

The meeting of the Douglass Township Board of Supervisors was called to order at 7:30 P.M. Attending were Chairman Fred Ziegler, Supervisors John Stasik and Fred Theil, Robert Campbell, Chief Templin, Cynthia O'Donnell, Mike Heydt, Pete Hiryak and approximately 26 residents.

Mr. Ziegler led us in the pledge of allegiance.

Mr. Ziegler announced that Charles Markofski, the Solicitor for the Board of Supervisors, and James Markofski, the Solicitor for the Planning Agency, have resigned. The firm of Garner and Bauer have been appointed.

A motion was made by Mr. Ziegler, seconded by Mr. Theil to appoint the firm of Garner and Bauer as the Solicitors for the Board of Supervisors and the Planning Agency. Stasik-Aye, Ziegler-Aye, Theil-Aye. Motion passed.

Mr. Paul Bauer was asked to take his seat as Solicitor. Mr. Ziegler announced that there was an executive session this evening prior to the start of the Board of Supervisors Meeting to discuss the resignation of both Solicitors. There was also a public Open Space Committee meeting regarding hunting on Township open space property. Mr. Ziegler announced that there will be No Hunting on the Keller Woods Open Space property due to safety issues and concerns.

Mr. Ziegler asked if there were any changes, corrections, or comments on the minutes of January 3rd, 2012 Board of Supervisors Reorganization Meeting, no one replied.

On motion by Mr. Theil, seconded by Mr. Stasik, the Board approved the minutes of the January 3rd, 2012. Stasik-Aye, Ziegler-Aye, Theil-Aye. Motion passed.

Ambulance Report – Warren Moser

Mr. Moser presented the Ambulance Report for Chief Garry Schmoltze who is resting after his surgery, and at this time Deputy Chief Edward Wood is the Acting Chief until Mr. Schmoltze will be back in service. The total number of calls for the month of December was 139. Total calls for the year 2011 was 1,171; Douglass Township was 502 calls for 2011 or 42.87% of the calls. The 2012 GACAS Memberships are available. Please feel free to stop at the office Monday-Friday 8:00am – 3:30pm or you can call (610)367-9191. Mr. Ziegler asked Mr. Moser to wish Mr. Schmoltze a speedy recovery. No other questions were asked.

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

Police Department Report – Chief Templin

Statistics for December 2011 – 399 incidents reported, 14 reportable accidents, 15 non-reportable accidents, 33 criminal investigations, 9 criminal arrests, 241 traffic citations, 13 non-traffic citations, 22 parking tickets, money received by the Township \$12,391.97. Chief Templin stated that we initiated three new programs: the Douglass Township Intern Program, Drug Take Back Initiative Program, and our Trick or Treat Bag Program. A list of other programs and schooling can be found in the report as well. There is a further breakdown of other statistics in the report as well. Mr. Ziegler asked Chief Templin why we don't have Tasers, the Chief replied that it is the first thing axed in the budget. Mr. Ziegler instructed the Chief to purchase 2 Tasers and also check into the cost of an Assault Rifle. Mr. Ziegler stated that the crimes are turning more violent and we need the tools to protect our police so they are prepared for anything that could happen. Chief Templin stated that he will look into purchasing the Tasers and what the cost for an assault rifle would be. Chief Templin stated that Lower Frederick Township has made an application to become a member of the Ches-Mont Emergency Response Team otherwise known as CMERT. On January 3, 2012 Lower Frederick passed an ordinance authorizing the execution of an addendum to the CMERT Cooperative Agreement. The next step in the process is for each municipality to enact a resolution to become a signatory of the foregoing addendum to the CMERT Cooperative Agreement accepting Lower Frederick Township as an additional member of CMERT. I have taken the liberty of preparing the resolution authorizing me to execute the Cooperative Agreement Addendum dealing with the

addition of Lower Frederick Township to CMERT. Solicitor Bauer stated the resolution is in order and ready to be voted upon. New Hanover Township has already approved this same resolution.

A motion was made by Mr. Ziegler, seconded by Mr. Theil to approve a Resolution giving Chief Templin the authorization to be a signatory of the foregoing addendum to the CMERT Cooperative Agreement accepting Lower Frederick Township as an additional member of CMERT. Stasik-Aye, Ziegler-Aye, Theil-Aye. Motion passed.

Mr. Kuklinski asked the Chief how many officers does he have, Chief Templin replied 8 full time officers and 2 part time. Mr. Kuklinski stated that he is an acting Police Chief and two tasers are not enough for those officers and you also need assault rifles and gives his full support to purchase 2 assault rifles. He also stated that they recently purchased tasers through the Costars program and they were approximately \$700.00 a piece.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to authorize Chief Templin to purchase (3) Tasers and (2) Assault Rifles for the Police Department. Stasik-Aye, Ziegler-Aye, Theil-Aye. Motion passed.

