

BOARD OF SUPERVISORS
November 14, 2011

The meeting of the Douglass Township Board of Supervisors was called to order at 7:37 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 41 residents.

Mr. Ziegler led the Pledge of Allegiance.

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

Mr. Ziegler asked if there were any changes or corrections to the minutes of November 7th, 2011 Board of Supervisors Meeting. No one replied.

On motion by Mr. Turner, seconded by Mr. Stasik, the Board approved the minutes of the November 7th, 2011 meeting. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Mr. Ziegler asked if there were any changes or corrections to the minutes of November 14th, 2011 Budget Meeting. No one replied.

On motion by Mr. Stasik, seconded by Mr. Turner, the Board approved the minutes of the November 14th, 2011 Budget Meeting. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Mr. Markofski announced that there was an Executive Session at 6:00pm tonight addressing the police contract and negotiations and it looks favorable for a proposal to approve a contract.

Chief Templin presented the Police Report

October 2011 Statistics: 364 incident reports, 3 vacation notices, 1,449 business checks, 12 reportable accidents, 11 non-reportable accidents, 27 criminal investigations, 8 criminal arrests, 89 traffic citations, 10 non-traffic citations, 11 parking tickets, 7,312 miles traveled. Money received \$4,595.74. Chief Templin announced that we participated in the L.G.S. Drill. Everything ran smoothly. He thanked everyone who came out. On 11/17/11 we held our DARE Graduation Ceremony for the Washington Elementary School and on 11/18/11 we held our DARE Graduation Ceremony for the Gilbertsville Elementary School. Chief Templin announced that this will probably conclude the DARE Program. Since Detective Boughter is leaving there is no one qualified for DARE instruction.

Mr. Theil stated that the funding for DARE was cut by the state; Chief Templin agreed that the state cut funding for the program however we received donations to keep the program afloat. We will continue to look for ways to keep it going. Mrs. Norton asked if the letter was sent to Officer Poux on becoming a fulltime officer, Mr. Ziegler commented that we are waiting for the police contract to be settled. A resident asked the Chief when speed enforcement will happen on Gilbertsville road, cars are flying down that road. The Chief replied that now that construction on Gilbertsville Road has ended we will get someone out there to track speeding. No other questions were asked.

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

Garry Schmoltze Sr. presented the Ambulance Report

Mr. Schmoltze stated that for the month of October 2011 there were 112 calls: 72 patients were transported, 16 cancellations, 19 refusals, 3 expired on scene, and 1 transferred to flight service Mid Atlantic Medevac. 48 calls for Douglass Township, 29 calls New Hanover, 13 Boyertown Borough, 3 Colebrookdale Twp, 4 Pennsburg, 4 Pottstown, 3 Upper Frederick, 2 Bally Borough, 2 Red Hill, 1 Bechtelsville, 1 Springfield, 1 Upper Hanover, and 1 Washington Twp. Participated in a disaster drill at Philadelphia International Airport – Crew did come upon a motor vehicle accident on the blue route where they treated the patient and then were asked to transport the patient by the responding medic unit from Delaware County. Participated in the Borough of Boyertown Halloween Parade. Grant from Boyertown Community Foundation was denied – 2nd application. Applied for grant through Homeland Security waiting to hear if we it will be granted. Total applied for was \$32,000 for two new power litters. Applying for grant through Pennsylvania State Fire Commissioner’s Office. We are applying for three EZ-IO gun kits. Grant was approved, waiting to see how much funding we do receive from the state. Montgomery County Ambulance Association applying for professional development grant. Grant will be written by firehouse grants of Cheltenham PA. the cost would be \$150.00 per squad; so far besides GACAS 11 other Montgomery County EMS agencies are interested.

Received application to apply for EMSOF Grant funding for 2011-2012 must be submitted on/before December 28, 2011. Boyertown Lions Club has gone down to one ALS truck 24/7 and we have increased staff on days needed, tracking progress of the program. Working with Gilbertsville Fire/Rescue that when we are covered on a call by another squad that they be dispatched so there is not lack in response time or care. Looking into process for accreditation for our squad. It is gold standard of excellence if we can become accredited. Only one agency I know of in the area that is accredited is Centronia in Allentown. I have applied for the application. No questions were asked.

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

Dana Eichert, the Executive Director for Boyertown Multi-Service, announced that Montgomery County does not provide funding for Boyertown Multi-Service and therefore asked the Board to consider increasing its current contribution amount of \$6,000 for 2012 because many Douglass Township residents use the services. Ms. Eichert stated that currently the food pantry is doing very well but usually by February they will be in need of more food items. The Board would consider her request.

No other questions were asked.

