

The meeting of the Douglass Township Board of Supervisors was called to order at 7:35 P.M. Attending were Chairman John Stasik, Supervisors Anthony Kuklinski and Fred Ziegler, Solicitor Paul Bauer, Engineer John Sartor, Cynthia O'Donnell, Chief Templin, Andy Duncan, Mike Heydt, Pete Hiryak and approximately 54 residents.

Mr. Stasik led us in the pledge of allegiance.

Mr. Stasik asked if there were any changes, corrections, or comments on the minutes of January 6th, 2014 Re-organization Meeting, no changes or comments were given.

A motion was made by Mr. Kuklinski, seconded by Mr. Stasik to approve the minutes of the January 6th, 2014 Board of Supervisors (Reorganization) Meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Abstain. Motion passed.

Rose, a Township resident, who did not want her last named identified, requested to the Board if she could ask some questions at this time because she would be unable to stay for the public comment portion of the meeting, the Board agreed. Rose stated that she has heard several things regarding a Township Supervisor being under a criminal investigation. Is this true and if so where can I get copies of it? Mr. Bauer stated there is a criminal investigation with the District Attorney's Office involving a Supervisor and also a State Ethics complaint however I am not permitted to speak on the matter nor can the Supervisors. As far as attaining copies of this matter we will look at specific documents requested by the public to see if it is permitted through the Open Records Act.

Gilbertsville Ambulance Report – Matt Swanson

Call volume for January 2014: There were a total of 107 calls for service; 81 patients were transported, 11 cancellations, 9 refusals, 4 no patient found, and 2 no treatment needed. The breakdown is 52 from Douglass Township, 23 New Hanover Township, 9 Boyertown Borough, 1 Bechtelsville Borough, 4 Colebrookdale, 6 Pottstown Borough, 6 Upper Frederick, and 1 Upper Pottsgrove. Grants: Received grant from the Commonwealth of Pennsylvania-State Fire Commissioners in the amount of \$6,500.00. No questions were asked.

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

Gilbertsville Fire & Rescue – Rick Smith

Fire report for January 2014 – 1 fire, 1 brush/trash fire, 1 vehicle fire, 1 wires fire, 7 fire alarms/CO2 alarms, 1 vehicle accident, 2 EMS assist, 2 fire police, 4 Assists to other depts, 3 special service, and 1 investigation for a total of 24 calls. The Fire Company was in service for 22 hours and 52 minutes. We completed a CPR & First Aid refresher course. Chief Smith submitted copies of the 2013 Annual Report of the Gilbertsville Fire and Rescue Company to the Supervisors and gave a brief review of 2013. Mr. Stasik asked if there were any questions on the Fire & Rescue Report, Mr. Theil stated that Gary Weller was not paid for painting services; Chief Smith replied that everyone to his knowledge has been paid. No other comments were given.

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.

Gilbertsville #1 Report – Phyllis Kerr

Ms. Kerr stated that due to the inclement weather a number of events were cancelled. Upcoming events will be Fundraisers featuring Filled Cabbage and Pot Pie. March will be very busy as well as a solid year planned. Mr. Stasik asked if anyone had any questions for Ms. Kerr, Mr. Theil stated that he has heard rumors that GFC#1 is having trouble paying their bills, Ms. Kerr replied that is incorrect our bills are paid. No other questions were asked.

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

John Kennedy – Introduction to proposed development at 1500 E. Philadelphia Avenue (The Corner Shop)

Engineer's Report – John Sartor, Gilmore & Associates – Before Mr. Kennedy started speaking, Supervisor Kuklinski stated to Township resident Jeff Haring, do you have something you want to say to me? Mr. Kuklinski told Chief Templin to remove Mr. Haring from the building, Chief Templin instructed Corporal Steffie to escort Mr. Haring from the building to his vehicle, Mr. Haring asked why he was being removed, Mr. Kuklinski stated that he witnessed Mr. Haring point at Mr. Bauer and himself mouthing the words “they gotta go” while making a swiping motion across his throat which Mr. Kuklinski believed to be a threat towards him and Mr. Bauer. Mr. Kuklinski stated that as a Police Chief, I am well aware of a threat when one is presented. These types of actions will not be tolerated at public meetings.

Mr. Kennedy – Mr. Kennedy gave a brief introduction of a proposed development at 1500 E. Philadelphia Avenue (The Corner Shop). This proposal involves relocating Turkey Hill from its present location to 1500 E. Philadelphia Avenue in the Limited Commercial Zoning District. A convenience store is not a permitted use in that zoning district. Mr. Bauer gave Mr. Kennedy some suggestions of rezoning possibilities. The Board instructed Mr. Kennedy to introduce his proposal to the Planning Agency next month.