Chief Templin announced that Officer Werner has indicated his intentions to end his employment here with the Douglass Township Police Department on January 31, 2012. This is a mutual agreement between the Township and Officer Werner. I want to thank Officer Werner for all his years of service to the Douglass Township Police Department. Mr. Ziegler commented that when he retired as Chief he had 15 Police Officers, now you only have 8 full time and 2 part time. Chief Templin asked to move his 2 part time officers to full time; Officer Dalbey is well qualified in accident reconstruction and commercial vehicle investigations. Officer Dalbey would not require insurance coverage until possibly January 1st, 2015 also Officer Ziegler would not require insurance coverage at this time. No questions were asked.

A motion was made by Mr. Theil, seconded by Mr. Stasik to hire Officers Dalbey and Ziegler as fulltime employees under the stipulation that when their current health insurance coverage expires the Township will make provisions for health/dental insurance coverage to be available to them. Stasik-Aye, Ziegler-Abstain, Theil-Aye. Motion passed.

A motion to accept the police department report was made by Mr. Theil, seconded by Mr. Stasik. Stasik-Aye, Ziegler-Aye, Theil-Aye. Motion passed.

Recycling Report presented by Andrew Duncan

For month of December 2011/January 2012 – 1 load of cardboard was taken to Reading, 3 loads of light iron was taken to Pottstown. The chipper was out to 2 residences for curbside chipping this month; 1 exempt from payment, the other was charged. Tub grinding bids were received from three companies; Hopewell Trucking & Excavating being the low bidder at \$4,500.00. I have hired them to come in and grind up the brush and leaf piles, they should start sometime next week. The bids were: Hopewell \$4,500.00, Hawk Valley \$6,250.00 and W R Friel \$7,500.00. We have now started using our new electronics recycling company called WeRecycle, this company provides us with containers and receptacles for us to separate and load. They will not be charging us for a container rental, and they will be paying us per pound for items that are collected rather than Douglass Township paying to dispose of collected electronics. The 2011 Stats are: 88.006 tons of corrugated cardboard, 41,360 pounds of electronics, 51 propane cylinders, 3,000 yards of mulch produced from yard waste and leaves, 46.34 tons of paper recycled for an income of \$514.00, 611 cases of trash bags sold, 1,573.49 trash tonnage, 137 freon units recycled, 775 bulk waste stickers sold, mulch sales generated an income of \$6,414.00 which helped with the cost of tub grinding, and curbside chipping generated \$200.00. Ches-Mont received 7.25 tons in commingled material, 662.97 tons of single stream material. Ches-Mont Disposal recorded a less than 3% residue on items that were collected curbside. 2011 Highlights were; Township extended the trash bag manufacturing contract for one additional year, with the option to extend up to three additional years on a year to year basis. Received Honorary Professional Recyclers of Pennsylvania Waste Watchers Award for excellence in recycling for calendar year 2010. The recycling department currently operates with four part-time employees and one recycling coordinator. The part-time employees can work up to eight hours per week. The recycling department maintains seven

pieces of equipment which include two leaf trucks, one chipper, two leaf vacuums, one Kubota Trachoe and one Case Skidsteer. Mr. Stasik complimented Mr. Duncan on a job well done. No questions were asked.

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

Engineer's Report – Robert Campbell

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)-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. Received revised plans and storm water calculations for relocation of outfall on January 17, 2012. Pennoni will review revisions.
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 Commission is evaluating zoning concerns and will offer an opinion to the Township at a future date.
6. Berwind II – Received preliminary plans for 71 residential units. Prepared review letter dated December 5, 2011. Met with the Developer's Engineer on December 22, 2011 to review storm water design. Will be discussed at the next Planning Commission Meeting.
7. Clover Hill – Staff meeting held on January 11, 2012 for project originally submitted in 2004. Property spans Washington Township and Douglass with 17.5 acres in Douglass Township. Douglass Township portion is zoned R-1 and was originally submitted as a 13 lot subdivision. Developer now proposing to resubmit as a 3 lot subdivision with 2 lots as flag lots and a single access driveway off Niantic Road. Mr. Campbell stated that zoning requires each flag lot to have a conforming lot in front of it. Solicitor Bauer stated that Clover Hill is in litigation and should not be discussed in further detail; it could be discussed further in executive session if the Board wishes. It was Mr. Bauer's recommendation to send it to the Planning Agency to be discussed in executive session by the Developer and the Planning Agency.
8. Cobblestone Crossing-Phase 3- Beazer. Residential construction on-going.
9. Smith Road Bridge – Awaiting as-built drawings. Developer and Surveyor have agreed to have the Township pay for as-built preparation from the remaining escrow funds. Still working on getting a schedule from the Surveyor.
10. East Philadelphia Avenue and Congo Road – PennDot has offered to perform a traffic count and prepare recommendations for retiming provided the Township implement the recommendations. We support retiming of the light in order to improve traffic flow on Philadelphia Avenue.

