

The meeting of the Douglass Township Board of Supervisors was called to order at 7:35 P.M. Attending were Chairman John Stasik, Vice Chairman Fred Ziegler and Supervisor Anthony Kuklinski, Solicitor Paul Bauer, Engineer John Sartor, Cynthia O'Donnell, Chief Templin, Andy Duncan, Mike Heydt, Pete Hiryak and approximately 26 residents.

Mr. Stasik asked everyone in the room to please be aware of all exits and place their cell phones on silent during the meeting and led us in the pledge of allegiance.

Mr. Stasik asked if there were any changes, corrections, or comments on the minutes of October 7th, 2013 Board of Supervisors Meeting, no changes or comments were given.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to approve the minutes of the October 7th, 2013 Board of Supervisors Meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Engineer's Report – John Sartor, Gilmore & Associates

Berwind II Subdivision – On 10/10/13 we issued our second review letter regarding the sewage facilities planning module submission and indicating that the module submission was complete with minor conditions. On 10/10/13 the planning Agency recommended approval of the planning module, they also recommended granting the waivers requested by the applicant as well as preliminary plan approval. Mr. Weingarten stated that eight structures have been removed from the Berwind II property which was a concern for some area residents. Mr. Kuklinski asked if permits were pulled for the demolition job there was no reply, he asked Mr. Haring if he got permits to remove structures, Mr. Haring stated that he made the PA One Call, Mr. Kuklinski asked if he notified DEP and pulled the required permits. Mr. Ziegler said in defense of Mr. Haring that I made the call to remove those buildings immediately. Mr. Kuklinski stated that the correct process for demolition is to pull and pay for a permit, notify DEP, and make PA One Calls, he will not tolerate not adhering to the proper procedure this has been done by a past Supervisor, and this is not the way to handle things. Mr. Weingarten and Mr. Gibson apologized to the Board and stated that they will correct this with the Manager. Mr. Weingarten stated that they have reconfigured Detar Road to connect to the Yarnall property as requested by the P/A. Mr. Sartor did a review of the revisions of the plan and is in the process of reviewing the grading of the two new lots however he does not anticipate any problems. The Board asked if this plan was subject to Act 209, Mr. Sartor replied yes. Mr. Bauer recommended that the Board could vote on the authorization of execution of the sewer module.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to authorize the execution of the sewer module for the Berwind II Subdivision. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to authorize Mr. Bauer to prepare a Preliminary Plan Resolution for the Berwind II Subdivision. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Bauer would not recommend approval of the preliminary plan to the Board stating that there is a procedure to follow and that you cannot do any improvements until you post an escrow and he will not recommend it. Mr. Hiryak asked if anything could happen before the 45 day zoning hearing appeal period is over, Mr. Bauer stated that the ZHB decision could still be appealed until the 45 days expire. Mr. Gibson stated he would arrange the utilities, get contractors together, and try to get things done that the weather could hold up. The Board stated that he could line up the contractors, and arrange the utilities but no improvements were to be done until final plan approval and escrows were established.

Hallowell Subdivision (Residential Cluster) – On 10/7/13 we issued our second review letter regarding the preliminary plan submission. At their meeting on 10/10/13, the P/A recommended that the waivers requested by the applicant be granted; the P/A also recommended preliminary plan approval. The applicant will be here in two weeks to ask for approval. The Board asked if Mr. Rosen is paid up to date, the Treasurer replied that Mr. Rosen is up to date with payments and also has posted an escrow for the project.

Provo Pinegood Grosser Road, LP/Wawa Land Development – On 10/10/13 we issued our second review letter regarding the sewage facilities planning module submission and indicating that the module submission was complete with minor conditions. At their meeting on 10/10/13, the P/A recommended approval of the planning module. On 10/17/13 we received a revised plan submission along with supporting documentation from the

applicant's civil engineer and traffic engineer, which is currently under review by our office. On 10/17/13 the Manager, Mr. Heydt, and I inspected the existing roadway and drainage conditions along Grosser Road in front of and adjacent to the subject property. I will forward a summary of our findings and recommendations via email to the BOS & P/A for consideration and discussion. The Board asked if Wawa has paid their invoices, the Treasurer replied that Wawa owes \$9,227 as of 8/28/13; the Board will not recommend approval for the Wawa Planning Module until the \$9,227 invoices since 8/28/13 are paid. Kuklinski-Nay, Stasik-Nay, Ziegler-Nay. Approval Denied.

