

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES
MAY 23, 2019**

CALL TO ORDER

Chairperson David Moyer called the regularly scheduled meeting of the Washington Township Board of Supervisors to order at 7:04 p.m., at the Washington Township Municipal Building. The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Supervisors, James Roma; David Moyer, Thomas Powanda, Solicitor, Daniel Becker, Esquire; John Weber representing LTL Consultants, Brian Brochon, Gilmore & Assoc., Township Manager, Richard Sichler, staff member Susan Brown and approximately twenty (20) residents in attendance.

Absent:

TAPING OF MEETING

The meeting was recorded as an aid in the preparation of the minutes. It was noted no one other than township staff was taping the meeting this evening.

Chairman Moyer announced an Executive Session was held this evening concerning litigation and personnel matters.

SPECIAL REQUEST

None

PUBLIC COMMENT

LeRoy Renson, 225 Wissinger Road, stated the problem with the neighbor continues. The grass and weeds are high and the neighbor is not taking care of the property. This will continue through the property maintenance process.

Richard Mingey, 1606 Main Street, Bally, stated he sent an email to Rich indicating he spoke to Paul Janssen who did a budget report for the township. Mr. Janssen did not address the current agreements with Bally Borough. Mr. Mingey spoke with Mr. Janssen regarding the tremendous financial benefit for the township, he feels, if the water and sewer capacity would be put in use to help with the overall Washington Township budget. Mr. Mingey stated he would be happy to cover any expenses with the report; his initial report is showing several million dollars of potential revenue but Mr. Mingey felt it would be better to get an independent report. Chairman Moyer stated the township will look into this and get back to Mr. Mingey. Mr. Mingey also stated he is submitting a formal request to purchase water and sewer for a 48-unit age restricted community at 1606 Main Street, Bally. Mr. Mingey would like to proceed with this project and would like a response from the township on how to move forward with his request.

Gregg Foster, 3096 County Line Rd, stated he previously sat on the Upper Hanover Planning Board and has concerns regarding Mr. Mingey's proposed project for 236 units on Schwenkfelder Road directly across the street from landing strip of Butter Valley airfield. Mr. Foster also expressed concerns regarding two proposed roads which intersect with Schwenkfelder Road in an area of a large hill with site distance issues. Mr. Foster also stated he will be notifying the FAA regarding the potential danger of this project being directly across from the landing strip. Mr. Foster also posed the question of where Mr. Mingey will get the water to serve this community and stated he believes they will get the water from Bally which is an EPA Superfund site that is still being monitored. Mr. Foster also has concerns regarding treated human waste that was applied to those fields and previously the stream tested positive for E. coli. Mr. Foster expressed concerns regarding electrical service in this area, water runoff, snow removal and radon remediation. Mr. Foster also stated Mr. Mingey has created 26 different development corporations over the last 30 years and 25 of the 26 corporations have been deactivated.

Dan Stauffer, 114 Sycamore Road, asked Mr. Foster where he got the Mingey Plan. Mr. Foster stated he received it from the Township. Ms. London stated it is a conceptual plan it is not an official submission. Mr. Stauffer asked if this is the new trend, that a developer goes directly to the Board and by-passes the Planning Commission. Mr. Sichler stated the Plan is not an official submission and was dropped off at the last Board of Supervisors meeting by Mr. Mingey. Mr. Stauffer stated it appears we are getting away from the application, pay your fees and review process and it again was stated this was not an official submission. Mr. Stauffer also stated there was an emergency meeting advertised for Friday at 12 noon to meet with the developer to discuss the largest plan that ever came to the township, proposed 320 to 357 homes. The meeting was attended by one supervisor, one supervisor pleaded that the meeting not be held. Mr. Stauffer stated there are formal rules of submission and hopes the township is going to go back to that.