Mr. Stasik asked if it is a timing problem or a sensory problem, Mr. Campbell replied that presently it is a sensor that changes the light when a car crosses its path. Mr. Heydt stated that the light at that intersection was just changed to an LED light so it might just be a timing change and maybe adding some cameras. Mr. Stasik and Mr. Theil had some concerns of the cost involved with the possible recommendations. The Board asked Mr. Campbell to get more information and possible costs involved in the traffic count and possible recommendations. No other questions were asked.

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

Mr. Ziegler stated at 8:13pm that the Board will convene for an Executive Session concerning the Fire Company.

The Board reconvened at 8:28pm, Mr. Theil stated that Mr. Haddad will continue with his understanding of the relationship of Fire Company #1 and Fire and Rescue, I made some suggestions that may have been misunderstood.

Mr. Ziegler was not feeling well and turned the Chair over to Vice Chairman Stasik, and excused himself from the meeting at 8:33pm.

Fire & Rescue Report presented by Chief Smith- Fire report for December 2011: 1 brush/trash fire, 1 wire, 2 fire alarms/CO2 alarms, 4 vehicle accidents, 1 vehicle rescue, 1 EMS assist, 7 fire police, 5 assist to other departments, and 1 investigation for a total of 23 calls. The Fire Company was in service for 20 hours and 11 minutes. Chief Smith commented that the Fire Company delivered Santa Claus to the Goddard School, and members of F&R escorted Santa Claus throughout Douglass Township. The Firefighters Relief Fund that is for the safety and welfare of firefighters allowed gym memberships to be purchased from Final Results. Final Results offered a reduced price for the firefighters and opened enrollment up to their spouses at the same discounted price. Mr. Stasik asked if there were any questions for Chief Smith, no one replied.

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

Solicitor's Report from Mr. Charles Markofski read by Solicitor Bauer

Appeal of Gilbertsville Plaza Associates – On December 23, 2011 a response was filed to the decision of the Board of Assessment. On January 17, 2012 Bruce J. Eckel entered his appearance for Montgomery County and petitioned to intervene. David H. Comer has entered his appearance for the Boyertown Area School District and filed a notice of intervention. The pleadings are not closed.

Mill Street Junkyard – On January 6, 2012 Mike Heydt inspected the Mill Street property of Barry Adams and provided photographs which reflect significant improvement on the westerly side of the property and a portion near the rear of the home. It is hopeful that Mr. Adams will continue to clean this makeshift junkyard.

Kevin Thanhauser – Health Plan of 2012 – I was originally advised that former police officer Kevin Thanhauser had refused to cooperate with the new group health plan offered for Township employees with Keystone East. He has apparently taken the position that he was legally entitled to the former plan. Prior to the end of 2011, I had sent a letter to Mr. Thanhauser by certified mail advising that he risked losing his coverage if he failed to cooperate in designating a primary physician. Mr. Thanhauser responded on December 24, 2011 and advised that he was entitled to the health plan contract that was in effect during his final year of employment. I sent him a second letter on January 5, 2012 reiterating my prior position and suggested to him that Douglass Township had offered a “comparable” plan for retirees as his contract required. I further pointed out that retirees had always been offered the same healthcare plan which had been offered to active duty officers and nothing has changed. All other retirees have cooperated under the new plan. Mr. Bauer recommended discussing this in executive session. Mr. Stasik stated that this retiree wants a plan that no longer exists and the Township has replaced the plan with a comparable plan. Mr. Bauer expressed that it sounds as if the Township has done what is required of the Township which is replacing the plan with a comparable plan.

