to Mr. Markofski. Mr. Markofski stated that Mr. Bartle is the conflict attorney when it comes to fire company issues. Mr. Ziegler commented that there are rumors of missing money, the lawyers are handling it and it will be resolved. Mr. Ebert exclaimed “take it away, do what you want” and exited the room. Mr. Ziegler asked for comments or questions. Mr. Turner stated that this litigation is news to him and made it clear that No.1 and Fire & Rescue treat Mr. Haddad with the utmost respect and you owe it to him to tell him what you are doing; he has put a lot of his own time into this.

A motion to accept Gilbertsville Fire Co. No. 1 report was made by Mr. Turner, seconded Mr. Stasik. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Chief Smith presented the Gilbertsville Fire & Rescue Report

Fire report for June 2011: 2 fire, 3 fire alarms/CO2 alarms, 1 vehicle accident, 2 EMS assists, 5 fire police, 4 assists to other departments, and 4 special services for a total of 21 calls. The Fire Company was in service for 32 hours and 21 minutes. Members attended Sta. 332’s flag ceremony remembering Robert Seaman and Richard Kastle both were fire company members who were killed in the line of duty. Fire & Rescue supplied lighting for the police department’s safety check point. On July 2, 2011 after 10pm Fire & Rescue assisted to land a helicopter for the Renninger Road incident and diverted to remove victims and transport them to the hospital. This emergency call has caused much stress on some members. Chief Smith stated that he is proud of the services involved. No questions were asked.

A motion to accept the Gilbertsville Fire & Rescue report was made by Mr. Turner, seconded by Mr. Ziegler. Ziegler-Aye, Turner-Aye. Motion passed.

Mr. Robert 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) – Planning Agency supported the new plan concept for cluster development and open space. They will be reviewing an associated proposed ordinance change for discussion at their August meeting. Mr. Kennedy was present to represent Mr. Rosen and gave a brief summary of the cluster development concept proposal which would incorporate cluster development and an estate lot onto the property and provide 24 acres of usable open space to the Township that is adjoined by another tract of open space owned by the Township. This new concept would be subject to current storm water management requirements and Act 209 fees. If this was looked upon favorably they would then propose a zoning amendment to the cluster ordinance and add a definition of Estate Lot. The Board had some concerns with the possible zoning amendment citing that this will lead other development in the cluster development when this was zoned 2 acre zoning. Mr. Link pointed out that there are no proposed developments on the books in this area so anything new must conform to 2 acre lots. The opinion of the Board is that this new plan concept has more value. Mr. Turner added that they must conform to the current cluster ordinance.
4. 400 Gilbertsville Road – Conditionally approved at the May 16, 2011 Supervisors meeting. Final plans and financial security request have not been received.
5. Hoffman Subdivision – Received sketch plans for 114 lot subdivision, with 17 lots all or partially in Douglass and the remaining lots in Washington Township. Prepared review letter dated June 28, 2011, revised July 5, 2011. Planning Agency is evaluating zoning concerns and will offer an opinion to the Township at a future

date.

6. Windemere Subdivision – Completed final stabilization.
7. Cobblestone Crossing-Phase 3- Purchased by Beazer. Residential construction on-going.
8. Smith Road Bridge – Bridge culverts and 3 of 4 wing walls installed. Had to relocate water main to allow installation of final wing wall. Road subgrade in place. Preparing for bridge curb and guiderail installation. General Permit application has been prepared for removal of gravel bar. Request for release of escrow No. 2 has been reviewed and release is recommended in the amount of \$385,757.88 as requested. The approximate completion time for the bridge is less than 2 weeks, 83% is complete on the bridge and 16-1/2% is being held in escrow approximately \$260,000.00 remaining. The Board questioned if there was enough held in escrow for the bridge and asked for a staff meeting between Nick Conti, Bursich, Mr. Markofski, Treasure Cindy O'Donnell, Bob Campbell, Supervisor Stasik, and Peter Hiryak to be scheduled as soon as possible to establish the remaining escrow amount and any outstanding issues pending this release. The Manager agreed to set up the staff meeting.

A motion was made by Mr. Ziegler, seconded by Mr. Turner to release the Engineer's recommended amount of \$385,757.88 contingent upon the results brought forth in the staff meeting for the amount remaining in escrow is enough to cover the cost of the bridge. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

9. Market Street – Currently being evaluated by MCPC and Traffic Engineer. Workshop to discuss potential financing prior to August Planning Agency Meeting.

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

Mr. Markofski presented the Solicitor's Report.

