

The meeting of the Douglass Township Board of Supervisors was called to order at 7:33 P.M. Attending were Chairman Fred Theil, Supervisors John Stasik & Fred Ziegler, Solicitor Paul Bauer, Engineer John Sartor, Mike Heydt, Chief Templin, Pete Hiryak and approximately 17 residents.

Mr. Theil led us in the pledge of allegiance.

Mrs. Theil stated that she is exercising her constitutional right to tape tonight's meeting.

Mr. Bauer announced there was an Executive Session held on Tuesday regarding potential litigation on comments from the last Board of Supervisors Meeting, no decisions or votes were taken. Mr. Ziegler stated that he believes in open government therefore the topic should be discussed in public, Mr. Bauer stated that a letter was received by a resident, Josh Stouch, stating that he reserves the right to file a claim against the Township and/or an individual Supervisor for comments about him made at a public meeting. These concerns were discussed at the executive session. Mr. Bauer stated that he advised the Township to check with the insurance carrier and notify the carrier about a potential claim. Mr. Ziegler stated that we are here to serve the people, what do we do about resolving this situation? Mr. Bauer stated that once the insurance carrier is notified the Board needs to take action to acquire a conflict attorney for legal advice since he will have to recuse himself. Mr. Ziegler stated that he met with residents about Mountain Mulch and one Supervisor made decisions where Mountain Mulch is concerned. Mr. Stouch has filed right to know requests that are pending for 30 days for any and all documentation/emails involving mention of Mr. Stouch's name by Township employees or Supervisors, including copies of police department records and files requested by the Chairman. Mr. Stasik stated that in lieu of the situation at this point in time I would like to make a motion that Mr. Theil step down as Chairman and I become Chairman of the Board of Supervisors. Mr. Brumwell noted that a Supervisor should not be using personal information, this was also done to him with blatant citizenship remarks and he is surprised that it has taken this long for someone to take action against him; it is time for him to remove himself as Supervisor entirely. Mr. Bauer stated that any questions from the public are to be specific to the motion currently on the floor. Mr. Sell believes that replacing the Chairman is a good thing to do. Mr. Ziegler stated that there are serious criminal allegations that we have to sit down and discuss. No other comments were given.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to appoint John Stasik as Chairman of the Board of Supervisors until the January 2014 reorganization meeting. Stasik-Aye, Theil-Nay, Ziegler-Aye. Motion passed.

Mr. Stasik also made a motion for Mr. Ziegler to be appointed as Vice Chairman.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to appoint Fred Ziegler as Vice Chairman of the Board of Supervisors until the January 2014 reorganization meeting. Stasik-Aye, Theil-Aye, Ziegler-Aye. Motion passed.

Mr. Ziegler made a statement that this is not the end of the criminal investigation. Mr. Ziegler left the meeting due to illness.

Chairman Stasik asked if there were any changes, corrections, or comments on the minutes of April 15th, 2013 Board of Supervisors Meeting, Mr. Theil replied I have corrections to make, on the first page Mr. Bauer spoke about the on-site executive session not me, also under the Police Department Report "Mrs. Theil asked if the Med-Return box would be inside the building or outside" this was omitted in the minutes, under Public Comment Mr. Sell stated "these statements are deplorable and unethical", also I told Mr. Sell that "there is a rumor going around of how politically influential people are getting residents off the ballot", also Mr. Stouch stated that he "brings large sums of money into the Township" this was omitted from the minutes, and Mr. Stouch also stated that "in the fall Mr. Ziegler was not sure he was going to run again for Supervisor". Ms. Williamson asked who takes the minutes, doesn't staff take the minutes and you have problems with the minutes, Mr. Theil replied that there were a lot of things going on. Mr. Bauer stated that Marcy takes the minutes and on rare occasion do they get changed, minutes as recorded by Marcy are the minutes of the Township if you need to make a motion to change the