Mr. Stauffer reviewed the history of the sewer system and how the township got where they are today. Mr. Stauffer stated he has been legally advised that the township is not obligated to provide sewer or sewer expansion at the expense of the taxpayers to facilitate and help the developers make money. Mr. Stauffer asked how much sewer capacity is available at this time. Mr. Brochon estimated the approximate capacity at about 400 Edu's. Mr. Stauffer also stated he has been advised the township should not approve development plans for more capacity than what we currently have available or the township could be responsible to provide the extra capacity. Is the township's plan to provide additional capacity up front for the developers? Has a decision been made about that?

Mr. Sichler stated what was proposed and discussed at the meeting was the RFP for conceptual design. If the township wants to ensure the developers are paying for any additional expansion you need to know what that expansion would cost. This is an evaluation of the 25-year-old system which was originally designed to be expanded however technology has changed. The RFP was requesting engineers to evaluate what we currently have and give an idea of what the path forward would be if we the plant were to be expanded and would also give a cost estimate. The township would also know

what the EDU cost would need to be to ensure the new development funded the development of the plant. This is not a commitment to expand the plant. Mr. Stauffer stated after talking to some of the Supervisors and other people it seems like there is some misunderstanding as to if we have to provide the capacity up front. Mr. Stauffer recommends hiring professional council, an expert in the subject, that can tell us our options and make an educated decision based on the recommendation. Mr. Stauffer asked if the Supervisors have made a decision if they are definitely going to expand the sewer. Chairman Moyer said at this point if the plant needs to be expanded Washington Township is not paying for it. Mr. Roma said we need the facts up front as to what is needed and Supervisor Powanda agreed he does not want the township to pay for an expansion.

Jim Wenhold, 93 Limekiln Road, stated there is a water problem out there. There are issues that have not been handled. The neighbor has a trench across his driveway that keeps dumping water on to my property.

APPROVAL OF MEETING MINUTES OF APRIL 25, 2019

A motion was made by Thomas Powanda and seconded by James Roma to approve the minutes as prepared for the April 25, 2019 meeting. **No comments received.**

All ayes

APPROVAL OF MEETING MINUTES OF MAY 10, 2019

A motion was made by David Moyer and seconded by Thomas Powanda to approve the minutes as prepared for the May 10, 2019 special meeting. **No comments received.**

David Moyer-aye

Thomas Powanda-aye

James Roma-abstained

TOWNSHIP REPORTS

A motion was made by James Roma and seconded by Thomas Powanda to approve the payment of all bills for the General Fund, Highway Aid Fund, Recreation Fund, Street Light Fund, Traffic Impact Fund, Sewer Fund and Building Escrow Funds up to and inclusive of May 23, 2019, and to file the treasurer's report for audit. **No comments received.**

All ayes

TAX COLLECTOR

Tax Collectors Report for the month of April 2019:

Real Estate Tax	\$476,653.40
Interim Tax	\$ 343.16
Light Tax	\$ 2,365.72
Hydrant Tax	\$ 2,690.14
Amusement Tax	\$ 4,321.31
Per Capita Tax	\$ 44.00
Total	\$486,417.73

FIRE CHIEF'S REPORT

A copy of the Eastern Berks Fire Department Report is in the binders.

ZONING/SEO REPORT

Reports are in the binders

SEWER ENGINEER'S REPORT

A copy of the Engineer's Monthly Report is enclosed.

A copy of the EEMA O & M Report is enclosed

Mr. Brochon reported manhole inspections are underway in the Weinstein Pump Station service area. There are approximately another 15 to 20 manholes to inspect. Upon completion a report will be submitted to the township with recommendations.

Mr. Brochon continues to work with the developer of the Swamp Creek Pump Station regarding project closeout activities.

TOWNSHIP ENGINEER

A copy of the Township Engineer's Report is enclosed.

Mr. Weber reported the MS4 workshop was held last evening to discuss the status of the MS4 Permit for the township. The Plans were presented that show the new delineation of the MS4 outfall as well as all the drainage areas and the calculation of the sediment loading. The next permit will require a 10% reduction in the sediment loading over the five-year permit period. A list of potential BMP's was provided that can be implemented to provide the sediment reduction. LTL will work with the township manager to vet the list of BMP's and include that list in the permit application which is due August 31, 2019.