Hearing for Ordinance 2011-02 – The Township will consider the adoption of an ordinance amending the zoning map at the request of St. Luke Knolls, Inc. to rezone portion of the R-2 Zoning District to IN – Institutional Zoning District, said area being located north of Route 73, West of Wilson Avenue, and immediately North of Knoll Lane, being a portion of Block No.036, Unit #013, Parcel No. 32-00-0007686-00-2. If this is acceptable to the Board, a motion and vote will be required in order to approve Ordinance 2011-02. Mr. Markofski read the entire ordinance and stated that the public hearing was advertised in the Pottstown Mercury on July 5th, and July 11, 2011. The manager stated that letters were sent to the parties concerned and a copy of the ordinance is in the Township lobby and the Pottstown Mercury for public review. Mr. Stasik commented that since he serves on the Board at St. Luke Knolls he will recuse himself from voting on this issue. Mr. O'Connell was introduced as the representative for St. Luke Knolls and provided the background for the acquisition and future use of this property. Mr. O'Connell commented that St. Luke Knolls provides independent living for senior citizens, they are a 40 unit facility in high demand, they have a waiting list of 120 people and there is a 3-4 year waiting time. They applied for a grant for the tract of land; however construction of additional units probably will not be able to happen for some years. In order to apply for future grants we must provide proof of zoning for senior citizen housing. St. Luke Knolls fully intends to go through the land development process as far as construction in the future and amending the zoning map has been approved by MCPC and the Pottstown Regional Planning Commission. Mr. Markofski invited the public to give comments or questions, no one replied. Mr. Aston gave a brief summary of the zoning map change and commented that the annexed property will be serviced by public sewer and a private community water system. Chief Smith asked how many units do you foresee. Mr. Stasik said that it appears that seniors don't use open space so something might be constructed differently, they are really still doing research as to how many units or possibly some type of units under one roof with air conditioning throughout. Mr. Ziegler stated that this is something that the community needs, we are

limited to their needs with only 40 units available and 120 on the waiting list. Mr. Hunter asked how long residents must live in the Boyertown Area; Mr. O'Connell replied that they must live in the Boyertown School District.

A motion was made by Mr. Ziegler, seconded by Mr. Turner to approve Ordinance No. 2011-02 for an amendment to the zoning map to approve a portion of the R-2 Zoning District to IN-Institutional Zoning District parcel number 32-00-0007686-00-2 Block No.036, Unit 13. Stasik-Abstain, Ziegler-Aye, Turner-Aye. Motion passed.

John Aston represented the Alburger/Blackmore Sketch Plan located at 211 Papermill Road, commenting that it is a natural lot line revision. Mr. Markofski will review the revised deeds and Mr. Aston will provide the Board with the developed final plans for approval.

Request for variance of Tom Lorah Auctions, LLC

You may recall that the Board requested the undersigned to voice the Board's opposition to a use variance requested by Tom Lorah Auction, LLC where the applicant was proposing a public auction business be moved into an existing non-conforming commercial building located at 429 Hoffmansville Road (formally Pine Tree Deli). The hearing took place on June 28th at 7:00 pm. Many of the Board's concerns were demonstrated as valid during the course of the hearing. It was apparent that insufficient parking existed on the asphalt to accommodate the crowds which were expected for an average auction. The applicant was conservatively anticipating 100 to 150 attendees. Although parking on the grass was being proposed to address the overflow, there was no approved design for ingress and egress. The building had not been modified to address safety concerns for larger crowds. It was apparent that the auctions would generate noise and light until 8pm. The grounds for a special exception were not present in that the additional parking constituted a significant expansion of the commercial use of the property. The zoning hearing board did, however, find that: the special exception was denied but the Board found hardship; the applicant was permitted to establish an auction house but would have to conform to any conditions set forth by the Montgomery County Department of Health and the Pennsylvania Department of Labor and Industry especially as to the maximum number of occupants; an engineering study and a traffic study as to the configuration and size of the parking facility would be required; water runoff would have to fully conform with Township and government regulations; fencing would be required between neighboring properties; no more than 3 auctions a week; no auctions on Sunday; auctions to be held indoors; cleanup to be no later than 9:00pm; parking signs at the expense of applicant. Although the zoning hearing board approved this application under the hardship exception, this finding is questionable. I believe that grounds exist for an appeal. The Board must advise as to whether an appeal will be filed on behalf of the Township. Mr. Ziegler asked if there was any objection by residents, Mr. Markofski stated one resident had concerns about the noise and wanted a buffer. Mr. Ziegler stated that he received a call and that he believes they will be withdrawing the application. No other questions were asked.