All County and Associates presented a brief review of the Sterner 2-Lot Minor Subdivision on Renninger Road. Both lots would remain in the preserved farmland area. Lot 2 will be sold in order that the farm remaining on lot 1 can continue to function. The Board asked Mr. Campbell if he reviewed the plan, Mr. Campbell replied that he has reviewed the plan and he has no issues with it, it does not impact Douglass Township. All County stated that MCPC and the Planning Agency approved the plan.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to approve the Sterner 2-Lot Subdivision plan presented by All County and Associates. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

Charles Haddad presented the Trustee’s Report – BUDGET -The budget for 2012 will be prepared by me and presented to the members of GFC at their next membership meeting on December 13, 2011.

The budget is really the business plan and is useful in seeing where actual performance is in relation to the projected amount which is the budget. I find the current manager Phyllis responsive to the financial performance and I believe with more time together we can improve the financial performance of GFC. PULL TAB LAW CHANGE – The PA state legislature has passed a new law to change the Small Games of Chance which will permit an increase of prize money for the pull tab. The current maximum amount of a winning ticket will be increased from \$500 to \$1,000 and the 7 day maximum cumulative amount paid is increased from \$5,000 to either \$25,000 or \$30,000 depending on whether the house or senate version of the bill is passed. When this change of daily and weekly amount was discussed before in the house and senate, there was to be a tax on profits as an offset to the change of the law. I saw Sen. Rafferty at a banquet at the firehouse on Sunday and he said there will be no tax on non-profits or fire companies. I need to review the legislation as proposed to determine whether there will be an impact on Bingo. ELECTIONS – GFC No. 1 had their company elections on November 15, 2011 with the incumbent officers re-elected. It was a contested election with opposing slates of officers. Terry Sacks will be the president for the next two years. INTERNAL OPERATION OF GFC#1 – For several years there has been friction between GFC#1 and F&R and I believe a period of mutual cooperation is developing with President Terry Sacks and Chief Rick Smith being able to discuss and agree to a course of action. Unfortunately, there now exists an internal problem within GFC#1 in that there is a group that believes the operation of GFC is not what it should be and as a group they have created an atmosphere and condition of discontent and friction that if it continues will be detrimental to the operation of GFC. The election has been held with Terry Sacks as president and Phyllis Kerr as manager. If there are disagreements as to the operation of the social hall and bar, those complaints should be brought to me or to the monthly membership meeting. There cannot be a continued undercurrent of discontent spread through the social room. If that continues there will need to be removal of members according to the by-laws. FUNDRAISING EVENTS – GFC is working with Cindy to assure that all fundraisers as carnival, bike night, yard sales and any other event to raise money be fully reported on the books and records of the company. I have not been as forcible on this as I should but all parties are now on notice that there needs to be full disclosure. The Bike Night is the event that is currently behind in reporting their results. I shall keep you informed. Mr. Ziegler asked if there were any questions, Mr. Ebert asked Mr. Haddad if he voted in the last fire company meeting. Mr. Haddad replied that this is not an issue for this meeting however yes I did, I attended the five meeting requirement in order to be eligible to vote. Mr. Theil thanked Mr. Haddad for hanging in there with the fire company, it is a thankless job. Mr. Ziegler asked the manager if we spent any money and how much money was spent by the Township on the conflict lawyer. The manager replied \$4,000. Mr. Nivitsky questioned the eligibility of sign in sheets; Mr. Haddad replied that this is a question for the fire company meetings not for this Board, but the sign in sheets would be made available. Mr. Hiryak stated that it is wrong for GFC members to expect the Township to get involved with matters that should be discussed at the fire company meetings. No other questions were asked.

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

Terry Sacks presented the Gilbertsville Fire Co. No.1 Report

Mr. Sacks commented that five functions were held at the fire company and they went very well, we had lots of compliments on the food. We have booked a comedy act, craft show, Elvis and we are booked. Thanksgiving dinner is open to the public and later this month Santa will be here for the kids. The \$2,333.00 for Bike Night was split between the F&R and GACAS, GFC will take nothing. Mr. Ziegler asked if there were any questions for Mr. Sacks, no one replied.

