

The meeting of the Douglass Township Board of Supervisors was called to order at 7:30 P.M. Attending were Chairman Fred Theil, Supervisors John Stasik and Fred Ziegler, Solicitor Paul Bauer, Robert Campbell, Chief Templin, Pete Hiryak and approximately 13 residents.

Mr. Theil led us in the pledge of allegiance. Mr. Theil asked for a Moment of Silence for all the U S Troops, and especially the public servants and ambassador killed in Libya.

Mr. Theil asked if there were any changes, corrections, or comments on the minutes of September 17<sup>th</sup>, 2012 Board of Supervisors Meeting, no changes or comments were given.

A motion was made by Mr. Stasik, seconded by Mr. Theil to approve the minutes of the September 17<sup>th</sup>, 2012 Board of Supervisors Meeting. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

### **Police Department Report – Chief Templin**

1. On Saturday September 29, 2012 from 10:00am – 2:00pm we held our National Drug Take Back Initiative in collaboration with the Drug Enforcement Agency and Giant Food Stores. We collected 34lbs. (3 boxes) of unwanted, expired, or unused pharmaceutical controlled substances and other medications from our nation's medicine cabinets. Once again, we received very positive feedback on this program from the public. We will continue with the program and I will announce the date of our next collection as soon as I receive word from the Drug Enforcement Agency, we are probably looking at a date in April.
2. We have sold the 2002 Ford Expedition through Municibid and with the monies received from the purchase of the vehicle and some minor budget amendments, I would like to turn around and purchase six (6) laptop computers. Our laptops are currently more than 5 years old and in dire need of replacement. There will be no increase to the police budget to purchase these laptops. I have discussed this with the Township Treasurer and out of the discussion came these budget amendments. I would look for the Board's approval to make the budget amendments and for approval to purchase the laptops.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to approve the 2012 Police Budget Amendment to purchase 6 laptops for police vehicles. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

A Police Budget Amendment is needed for unemployment compensation for the Age Discrimination claim settlement for Joseph Werner in the amount of \$6,950.00.

A motion was made by Mr. Ziegler, seconded by Mr. Theil to approve the 2012 Police Budget Amendment for the unemployment compensation settlement for Joseph Werner. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

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

### **Solicitor's Report – Paul Bauer**

**Zoning Updates** – Mr. Bauer stated that a court hearing was held on September 19<sup>th</sup> in Montgomery County Court of Common Pleas, for the nunc-pro-tunc appeal of Wayside Chapel. The Judge granted their appeal, when District Justice Saylor provided written documentation that his office never sent out the written decision within the time frame allotted; therefore, the Court allowed Wayside Chapel's late appeal. With that the attorney for Wayside Chapel, filed a formal appeal and we are waiting for the Court to schedule a hearing. This will be a Summary Appeal and will probably take one year to schedule the hearing based on the court schedule. By now all of the BOS should have the latest correspondence from James Markofski regarding William Friel. I am very happy to report that a meeting between the neighbors did take place and that some productive discussions were held. I am pleased with the progress that Mr. Friel is making and will continue to monitor the situation and update the Board as needed. We are on the right track and Mr. Friel is getting us the information that we need.

We had a meeting with the Manager of the Mountain Mulch Company. The meeting was requested by Edward Wagner, Township Manager for New Hanover Township. New truck traffic patterns were discussed and agreed to and a letter was sent to the company confirming the agreement. The Township also discussed hours of operation, number of truck deliveries, and types of materials stored at the facility.

**Public Hearing for Local Service Tax Ordinance** – I prepared a Taxing Ordinance, eliminating the Township’s current Occupational Privilege Tax and replacing it with a Local Service Tax. The Ordinance needs to be advertised for three straight weeks, and tomorrow it is scheduled for the second of three advertisements. A public hearing will be held on October 15, 2012.

**BMMA** - The BOS met in executive session to discuss the email from Robert Dries. On behalf of the other members of BMMA, Mr. Dries requested a formal agenda be prepared by the Douglass Township BOS for a proposed meeting. An agenda was prepared and was sent, and we have tentatively scheduled a meeting with the representatives of BMMA for October 15, 2012. Mr. Dries asked the Board to be patient with the answers to the questions from the meeting. Mr. Ziegler stated that BMMA’s practice has been to record their meetings, when did they discontinue taping these meetings, Mr. Dries stated that at the last BMMA meeting Solicitor Karver stated that the meetings did not have to be recorded. Mr. Ziegler stated that it is strange that certain individuals were listening to the tapes and now they have stopped taping meetings, what was the reason; I feel uncomfortable with BMMA’s actions therefore I will make a motion to send a videographer to the BMMA meetings.

A motion was made by Mr. Ziegler, seconded by Mr. Theil to send a videographer to the BMMA meetings. Stasik-Abstain, Theil-Aye, Ziegler-Aye. Motion passed.