A motion was made by Thomas Powanda and seconded by James Roma adopting Resolution 2019-18 Price Adjustment of Bituminous Materials for Small Quantities. **No comments received.**

All ayes

The 2019 Road Project was awarded to Recon and they are in the process of doing the mix design and will be submitted to PADOT for their approval. The work is anticipated to be done in summer. The bonds and insurance for Recon has been received.

The Planning Commission meeting held in May and the Planning Commission did recommend conditional final plan approval for the Clover Hill Subdivision.

Public Comment:

Linwood Heffner, asked how the elevated flows into the treatment plant are being handled. Mr. Sichler stated we have the ongoing I/I investigations, a lot of the flow we are seeing is increasing because of the high ground water levels and the flash storm events.

SOLICITOR'S REPORT

None

SUPERVISORS

UNFINISHED BUSINESS

- **PADOT Ehst Rd/Route 100 Stormwater Issue** – there has been no update on this project.
- **LED Lighting upgrade** – Mr. Sichler stated hopefully this will be completed before the next meeting.
- **Gutter Cleaning** – cost estimates for grater rental were supplied. The Chairman stated it takes about two solid weeks to complete gutter cleaning plus the two dirt roads which is an additional two to three days. Rich will check with Pike Township to see if an agreement could be worked out to use their grater.
- **Right of Way tree clearing** – this is ongoing.
- **Boom mower purchase**-Took delivery of the mower last Friday with a total purchase price of \$184,017.07. A motion was made by David Moyer and seconded by Thomas Powanda to pay for the mower from the Liquid Fuels Fund in the amount of \$184,017.07. **No comments received.**

All ayes

A motion was made by David Moyer and seconded by James Roma authorizing the adjustment of the budget to reflect the purchase of the mower with liquid fuels funds. **No comments received.**

All ayes

- **Public Works job description**-Mr. Sichler has a full job description weighted toward a treatment plant operator and salary survey. Chairman Moyer would like the experience to be changed from a minimum of 10 years to 5 to 8 years. Supervisor Roma is not in favor of giving up the Treatment Plant Contractor and thought this was more for the expansion of the Public Works Department.

Public Comment:

Dan Stauffer, asked how the full-time benefits and pay compare to the costs now to pay the Contract Operator. Chairman Moyer explained he feels it is cost effective. There are a lot of extras charged by the Contractor because it is out of their scope of work. Last year it was \$131,000 in extras which could have included parts. Most times problems can be worked out without the consult of the Engineer which is also costing the township. Chairman Moyer stated the Township is paying the Contractor \$64,000 a year for 2 hours per day of work or about 600 hours per year. Mr. Sichler will do a comparison and circulate to the Supervisors.

The Township Manager was directed to advertise for a part-time Public Works employee with a starting salary of \$15 to \$17 per hour 25 to 30 hours per week and no benefits. A valid PA drivers license is required however a CDL is not required.

- **Sewer penalty waiver request** – A motion was made by David Moyer and seconded by Thomas Powanda waiving the late penalty of \$37.98 for sewer account 771. **No comments received.**

All ayes

A motion was made by Thomas Powanda to waive the late penalty of \$31.83 for sewer account 447. Not hearing a second to this motion, motion failed.

- **Berkey’s Bridge project update** – Detour is in effect and PADOT will be placing additional signs at Route 100 and Gehringer Road.
- **Limekiln Road stormwater** – Chairman Moyer stated there is a real water problem and he has spoken to Bechtelsville Borough regarding this water issue. Bechtelsville stated Martin Stone Quarry will cover the cost of the stone for the project. Mr. Moyer stated he is very disappointed in Bechtelsville Borough’s lack of assistance to resolve the problem. Mr. Moyer would like to do a 336 foot under drain to correct the problem. It is estimated to cost \$8,500 excluding labor. Mr. Wenhold stated it would be nice to have a rolled macadam curb. Mr. Weber stated the idea would be to catch the water before it gets to the Wenhold property. Mr. Wenhold stated until the neighbors close the trenches the water will continue to run onto his property. A motion was made by Thomas Powanda and seconded by James Roma authorizing the Chairman and the Engineer to meet and discuss a resolution to the water problem and report back at the next meeting. **No comments received.**

All ayes

- **Stauffer Road drainage ditch** – Chairman Moyer asked if the drainage ditch on Stauffer Road was looked at. Engineer Weber stated he forgot to check on that and will take a look at it. Mr. Jeffries stated this is the swale on the south side of Stauffer Road.