minutes you must also have the motion seconded. Mr. Bauer stated that he does not agree with Mr. Theil's first correction because he did not report on the on-site Executive Session as he was not present at that meeting so the minutes are correct as they read. Ms. Williamson stated that the public are supposed to find out information about any Mountain Mulch discussions; Mr. Bauer stated that there is some sort of summary of that meeting. Mr. Brumwell suggested buying a little tape recorder for \$30; these people have a right to know about these meetings. The manager stated that he also did not attend the on-site Mountain Mulch meeting, but we have tape recorded minutes in the past however recording minutes isn't as clear and precise as you might think because it picks up all the background sounds like pens clicking, air conditioning fans, and the rattling of papers, we try to get the general consensus or summary of the meeting between Marcy and myself. However I have the final say on those minutes before it goes to the Supervisors. Ms. Orner asked who attended the on-site Mountain Mulch meeting; the manager stated that the three Supervisors met at the facility on Sassamansville Road and several weeks later a follow up meeting was held at the Township Building with the manager, the Solicitor, and Vince Rafaele to discuss what he will be doing to correct the problems, there is a summation of that meeting in the file. Ms. Orner asked after that did anyone go back out to Mountain Mulch, Mr. Theil stated that he talked to Mr. Conrad and sat on his porch and watched trucks go in and out and called Vince up and told him about the trucks. Ms. Williamson said what about the hours that the equipment is operating, Mr. Bauer stated that he does not want to cut anybody short however at this time we are discussing the minutes. Mr. Kuklinski commented; folks lets allow the Township to conduct their business and then discuss the other issues. Mr. Bauer stated that the minutes are being addressed either have a motion to adopt or a motion to amend the minutes, Mr. Bauer recommended not to amend and not to table the minutes. Mr. Stasik stated that he did not have a problem with the minutes.

A motion was made by Mr. Stasik to approve the minutes, there was no second. The minutes have been tabled until the May 20th, 2013 Board of Supervisors meeting. Mr. Sell requested that Mr. Stasik be seated in the Chairman position and that Mr. Theil also change his seat.

Engineer's Report – Mr. John Sartor

1. 103 Pinehurst Way – On 4/19/13, we attended a site inspection with the Township Road Master to view the earth disturbance activity being performed on this property. At the Township's request, we reviewed the township's ordinances and have determined that the earth disturbance activity currently occurring on the subject property is not regulated by the Zoning Ordinance and is exempt from the requirements of Ordinance 2007-03, the Douglass Township Stormwater Management Ordinance. Mr. Stasik suggested that the bill from Gilmore & Associates be paid by the property owner.

A motion was made by Mr. Stasik, seconded by Mr. Theil to authorize Gilmore & Associates to invoice the property owner of 103 Pinehurst Way for review of the earth disturbance report. Stasik-Aye, Theil-Aye. Motion passed.

2. Berwind II Subdivision – We have had email and telephone communications over the last few weeks with the applicant's engineer with regard to the sidewalk and landscaping requirements in the Township's ordinances. The Applicant intends to submit a revised plan set during the month of May for discussion at the June P/A meeting.
3. Bui/Jordan Drive Subdivision – We have had email communications with the Township Solicitor with regard to construction items that should be posted for escrow.
4. Cobblestone Crossing Phase III – Supervisor Stasik and I attended a meeting on 4/29/13 with representatives of Beazer Homes with regard to the planting of street trees within the subdivision. There is an understanding with Beazer as to what is required to be addressed by Beazer.
5. County Line Road Bridge – We attended a staff meeting on 4/19/13 with representatives of Douglass Township, Representative Marcy Toepel, and Representative Dave Maloney. We also attended a site meeting on 5/3/13 with representatives of the Township, PennDot, PennDot's engineering consultant AECOM, and PennDot's bridge inspection firm McCormick-Taylor. We have been informed that they will re-evaluate the bridge and the report will be forthcoming.