Clover Hill Development – On January 11, 2012, members of the Township staff which included Robert Campbell, Supervisor Theil, Tom Wynne, and Peter Hiryak, Jeff Karver, Esq. and John Backenstose appeared for a staff meeting at the request of the Developer. The meeting was requested in order that the Developer obtain input from the Township so that he could assess the likelihood of its eventual approval. It was well established at the meeting that there was no guarantee that the project would be approved based on any comments made at that time. The Developer reviewed that fact that in 2004, he had presented plans to the Township to develop 12 building lots in a subdivision which was to be known as “Clover Hill” on his 15 plus acre tract. At or about the time of his proposal, the Township had modified the R-1 zoning district to require 2 acre lots. This modification to the ordinance had not taken effect at the time the application for the subdivision was filed but the application was denied by the Township and an appeal ensued. That appeal continues to be outstanding. The Township had determined that numerous requirements for the subdivision as determined by the Township Engineer had

remained unresolved. It was also pointed out that wetlands and a flood plain had not been properly identified on the plan, open space recreational areas and street trees had not been provided for, environmental permits, public utilities and matters of a similar nature had not been demonstrated at the time as being available for the project. The appeal filed by the developer to this Resolution contained numerous arguments alleging, generally, that the Township had insufficient grounds to deny the application. The developer/appellant, Mr. Backenstose, is now seeking to modify the original Clover Hill plan to provide for just three lots which are each in excess of five acres. There would be one 6 acre lot along Niantic Road and two flag lots in the rear, each of approximately 5 acres. Mr. Backenstose is proposing a multi-use entrance from Niantic Road which would then split off on the property to provide access to the three lots on the Douglass Township side of the development and, possibly, some portion of the fourteen lots which he is proposing for the Washington Township side of this project. The developer was seeking, in exchange for reducing the number of lots on the subject parcel and dropping his appeal, a waiver of any requirement to widen the road, provide curbing, pay a fee in lieu of dedication, provide open space, sidewalks or a retention pond. The initial comments of the attendees suggested that matters such as curbing and sidewalks could be deferred but, in all probability, not waived. Township Manager Hiryak pointed out that insufficient frontage existed on Niantic Road for the flag lots and there may have also been a question as to the width of the strips which were providing access for these lots. It was established that a multiple use driveway would require at least 18 feet in width and paving. Mr. Campbell proposed a post light at the access point on Niantic Road. It was thought, that, for the most part, road widening, open space, and a general retention pond would be unnecessary due to the size of the three lots. The manager asked Mr. Bauer how he will handle the transfer of files between him and Mr. Markofski, Mr. Bauer stated that he will contact Mr. Markofski for the files. Carl Hiryak asked is the public allowed to know why this Solicitor change happened, Mr. Stasik replied all I know is that Mr. Ziegler told me that Mr. Markofski resigned. Mr. Sell asked Mr. Theil if he knew anything about the resignation of Mr. Markofski, Mr. Theil replied all I know is that I was sitting in the other room with Supervisor Stasik and the manager when Supervisor Ziegler entered the room and told us that Mr. Markofski resigned. Mr. Stasik stated that Mr. Markofski and Mr. Ziegler were in a meeting when he arrived and he and Mr. Theil were informed by Mr. Ziegler that Mr. Markofski resigned. Mr. Stasik was concerned with the Solicitor change in that what additional costs would the taxpayers have to bear; Mr. Markofski was charging \$100 per hour. Mr. Bauer stated that Garner & Bauer are the Solicitors for a number of municipalities and they charge \$125 per hour, and \$150 per hour for litigation every municipality is charged the same fee. 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. Theil, seconded by Mr. Stasik. Stasik-Aye, Theil-Aye. Motion passed.

Mike Heydt presented the Highway Report – (January 1, 2012 – January 17, 2012) Replaced doors on police department evidence rooms. Fixed potholes. Trimmed on Keller Road. Cleaned out ditches on Hill Road. Cracksealed roads that were blacktopped over the summer. Changed oil in the tractor and got it ready for winter use. Replaced tires on truck 8 and the loader. Repaired guiderail at Rick Road and Rt. 100. Washed out the pipe on Swinehart Road. There is nothing new to report on the Wayside Chapel and Mr. Adams has cleaned up 25% of his property on Mill Street. Ms. Bauer asked Mr. Heydt if Hoffmansville Road is going to be paved this year, Mr. Heydt replied yes it is going out for bid in March. No other questions were asked.

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

Mr. Burns of 93 Estate Road addressed the Board regarding a water problem, stating that the water comes from the athletic fields at Jr. High West. He has made numerous attempts to fix the problem himself, he feels that at some point this area between the athletic field and his property was re-graded, he is looking for help with this issue. He has owned the home since 2006 and the amount of water on his property is excessive. Mr. Burns passed out photos of the problem for the Board to review. Mr. Stasik stated that this past year we received an extreme amount of water; many properties had water issues in 2011. The manager stated that these pictures show many trees, pools, sheds, and fences have been installed all along this area, which overtime would redirect water flow and although I sympathize with Mr. Burns this is not the Township's problem. The water seems to be coming from the football fields and therefore it is the school district's problem. Solicitor Bauer also sympathized with Mr. Burns however agreed with the managers assessment that it is not a Township problem he suggested for Mr. Burns to seek legal counsel and approach the school district. Chief Smith asked if maybe the Board could go on record as going to the school district stating that this is not a Township issue however, Supervisor Stasik and Solicitor Bauer suggested that Mr. Burns request a copy of tonight's minutes for the record.