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

Gilbertsville Ambulance Report – Garry Schmoltze

Call volume for September 2013: There were a total of 99 calls for service; 70 patients were transported, 10 cancellations, 11 refusals, 6 no patient found, 1 transferred care air medical/Other EMS, 1 no treatment needed. The breakdown is 47 from Douglass Township, 23 New Hanover Township, 8 Boyertown Borough, 1 each for Earl, and East Greenville, 7 Colebrookdale, 8 Pottstown Boro, 3 Upper Frederick, and 2 West Pottsgrove. ALS-57, BLS-42. Hospitals Transported to: 8 Lehigh Valley-Cedar Crest, 1 Medevac-Lehigh Valley, 2 Phoenixville, 57 Pottstown Memorial, 1 St. Joseph's-Reading, 1 St. Lukes Quakertown. Total calls to date: 2012 – 968, 2013 – 1016. Received new ambulance on 10/6/13, dedicated new ambulance 10/9/13, and put in service on 10/12/13. No questions were asked.

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

Trustee's Report – Mr. Haddad

For the past year, I have requested the two fire companies to develop a succession plan to have the deed to the fire company real estate transferred from Charles A. Haddad, Trustee to another party. I met with representatives from both groups with a brief outline of a proposal that would do the following: Transfer the deed to Gilbertsville Fire Co. o. 1(GFC), Appoint a managing committee or board of two members from GFC, two members from F&R, and Charles A. Haddad or another mutually agreed upon person as the fifth committee person, F&R has retained Stephen Shelly, Esq. as their attorney and GFC has retained Charles Markofski, Esq. as their attorney, Atty Shelly has sent a letter stating several concerns that F&R had, none of which address the issue of the real estate, other than F&R does not want to own the real estate. The issues raised are to Small Games of Chance, Insurance and other concerns, all of which should and could be resolved if the basic issue of real estate title is agreed upon., I have sent a letter to the attorneys for GFC, F&R, and Douglass Twp Manager advising I will be submitting my resignation as trustee on Dec 1, 2013 to Judge Del Ricci, Effective 12/31/13, if there is no stipulation for an agreement to the title by 12/1/13, there will need to be a court hearing for Judge DelRicci to decide whether another trustee be appointed or some other order for the transfer of title, in my judgment, a trustee is not needed since the two groups have demonstrated they can cooperate and work together. A trustee will be an unnecessary expense unless another pro bona attorney is located, I have advised both companies I would continue in an informal advisory capacity as long as both companies indicated they want me to so serve, I am open to meet with the attorneys for each company together with representatives from each company in an effort to resolve this matter of the real estate. Mr. Ziegler asked if the Board could possibly help solve the issue, Mr. Bauer stated that they could convene for an Executive Session.

Mr. Stasik announced that the Board would convene at 8:20pm for an Executive Session.

The Board reconvened from Executive Session at 8:34pm.

The Board announced that if Gilbertsville Fire Co. No.1 and Gilbertsville Fire & Rescue are not in agreement of who will take ownership of the fire company real estate by the November 18th, 2013 Board of Supervisors meeting, the Township will take over ownership of the fire company real estate.

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

Gilbertsville Fire Company No 1 – Phyllis Kerr

Ms. Kerr stated that the next indoor yard sale event will be November 10th from 7am to 1pm. There will be a Thanksgiving Day Buffet from 12Noon to 4pm. They have bookings for banquets and craft shows during the next few months and 2014 bookings look promising.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to accept the GFC #1 Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Gilbertsville Fire & Rescue – Rick Smith

Fire report for September 2013 – 2 fires, 1 brush/trash fire, 2 vehicle fires, 4 fire alarm/CO2 alarm, 2 fire police, 4 Assists to other departments, 1 special service, and 3 investigations for a total of 19 calls. The Fire Company was in service for 14 hours and 45 minutes. In September Fire & Rescue assisted the Douglass Township Police Department with their Hwy Safety Check. Chief Smith thanked Chief Templin for helping with Fire Prevention class held at Gilbertsville Elementary School. No questions were asked.

