

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, Supervisor Anthony Kuklinski, Solicitor Paul Bauer, Engineer John Sartor, Chief Templin, Cindy O'Donnell, Mike Heydt, Pete Hiryak and approximately 37 residents.

Mr. Stasik led us in the pledge of allegiance.

Chairman Stasik asked the public to be aware of all exits, place all cell phones on silent, and please refrain from texting.

Mr. Stasik asked if there were any changes, corrections, or comments on the minutes of October 21<sup>st</sup>, 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 October 21<sup>st</sup>, 2013 Board of Supervisor meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Chief Templin announced that District Justice Maurice Saylor was present to administer the Oath of Loyalty to Sgt. Matthew Swavely. Sgt. Swavely's parents were present for the oath.

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

Mr. Dries stated that the September meeting minutes are in the lobby. Mr. Jim Gibson appeared before the Board to discuss the required updates to Pump Station 5 to accommodate Berwind II. The Board agreed to accept a contribution of \$30,000 as Berwind's contribution to tie into this pump station. The Authority Manager reviewed the annual Report on the Corrective Action Plan outlined in the Consent Order and Agreement with the DEP. This report was submitted as required on October 25, 2013. The BMMA Engineer submitted a revised BMMA Act 537 plan on October 21 2013 to DEP on behalf of Colebrookdale and Douglass Township. This revision was approved by Douglass Township at the October 7<sup>th</sup> Supervisors meeting. Work is progressing as planned on the Digester Maintenance Program that is done on a ten year cycle; the payment application for this project for \$93,437.16 was approved. Work is progressing on the 2013 Sewer Repair Projects. The work in Bechtelsville and on the Maple and Spruce Street portion in Douglass Township has been completed except for final paving. Final paving is scheduled for November 4. Payment application #2 for \$69,446.25 was approved. The next meeting is November 25, 2013 at 7pm.

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

#### **Engineer's Report – Mr. John Sartor**

*Berwind II Subdivision* – On 10/31/13 we issued our third review letter regarding the revised subdivision plan. The applicant is present tonight to request preliminary plan approval as well as approval of numerous waivers of the Township's SALDO. On 10/10/13 the P/A recommended granting the waivers and also recommended that preliminary plan approval be granted.

*Provo Pinegood Grosser Road, LP/Wawa Land Development* – 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.

*Hallowell Subdivision (Residential Cluster)* – On 10/7/13 we issued our second review letter regarding the preliminary plan submission. On 10/10/13 the P/A recommended that the waivers requested be granted; the P/A also recommended preliminary plan approval. The conditions of the P/A recommendations are summarized in Chuck Garner's letter of 10/15/13 and Paul Bauer's draft preliminary plan resolution. Engineer Rick Mast was present to give a brief overview of the proposed plan stating that the proposal consists of 92 lots, 68 acres of open space, and an Estate lot. Mr. Mast asked for the Board to authorize the Solicitor to draft a resolution, Mr. Stasik asked if all the requirements are finished because you must go through the proper procedures, Mr. Mast replied that he has done everything. Mr. Bauer asked the Board to authorize the Solicitor to draft a preliminary plan approval including waivers; Mr. Sartor asked to review the draft. Mr. Orner asked if this development would have public water, Mr. Mast stated that public water would be

extended from Superior Water. Mr. Orner stated that this property is a superfund site, there is Boron from Cabot. Mr. Ziegler asked who would bear the cost of the extension of the water line; Mr. Mast stated that the developer of the Hallowell Tract would bear the cost of the water line extension and for sewer tie in lines to BMMA. Mr. Orner stated that people should be aware of this and if a well is drilled on site. Mr. Bauer made a recommendation that notice of disclosure could be part of the agreement. Mr. Shaw stated that EPA has documentation on this site; Mr. Kuklinski wants Mr. Shaw to provide the EPA documentation with the packet as well as notice of disclosure to the public, both are to be a stipulation. Mr. Kuklinski asked if the streets will be dedicated, Mr. Mast replied that the streets will be dedicated to Douglass Township. A resident asked if there will be sidewalks, Mr. Mast stated that there will be sidewalks and a walking path. Mr. Sell questioned whether the open space across Congo Road was unusable; Mr. Mast replied that the original plan had lots on that site.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to authorize Solicitor Bauer to draft a preliminary plan approval including waivers, EPA documentation, and notice of disclosure to the public. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

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**

*Berwind II*– A preliminary plan resolution has been prepared and circulated to all staff for review and comments. The Board asked the Treasurer if the developer is current with payment of the fees, she replied yes.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to approve the Berwind II Preliminary Plan Resolution on the condition upon Gilmore & Associates reviews the fee in lieu of, notice of disclosure, sidewalk extensions, and waiver letter of 11/1/13 that the P/A recommended. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

*Cable Franchise Agreement/Comcast* – An Ordinance to adopt a new Cable Franchise Agreement has been prepared. A summary of this ordinance has been submitted and advertised with the Pottstown Mercury for adoption at the next Board of Supervisors meeting, November 18, 2013. I continue to try to address with Comcast a few minor comments made by the Board of Supervisors.

