

The meeting of the Douglass Township Board of Supervisors was called to order at 7:33 P.M. Attending were Chairman John Stasik, Jr, Vice Chairman Fred Ziegler, Solicitor Paul Bauer, District Justice Maurice Saylor, Engineer Dave Leh, Chief Templin, Pete Hiryak and approximately 30 residents.

Mr. Stasik led us in the pledge of allegiance.  
Chairman Stasik turned the meeting over to Solicitor Bauer.

Mr. Bauer announced there was an Executive Session held this past Saturday, two resumes were received for the position of Township Supervisor and on Saturday both candidates were interviewed. The Township is very fortunate to have these candidates, Ed Reitz and Anthony Kuklinski, both did very well in the interviews. The Board now has the task of choosing between two excellent candidates, this would be the time to make a motion to appoint a Supervisor if the Board chooses to do so. Mr. Stasik commented that both candidates bring a lot to the Township; Mr. Reitz is Vice Chairman of the Planning Agency and Mr. Kuklinski is an elected auditor for the Township, Police Chief for Spring City, and a former Constable for the Township. Both candidates indicated that they would run for re-election when their term was completed.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to appoint Anthony Kuklinski to the position of Douglass Township Supervisor. Stasik-Aye, Ziegler-Aye. Motion passed.

Judge Saylor was introduced and came forward to administer the Oath of Loyalty to Mr. Kuklinski. The Board congratulated Mr. Kuklinski and he took his seat as Douglass Township Supervisor.

After the oath Judge Saylor announced that he has completed six years as District Justice and thanked the public for allowing him to serve the Township. He also commented that Douglass Township has an excellent Recycling Center and thanked the Recycling Coordinator Andy Duncan for a job well done and for allowing some of the juveniles from his court to do community service work at the Recycling Center. The Board thanked Judge Saylor for performing the Oath of Loyalty this evening.

Mr. Bauer announced that you cannot hold two elected positions at the same time so Mr. Kuklinski must resign one of his positions. Mr. Kuklinski verbally resigned his position as elected Township Auditor and will deliver a written letter of resignation to the Township Manager tomorrow morning.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to accept the resignation of Mr. Kuklinski as elected Township Auditor effective immediately. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Bauer announced that now there is an auditor position available, an elected auditor does not have to have an accounting degree or background, if anyone is interested they should send a resume to Manager Peter Hiryak, this position must be appointed by the Supervisors within 30 days or the Vacancy Board Chairman, Sam Hunter, will help the Supervisors in the decision to appoint a Township Auditor.

Mr. Stasik asked if there were any changes, corrections, or comments on the minutes of May 20<sup>th</sup>, 2013 Board of Supervisors Meeting, no changes or comments were given.

A motion was made by Mr. Kuklinski, seconded by Mr. Stasik to approve the minutes of the May 20<sup>th</sup>, 2013 Board of Supervisor meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

**BMMA Report (May 28, 2013 Meeting) – Bob Dries**

Mr. Dries stated that BMMA's April meeting minutes are in the lobby. BMMA earned \$12,377.91 in electricity demand credits in 2012 through the use of their generators to generate power during peak power demand periods. BMMA received DEP approval on the Connection Management Plan recently submitted. This plan included the Wawa project. The complete Act 537 Plan submittal is still under review by the DEP. Systems Design Engineering reviewed

bid proposals to maintain the Digester Covers and upgrade the gas collection system at the treatment plant. The cost of the project is \$299,900. This maintenance is performed on a ten year cycle. The bid was awarded to Quad Construction Company. Late payment letters for the current quarter were sent to 416 accounts. Delinquent payments were reviewed and discussed. Alternative collection procedures were discussed and it was agreed to continue current procedures that send a property to sheriff sale if they are over \$1000 delinquent. Mr. Ziegler commented that in these economic times he does not agree with that, a lot of people are out of work and to take their house away is ridiculous. Mr. Bauer asked if the homeowners contact you for help do you make payment arrangements, Mr. Dries replied yes. Mr. Dries explained that the problem is not that these homeowners can't pay their sewer bill it is that they will not pay the sewer bill. Mr. Ziegler stated that now he understands the circumstances behind the actions. Mr. Stouch stated that he would try to attempt, at no cost, to try to serve the notices for BMMA. Mr. Stasik stated that the Sheriff's Department is making an attempt at this point to serve the notices. Mr. Brumwell commented that he deals with deadbeat tenants through the courts and after the hearings the tenants are laughing their heads off, he now garnishes the wages to recoup his rental costs. Years ago it was a minimum of \$15,000 owed to you in order to garnish wages, now the law has changed that you can go after a lesser amount. Mr. Dries added that the next regularly scheduled BMMA meeting is on Monday June 24<sup>th</sup> at 7pm at the BMMA Building on Municipal Drive. Mr. Ziegler commented that Mr. Dries does a very good job. No other questions were asked.