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

Police Department Report – Chief Templin

Statistics for September 2013 – 396 incidents reported, 5 reportable accidents, 12 non-reportable, 21 criminal investigations, 7 criminal arrests, 153 traffic citations, 18 non-traffic citations, 8,626 miles traveled, money received by the Township \$5,945.56. Chief Templin stated that he attended a press conference with Montgomery County D.A. Risa Ferman and Berks County D.A. John Adams announcing the arrest of a major drug trafficking ring, the arrests occurred in Douglass Township. The individuals arrested had a base of operation in the City of Reading but were trafficking cocaine and crystal methamphetamine in Montgomery County, evidence seized included a loaded handgun, 1.5 pounds of crystal methamphetamine, cash and seven cellular phones. A number of law enforcement agencies were involved, this is a huge win for us as crystal methamphetamine is not as popular around here as it is in many other areas and these defendants were looking to start a new market base here in Montgomery County. We participated in Fire Prevention Week at Gilbertsville Elementary School along with Fire & Rescue. The Chief was present along with the Manager and Supervisor Kuklinski for the dedication of the new Ambulance on October 9th. Officers Dykie and Swavely became certified in Vehicle Weighing and Measuring through the Pennsylvania State Police Commercial Vehicle Safety Division and we can now utilize our scales. On Saturday October 26th from 10am – 2pm our police department will be coordinating with the Drug Enforcement Agency in the Sixth National Drug Take Back Initiative, the drop off site will be inside the Giant Food Stores, 173 Holly Road, Gilbertsville PA 19525. We also have our own drop site here at the Municipal Building main entrance area available Monday thru Friday 8am-4pm except legal Holidays. The police department will be in our neighborhoods dispersing trick-or-treat bags to the children making their rounds on October 31, 2013; all treats are being donated by our officers and our police secretary. The promotional process for the rank of Sergeant in the Douglass Township Police Department is complete. I prepared an eligibility list on October 10th and each supervisor has a copy. My recommendation would be to promote the number one candidate off the eligibility list, Matthew Swavely. I am seeking the Boards approval to move forward and promote Matthew Swavely to the rank of Sergeant, beginning November 4th, 2013.

A motion was made by Mr. Kuklinski, seconded by Mr. Stasik to promote Matthew Swavely, based on Chief Templin's recommendation, to the rank of Sergeant beginning on November 4th, 2013. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Yarnall had concerns about recent burglaries and said nothing has been done about it, Chief Templin asked if he reported them, if it is not reported we can't do anything – please report it when it happens.

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

Recycling Report – Andrew Duncan

For the month of October 2013: 1 load of cardboard to Reading, 2 loads of light iron to Pottstown. The chipper was out to 3 residences this month, all were exempt from payment. Mulch is still available for \$10 per scoop, ½ off with your trash bag coupon. We are sold out of leaf mulch. Open House/Shredding Event was held on October 5th, 2013 at the Recycling Center; about 30 residents utilized the program. I would like to extend a huge thank you to Advanced Disposal for donating the \$750 to pay for the shredding truck, the cost to the Township was \$0. There was a fire truck and ambulance on site at the event. New recycling containers have arrived, they are an equivalent of the three smaller containers, and each residence will only receive one of the new containers. We will not be trading old containers with nothing wrong with them for a new bigger container, when those containers are worn and broken, we will provide you with a new container. Leaf collection began today October 21st, and will run through Friday December 6th. We will not be collecting leaves on Thanksgiving or Black Friday. No questions were asked.