NEW BUSINESS

- **New Sewer funds/bank accounts**-Mr. Sichler would like to establish three new funds based on the sewer study done by Paul Janssen as follows:
 108.100 Sinking Fund-quarterly deposits opening balance of \$200,000
 108.200 Capital Expenditures Acct. with opening balance of \$200,000
 108.300 Capital Plant Expansion Acct to deposit EDU fees, opening balance \$344,050

A motion was made by David Moyer and seconded by James Roma authorizing new sewer account 108.100 Sinking Fund with opening balance of \$200,000. **No comments received.**

All ayes

A motion was made by James Roma and seconded by David Moyer authorizing new sewer account 108.200 Capital Expenditure Account with an opening balance of \$200,000. **No comments received.**

All ayes

A motion was made by Thomas Powanda, seconded by James Roma authorizing new sewer account 108.300 Capital EDU Account with an opening balance of \$344,050.

Public Comment:

Tonya Bauer, stated this account is for sewer plant expansion? Mr. Sichler stated this account would be for money received for the sale of EDU's.

Supervisor Roma asked if this account title, Capital Plant Expansion, is going to be misleading. It was decided to name this account Capital EDU Account.

Dan Stauffer, asked if there is a law indicating what EDU money can be used for. Ms. London explained the Municipal Authority Act specifies what EDU money can be used for and it is not for ordinary expenditures. Supervisor Roma asked if money can be used from 100.300 to pay for the research work we are currently doing. Mr. Sichler responded yes, that would be an appropriate use.

All ayes

- **Martin/Gabel Stone Quarry NPDES Permit** – Martin Stone Quarry has applied to PADEP for the renewal of their NPDES Permit and have notified the township. **So noted**

- **Joint meeting with Planning Commission** – There will be a joint meeting of the Board of Supervisors and the Planning Commission on 6/6/19 at 6:00 p.m. Mr. Sichler will advertise.

- **Fireworks in Township** – Chairman Moyer asked if residents please be careful and be courteous and respectful during the Memorial Day Holiday.

- **Road Occupancy Permit** – A motion was made by David Moyer and seconded by Thomas Powanda approving the Road Occupancy Permit for County Line Road, John Backenstose, 8” sewer line conditioned upon payment of associated fees. **No comments received.**

All ayes

SUBDIVISIONS/PLANNING

- **Clover Hill**-No action is required on the Plan tonight. The street lights can be required on this Plan if the Board so desires. A motion was made by Thomas Powanda and seconded by James Roma authorizing the installation of two (2) street lights for the Clover Hill Subdivision, one located in the cul-de-sac and one located at intersection of County Line Road and Natalie Circle. **No comments received.**

All ayes

- **Edison Walk Recommendations**-to be discussed at the joint meeting on 6/6/19

SUBDIVISION EXTENSION

None

COMMUNICATIONS

- Copy of the ARB Delinquent Account Report is enclosed.
- Copy of May 10, 2019 BOS Special Meeting - Prestige Properties
- Copy of May 20, 2019 Recreation Committee meeting minutes

ANNOUNCEMENTS

Joint Board of Supervisors and Planning Commission meeting will be held on Thursday, June 6, 2019 at 6:00 p.m.

The next board of Supervisors meeting will be held on Thursday, June 27, 2019 at 7:00 pm.

The next WTMA (water) meeting will be held on Thursday, July 25, 2019 at 6:30 p.m.

EXECUTIVE SESSION

ADJOURNMENT

A motion was made by James Roma and seconded by Thomas Powanda to adjourn the meeting at approximately 9:04 p.m. **No public comment received.**

All ayes

Respectfully submitted,

Richard Sichler
Manager/Secretary