Applications which are pending but inactive:

Danny Jake – Hollowell	inactive 2 years
Cobblestone Commons	inactive 1 year
Bui Jordan Drive	inactive 1-1/2 years

A motion was made to accept the Solicitor’s Report by Mr. Stasik, seconded by Mr. Theil. Stasik-Aye, Theil-Aye, Ziegler-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. Final plans submitted April 12, 2012. Met with the developer’s engineer on May 17, 2012 to discuss requirements for recording plans.
2. Hollenbach-Warehouse-Expansion-Conditionally approved at the May 5, 2008 Supervisors meeting. Final plans and financial security request have not been received.
3. Hollowell (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. Received resubmission on January 31, 2012. Developer needs to address sewer easement description (exclusive sanitary sewer).
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. Had a phone conversation on September 28, 2012 with the Developer’s Engineer to discuss the current project status. Main concern is that Cobblestone Phase 3 isn’t developed yet, so connection points aren’t in place.

7. Clover Hill – Property spans Washington Township and Douglass Township 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. Discussed at February 9, 2012 Planning Meeting. Planning Commission responded favorably. No plan submission received to date. Zoning issues will need to be addressed.
8. Quigley Bus Service – 290 Middle Creek Road – Presented before the Planning Commission meeting on February 9, 2012 and the main concern is traffic and logistics of moving a high volume of school buses from the location. Received plans dated January 2, 2012. Review letter dated March 1, 2012. Received conditional approval by Zoning Hearing Board. Meeting with Developer’s Engineer on August 29, 2012.
9. Wawa; Rt.100 and Grosser Rd. – Received concept plan approval at the September 4<sup>th</sup>, 2012 Supervisors meeting.
10. Cobblestone Crossing-Phase III- Beazer. Residential construction on-going.
11. Market Street-Met with PennDot, Developers, County Planning Commission, Representative Marcy Toepel, Township officials and professional staff on October 1, 2012 at PennDot District 6-0 offices. PennDot and County were generally in favor of the project and proposed improvements; however, there are some regulations in place that must be dealt with properly. A Point of Access Study(POA) must be prepared in order to move forward with any potential access. The county offered to prepare the POA if someone else paid the bill. The POA is expected to take 11 months to complete, if expedited. We will be meeting with PennDot on Friday at the Township office to develop an engineers’ assessment of the most viable access point locations. PennDot will arrive here at 1:30pm; each of the developers will be represented at this meeting. The manager asked if the costs for this meeting will come out of each developer’s escrows, Mr. Theil replied absolutely, the engineer and solicitors will itemize their bills according to which developer is involved.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to deduct the invoices from the appropriate developer’s escrows. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

Mr. Stasik stated that the Berwind II situation is that BMMA wants a pump station. If there is a pump station it will be manned and covered by BMMA which is normal procedure in case there is a shutdown. Mr. Theil asked if there were any other comments or questions, no one replied.

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

SICO Agreement for BOS approval – Mr. Haddad stated that he is asking for the Boards approval of the Agreement with SICO, Douglass Township, Fire & Rescue, and Gilbertsville Fire Co. #1 for the settlement payment of \$75,000.00 to Gilbertsville Fire Company #1 to be placed in either an annuity or in a fund that can be drawn upon to cover water costs for twenty years.

A motion was made by Mr. Ziegler, seconded by Mr. Theil to execute the Agreement with SICO for the settlement payment of \$75,000 to Gilbertsville Fire Company #1 to cover water costs for twenty years. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

**Pete Hiryak presented the Manager’s Report.**

1. The Manager reviewed the upcoming meetings as follows: P/A Workshop Meeting on Thursday, October 11<sup>th</sup> @6pm, P/A Meeting @7pm – Property Maintenance/Renters Ordinance. Board of Supervisors Meeting Monday, October 15<sup>th</sup> @ 7:30pm, Supervisors Executive Session with BMMA @ 6pm, Open Space/Rec Committee – Monday, October 15<sup>th</sup> @ 6:30pm, Agenda Meeting @ 7pm.
2. SICO Agreement – Previously addressed by Mr. Haddad.
3. Public Budget Meeting – the public budget meetings are scheduled for Tuesday, October 16<sup>th</sup>, Friday, October 19<sup>th</sup>, Tuesday, October 23<sup>rd</sup>, and Friday, October 26<sup>th</sup> from 2:00pm – 4:00pm here at the Township office. The Board authorized advertisement of the meetings.

Mr. Bauer asked if the meeting with BMMA on October 15<sup>th</sup> was going to be an executive session. Mr. Stasik felt that all parties should be able to talk to clear the air with no lawyers involved. Mr. Theil is in favor of Mr. Bauer looking in to dissolving the authority. Mr. Bauer recommended an executive session meeting because of the potential for litigation, the Board will have to announce the executive session at the beginning of the October 15<sup>th</sup> Board of Supervisors meeting and hold off on a dissolving motion at this time. Mr. Ziegler voiced his concerns as to why there is resistance from BMMA in coming forth with the information that we want, Mr. Dries replied that there is no resistance we are addressing the issues and to hold off on any motions to dissolve the authority, Mr. Bauer reminded Mr. Dries that it was BMMA's attorney who directed us to get an agenda together. Mr. Theil stated that this has been years in the making.