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

#### **Engineer's Report – Mr. David Leh**

1. Berwind II Subdivision – We received the revised plan submission on 5/30/13, which is currently under review by our office to be discussed at the June P/A.
2. Floodplain Ordinance – On 5/24/13 we attended a staff meeting with the Township Manager, the P/A Solicitor, and the Township Planner to discuss our findings to date concerning the draft floodplain ordinance.
3. NPDES MS4 Permitting Assistance – We are currently working on completing the Township's Annual Report for submission to the PADEP.
4. Pineville Properties, LLC/Wawa Land Development – We received the Preliminary Plan submission on 5/23/13, which is currently under review by this office.
5. Rt.100 Corridor Study – We attended the Stakeholder Charette meeting held on 5/30/13 at the Township Municipal Building.
6. Trench Restoration Specification Review – We reviewed several sheets of the "2013 Sanitary Sewer Replacement Project Plan and Profile Contract "B" – Maple Street" plan set as provided to us by Systems Design Engineering, Inc. during our 5/17/13 staff meeting. On 5/21/13, we emailed our review comments to Chairman Stasik, Township Manager Hiryak, George Moser of BMMA, and Keith Showalter of SDE. On 5/22/13, we received revised plans from SDE and replied on the same date to SDE that the revised plans addressed our review comments. No questions were asked.

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

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

*Wayside Chapel* – An inspection was scheduled for last week however we received a continuance notice, the new site visit date is this Wednesday with the manager, Mike Heydt, myself, and any Supervisor that wishes to attend the meeting.

*Mountain Mulch* – At the last meeting the Board saw a video and listened to the concerns from the Sassamansville area residents. The Supervisors authorized me to review the entire Mountain Mulch file. My main concern was of a potential fire hazard at the site; Chief Smith, Assistant Chief Andy Duncan, Mike Heydt, and the Manager reviewed the site and the log records for turning the mulch piles and temperature of the piles, copies were made of the logs. A fire inspection was done and Mountain Mulch passed the inspection. Additional recommendations were made by Chief Smith on behalf of Gilbertsville Fire and Rescue and these were completed by Mountain Mulch. The number one safety