6. Floodplain Ordinance – Based on the Board’s authorization at their last meeting, we will be scheduling a staff meeting with the Township Manager, the Township P/A Solicitor, and the Township Planner to discuss our findings to date concerning the draft floodplain ordinance.
7. Hallowell Subdivision (Residential Cluster) – On 4/17/13, we received and reviewed the Township Zoning Officer’s letter dated 4/15/13 regarding the proposed density of the residential cluster plan. On 5/2/13, we attended a staff meeting with the Township Manager and the Applicant’s Engineer to discuss three specific issues related to the proposed plan. The Applicant’s Engineer will be discussing these issues with the P/A on 5/9/13, walking path along Congo Road, open space areas, and proposed sidewalk and cartway variations.
8. Pineville Properties, LLC/Wawa Land Development – We completed our review of the geotechnical investigations report received on 4/3/13 from the memorandum via email on the same date to the Applicant’s Engineer and copied to the Township Manager.
9. Trench Restoration Specification Review – Recall that we completed and emailed our findings, recommendations, and summary spreadsheet to the Township Manager on 4/10/13. A meeting will be scheduled in May between representatives of Douglass Township and BMMA to review and discuss our findings and recommendations.

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

BMMA Report (April 22, 2013 Meeting) – Bob Dries

Mr. Dries stated that BMMA’s March meeting minutes are in the lobby. The property owner at 100 Aspen Lane has repaired his sewer lateral which was identified as leaking in the March 12th storm. Surveying work was completed for the Maple Street and the Bechtelsville line replacements planned for this summer. Systems Design Engineering Inc. was authorized to bid a new sludge hauling contract commencing in October. Eugene Marks from District Township was hired to replace Greg Rapp who resigned to take a position as Plant Superintendent at Spring Township. Mr. Bauer added that New Hanover also lost 2 operators. One new lien was filed and four liens were released this month. Solicitor Karver sent letters to 11 property owners who are in arrears over \$1000.00, advising them of a final opportunity to pay before a Writ of Scire Facias (sheriff sale action) is filed. The next BMMA Meeting will be held on Tuesday May 28, 2013 because of Memorial Day. No questions were asked.

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

Solicitor’s Report – Mr. Paul Bauer

Thanhauser vs. Douglass Township – As you know, we were served with a copy of a civil complaint filed in the Montgomery County Court of Common Pleas. The complaint seeks to force the Township to provide a different health care plan than the one that is currently in effect for all current police officers. Upon being served with the complaint, I filed Preliminary Objections. This week I received answers to my Preliminary Objections, and a request from the other side to schedule a hearing. No hearing date has been set yet, but I will naturally, keep the BOS advised of the proceedings. Basically the retirees are suing the Township based on the current contract, their health care has changed and they do not feel this is correct.

Gambone Staff Meeting – On Friday, a staff meeting was held at the request of Michael Gambone. Present at the meeting was Pete Hiryak, Chairman Theil, myself, Michael Gambone, Tom Wynne, Ed Reitz, and John Kennedy. The purpose of the meeting was to review two separate properties; the Donnelly Tract and the property on Holly Drive directly next to the Giant supermarket. The meeting was very productive, and there were some nice ideas for each property. The Donnelly tract sketch had 59 single family lots, of approximately 10,000 square foot lots, with public sewer and public water being proposed. The remaining tract approximately 61 acres was proposed to be donated to the Township. The 61 acres that would be donated are immediately adjacent to the Libor Open Space tract, and would combined give the Township over 100 acres of open space. Naturally, no decisions were made, but it was suggested

that they make some revisions to the proposal and schedule another staff meeting, prior to proceeding to the Planning Agency. The Holly Road tract had a sketch with a mixed use development. There were single family homes, town homes, and three commercial sites located along Holly Road. Much discussion was held regarding the need to interior road connections directly to the Giant, as well as active recreation to the rear of the site. It appears as if the plan had some promise, but a significant amount of suggestions were made to improve the sketch. Once again, it was recommended that the sketch plan be revised to incorporate the suggestions, and another staff meeting would be proposed. Mr. Bauer stated that both proposals look promising. Mr. Stasik asked if there were any question or comments on the Solicitor's report. Mr. Theil commented that there are 5 retired officers on lifetime healthcare and he finds it rather ludicrous that two of them would sue the Township over a minor change in the healthcare. Mr. Stouch asked what the change was; Mr. Bauer replied that the change was from one healthcare provider to the healthcare provider under the current police contract. Mr. Link asked what the Holly Road Tract is currently zoned, Mr. Theil replied it is zoned M-1 Office and Light Industrial. Mr. Link asked if a variance would be needed for rezoning or an overlay, Mr. Bauer replied that they would need some type of zoning relief such as a variance, a zoning change, or a new overlay zoning district. Mr. Link asked about the Act 209 fees, Mr. Bauer replied that any relief that they attain would still be required to pay Act 209 fees. No other questions were asked.