*Mountain Mulch* – I have reviewed the most recent survey report which was broken down by Engineer John Sartor. I am currently working with Pete Hiryak to issue a notice of violation letter. The recommendation is for two violations – 1. Operating outside of the 7-1/2 acres, 2. Operating a mobile tub grinder. Mr. Ziegler stated that he read over the zoning hearing board transcript twice and our zoning hearing board did everything they could based on the information that was presented to them, and he wants to pursue shutting Mountain Mulch down under Act 97. Mr. Ziegler asked Mr. Bauer if he has a conflict with this, would he take care of this or is a conflict attorney required. Mr. Bauer stated that there is not a conflict and he will take care of this.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to authorize Solicitor Bauer to site Mountain Mulch for operating outside of the 7-1/2 acres, and also operating a portable tub grinder violating the conditions set forth by the Zoning Hearing Board, and to authorize Solicitor Bauer to review Act 97 to pursue justification to shut down the operation of Mountain Mulch. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Frank Sharp, the General Manager for Mountain Mulch addressed the Board saying that we are attempting to be good neighbors to the community. We fund a lot of kids activities, contribute to the recycling center among other community contributions. On June 28<sup>th</sup> the site footprint measurement was deemed within the 7-1/2 acre footprint, has the ways of measurement changed since that time. Mr. Kuklinski stated that the area measured was 8.6 acres, you have a pile of trash, how would you like to see that in your back yard – it's enough. Mr. Bauer stated that 7-1/2 acres that was measured was a liberal measurement including fire lanes, we measured around mulch piles and according to the variance the berm must be within 7-1/2 acres where in actuality the berm is surrounding 13 acres. Justin from Attorney Mullaney's office representing the residents in that area stated that the 7-1/2 acres is limited within the berm

area, the berm keeps expanding, piles are being moved all over the area, they are using a mobile tub grinder, and material is being hauled in to be processed. This is a typical bait and switch situation and enough is enough. We thank the Board for its continued efforts and ask to please enforce the variance. No other comments were given.

Applications which are pending but inactive:

Danny Jake – Hallowell inactive 2 years  
Cobblestone Commons inactive 1 year

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

### **Highway Report – Mike Heydt**

Mr. Heydt stated that the last two weeks they worked on patching Lone Pine Road, Smith Road, Congo Niantic Road, and milled County Line Road. No questions were asked.

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

### **Cynthia O'Donnell – 2014 Budget Review**

Ms. O'Donnell stated that the Preliminary Budget vote will be November 18<sup>th</sup>, 2013. She gave a brief overview of the 2014 budget. General Fund \$3,115,600.00, Income \$\$3,311,247.00, Surplus \$195,647.00. \$200,000.00 to fund post retirement benefits, \$10,000.00 to be placed in Capital Reserves for new police vehicle in 2015. Police Department wishes to hire one new officer and one P/T Secretary. Highway Department – Mike will move to highway 100% in 2014, need Zoning Officer for enforcement of renter's ordinance and property maintenance. Workers Comp Insurance will be \$11,000.00; there will be fewer capital purchases in parks/recreation. Ms. O'Donnell stated that there is no budgeted tax increase for 2014. Recycling Fund – there are no increases, there is a deficit of \$13,000.00 however there are leftover funds from 2013 that will cover this. Liquid Fuels will be at \$500,000.00 at the end of December, a wheel loader is proposed in 2014 at a cost of \$150,000.00, three roads need to be redone (Brian Road, Thomas Lane, Countyline Road). Street Lights – Ms. O'Donnell stated that since we changed to an alternate energy supplier the street light costs have gone down so she proposed a decrease in the street light assessments to \$.52 improved, \$.15 unimproved. There is \$7,000.00 in Capital Reserves for monitoring of wells at the highway building and \$12,600.00 in Open Space to be used for grants for planning of open space. Mr. Stasik stated that he sat in on the budget meetings; every budget line has been reviewed. Ms. O'Donnell stated that the total General Fund is at \$3.3 million. No questions were asked.

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

1. The Manager reviewed the upcoming meetings as follows (open to public): P/A Workshop, Thursday, November 14<sup>th</sup> @ 6pm – (Riparian Corridor), P/A Meeting 7pm. Board of Supervisors Meeting Monday, November 18<sup>th</sup> @ 7:30pm, Agenda Meeting @ 7pm, Open Space/Rec Committee Meeting, Monday November 18<sup>th</sup> @ 6:30pm.
2. Niantic Road – Bridge Posting – The manager asked for the Board's approval to post new weight limit signs for the bridge on Niantic Road to be 31 tons except combinations 40 tons.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler for approval to post new weight limit signs for the bridge on Niantic Road as 31 tons except combinations 40 tons. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

3. EOC Training Exercise – Tuesday, November 19<sup>th</sup> – The training exercise will involve Hostile Action/Takeover.

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

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

**Old Business/New Business**

None was given.

**Public Comment**

Janet Bauer from Hoffmansville Road made copies of the Waste Application with DEP to hand out to the Board of Supervisors. Nina Orner thanked the Board for their help and also thanked Chief Ricky Smith, Andy Duncan, and all who helped at the fire. Mr. Stasik stated that because of preplanning Sundays event was handled well because fire lanes had been implemented. Residents thanked the fire department for their efforts and asked how long the smoke would linger and also stated that apparently this is a common occurrence mulch and thanked the Board for the vote to cite Mountain Mulch. There was also a link, Sassamansville Today, offered for the Township's website; the manager will get the details. Mr. Sell stated that Carl Hiryak was the only zoning hearing board member that took the heat for Mountain Mulch, there are two other members on that board but they don't come to these meetings. No other comments were given.

A motion was made by Mr. Ziegler, seconded by Mr. Stasik to adjourn the meeting at 8:40pm. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday, November 18<sup>th</sup>, 2013 @ 7:30 pm.

Respectfully submitted by,

Marcy Meitzler