

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES
JULY 25, 2019**

CALL TO ORDER

Chairperson David Moyer called the regularly scheduled meeting of the Washington Township Board of Supervisors to order at 7:00 p.m., at the Washington Township Municipal Building. The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Supervisors, David Moyer, Thomas Powanda, James Roma, Solicitor, Daniel Becker, Esquire; John Weber representing LTL Consultants, Brian Brochon, Gilmore & Assoc., Township Manager, Richard Sichler, staff member Susan Brown and approximately seventeen (17) 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

Ed Lehmann, 403 Keim Road, Boyertown, spoke regarding the water issue along Route 100 which affects his properties at 978 Route 100 and 11 Ehst Road. Mr. Lehmann claims a pipe collapsed and was filled in by a neighbor which is a big part of the reason for the flooding. Mr. Lehmann's neighbor at 14 Ehst Road home was flooded and is uninhabitable at this point and the electric meter and gas tank have been removed. The home is currently vacant and Mr. Lehmann is asking the township for relief on the sewer bill for he and his neighbor, Mr. Babecki. Supervisor Moyer stated PADOT is working on a design for the stormwater and are in the process of checking out the pipes. Mr. Sichler stated PADOT has been doing some exploratory work and are looking at the drainage in the entire area. Supervisor Moyer suggested disconnecting the property from the sewer if it is not going to be used. Mr. Lehmann stated it is a building lot, if he disconnects, he will have to purchase an edu if he would build on it in the future. Supervisor Moyer stated the township has had similar requests from other folks. Mr. Becker explained with the edu there is space reserved in the transmission lines and in the plant, if you have the capacity and you're not using it you have that right however someone else can't. If you return the edu to the township they can resell the capacity.

The edu can be disconnected and returned to the township to eliminate the user fees. Mr. Lehmann also asked about assistance from Berks County and Mr. Sichler stated the township has submitted the paperwork for the township and it doesn't sound like they are near the threshold to approach PEMA to seek area wide relief however paperwork is still being submitted. There are low interest loans that can be applied for as well.

Dan Stauffer, 114 Sycamore Road, spoke about the zoning application submitted by Roark Americana. Mr. Stauffer claims the property in question is one of the more environmentally sensitive properties in the township. The Northwest Branch of the Perkiomen runs through the property very close to the existing buildings and that is an exceptional value classified EV, class A wild trout stream. Mr. Stauffer claims everything on the proposed development plan is in the floodplain. Mr. Stauffer stated the permitted uses in the floodplain overlay are spelled out in Section 131-48 (A-I). Specifically prohibited is on-site sewage disposal systems. As far as bringing the sewer to this site, it is not part of the Act 537 Plan, does the Act 537 Plan need to be revised in order for sewer to be connected in this area. Mr. Becker stated no, a planning module would need to be done and approved by the Township and PADEP. Mr. Stauffer feels running the sewer in this area would be a hardship for the residents in the area if they were made to connect. Mr. Becker stated the Supervisors may make a recommendation to the Zoning Hearing Board if they so choose. Mr. Stauffer stated his concern is once this is approved can the applicant be restricted as to how he uses the overnight accommodations, what would prevent him from making the units permanent rental units? Mr. Stauffer is urging the Board to take a position against the proposal. Mr. Stauffer pointed out an error in Section 131-17 B (1). Mr. Weber will take a look at the section. The variances requested are a variance to create a two-unit residence from a single unit and also the number of parking spaces. The special exception is for the use itself as a nature retreat/camp in the WSC. Mr. Becker explained the Zoning Hearing Board does not make the decision regarding the installation of the sewer line, that is something that would be addressed by the Board of Supervisors.

Joe Kincaid, asked what the regulations are for posting the property. Mr. Becker stated it has to be conspicuous on the property and posted one week prior to the hearing. Mr. Kincaid asked if the property was incorrectly posted could the hearing be postponed? Mr. Kincaid stated it was posted on the neighboring property. Mr. Becker stated Mr. Kincaid could raise that on an appeal however probably the requirements of notice are fulfilled.