Applications which are pending but inactive:

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

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

Pete Hiryak presented the Manager's Report.

1. The Manager reviewed the upcoming meetings as follows (open to public): Zoning Hearing Tuesday, May 7th @ 7:30pm, 155 Cobblestone Drive, for setback & coverage relief for a pool and deck, a letter to the ZHB from the BOS requesting that there be no relief on the coverage issue. P/A Workshop Meeting Thursday, May 9th @ 6pm- Green Building, P/A Meeting @ 7pm, COG meeting Tuesday, May 14th @ 7pm hosted by Douglass Township – Mr. Stasik & Mr. Theil agreed that refreshments be made available. BOS meeting May 20th @ 7:30pm, Agenda Meeting/Exec Session @7pm, Open Space/Rec Meeting @6:30pm, will meet here then go on-site to 210 Smith Road.
2. Staff Meeting Request – Rosen Organization, Rt. 100 Corridor and their property. The manager stated that the Board decided several months ago that there will be no more meetings until they present an official plan. Mr. Theil asked the manager to send them a letter stating this fact.
3. Relay For Life Car Show Saturday, May 11th 12 noon to 4pm – Douglass Township Park.
4. Rt. 100 Corridor Traffic Study Meeting – Thursday, May 30th 3pm-7pm @ the Douglass Township Building.

The manager stated that Representative Marcy Toepel will be here Monday, May 20th @ 6pm for any questions or concerns of the Township residents.

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

Public Comment

Chairman Stasik announced that we can now continue the Mountain Mulch discussions. Ms. Williamson asked if any of the Supervisors live close to the mulch operation, Mr. Theil replied that he and Mr. Stasik do not live close. Ms. Williamson stated that she emailed the manager as to why Mountain Mulch is allowed to extend the hours of operation beyond the hours given by the Zoning Hearing Board and why they are not being fined, Mr. Stasik stated that the Township needs to be informed by the residents when these issues occur so they can be documented. Mr. Bauer recommended for the Board to wait until DEP receives a corrective action plan from Mountain Mulch as per their