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 October 2011: 1 fire, 1 vehicle fire, 4 wires, 1 fire alarm/CO2 alarms, 3 vehicle accidents, 2 hazardous materials, 4 assists to other departments, and 3 investigations for a total of 19 calls. The Fire Company was in service for 13 hours and 26 minutes. October was Fire Prevention Month – participated in a vehicle rescue demonstration at Home Depot in Pottstown and fire prevention talks at Gilbertsville Elementary, Boyertown Children Center, Little Faces Learning Center, Goddard School, Growing Dreams, and the Boyertown YMCA. Santa will make a visit on December 18th. Chief Smith commented that last Tuesday the road was closed at Swinehart and Rhoads Avenue for the sewer upgrade project without notifying the Township, the road master and manager talked to the contractor and it helped. Chief Smith stated that this contractor is operating very unsafely. Mr. Ziegler asked Chief Templin to go out to Swinehart and Rhoads Avenue to talk to the contractor. Mr. Stasik questioned if any of the wire fires were due to the storm, Chief Smith replied yes. No other questions were asked.

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

Robert Campbell presented the Engineer's Report

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) – Staff meeting on November 15, 2011 to review layout and discuss potential concerns prior to developer going ahead with engineered plans.

4. 400 Gilbertsville Road – Conditionally approved at the May 16, 2011 Supervisors meeting. Sewer Planning Module received. Expecting to receive plans showing a revision to storm water piping locations. Should not be necessary to be returned for another Board review.

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. Cobblestone Crossing – Phase 3 – Purchased by Beazer. Residential construction on-going.

7. Smith Road Bridge – Bridge is open. Awaiting as-built drawings.

Mr. Turner asked if Mr. Conti will get working on the as-built drawings, how much money are we holding. The manager replied that we are holding \$5,000. Mr. Turner asked about having Mr. Campbell doing the as-builts, the manager stated that were we advised by the solicitor to have Mr. Conti provide

the as-built not the Township Engineer, because Mr. Campbell has the final review of the project. The Board asked Mr. Markofski to advise Mr. Conti of a January 1st, 2012 deadline for as-built drawings.

Mr. Campbell commented that there was a staff meeting for the Hallowell Tract which consisted of general comments to the layout. Received possible layout.

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.

Sewer Line Project Paving/BMMA – A letter was received from Keith R. Showalter, P.E., of System Design Engineering, Inc. regarding a meeting which was held on November 27, 2011 to review the paving on Gilbertsville Road by BMMA's Contractor, N. Abbonizio Contractors, Inc., Supervisor Stasik, and staff.

The meeting was held at PennDot's request. Nate McCollum of PennDot indicated that Gilbertsville Road is unacceptable and they cannot close out the permit for this work. He advised that the work could be redone in the Spring of 2012. BMMA has withheld funds for this work and will continue to do so. A pre-construction conference will be held in April or May 2012.

PennDot had specific instructions on how the road would be repaired which included re-milling and repaving. Restoration work on Virmay Drive was going to begin on November 28, 2011 according to the contractor.

Hallowell Tract Meeting – On November 15, 2011, a meeting took place with Supervisor Ziegler, Township Manager Hiryak, the contractor, and his experts, Township Engineer Robert Campbell, Planning Agency Chairman Tom Wynne, me, and others. The contractor was seeking an approval of the general design for his housing project. This was the same basic plan which had been circulated at the time of the zoning amendments covering this tract. The Township and its experts viewed the general design favorably. Questions were posed regarding the location of detention basins vs. open space, buffers and landscaping, and the location of a large well which Superior Water might be willing to construct for the development. The contractor was also interested in making progress on his unrelated project in the Route 100 corridor. Allocating costs for Market Street seemed to be an obstacle and the contractor requested an additional meeting to address Market Street costs and assessments. Mr. Ziegler stated that as far as Market Street is concerned there will be no taxpayers money used to construct Market Street. The manager will suggest to Mr. Rosen to attend the next Act 209 meeting.

Earned Income Tax Ordinance 2011-04 – Public Hearing - As you may recall from our October 17, 2011 meeting, a new income tax ordinance was proposed to comply with Act 32 and create a uniform tax enactment ordinance for the Berks Tax Collection District. Berks County is seeking to promote uniformity throughout the tax collection district and more cost efficient tax collection. The Ordinance before us tonight has been duly advertised and available for inspection. This is the form of the Ordinance which has been provided to us by the Berks County TCC Management. The tax rate will not change, simply the language of the Ordinance in order to simplify enforcement. Our Treasurer, Cindy O'Donnell is also present to answer questions regarding the proposed ordinance. Mr. Markofski stated that basically this is a wording change, and opted not to read the lengthy ordinance unless the public wanted it read, no one replied. No questions were asked.

A motion was made by Mr. Turner, seconded by Mr. Stasik to approve the Earned Income Tax Ordinance 2011-04. Stasik-Aye, Ziegler-Aye, Stasik-Aye. Motion passed.

Mr. Ziegler asked if there were any questions for the Solicitor, no one replied.

