

The meeting of the Douglass Township Board of Supervisors was called to order at 7:30 P.M. Attending were Chairman John Stasik, Jr. and Vice Chairman Fred Ziegler, Solicitor Paul Bauer, Engineer John Sartor, Cynthia O'Donnell, Chief Templin, Andy Duncan, Mike Heydt, Pete Hiryak and approximately 65 residents.

Mr. Stasik led us in the pledge of allegiance.

Mr. Stasik announced that we are at room capacity, please be aware of the exits, and I ask that anyone speaking tonight should state their name and address.

Mr. Stasik announced that former Recycling Coordinator Mr. Clem Seroski passed away on Friday; the Township recently renamed the recycling center in his honor and asked for a Moment of Silence in memory of Mr. Seroski and also for the victims & families involved in the Oklahoma tornado disaster.

Mr. Stasik welcomed Representative Marcy Toepel and Bill Bushnell and thanked them for meeting with the residents this evening. Ms. Toepel asked the residents to please feel free to contact me at my Red Hill office and thank you for allowing me to be here tonight. Mr. Stasik announced that normally the Board goes over the agenda prior to the meeting however tonight we did not have the opportunity to meet therefore we will have the Emergency Services give their reports first then we will go to the presentation on Mountain Mulch.

Mr. Bauer read a brief press release stating: unfortunately, the conduct of the past several meetings has focused on the conduct of the various public officials, rather than on the important job of running the Township. In an effort to move the focus back to where it belongs, you the residents, Supervisor Fred Theil has voluntarily decided to resign his position as Supervisor effective tonight. The entire Township thanks Mr. Theil for his dedication over the past fifteen months, and wishes him luck in the future. Mr. Bauer read Mr. Theil's resignation letter as follows: To the Board of Supervisors of Douglass Township, Montgomery County, Pennsylvania and the Manager of Douglass Township, Montgomery County, Pennsylvania: I, Reinhold F. Theil, hereby resign as a Supervisor of Douglass Township, Montgomery County, Pennsylvania effective Monday, May 20, 2013 at 6:30pm E.D.T.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to accept the resignation of Reinhold F. Theil as Supervisor of Douglass Township, Montgomery County effective Monday, May 20th, 2013 at 6:30pm. Stasik-Aye, Theil-Aye. Motion passed.

Mr. Bauer announced that we have an official opening for appointment of a Supervisor; the Board has 30 days to appoint an agreed upon Supervisor, if no decision is made after the 30 days the Vacancy Chairman, Sam Hunter, will help the Supervisors in appointing someone to that position. Mr. Stasik announced that the Board of Supervisors will accept resumes and letters of interest for the position until Thursday, May 30th, 2013; these are to be sent to Manager Peter Hiryak. Letters of interest and resumes will be reviewed prior to the Monday, June 3rd, 2013 meeting; a decision could be made later that evening if the Supervisors are in agreement.

Mr. Stasik asked if there were any changes, corrections, or comments on the minutes of April 15th, 2013 Board of Supervisors Meeting, no changes or comments were given.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to approve the minutes of the April 15th, 2013 Board of Supervisors Meeting. Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Stasik asked if there were any changes, corrections, or comments on the minutes of May 6th, 2013 Board of Supervisors Meeting, no changes or comments were given.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to approve the minutes of the May 6th, 2013 Board of Supervisors Meeting. Stasik-Aye, Ziegler-Aye. Motion passed.

Gilbertsville Ambulance Report – Garry Schmoltze

Call volume for April 2013: There were a total of 113 calls for service; 73 patients were transported, 12 cancellations, 14 refusals, 5 assist Gilbertsville Fire & Rescue/New Hanover Township Fire Department & Boyertown, 1 transported by Law Enforcement, 5 expired on scene, 3 no patient found. The breakdown is 59 Douglass Township, 29 New Hanover Township, 10 Boyertown Borough, 7 Pottstown Borough, and 1 each for Lower Frederick, Red Hill, Colebrookdale/Gabelsville, Earl, Washington, Upper Hanover, Bally, and Bechtelsville. These calls consisted of 62 Advanced Life Support and 51 Basic Life Support. GACAS attended the Douglass Township Trout Rodeo on May 4th, 2013, and will be attending a Car Show on June 29th, 2013 from 11am-3pm. CPR/AED Training for fire/police and public is ongoing. Two members have been certified as EVOC (Emergency Vehicle Operations Course) instructors. Chief Schmoltze stated that he attended an active shooter training seminar and a mass casualty training seminar at the Fire Academy. GACAS was notified that the chassis is in and 10-8 Emergency Vehicle Service in New Holland PA is doing the chassis swap out, the total cost will be \$80,000 which is considerably less because of the chassis swap out. GACAS was asked by Montgomery County to join the County EMS Strike Team. Team members (4) and 4 alternates will respond with other squads in Montgomery County wherever assistance is required by FEMA, we will be reimbursed for squad expenses and salaries plus the program will not allow us to minimize our 911 staff funding, it is available to pay staffing that stayed back to man 911 trucks. Chief Schmoltze announced that on June 12th @ 6:30pm they will be having a Memorial Service for Deceased Local First Responders and invited the public and the Board of Supervisors to attend the service. No questions were asked.