concern was regarding firefighting personnel and equipment, specifically access to water supplies and emergency vehicle access on the site, and it appears that there are no deficiencies now, however that does not mean that they are not in violation of other requirements, Kevin Bauer from DEP, no relation, shared his entire file on Mountain Mulch with us. Mr. Bauer sent a letter to DEP and they are moving Mountain Mulch from a BMP permit and will have them operate under a General Permit. DEP will not generate reports for another three weeks and we will make the reports available to the public when we receive them. DEP believes that they are being reactive to the Township and residents and will work on water quality and air quality reports. There was a meeting here at the Township on Friday, May 31<sup>st</sup> with Vince Raeffele of Mountain Mulch, one resident asked if they could attend and that resident attended the meeting. 12-1/2 acres are being used at this time and we believe it will be down below the 7-1/2 acres to around 6.8 acres by July 1<sup>st</sup>, 2013. We discussed the hours of operation, there has not been an hours of operation complaint in the last couple of weeks. Mr. Hansen's nursery is operating on about 20 acres. We did reach out to Mr. Hansen about hours of operation and he stated that he would comply with the 8am-5pm hours and would notify us if watering had to be done outside of those hours; Mountain Mulch was not operating outside of the hours of operation. We have already discussed truck traffic with New Hanover last fall, Mountain Mulch has agreed to stagger the deliveries however they were concerned that staggering the trucks would extend operating hours. We made copies of the transportation logs; DEP will also have access to these logs. Mountain Mulch does have an attorney and he knew about the meeting and did not have a problem with Mr. Raeffele attending without legal counsel. Mr. Bauer stated that there is not enough information to file a cease and desist order and he does not recommend that to the Township, we should continue to monitor the situation and conditions put forth by the zoning hearing board. Mr. Ziegler asked Mr. Bauer if the piles have been reduced, Mr. Bauer replied that when the site inspection was done he gave everyone a specific job to do, we took photographs and almost all the piles were down approximately 16' with the exception on the pile closest to the Keisers', that was the highest pile that will be used for animal bedding and he was assured that it will be down by July 1<sup>st</sup>, 2013. Mountain Mulch is currently only taking in chips. Some materials in the video were on that property for years; even Mr. Hansen acknowledged that those things were there from him, Mountain Mulch is helping Mr. Hansen get rid of those piles. Mr. Ziegler asked what height does DEP allow, Mr. Bauer replied 20' and the piles are lower than that. Mr. Ziegler asked what about the property lines, Mr. Bauer replied that the back portion of the property is well beyond the distance required by DEP. They have completely bermed the 7-1/2 acre site, this was verified by the manager and Mr. Heydt. The manager stated that the bridges on Sassamansville Road and Hoffmansville Road are not posted with weight limit signs because the inspections indicate the structures can handle unlimited truck weight, we will get answers on whether the bridges need to be re-inspected because of the additional truck traffic. The bridges were last inspected in 2012 and are scheduled to be inspected again in 2014. New Hanover has postings on their roads and bridges and Mr. Bauer is looking into the possibility of posting signs on some of our roadways such as Congo Niantic Road and Green Hill Road, he will meet with officials from New Hanover to discuss postings. Mr. Bauer stated that Mountain Mulch has only one paid driver the others are third party drivers, Mountain Mulch can request them to use certain roads however they have no control over which roads they actually take. Mr. Brumwell commented that two weeks ago on a Sunday they were in operation, not watering; Ms. Keiser added that she knows the difference between the mulching operation and watering and they were not watering. Mr. Ziegler said to Mr. Bauer, we can't have this I have a real problem with the quality of life in that area. Mr. Brumwell commented that Mountain Mulch is pulling the wool over your eyes. Mr. Bauer stated that we are doing everything to try to address these issues and it is very offensive to me to hear that we are not doing anything, you might not like the speed of how things are going, we could litigate which will slow things down, this Board is attempting to be proactive, they were put in this position and are trying to address the situation, based on the situation now we cannot shut them down. Mr. Brumwell said no one knew what was going on and one person dictated this situation and now the Board is stuck with it, Mr. Ziegler believes that Mountain Mulch will move out of there because they made mention of an exit plan, Mr. Bauer said we are trying to address the problem that was dumped in our laps and I believe it is headed in a direction that it needs to be. Mr. Kuklinski asked Carl Hiryak if he was on the Board when Boyertown Sanitary Landfill was hauling, Carl replied no it was probably his brother Walter Hiriak. Mr. Ziegler stated we fought with them for 15 years, Carl stated that the dump was here before zoning was in place. Mr. Kuklinski stated that Lower Providence filed a cease and desist order on the Moyer Super Fund site and it got dismissed, we must stick to the administrative process with this, Mountain Mulch has acknowledged the fact that they have a problem; we are here to listen and help. Mrs. Orner stated who is in control here, I have questions, why didn't you call when more than 10 trucks went through, why haven't the police been called there. I wouldn't believe any of those logs, it should

not have taken this long for fire lanes, who is doing their homework, you accept all of this and you say you want our help, people need to do their jobs. The reason that it is quiet now is because they got spanked. Mr. Ziegler suggested possibly having our own logs, Mr. Bauer stated that it will take time and manpower, the testimony at the zoning hearing was a guess, an estimate, no court of law is going to uphold that specific amount of truck traffic, spring is their busy season and trucks will increase the courts are overburdened with these type of issues, when Mountain Mulch is under a General Permit the DEP has authority to take the permit away. In New Hanover we are in the continued process of battling along with DEP on the quarry operation. Mrs. Orner stated that there are a lot of people in this room who have a good relationship with DEP. Mrs. Gladys Bauer from Hoffmansville Road stated are you sorry you left these people come in; the zoning hearing board should sit on my front porch and see what I put up with on a day to day basis. Mrs. Keiser said that her concern is the fact of 7-1/2 acres; they have not been at 7-1/2 acres since Hansen's auction which was 1 year ago. Mr. Farrell stated that Mountain Mulch borders his property, he looks out the windows everyday and they have not turned the mulch piles and only recently made fire lanes, there are 3 times as many trucks as they told us, Mr. Bauer you were supposed to find ways to shut them down. Mr. Farrell complained that he was not notified for the zoning hearing. Mr. Stouch commented that this is based on the actions of one individual, can we attempt to take action against that individual, and Mr. Bauer stated that the Board could authorize me to take action, whether or not an individual Supervisor could take action would be up to the individual. Carl Hiryak stated that he is a member of the zoning hearing board and we were told at the hearing that only pre-ground material would be brought in, based on what was told to us and based on the testimony that was given Sassamansville could have handled it and the use was granted in order to bring a small business into the Township. Mr. Bauer stated that a notice of violation does not shut them down; it just hands down fines subject to a court hearing. We are still investigating the issues and noted that the manager stated in correspondence to a Hoffmansville Road resident that we are reviewing the issues for possible violation notices. My recommendation to the Board is to get this site in compliance with the conditions set forth by the zoning hearing board as quickly as possible. Mr. Stasik stated that Mountain Mulch must be in compliance, it will take time. Mr. Sell commented that he went through this type of cease and desist situation with his neighbors milk hauling business and they still operated for 2 years during the legal process. Mr. Bauer stated that if you recall the quarry situation nearly bankrupted New Hanover Township they had to, at that time, drastically reduce the police force. No other comments or questions were given.