Pete Hiryak presented the Manager's Report.

1. The Manager reviewed the upcoming meetings as follows: Board of Supervisors Meeting Monday, February 6th @ 7:30pm, Planning Agency Workshop Meeting Thursday, February 9th @ 6pm, P/A Meeting Thursday, February 9th @ 7pm.
2. Advertised Rt100 Corridor/Market Street/Act 209 Public Meeting Monday, February 6th @6pm – Mr. Rosen, Mr. Gambone, Mr. O'Connell, and Mr. Keaveney will be invited and it is open to the public.

The manager stated that he has the Multi-Service information for the Board for the next Supervisors meeting, and a representative from the Boyertown School District will be at the next meeting to speak to the Board about Community Access TV. The manager stated that there have been surprising developments that occurred before tonight's meeting and thanked Mr. Bauer & Mr. Garner for stepping in on short notice to take over the Solicitor duties so the Township could be fully staffed.

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

Cynthia O'Donnell presented the Treasurer's Report

The unpaid bills totaled \$100,995.75. The unusual bills were Bergey's Commercial Tire for truck tires, Hess Embroidery & Uniforms LLC for new police hires, Omega Systems, PA UC Fund, and Waste Zero Inc. for trash bags. In addition to the above, we are paying \$2,592 to Pennoni Associates for road engineering services.

A motion was made by Mr. Theil, seconded by Mr. Stasik to authorize the payment of the bills. Stasik-Aye, Theil-Aye. Motion passed.

Not included in the unpaid bills detail report is a bill received late today for \$51,999.51 from Independence Blue Cross. This bill is for February 2012 for all employee's, and retroactive charges for uniform employees and retirees for the month of January 2012. I am asking for the approval of the Board of Supervisors to pay this bill.

A motion was made by Mr. Theil, seconded by Mr. Stasik to authorize payment in the amount of \$51,999.51 for Independence Blue Cross. Stasik-Aye, Theil-Aye. Motion passed.

We received the refund for the duplicate coverage billed for the overlap of billing periods. For the Keystone Health Plan East non uniform coverage we received a refund of \$11,720.58. For this plan we received a full months' refund. For the Independence Blue Cross plan for the uniform and retirees coverage we received \$11,399.81. For this plan we received a half months' refund. January is a busy month for yearend filings. I will be completing the DCED filings, along with the PennDot liquid fuels reporting. W-2's and 1099's will be issued. Our 2011 audit to be performed by Herbein & Co is scheduled for the week of February 13, 2012.

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

Public Comment

Carl Hiryak brought up that in the Second Class Township Code it states that two Supervisors cannot be appointed to the same committee, agency, or position, so Mr. Theil has no business being on the Open Space Committee. Mr. Bauer stated that this is not the case, Mr. Hiryak gave Mr. Bauer the Second Class Township Code book and Mr. Bauer read from the Code book. Mr. Bauer stated that the Open Space Committee is an advisory and volunteer committee so it does not pertain to this section of the Second Class Township Code. Mr. Sell asked Mr. Stasik to clarify the comment he made at the last meeting in reference to hunters not reading safety zone signs, Mr. Stasik apologized and stated his comment was taken out of context. A resident complained that the website was not up to date and he missed the first meeting because of it, the Manager and Treasurer stated that our current software is incompatible with the server hosting the website, and in the next coming weeks will be able to dedicate more time on correcting this problem. Copies of the Township's meeting schedule are available in the lobby. No other comments were given.

Old Business/New Business

Open Space - Mr. Theil stated that there was an Open Space Meeting tonight and the public did not want any hunting on the Keller Woods property so the manager was instructed to post a "No Hunting" sign on the Keller Woods property.

COG – Mr. Theil stated that he attended the COG meeting on Tuesday, January 10th at North Coventry Township. At the meeting it was announced that a barrel production company was coming back to the Pottstown area associated with Sly Fox Brewery that will create 35-65 jobs in the area.

A motion to adjourn the meeting at 9:29pm was made by Mr. Theil, seconded by Mr. Stasik. Stasik-Aye, Theil-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, February 6th, 2012 @ 7:30 pm.

Respectfully submitted by,
Marcy Meitzler