requirements and we should ask for a copy of that plan. Ms. Williamson asked if they should continue taking photos and emailing the Township, Mr. Bauer replied that if you are witnessing these violations document it so we have a record of these issues. Ms. Williamson also asked if the road at the post office is ever going to get fixed or widened, the manager replied that the Township will make some improvements to the roadway such as installing a swale/shoulder to help the drainage at the Hoffmansville Road/Sassamansville Road intersection and to keep the trucks out of the mud. She also stated that she followed a truck and she was doing the speed limit however the truck was going much faster, maybe the police can change the location of the speed buggy. Mr. Stasik asked to please keep logs and records. Ms. Orner commented that if anyone on Hoffmansville Road put a roadside stand out it would get wiped out, is it our job to stay home from work and sit out on a lounge chair to document this activity, you need to do something this is a very dangerous situation, someone could get killed or there could be a fire on that property we need back up from our government. Ms. Williamson commented that if there is a lawsuit pending, how long is this going to take, the manager replied that the process could take a long time, however Mountain Mulch committed to remove the additional mulch piles by July 2013 and then they will be within the 7.5 acres granted by the Zoning Hearing Board. Ms. Orner stated that DEP has been more helpful in this situation than our Township has been, Mr. Bauer stated that he doesn't agree with that, we contacted DEP to help the Township with this situation, we are building a case against Mountain Mulch and it got stronger when DEP released their findings. Mr. Orner stated that they do not have a permit; Mountain Mulch can ask for use of additional acres, why did the Township give them 7-1/2 acres and 4-1/2 from DEP, Mr. Bauer stated that DEP has no authority to allow them to expand that site beyond what the Zoning Hearing Board granted. Mr. Orner stated that it is not a permit it is a notification. Mr. Bauer stated that the legal authority was granted by the Zoning Hearing Board with conditions, the Township could revoke the variance in court. Mr. Orner stated that the berm was supposed to be in place and asked the Township to send a cease & desist order until the berm is made; Mr. Bauer stated that we can't do that because there is a process that must be followed, Mr. Orner said the mulch piles are so large that it can't be turned and it stinks. Mr. Sell stated that you are putting a lot of faith in the DEP. Alan Keiser added that he borders "Monster Mulch" and we would have been at the hearing had we known about it, my pasture has 2x4 boards with nails in it, insulation pieces, it is not clean, they must have been illegal from day one – did they get a special agreement to allow the Hurricane Sandy material, who did that, Mr. Theil stated that the Army Corp of Engineers told him they would be bringing the material. Mr. Keiser asked if Mr. Theil discussed this with the Board of Supervisors and the Solicitor – Mr. Stasik and Mr. Bauer replied that they knew nothing about it. Mr. Keiser stated to Mr. Theil, so this call was at your home, Mr. Theil replied yes on a Saturday you do not say no to the Army Corp of Engineers. Mr. Keiser asked if this is normal procedure, Mr. Bauer replied no, Mrs. Theil stated that she was sorry that she answered the phone. Mr. Bauer stated that there was a unilateral decision that was made and we are dealing with this. Mr. Bauer stated that last week was the first that I received written complaint forms that were emailed to me; this does not mean that the Township is doing nothing, as you build a case you document things; Mr. Keiser stated I would ask that the Township walk the property and document the findings, we have heard through the community grapevines that Mountain Mulch was just greasing the equipment at 6am when they have actually been operating at that hour, they have been violating everything for a year. Ms. Williamson asked if we have a date of when the call came from the Army Corp of Engineers, Mr. Bauer said I do not know about the call. Ms. Williamson asked Mr. Theil how did the Army Corp of Engineers get his home phone number, Mr. Theil replied I think Vince at Mountain Mulch gave my phone number being the Chairman at the time. Mr. Keiser stated so this whole thing was done by one person, Mr. Theil stated that he told them no Saturday's or Sunday's. Mr. Keiser responded that this needs to be resolved quickly. Mr. Yarnall stated that before Hansen had his sale, Mike Heydt and Griesemer were working in that area and there were electric poles and stuff on piles before Mountain Mulch even set up their operation. Mr. Heydt stated that we were cleaning out the creek for a bridge inspection and Hansen was cleaning up his property at that time. Mr. Brumwell said why should these residents have to be forced to stay indoors, Mountain Mulch should be fined this has gone on way too long, Mr. Bauer what is your opinion, Mr. Bauer stated that I will make a recommendation to the Board of Supervisors in executive session, as a lawyer I must have documentation, I wish to see the corrective action plan that was filed by DEP; I have been through many zoning hearing appeals that keep getting continued sometimes going on for 12 years. Mr. Orner stated that he came into the office and complained in January and complained since October and sent a complaint form to Pete at the Township about the grinding which is earlier than they are allowed to start and also later than they are allowed, call DEP. Mr. Bauer strongly recommends continued documentation with the Township and DEP, Mr. Orner stated that documentation of these issues might require them to get a permit and it is highly unlikely to

receive a permit for this. Mr. Stasik thanked the residents for their comments and other information that can be used in this matter. Mr. Kuklinski stated that the Township should meet with these residents to go over their concerns, Mr. Stasik stated that you should keep feeding the information to the Township office. Mr. Kuklinski asked so the minutes are tabled, Mr. Stasik stated that it was discussed however there was no second on the motion so it is tabled until the next meeting. Carl Hiryak stated that the former Chairman has used vulgar language and dropped the "F" word, if this is how he represents the Board he should step down from public office and if not the Township residents should take action. No other comments were given.

Old Business/New Business

The manager expressed his thanks to the Recreation Committee, Fire & Rescue Company, the Gilbertsville Ambulance, and the Township Staff for all their help at the Trout Rodeo, 150 children attended the rodeo on a beautiful day. Representative Marcy Toepel will be attending the May 20th meeting and will be available to meet privately with any resident wanting to discuss issues with her.

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

The next Board of Supervisor's meeting will be held on Monday, May 20th, 2013 @ 7:30 pm.

Respectfully submitted by,

Marcy Meitzler