A motion was made by Mr. Theil, seconded by Mr. Ziegler to authorize Solicitor Bauer to look in to dissolving the Berks-Mont Municipal Authority. Stasik-Nay, Theil-Aye, Ziegler-Aye. Motion passed.

Carl Hiryak remarked that the Board is getting out of hand for the ratepayers, Mr. Theil thanked Mr. Hiryak for his opinion but staff has to deal with unresolved BMMA issues because of BMMA's lack of action to the complaints of the residents. Mr. Ziegler said that he received several calls on the condition of the roads and manhole covers on Pine Lane and Virmay Drive and he referred them to BMMA and there was no satisfaction given to the complaints, he asked the manager if we get a lot of calls in the office about the condition of the roads while sewer projects are ongoing, the manager replied yes, the callers are referred to the BMMA office but the people feel that the Township should be held responsible for the condition of the roadways. The problem is that the contractors are not blacktopping the trenches level with the existing roadway. The blacktop is installed and leveled with a backhoe bucket and not rolled but tamped for compaction. The trench needs time to settle usually for thirty to sixty days and the motorists get upset with the unevenness of the road. After a few weeks they start to complain. The solution would be to have the contractor install the paving with a small blacktop box and compact the material with a roller. Mr. Ziegler said with all due respect Mr. Dries, Mr. Theil's motion to dissolve the authority has to do with people listening to those taped meetings and hearing on those tapes the ever present disrespect shown toward this Board. Mr. Bauer stated that since the motion was already made, rather than undo the vote, he advises to wait to see if cooler heads prevail until after the executive session with BMMA before the BOS decide to move forward. Mr. Ziegler added that he agrees these issues have gone back several years and still have not been resolved. No other questions or comments were given.

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

Mr. Theil pointed out that there was an Eagle Scout in the audience, Mr. Volpe commented that the Scout was present tonight as part of a merit award. The manager stated that the Eagle Scouts projects for the Libor Property will include a wooden deck and handicap accessible ramps with landings. Mr. Stasik commented that under the American Disability Act there are certain requirements for building handicap accessible ramps, are they following those requirements, the manager stated that our inspector will be reviewing the drawings and requirements. Mr. Volpe stated that right now they are trying to secure funds for that project. Mr. Kuklinski stated why we can't allocate some funds from our open space fund for the scouts to do this. Mr. Stasik stated that as Scouts part of the project is going out in the community to find the funds, its part of the process, if there is a problem with securing some funds we can see how much is needed and leave the door open. Mr. Volpe commented that he as a Scoutmaster has other projects coming forward from the Scouts for the open space properties. Mr. Stasik stated that we do have a lot of mulch for the walking trails, if needed by the Scouts.

### **Public Comment**

Mr. Sell asked who has to pay the Local Services Tax, Mr. Theil replied the LST Tax is paid only by people who work in the Township. Mr. Sell also commented that he was concerned with the way that Gilbertsville Fire

Company handled the Cancer Survivor Dinner. There was no lighted area for the guest speakers; the food was good however the service was slow because of the number of people. Mr. Theil stated that maybe they were overwhelmed; they didn't have enough people to handle it. Mr. Hiryak commented that as far as problem with Mountain Mulch, if we have so many violation issues with a new business why don't you shut them down. This guy violated every condition from day one and he is still in business, instead you go after the Gilbertsville Car Wash and Mr. Friel. Mr. Theil stated that we have addressed every issue as we get complaints. Mr. Bauer stated that on the practical side every complaint that residents have made have been addressed proactively by this Board and complimented the Board on their actions, Mountain Mulch has been addressing these issues. To file a violation draws this out, it is better to address complaints as they come. Mr. Yarnall commented about pallets and telephone poles laying around on the Mountain Mulch property when they weren't supposed to be taking that type of material only pre-ground mulch. Mr. Bauer stated that we will continue to handle this in the manner that we are and if this doesn't resolve itself we may want to choose another path. No other comments were given.

**Old Business/New Business**

Mr. Volpe added that he has tried for years to help the Fire Company situation. Mr. Volpe also commented that the Township inspector should be involved in approving the roads when BMMA has sewer projects in progress, Mr. Stasik stated that BMMA's Engineer from System Designs is involved in the inspections but to keep in mind that BMMA awards bids to the contractors with the lowest bid. Mr. Ziegler asked Mr. Duncan to supply the Board with his Adopt-A-Highway information.

A motion to adjourn the meeting at 8:48pm was made by Mr. Theil, seconded by Mr. Stasik. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, October 15<sup>th</sup>, 2012 @ 7:30 pm.

Respectfully submitted by,  
Marcy Meitzler