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

Gilbertsville Fire & Rescue – Rick Smith

Fire report for April 2013 – 4 fires, 2 brush/trash fire, 1 fire alarms/CO2 alarms, 1 vehicle accident, 2 EMS assists, 1 fire police, 7 Assist to other departments, and 1 special service. The Fire Company was in service for 17 hours and 4 minutes. Fire & Rescue received Mayday training, Hybrid Vehicle training, and water vehicle rescue awareness training. Members also reviewed the new radio template. 3 members attended training on social media policies for the department. Chief Smith stated that on Friday, May 17th at 12:09 there was a call for a barn fire at 647 Congo Road, at 12:11pm Andy Duncan immediately called for strike force tankers, 2 minutes later New Hanover and ric teams arrived, 12:14pm police department stated barn is fully inflamed, 12:21pm added 4 engines, 12:23pm possible entrapment, 12:30pm 2 more engines, 12:35pm made request to cover station, 12:44pm determined everyone was out of barn and house, hose had to be hand carried over fence to cottage and barn. 18 Fire Companies were at the fire, 27 pieces of equipment. The last engine left at 7:30pm, there were no injuries and the main house was saved. Chief Smith stated that 1900 ft. of fire hose had to be hand carried from the water source to the firefighters. The fire was electrical in nature; the only expense to the fire company is to reimburse the other companies for the foam that was used. Ms. Norton stated that the fire company really did a good job. No other comments were given.

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

Police Department Report – Chief Templin

Statistics for April 2013 – 413 incidents reported, 7 reportable accidents, 10 non-reportable accidents, 25 criminal investigations, 9 criminal arrests, 150 traffic citations, 7 non-traffic citations, 8,314 miles traveled, money received by the Township \$4,255.24. I would like to take the time to commend all of the firefighters and EMS personnel who responded out to the barn & cottage fire on Congo Road this past Friday. The job they did back there was truly amazing. I was one of the first to arrive on scene and the barn was fully engulfed in flames and the nearby cottage started to catch fire as well. There were explosions coming from the barn. The firefighters must have laid two miles of hose just to get the water up to the fire scene to address the fire. Again it was truly amazing to watch them work and they all should be commended for a job well done. Alyson Bednar finished her

internship here at the Douglass Township Police Department and is now set to graduate from Bloomsburg University. The Douglass Township Police Department's face book page is up and has already been a useful tool in getting information out to the residents and the transient population. We have over 300 likes in the short time we have been up and running and one of our posts boasted over 3,200 people looking at the post. So if you have a face book page, please like us and continue to check back periodically for new information. Ms. Norton asked what if you don't have face book; the Chief replied that you can still go to the Township Website. The Douglass Township Police Department is proud to join Montgomery County District Attorney Risa Vetri Ferman in becoming another location in Montgomery County where residents can drop off their unwanted, unused, or expired prescription medications, keeping these medications out of the hands of our children and water supply. The collection site will be inside the Douglass Township Municipal Building's main entrance and is available Monday through Friday 8am – 4pm, except on legal Holidays. Unwanted, unused, or expired prescription medications, over the counter medications and pet medications will be accepted, **needles will not be accepted**. Residents are encouraged to remain anonymous during the process and please no businesses. No questions were asked.