Terry Kaplan – Planet Aide (used clothing container at Recycling Center) Mr. Kaplan stated that Planet Aide has had a clothing collection bin at the recycling center for many years at no cost to the Township and he received a call that this bin will no longer be available at the center because another company is offering \$100 per month to have a bin at the recycling center, ReCommunity is for profit – they are buying the right to steal from needy people. Mr. Kuklinski stated that he was in a budget meeting for the recycling center and for the record the budget is to the penny where the money is spent, staff does an excellent job of managing the money, we have been given several awards for our recycling. Mr. Kuklinski has looked into Planet Aide and it made over \$5 million dollars in profit and the clothing goes outside of the United States, 99.9% of your aide goes to Mozambique which he does not agree with at all, that is just not right. I am in favor of Mr. Duncan's decision to go with ReCommunity which is a U S company giving U S aide.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to approve Mr. Duncan's choice of ReCommunity clothing bin at \$100 per month income to the Recycling Center and to approve the removal of the Planet Aide used clothing bin. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

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

Solicitor's Report – Paul Bauer

Cable Franchise Agreement/Comcast – I will request authorization to advertise an Ordinance to approve execution of the proposed new Cable Franchise Agreement. The new Cable Franchise Agreement will have a term of 15 years and will have gross revenue set at the maximum rate allowed by law which is 5% of subscribers within the municipality and will generate \$160,000 per year. The Township will also receive a one-time franchise grant of \$25,000 which the Township can use anyway it so chooses. Mr. Ziegler asked if Miller Road and Middle Creek Road could possibly get cable, Mr. Bauer stated that it has to be worthwhile for Comcast to run cable into that area. Mr. Stasik stated that he doesn't like the 15 year term, it's too long and also wanted Mr. Bauer to look into getting discounts for Senior Citizens, Mr. Bauer stated he would try to set up a meeting, however the cable company has proposed this agreement and probably will not change terms.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to advertise an Ordinance to approve execution of the proposed new Cable Franchise Agreement. Kuklinski-Aye, Stasik-Nay, Ziegler-Aye. Motion passed.

Mountain Mulch – On May 28, 2013, in my capacity of Solicitor for the township, I sent a letter to the DEP requesting that the DEP require Mountain Mulch to transfer their operations from the LCGE & NPDES Permit, which is a general operating permit a more specific permit which requires more oversight and more specific regulations by the DEP. Accordingly, the Township was notified in September that Mountain Mulch has applied for a General Permit No. WMGM015 which is a General Permit related specifically to Mulching activities. In order to protect the township and its residents, I will send a letter to DEP asking that they impose conditions of the Zoning Hearing Board's decision as well as the conditions that DEP had previously imposed on their old Permit by rule application. The General Permit will have DEP come down harder with regulations. Mr. Ziegler asked to attempt a staff meeting with Vince Raffaele; the State tells me this operation cannot be on a preserved

farm. Mr. Bauer stated that Representative Toepel told him there is currently a pending bill to make it illegal to have this type of operation on a permanently preserved farm; Mr. Bauer will set up the staff meeting. An attorney from Mr. Mullaney's office representing the residents in that area stated that this operation involves a lot of moving parts, eight residents are living a nightmare, why is Mountain Mulch not being cited for these violations, they have continued to operate wrongly. Mr. Ziegler asked for them to be cited for every violation, from today's date, he wants the zoning officer out there every week. Mr. Orner stated that the entire operation was to be within 7-1/2 acres with a berm surrounding it; the attorney representing Mr. Mullaney's office added that Mountain Mulch is operating a portable grinder.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to authorize the zoning officer to do a site inspection every week and cite them for every violation and to work with the Engineer for a clear site survey of the Mountain Mulch operation. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed. Mr. Bauer stated that if the zoning officer finds a violation he will be happy to write a violation. Mr. Stasik asked if there were any other questions or comments, no one replied. Mr. Stasik asked if there were any questions on the solicitor's report, 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 Mr. Stasik to accept the Solicitor's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Highway/Zoning Reports – Mike Heydt

Highway - The following work was done by the road crew: patching was completed on Lone Pine Road and Congo Niantic Road.