Engineer's Report – John Sartor, Gilmore & Associates

Berwind II Subdivision (Douglass Estates) – On 2/10/14, we provided our review comments to the Township Solicitor concerning the first drafts of the Subdivision/Land Development Improvement and Maintenance Agreement and the Financial Security Agreement for Douglass Estates (Berwind II) Phase 1. Mr. Bauer stated that he prepared a resolution for Phase I consisting of 19 single family homes. The development conditions and reviews have been satisfied; subject to the zoning hearing board decision the existing cross pipes will be replaced the review fees and act 209 fees are to be paid in fall upon pulling first permit, there was also an approval for the length of Fox Hollow Drive. Mr. Bauer recommends approval of the plan by the Board of Supervisors. Mr. Gibson asked for approval as Mr. Bauer has stated however asks that he is allowed to make a presentation to the Board on Act 209 fees so that the Board has all the facts, he does not feel this should be discussed in public, Mr. Kuklinski and Mr. Bauer stated that an Act 209 presentation was made to the Township staff and that they are not going to use tax payers dollars to reimburse Mr. Gibson's costs due to a bad business decision from overpaying someone to knock down existing buildings on the property or the cost of improvements on Middle Creek Road that was a condition of the zoning hearing appeal. Mr. Gibson stated that it also cost over \$100,000 to bring utilities to this property. Mr. Bauer stated that if the BOS have any questions that they should ask them now, no questions were asked. Mr. Bauer stated that the Board may choose to approve the resolution and development plan.

A motion was made by Mr. Kuklinski, seconded by Mr. Stasik to accept the resolution and Phase I development plan for Douglass Estates formerly Berwind II as presented by Mr. Bauer as Final Approval Resolution for Phase I. Kuklinski-Aye, Stasik-Aye, Ziegler-Abstain. Motion passed.

Mr. Theil stated that when he was a part of this process staff meetings are open to public. The Manager stated that a pre-construction meeting is scheduled for tomorrow, February 19th, 2014.

Hallowell Subdivision (Residential Cluster) – Rick Mast was present to give a brief overview on the 117 acre current plan involving 92 lots, 60% of total land area is dedicated to the open space situated around the proposed units, with a 16 acre preserved Farmette, 25 acre parcel of open space adjoining to current Township open space property, the remaining open space will be maintained by the HOA or by the Estate Lot. Mr. Bauer prepared a Preliminary Resolution recommended by the Planning Agency and waivers letter of 1/17/14 recommended by Planning Agency.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler for Preliminary Plan Approval as recommended by the Planning Agency with waivers letter 1/17/14 from Gilmore, recommended by the Planning Agency. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Provco Pinegood Grosser Road, LP/Wawa Land Development – Rolf Graph was present and gave a brief overview on the 25 acres that was subdivided as 2.3 acres for a proposed Wawa that would include gas pumps, 2 entrances, and improvements to Rt.100 & Grosser Road. The P/A recommended Preliminary Plan Approval and waivers. Mr. Sartor stated that as far as the access road onto Grosser Road; Wawa has offered to make improvements adjacent to the Almont Property as far as sidewalk, curbing, swale & drainage pipe upgrading to a larger size, guide rail replacement, milled and a complete overlay. Roadway improvements were discussed (site access improvements, Rt.100 improvements). Ms. Janet Bauer had concerns of traffic backing up on Rt. 100 and also possibly backing up to Moyer Road, a representative for the project stated that we normally monitor these areas and make traffic signal timing adjustments when needed. Mr. Bauer stated that PennDot has been involved with this process. Mr. Theil asked if Market Street has gone by the wayside, Mr. Sartor replied that there is a 60 foot right of way for Market Street and there is a legal agreement in place. Mr. Duncan had some concerns on the deceleration lane on Rt.100 because the fire company recently had some difficulty getting to a vehicle on Rt. 100. Mr. Bauer prepared a Preliminary Plan Approval recommended by the P/A subject to conditions and dedication of access roads to Township however to be maintained by Wawa, no Act 209 fees would be asked for because proposed improvements exceed the Act 209 fees that would be requested, all of Grosser Road to be maintained by Wawa including Almont Housing area, note that Rt.100 is a non-pedestrian road.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski for Preliminary Plan Approval for Wawa as stated and recommended by the Douglass Township Planning Agency and Solicitor Bauer. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

MS4 Stormwater Management Ordinance – On 1/9/14 we presented the PA DEP's new MS4 Stormwater Management Ordinance to the P/A, at which time the P/A recommended that the Board approve advertisement of the ordinance. On 1/9/14, Manager Hiriyak, Mr. Garner, and I met to discuss the details of the ordinance. The Board should consider authorizing the advertisement of the new MS4 ordinance.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to authorize the Manager and Solicitor to prepare and advertise the MS4 Ordinance for a public meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

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

At this time Chairman Stasik asked to take a 10 minute recess at 8:45 pm.
Chairman Stasik reconvened the Board meeting at 8:53pm.