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

Mountain Mulch Presentation – Don Orner/Alan Keiser

Mr. Keiser and Mr. Orner announced that the neighbors surrounding Mountain Mulch are dissatisfied that there has been no action against Mountain Mulch for over one year and presented a video showing a timeline of events and photographs of the continuing activities at the site. The footprint of this operation was supposed to be 7-1/2 acres; it has exceeded this to be more like 14 acres of mulch. One of the conditions of the variance was that no material was to be brought in to be ground, there are telephone poles, pallets, painted materials and other debris on site and things are flying out of the grinder that could hurt someone. There were supposed to be 7-10 trucks in bound maximum and the neighbors have counted 70 trucks per day. The height limit of mulch piles was supposed to be 20' however on the video it is clear that the piles are much higher than the excavation equipment shown to be at approximately 18' to 20'. The mulch piles are smoldering and have a bad smell to them, grinding operations were not to be more than 3 hours, there are 3 loaders feeding the grinders, there is no earthen berm enclosing the 7-1/2 acres, and there is a potential fire hazard with the amount of mulch piles and tree limbs. The mulch piles are within 30ft of the property line and there is no fire lane in between the piles, emergency vehicles could never be able to contain the fire. The screening buffer is that of the neighboring properties own trees – there is no buffering. It was agreed by Mountain Mulch that the height of the mulch piles would be adjusted to the required height but as of today nothing has changed. Mr. Keiser stated that today Mountain Mulch has violated every condition that was given to them. The video from 5/15/13 showed 10 trucks leaving the site by 8:43am, there was a total of 33 trucks inbound in one day. The video also demonstrated the congestion from the mulch trucks and that the school buses have to go into oncoming traffic to get by the trucks. Mr. Charles Orner stated that as a former bus driver, he would hate to deal with that situation. Mr. Ziegler stated that this is deplorable for that area. Mr. Ziegler stated that he wanted to make a motion for Mr. Bauer to take action to shut them down. Chief Smith stated that he toured the site for a fire plan when it was 7-1/2 acres, if there would be a fire today with the expanded mulching operation it would be very hard to fight it. Mr. Farrell stated that his property adjoins Mountain Mulch and with all the truck traffic this will create wear and tear on roads and bridges that will cost more tax money for repairs. They think we are gullible and tell you anything, the area is a landfill/dump, be prepared for a tax increase. Mr. Diccio asked if I would ask to put up a 7' high fence and you granted it but I put up a 33' high fence don't I get fined, where are the regulations. Mrs. Keiser thanked the Board of Supervisors for understanding how dangerous it is and for asking to appeal the Zoning Hearing Board's decision because it is a dangerous situation, she announced that she has a stack of complaint forms to hand in and Ms. Keiser also collected complaint forms at the meeting. Ms. Heere commented that she watches more and more trucks come down her road on Congo Niantic every day. Mr. Gerhart commented that with no berm or silt fencing around this area the water quality will be affected then what is he supposed to do, buy bottled water. Mr. Ziegler asked the Solicitor if there was any way we can issue a cease & desist order today, Mr. Bauer replied that

he wanted to review all the complaints and he will do everything that he can legally do to shut them down, you have to understand they will appeal, this will be a litigation process. Mr. Stasik commented; let Mr. Bauer do what he can do. Mr. Ziegler commented that we really did not know what was agreed to with Mr. Raffaele. Mr. Bauer recommended that Mountain Mulch should be on his report every month with a standing update on the situation; we are in for a battle on this no one should think that this will be the end, unfortunately the law has appeal rights however the Township will aggressively fight this. Mr. Bauer stated that we can apply what we have learned here to future zoning hearing decisions; we will provide updates at future Board of Supervisor meetings. The Chairman stopped the public discussion at this point and asked for a motion to authorize Solicitor Bauer to review the residents' complaints and video evidence of the mulching operations and if warranted to start any and all legal action necessary up to and including issuing notices of violation and/or cease and desist orders if warranted against Mountain Mulch.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to authorize Solicitor Bauer to start to the any and all legal actions regarding violation enforcement on Mountain Mulch. Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Stasik announced at 8:39pm that there will be a 5 minute recess.
Mr. Stasik reconvened the meeting at 8:44pm.

Engineer's Report – John Sartor, Gilmore & Associates

Berwind II Subdivision – We have had email and telephone communications over the last few weeks with the applicant's engineer with regard to the landscaping and signage placement 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.

County Line Road Bridge – We reviewed the Township's file regarding the bridge and could not find any mention of the type of steel used in the manufacturing of the steel I-beams. We have had email communications with McCormick Taylor and have provided them with a copy of the technical specifications for the 1939 bridge installation.

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.