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. Ziegler to accept the Solicitor's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Stasik convened the meeting at 9:07pm for a five minute recess.

Mr. Stasik reconvened the meeting at 9:14pm.

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

1. The Manager reviewed the upcoming meetings as follows (open to public): P/A meeting Thursday, June 13<sup>th</sup> @7pm, P/A Workshop @ 6:30pm – (Buffers & Floodplain). Board of Supervisors Meeting June 17<sup>th</sup> @ 7:30pm, Agenda/Exec Session @ 7pm. Gilbertsville Area Community Ambulance Service – Memorial Service Wednesday, June 12<sup>th</sup> @ 6:30pm, the manager will attend on behalf of the Board. The manager notified the Board that Michael Heydt is out for at least one week for a non work related knee injury.
2. Managers Contract – The manager stated that a manager's contract has been discussed since October 2012; the Board has received copies of a contract which includes the same benefit package and comparisons of managers' salaries from Second Class Townships in Montgomery County. No questions or comments were given.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to approve the Manager's Contract as written. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

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

**Public Comment**

Walt Wrydrynski commented that now is the time when you can smell the fresh cut hay; however with biosolid sludge being applied to a certain area the stench overpowers that smell from fresh cut hay. I just want you to know that stress kills and before it kills it does more to you, look at me at lost 60 pounds. Terry Keenly of Village Green asked the Board to consider installing a traffic light at Bartman Avenue and E. Philadelphia Avenue, Mr. Stasik replied that the area has been a problem and some things are planned within 2-3 years, with the proposed Market Street project a major part of the Rt. 100 Corridor. Chief Templin commented that more accidents happen in that area on the weekends when Zern's Farmers Market is open. Mr. Stasik asked the Solicitor and Engineer to look at a short term solution, possibly taking one of Zern's entrances/exits away. Mr. Duncan wanted to clarify that the fire company's perspective during the fire inspection at the Mountain Mulch site was to keep fire company personnel and equipment safe and operable. The Manager said that Mr. Wrydrynski commented about the biosolids, both the Soil Conservation District and DEP were contacted and inspected the Hunsicker property, they had all permits in place and it looked like it was tilled and planted very quickly after the biosolid application. Mr. Wrydrynski commented again that sewer sludge smell overruns the smell of fresh cut hay, he also stated that two people came up to me and apologized for what they did to me and my family from past legal decisions of Solicitors regarding the use of my property, I just want you to know that I am taking my property back. The manager stated that the Township did not receive any smell complaints from the residents in the Miller Road area regarding the Hunsicker Farm. Mr. Stasik stated that BMMA sludge has been landfilled, it costs more to landfill but they feel it is the best way to handle it, Mr. Dries stated that BMMA actually has a sludge hauler contract. No other public comment was given.

**Old Business/New Business**

Mr. Stasik commented that since I have the pleasure of being Chairman we need to re-establish the contact person for each department, Mr. Ziegler will be the contact person for the Police Department; Mr. Kuklinski will be the contact person for the Highway and Recycling Departments, and I will be the contact person for the Office Staff.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to establish Mr. Ziegler as the contact person for the Police Department, Mr. Kuklinski for the Highway and Recycling Departments, and Mr. Stasik will be the contact for the Office Staff. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Brumwell stated that with this reorganization he assumes that Manager Hiryak will be allowed to function as Manager and no Supervisor will interfere, Mr. Ziegler replied absolutely. Mr. Stasik stated that there will be discussions on issues reported. Mr. Ziegler said that we will not micro-manage; Mr. Stasik added that we are moving forward, it might be slow but it is forward. No other old business/new business was given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to adjourn the meeting at 9:40pm. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, June 17<sup>th</sup>, 2013 @ 7:30 pm.

Respectfully submitted by,

Marcy Meitzler