Police Department Report – Chief Templin

Statistics for January 2014 – 425 incidents reported, 12 reportable accidents, 10 non-reportable, 19 criminal investigations, 6 criminal arrests, 131 traffic citations, 16 non-traffic citations, 2 parking tickets, 8,194 miles traveled, money received by the Township \$6,026.62. Chief Templin provided a brief recap of the 2013 highlights, submitted the January 2014 Statistics report for the Board to review, and will provide an update next meeting on the Montgomery County Radio Project. Chief Smith of Fire & Rescue stated that the fire company has applied for a grant for the radios and will not need to piggyback with the Police Department for purchase of new radios. Chief Templin informed the Board that he received a letter of resignation from Officer Dalbey who has accepted another position in Florida. Officer Dalbey read his letter of resignation to the Board and thanked the Board for the opportunity to serve the residents of Douglass Township.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to accept the resignation of Officer Michael Dalbey. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Chief Templin asked the Board to allow him to hire a full-time replacement for Officer Dalbey. This will require me to advertise the position since our current list has expired; this process will take several months. I am estimating that it will be sometime in May before we will be ready to start the new officer.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to authorize Chief Templin to advertise for a full time Police Officer Position with the Douglass Township, Montgomery County Police Department. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

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.

Solicitor's Report – Mr. Paul Bauer

Mountain Mulch - Mr. Bauer said there are currently four matters before the Montgomery Court of Common Pleas: 1. Petition for Preliminary Injunction. I attended a conference with Judge Moore that took place on January 14, 2014; we were able to narrow the issues to be litigated. The hearing was continued and shall be relisted sometime in April 2014 to allow time for the possibility of a settlement proposal. The proposed Settlement has been memorialized in an agreement which is currently being circulated among the Board of Supervisors. 2. Petition of Neighbors to Intervene as a party Appellee in the Instant Action for Declaratory Judgment. I attended hearing on this matter on January 23, 2014 before Judge DelRicci. The hearing was continued with the intention that if an Agreement is reached in the matter discussed above; this matter will also be resolved. 3. Enforcement of the Zoning Hearing Decision. Currently waiting for this matter to be scheduled. 4. Complaint filed by certain neighboring property owners. Currently waiting for this matter to be scheduled. Will have an update on March 3rd.

Gilbertsville Fire & Rescue Company and Gilbertsville Fire Co No.1 – Petition for Transfer of Trusteeship that was filed on December 16, 2013 with the Montgomery County Court of Common Pleas has been scheduled for a hearing, tomorrow, February 19, 2014 before Judge DelRicci.

Rita Tarmin vs. Gilbertsville Fire Co. No. 1 & Douglass Township – I filed an Answer to the Amended Complaint and entered a Counterclaim with the Montgomery County Prothonotary. I prepared and requested a First Set of Interrogatories Directed to Rita Tarmin. I just received a response from opposing counsel and am currently reviewing the Interrogatories. I plan to have a Request for Admissions filed by the end of this week. It is my hope that the Admissions will assist in resolving Douglass Township's involvement in this matter.

Mr. Bauer stated that today he received fourth litigation; the police retirees sued the Township for the health care plan and amended their complaint on the second health care plan change, Mr. Ziegler asked what retirees, Mr. Bauer said that it was Thanhauser & Logan. Mr. Ziegler stated that the new coverage is better; his costs were lower than the previous coverage. Mr. Stasik asked if there were any questions on the Solicitor's report, Mr. Theil asked if the Township would get sued for Fire Company, who pays legal lawsuits, Mr. Bauer replied that we do not own the property, if we did own the property it is covered by liability insurance. Mr. Theil stated that this all happened 9 years ago, #1 does not need a trustee, ownership should go back to the original owner which is #1, there is no need for a trustee. Mr. Kuklinski stated that if we do not have a fire company the social hall would not be allowed to exist; Mr. Theil asked if the Township could be a fair trustee. Mr. Bauer stated that Mr. Haddad wanted to be removed as Trustee so it makes sense short term to go to the Township. The Board gave direction to No.1 and Fire & Rescue to work it out. The Board did what they had to do to protect the fire company. Mr. Theil mentioned that Ricky Smith gets paid to be Fire Chief, Mr. Kuklinski stated Chief Smith gets paid \$15.00 per hour for Fire Marshal duties performed in the Township and in 2014 there have been no

Fire Marshal duties performed in the Township as of yet. Chief Smith stated that the only check he has received from the Township is for snowplowing that he has done for the Township. No other questions were asked.