Hallowell Subdivision (Residential Cluster)- The Applicant's Engineer attended the Township P/A meeting on 5/9/13 to discuss three specific issues related to the proposed residential cluster plan: 1) a proposed meandering macadam walking path between the two entrance roadways off of Congo Road, 2) a proposed 30-ft. wide road cartway width with sidewalk on one side of the street within the 50-ft. right-of-way, and 3) the proposed Open Space areas satisfying the requirements of the Township's Zoning Ordinance.

Sketch Plan Requirements Analysis – We presented a brief overview of our preliminary findings to the Township P/A at their May 9th meeting for further discussion at the June P/A meeting.

Trench Restoration Specification Review – We attended a staff meeting on May 17th, 2013 with Chairman Stasik, Manager Hiryak, George Moser of BMMA, and Keith Showalter of Systems Design Engineering, Inc. concerning our findings, recommendations, and summary spreadsheet as outlined in an April 10th, 2013 email to the Township Manager. Revised details will be forthcoming from Systems Design. Mr. Dries asked if the trench restoration specifications will be in place for the upcoming Maple Street project, Mr. Sartor replied yes. No other questions were given.

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

Solicitor's Report – Paul Bauer

Wayside Chapel – Mr. Bauer stated that there will be an on-site meeting on May 30th, 2013. Meetings will be continuous to check on the condition of the site, progress is continuing we will report back at the June 3rd, 2013 meeting. Mr. Bauer also stated that I will do everything I can to move Mountain Mulch legal process forward; he

will prepare a resolution for the joint purchase of truck scales between the Douglass Township Police Department and the New Hanover Township Police Department for the next Township meeting. Mr. Stasik 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

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

Highway Report

Mr. Heydt stated that the highway crew has been working on laying drainage lines on Bow Lane and will also be replacing the curbing; two workers will be replacing curbing tomorrow. Roadside mowing will begin tomorrow. The manager commented that we are starting to get complaints of properties that have not been mowed or maintained; we will put a list together and start to address the properties individually. No other questions were asked.

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

Treasurer's Report – Cynthia O'Donnell

The Treasurer stated that the unpaid bills amounted to \$146,000.73, the unusual bills were; Andre Farms \$241.18 for hamburgers & hot dogs(Trout Rodeo), Betty Musser \$1300 (enumerator fee), Boyertown YMCA \$1,566.00 (first payment for Summer Program in park), Chemung \$7,066 for pipe (State Aid), Continental Concrete \$2,985 for grates (State Aid), Goodyear Tire \$931.68 (Police tires), Graber Letterin' \$1,170 (ballfield signs), Herbein + Company \$12,000 (Audit), Thomas L. Zeigler, PE \$675 (Conflict Engr.), and YIS/Cowden \$909 (Police equipment). No questions were asked on the bills.

We received the \$820 grant from First Energy for changing traffic signal lights to LEDs at Rt. 100 & Grosser Road, since this change traffic signal electric costs have diminished substantially. On June 3, 2013 we will be receiving a payment in the amount of \$3,711.59 for State Police Fines and Penalties. Due to changes in regulations regarding the payment of State Police Fines and Penalties which became effective on September 1, 2012, only eligible municipalities will receive an allocation. Eligible municipalities are those who have a population of less than 3,000 or who provide at least 40 hours of local police services per week. Project approval was received from PennDot for the Bow Lane drainage construction project. This is the project that currently has expenses under the line item 439 – Highway Construction in the State Aid Fund. Year to date income for the General Fund is \$40,872 or 2.4% ahead of the 2012 year to date income. The biggest increase is with Earned Income Tax and Real Estate Taxes. Transfer Taxes and Building Permits are lagging 2012 income levels. Year to date income for the Recycling Fund is \$4,605 or 2.6% ahead of the 2012 year to date income. The increase is with Trash Bag Sales and Recyclable Sales. As we approach the mid-year mark, I will review with Pete and each department head where their respective departments' budgeted versus actual numbers are currently, and what expenses are expected through the remainder of the year. Mr. Stasik asked if there were any questions on the Treasurer's Report, no one replied.

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

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

Pete Hiryak presented the Manager's Report.