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

Mr. Duncan presented the Recycling Report

Month of October: 1 load of cardboard was taken to Reading. 3 loads of light iron were taken to Pottstown. The Chipper was out for two weeks as a free service to chip up tree limbs and branches that were damaged by the recent storm. The leaf program began October 24th and runs until December 2nd weather permitting, both vacuums are operating. Mr. Duncan announced that the Township received the Prop Award at the first meeting of the month. No questions were asked.

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

Mr. Heydt presented the Highway Report

November 8, 2011- November 21, 2011 – Chipping brush from storm damage for homeowners. Repaired ditch along Cross Road. Closed park for the season. Helped with leaf pick up. Cleaned EOC Room for EOC Drill. Participated in EOC Drill. Repaired signs. Repaired chipper. Cleaned up mower and removed it from tractor. Cleaned weed whackers for season. Mr. Ziegler asked if anyone had questions for Mr. Heydt, no one replied.

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

Mr. Heydt presented the Zoning Report

October 2011: Mr. Heydt stated that there were 4 large permits for \$4,282.30 and 4 small permits for \$342.70 for a total of \$4,625.00. Mr. Heydt supplied the Board with copies his Due Diligence Report. Mr. Ziegler asked Mr. Heydt if he checked into Mill Street and Wayside Chapel, Mr. Heydt replied at Wayside there was no more activity, one trailer of scrap is ready to haul away and there is no incoming material at the Mill Street address. Mr. Ziegler asked Mr. Heydt to stop and see Wayside.

Mr. Markofski asked Mr. Heydt what percent did he estimate Mr. Adams to have cleaned up at

the site, Mr. Heydt replied 10% removed and he was doubtful that this would be cleaned up by the end of the year. Mr. Heydt expects Mr. Adams to be half way by January of 2012. Mr. Markofski suggested continuing to make copies of Mr. Adams receipts from hauling and take pictures; it is a bad situation that needs attention. No other questions were asked.

A motion to approve the Zoning Report was made by Mr. Stasik, seconded by Mr. Turner. 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 \$157,799.12. The unusual bills were Boyertown Area

School District, Collinson Inc., First Precinct Uniform & Equipment Co, and Montco Fence & Superior Structures LLC. Douglass

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

The General Fund income for 2011 to date is 6.8% (\$186,480.64) ahead of last year's income to date. The increase is attributable to Local Enabling Taxes (\$92,062) and Building Permits (\$23,092), and State Shared Revenue (\$115,082). On November 4th we received a donation of \$1,000 from Washington Township to support the DARE program of Douglass Township. A 2011 budget amendment will be presented in December to address additional costs incurred over budget for certain line items. For 2012, our estimated assessed valuation is \$571,976,664. This compares favorably to our 2011 assessed valuation of \$571,840,664. The Treasurer went over the 2012 budget cuts from the meeting on November 14th, 2011 and with those cuts there is a deficit of \$14,000. The Board was in agreement with the proposed 2012 Budget with the appropriate cuts and using accumulated surplus to cover the deficit.

A motion was made to tentatively adopt and advertise the proposed 2012 Budget and display for public inspection by Mr. Turner, seconded by Mr. Ziegler. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

A motion to accept the Treasurer's Report was made by Mr. Ziegler, 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: Act 209 Meeting Monday, December 5th @6:30pm – public invited, Board of Supervisors Meeting Monday, December 5th @ 7:30pm, P/A Workshop Thursday, December 8th @ 6pm – Renters Ordinance, P/A Meeting Thursday, December 8th @ 7pm.

2. Committee Volunteers – The manager commented that anyone interested in filling any vacancies on the Planning Agency (2), or the Zoning Hearing Board (1), or any committee, should send a letter to the manager for the Supervisors to review.

The Manager stated that Revitalization is complete and ready for final review at the December 5th Board of Supervisors Meeting. Mr. Ziegler asked if anyone had any questions for the manager, no questions were asked.

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

Public Comment

Mr. Sell commented that with the police contract being pretty much settled, Mr. Theil's comment, in spite of his negativity about having to pay a labor attorney/arbitrator to stand by for several hours, was apparently beneficial in solving the contract issue. Mr. Sell wanted it noted in the minutes that he was not in agreement with the statement that Mr. Theil made.

Old Business or New Business

Mr. Turner stated that as far as the Danny Jake issue is concerned, everyone on the Board approved the plan and it was not going to be cheap. The committees should be aware that the road should be able to get people out to Route 100, there is no by right here. No other old business/new business was discussed.

A motion to adjourn the meeting at 9:02pm was made by Mr. Turner, seconded by Mr. Stasik. Stasik-Aye, Ziegler-Aye, Turner-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, December 5th, 2011 @ 7:30 pm.

Respectfully submitted by,
Marcy Meitzler