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

Treasurer's Report – Cynthia O'Donnell

The Treasurer stated that the January 2014 bills need to be ratified by the Board of Supervisors.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to authorize the January 2014 bills for payment. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The Treasurer stated that the unpaid bills amounted to \$210,529.24, the unusual bills were; CMERT, Eagle Rental, Salt purchases, equipment repairs, Kreibel Security Phase II (Comcast Grant), Community College for new officer, PMRPC, and a new copier. The Treasurer asked for approval to pay February 2014 bills.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski for authorization to pay the February 2014 bills. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The Treasurer stated that she did not prepare a budget amendment however amendments must be made for overtime, diesel fuel, and contracted plowing. We have already used \$44,000 more in 2014 than we used in all of 2013. Chief Smith stated that some of these costs may be recouped; the Treasurer stated she is working on PEMA funds. No questions were asked.

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, March 3rd @ 7:30pm, Supervisors Agenda Session 7pm, P/A Workshop Thursday, March 13th @ 6pm (Signage), P/A Meeting @ 7pm.

2. Zoning Hearing Board Resolution – Kurt Davidheiser has been reappointed to the zoning hearing board; therefore the Board needs to approve the Zoning Hearing Board Reappointment Resolution.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve the Zoning Hearing Board Reappointment Resolution. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

3. PMRPC – Grant Approval – the manager stated that we received grant approval from PMRPC in the amount of \$25,000 for Douglass Parks/Open Space which will be used for Master Plans for all Open Space Properties in Douglass Township.

4. Gilbertsville Fire Company – Petition for Transfer of Trusteeship, Wednesday February 19th @1:30pm at the Montgomery County Courthouse.

5. Addition to Gilbertsville Fire Police – Don Frantz – the manager stated that requires approval from the Board to add Don Frantz to the Fire Police list.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski for authorization to add Don Frantz to the Special Fire Police list. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

6. Senator Bob Mensch will attend the March 3rd BOS Meeting.

7. MCPC-Meredith Curran, Riparian Conservation District Ordinance overview on March 3rd.
8. Zoning Officer – the Township is looking to accept applications for a part time zoning officer - \$15-\$20 per hour depending on educational background, experience, and knowledge of the Township; interested parties should submit a resume as soon as possible. A recommendation will be given at the March 3rd meeting.
9. Wawa 60 day plan review extension request – the manager requested the approval of a 60 day plan review extension for Wawa.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve the 60 day plan review extension request by Pineville Properties/Wawa. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

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

Public Comment

Carl Hiryak stated he has missed two months of meetings and is shocked – when did Douglass Township move from a democracy, since when is it against the law to use your hands when you talk, you will have to tie my hands behind my back because I always use my hands when I talk. Mr. Kuklinski stated that when someone comes to a public forum and makes a throat slicing motion it is a threat and that is why he was removed. I will not take any kind of threat idle in the interest of the safety of the public. Carl also stated that he feels the two Supervisors that didn't go along with Mr. Ziegler's motion, to remove Mr. Bauer as Solicitor, made a mistake, Mr. Ziegler interrupted and said no I am the one who made the mistake, I was wrong, I made that remark out of anger when I was mad and I rescind my comments, I apologize to Mr. Bauer. Mr. Kuklinski commented that it takes a big man to make that statement and shook Mr. Ziegler's hand; Mr. Bauer also shook hands with Mr. Ziegler. No other public comment was given.

Old Business/New Business

Open Space Report – Co-Chairman Randy Romig stated that a proposal to use the Douglass Township tennis courts was given by a private source and will be reviewed. Next meeting the 2014 Trout Rodeo discussions will begin, the manager will send out reminders and also give the cost breakdown of the 2013 Trout Rodeo.

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

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski 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, March 3rd, 2014 @ 7:30 pm.

Respectfully submitted by,
Marcy Meitzler