1. The Manager reviewed the upcoming meetings as follows: PMRPC Wednesday, May 22nd @ 7pm, Pottstown Borough Hall, attending will be Pete Hiryak. Rt.100 Corridor Traffic Study Meeting Thursday, May 30th 4pm-6pm, Board of Supervisors Meeting Monday, June 3rd @ 7:30pm, Agenda Meeting @7pm, P/A Meeting Thursday, June 13th @ 7pm, Workshop @ 6pm (Green Building, Floodplain Ordinance).
2. Bob Kerns (Danny Jake Corporation) 3rd request for meeting. Re: Act 209 fee – Zern Tract. The manager stated that an official plan has not been submitted to date. Mr. Sartor stated that Act 209 Fees can't be calculated without a plan submission; Mr. Bauer suggested that the manager send a letter to Mr. Kerns stating this fact.
3. Hunsicker Farms, application of biosolids – The manager stated that Synagro gave notice that 2 or 3 days of biosolid field applications began last week on the Hunsicker Farm on Miller Road. The PA DEP and the Soil Conservation District were notified and both were on site last week for an inspection and the permits and notification are in order. The Township will monitor any complaints and forward them to the DEP.
4. Bike Night, road closure permit and traffic control – the manager stated that he is completing the PennDot road closure application forms and will need to meet with fire company officials regarding fire police and traffic control.
5. Relay for Life/Car Show- Douglass Park rescheduled for Saturday, June 15th, 2013.

The manager stated that he received a written request from the Danny Jake Corporation/Hallowell Cluster Tract requesting a six month plan extension; Mr. Sartor stated things are going well and Mr. Mast will be at the P/A meeting with a revised plan. Mr. Sell said isn't this the plan that will give the Township 24 acres of open space, why do we want more open space, we are limited on what we can do on it, Mr. Ziegler stated that I agree, we can't hunt on those properties, the Open Space/Recreation Committee should re-address these issues. Mr. Dries asked if Bob Kerns is also the Attorney for Wawa, the manager replied yes. Chief Smith noted that he has not seen the hydrant locations for the Hallowell Cluster Tract; the manager will get a copy of the plan to the Fire Chief for his review. No other comments were given.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to grant an extension for the Danny Jake Corporation/Hallowell Cluster Tract until November 2013. Stasik-Aye, Ziegler-Aye. Motion passed.

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

Old Business/New Business

Open Space/Recreation Committee

Mr. Kuklinski stated that the committee met on site at the 210 Smith Road open space property and commented that he thought the property was a diamond in the rough. Mr. Kuklinski reminded everyone that the open space committee will not be meeting in June, July, or August; the next meeting will be on September 16th, 2013 and requested that the Board appoint Mr. Hagadon as a member of the open space committee, he is a public engineer and his experience is a welcomed addition to the open space committee. The Open Space Committee received 3 quotes to survey the open space property at 210 Smith Road ranging from \$1000 - \$2300; Aston Surveyors came in at the low bid of \$1000. Mr. Kuklinski asked the Board for authorization to allow Aston Surveyors to survey the property located at 210 Smith Road.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to appoint Mr. Josh Hagadon as a member of the Open Space Committee. Stasik-Aye, Ziegler-Aye. Motion passed.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to authorize Aston Surveyors to survey the Township open space property at 210 Smith Road. Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Kuklinski commented that the Trout Rodeo was very successful and thanked everyone for any donations and volunteer work that helped to make the rodeo a success. Mr. Reitz commented that there is grant money available for open space; Mr. Stasik replied that we have some people working on it, it is due in September. Mr. Sell noticed that we have a surplus of \$900 from the fish rodeo; the Treasurer stated that the money will carry over into the community activity fund for next year's events. No other questions were asked.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to accept the Open Space/Recreation Committee Report. Stasik-Aye, Ziegler-Aye. Motion passed.

Public Comment

Mr. Sell asked if we ever hired that other part time worker, Mr. Stasik said that it was brought to the Board's attention that we already have an individual working part time on an as needed basis and if there is a case where extra staff is needed this part time individual will help when needed. He is scheduled to start in June 2013. Mr. Reitz asked if Mountain Mulch was turning the mulch piles, the manager replied that due to the size of the piles he did not think that they were turning them and this is a violation of the DEP regulations. Mr. Ziegler stated that he wanted to see copies from the County and State that regulate hunting on open space properties. Mr. Stasik added that he grew up around open space, when its gone its gone, you should look at each open space property individually as to its benefit. Mr. Brumwell added that there are different types of hunting, neighbors complained about about the guns, when we took the money from the County we had to put parking spaces in, Mr. Sell is correct people don't use open space. Mr. Hagadon commented that you should have a site plan review before purchasing additional open space properties. Mr. Sell commented don't forget the primary election is tomorrow. No other comments were given.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to adjourn the meeting at 9:45pm. Stasik-Aye, Ziegler-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, June 3rd, 2013 @ 7:30 pm.

Respectfully submitted by,
Marcy Meitzler