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. Stasik, seconded by Mr. Ziegler. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Mr. Duncan presented the Recycling Report

Month of June/July: 1 load of cardboard was taken to Reading, 4 loads of light iron were taken to Pottstown. The Chipper was out to 1 residence for curbside chipping this month. I have put together a proposal for new curbside chipping guidelines, are there any questions or comments about what I put together? I would like to move forward to make these new guidelines part of our chipping program. Mr. Ziegler tabled the chipping guidelines until next meeting.

Mr. Theil commented that he looked at the guidelines and \$50 is not enough money to go out to residences and chip up brush, Mr. Duncan replied that due to the economic conditions he did not want to increase the fee. Mr. Duncan stated that the chipping is completed and that we now have more mulch available. I received notification on Friday that Douglass Township will be receiving a check for \$43,164.00 from the Department of Environmental Protection for calendar year 2009 recyclable tonnages. We should receive the check in 9-12 weeks. No questions were asked.

A motion to accept the recycling report was made by Mr. Stasik, seconded by Mr. Ziegler. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Mr. Heydt presented the Highway Report

June 21, 2011-July 18, 2011 – Added millings to west side of Hoffman Road and about 500 feet of the beginning of Stone Road on the Green Hill side for dust control. Fixed bad spots on Green Hill, Miller, and Paper Mill roads. Installed signs on open space as per instructions. Repaired potholes on Swamp Creek, Lone Pine, Thrush, and Smith Road. Repaired track on blacktop box. Repaired dirt roads from heavy rainstorm. Cleaned stones and leaves from inlets throughout the Township. Mowed open space field off of Merkel Road.

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

Mr. Heydt presented the Zoning Report

Mr Heydt stated that 3 house permits, 3 large permits, and 21 small permits were issued for May 2011 for a total of \$5,995.70. No other questions were asked.

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

Cynthia O'Donnell presented the Treasurer's Report.

1. Authorization to pay the bills. The unpaid bills totaled \$156,414.71. The unusual bills were Boyertown YMCA, Chemung Supply, Graber Letterin, Hawk Valley Farm, Herbein, PA UC Fund, Rebecca Zern for taxes, Tee's Plus, and Underwriter Inspection Service.

A motion for authorization to pay the bills was made by Mr. Turner, seconded by Mr. Stasik. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Interstate Waste Services is the new vendor name for the Western Berks Community Landfill. IWS of Eastern PA Collection is the new vendor name for Ches-Mont Disposal. Our electric supplier has been switched to Palmco Power. We are now paying .0743 per KWH as compared to the Met-Ed price to compare of .0893. the General Fund income for 2011 to date is 3% (\$56,062) ahead of last year's income to date. The increase is attributable to Local Enabling Taxes, specifically Real Estate Transfer Tax and Earned Income Tax. We received thank you letter for our contributions from the following: the JK Boyer Boyertown Community Library, Visiting Nurse Assoc of Pottstown & Vicinity, and the Gilbertsville Area Community Ambulance Service. We received a quote from Herbein & Co. for continuation of audit services for three years. The fees quoted are very comparable to the fees we paid for past services. The PennDot Winter Traffic Services Agreement for 2011/2012 was accepted. The rate is approximately \$100 higher than 2010/2011. We received the award letter from the PADEP for the approval of our Recycling Performance Grant in the amount of \$43,164. We can expect to receive the award within the next 9-12 weeks. The award is for calendar year 2009. Copies of the necessary budget amendment were given to the Board for review. No other questions were asked.

A motion was made by Mr. Turner, seconded by Mr. Stasik to approve the necessary budget amendment for projected spending for 2011, with all known facts at this time. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

A motion to accept the Treasurer's Report was made by Mr. Turner, seconded by Mr. Stasik. 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 Workshop, Rt.100 Corridor, Thursday, August 11th @ 6pm and Planning Agency Meeting @ 7pm. Open Space/Rec Committee Monday, August 15 @6:30pm and Board of Supervisors Meeting @ 7:30pm.

The Manager stated that Superior Water has requested at this time that the fire company not use the fire hydrants in their training sessions. Chief Smith acknowledged that they have not been using hydrant water for training; they fill the tanker when water is needed for training. Also the manager stated that he would like authorization from the Board to request fire police assistance, closing the road, and for insurance for Bike Night scheduled for August 20th, 2011.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to authorize the Manager to request assistance from the fire police, closing the road, and requesting insurance for Bike Night scheduled for August 20th, 2011. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

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

Public Comment

No public comment was made.

Old Business or New Business

Mr. Ziegler requested the names, addresses, and emails of all elected auditors; the manager stated that he will make sure Mr. Ziegler receives that information. No other comments were made.

A motion to adjourn the meeting at 9:43pm 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, August 15th, 2011 @ 7:30 pm.

Respectfully submitted by,

Marcy Meitzler