Zoning – Mr. Adams on Mill Street is moving forward with his cleanup process. The auto repair business on E. Philadelphia Avenue (former Shell Station) still has not cut the high grass in the back part of the property; I am talking to them about taking care of it. Mr. Ziegler stated that there is a point where talk doesn't work and you must take action; get it done. Mr. Heydt stated that he would take care of it. Mr. Stasik asked if there were any questions for Mr. Heydt, no one replied

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to accept the Highway/Zoning reports. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Treasurer's Report – Cynthia O'Donnell

The Treasurer stated that the unpaid bills amounted to \$350,892.39, the unusual bills were; Douglass Township Firefighters Relief Fund, EMC Insurance, MCPC for planning services, PA Municipal Retirement System for Uniform and Non-Uniform Pensions, and Z-Weldco. No questions were asked on the bills.

The workers compensation audit for the period 6/2012-6/2013 resulted in an additional premium due of \$3,953.00, I have contacted our insurance agent and he will be doing further investigation of the calculation with EMC. Therefore, the EMC Insurance bill will not be paid until the amount due is verified to be correct, the installment for 3 months of the current year's premiums will be paid. The Foreign Fire Insurance Premium Tax in the amount of \$80,328.08 was received on 9/23/13; the amount is being disbursed to the Douglass Township Firefighters Relief Association with today's disbursements. The 2013 Commonwealth allocation of General Municipal Pension System State Aid in the amount of \$93,224.60 was received on 9/23/13. Based on a unit allocation of \$3,884.36, the amount of \$62,149.74 will be deposited into the police pension plan, and the amount of \$31,074.86 will be deposited into the non-uniform police pension plan. An auditor from the Auditor General of PA office was at the Township this week. The 2012 Liquid Fuels fund was being audited. There were no

findings at this time. I have closed escrow accounts, and will be returning the money remaining to the escrow owners: Sterner Annexation, Bui Jordan Dr Minor Subdivision, Atlantic Traffic Design & Engineering, AAA Development & Mgmt Inc, Bonanza Stetler Service Corp, Weis Market Town Plaza, Hollenbach Construction, and Sealstrip Corporation. Year to date income for the General Fund is \$320,104.38 or 12.0% ahead of the 2012 year to date income. The biggest increase is with Earned Income Tax. Transfer Tax, Fines, and Protective Inspection Fees are lagging 2012 income levels. Year to date income for the Recycling fund is even with 2012. Mr. Stasik asked if there were any questions on the bills or the Treasurer's report, no one replied.

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

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

Pete Hiryak presented the Manager's Report.

1. The Manager reviewed the upcoming meetings as follows: BOS meeting Monday, November 4th @ 7:30pm, Supervisors Agenda Session 7pm, P/A Workshop Thursday, November 14th @ 6pm (Riparian Corridor), P/A Meeting @ 7pm.
2. 2014 Budget Meetings – Open to the public - Wednesday, October 23rd 3pm-5pm (Hwy Dept/Liquid Fuels) and Friday, October 25th 3pm-5pm (Administration).

Mr. Stasik asked if there were any questions on the Manager's Report, no one replied.

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

Old Business/New Business

Open Space Report – Mr. Romig stated that the committee nominated and voted in Josh Stouch as Co-Chairman of the open space committee, this makes Randy Romig and Josh Stouch Co-Chairmans of the open space committee. An Eagle Scout project was discussed for a proposed fire pit to be built on the Libor property. The manager will complete the paperwork for the project. It was mentioned that Tony Mashintonio is once again willing to let us use his pond for our 2014 Trout Rodeo, the fish rodeo discussions will begin January 2014. There was more discussion about potential uses for the various open space property. One suggestion was a dog park. We also agreed that it is important to get all the sites on the web page so that more people are aware of them and hopefully the properties will be better utilized, Mr. Hagadon is working on this.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to appoint Josh Stouch as Co-Chairman of the open space committee. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to accept the open space/recreation committee report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Public Comment

Mr. Sell stated that the Attorney for Berwind II was trying to sidestep the proper procedures for preliminary plan approval of Berwind II and complimented Mr. Bauer on how he stuck with the proper procedure process. Mr. Kuklinski also thanked Carl Hiryak for pointing out that there is still a 45 day appeal process for the Berwind II Zoning Hearing. No other comments were given.

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

The next Board of Supervisor's meeting will be held on Monday, November 4th, 2013 @ 7:30 pm.

Respectfully submitted by,
Marcy Meitzler