Chairman Moyer stated he is opposed to the idea and has trust in the Zoning Board to interpret what the law says they can do. Supervisor Powanda agreed, he will trust the Zoning Board. Supervisor Roma stated he will also trust the Zoning Board and would like to make the recommendation to not grant the two variances.

A motion was made by James Roma and seconded by David Moyer to send notice to the Zoning Hearing Board to move forward with the hearing and to recommending denial of the zoning relief. **No comments received.**

All ayes

APPROVAL OF MINUTES OF THE REGULAR MEETING OF JUNE 27, 2019

A motion was made by David Moyer and seconded by Thomas Powanda to approve the minutes as prepared for the June 27, 2019 meetings. **No comments received.**

- David Moyer – aye**
- Thomas Powanda – aye**
- James Roma - abstained**

TOWNSHIP REPORTS

A motion was made by Thomas Powanda and seconded by James Roma 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 July 25, 2019, and to file the treasurer’s report for audit. **No comments received.**

All ayes

TAX COLLECTOR

Tax Collectors Report for the month of June 2019:

Real Estate Tax	\$ 40,592.88
Interim Tax	\$ 2,593.99
Light Tax	\$ 89.00
Per Capita Tax	\$ 269.50
Amusement Tax	\$ 2,949.80
Total	\$ 46,495.17

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 sent the list of findings for the manhole inspections for the Weinsteiner Pump Station service area to Mr. Sichler. Mr. Brochon stated the general condition of the manholes are in good shape. There are many manholes that are missing the rain inserts. There are approximately 23 inserts that are needed.

TOWNSHIP ENGINEER

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

2019 Road reconstruction project on Lenape Road and Anthony’s Mill Road. The mix design has been received and approved by PADOT. The Township received a request from the contractor for an extension of time for the contract. The completion date was 8/23/19 in the original contract, they are asking for an extension to 9/13/19 due to the

rainy weather. The projected schedule is to do the reclamation work between 8/19/19 and 8/23/19, curing time and then one day of paving.

A motion was made by David Moyer and seconded by James Roma granting the request for a time extension to September 13, 2019 with the condition of the reclamation work be completed by August 23, 2019. **No comments received.**

All ayes

Engineer Weber informed the Board when the cores were pulled, they found there was not much aggregate material. In order to cure that they are going to need to go deeper which will require additional cement which will add an additional \$20,000 to the original estimate of the project.

A motion was made by David Moyer and seconded by Thomas Powanda authorizing to advertise the 30-day public comment period for MS4 Pollution Reduction Plan. **No comments received.**

All ayes

SOLICITOR'S REPORT

None

SUPERVISORS

UNFINISHED BUSINESS

- **PADOT Ehst Rd/Route 100 Stormwater Issue** – discussed during public comment period.
- **Public Works part-time employee-** A motion was made by David Moyer and seconded by Thomas Powanda authorizing the hiring of a Public Works permanent part-time employee within the hourly rate previously discussed. **No comments received.**
- **Berkey's Bridge project update** – They are slightly ahead of schedule. Bridge is removed and have the footers in place. The Developer of Clover Hill is pushing dirt in preparation of the sewer installation.
- **Limekiln Road stormwater** –LTL went out and surveyed the area and prepared a plan as outlined by the township. An easement must be obtained to complete the work. A motion was made by David Moyer and seconded by Thomas Powanda authorizing LTL Consultants to work with the Solicitor to put the necessary documentation together to obtain the temporary construction easement from the property owner. **No comments received.**

David Moyer – aye

Thomas Powanda – aye

James Roma - opposed

- **Water System Sale** – An Agreement of Sale has been drafted and will go to Bally for their review.
- **Wastewater Treatment Plant expansion plan RFP** – Mr. Sichler suggested creating a short list of applicants and schedule interviews. Mr. Sichler stated we are approaching capacity at the Plant and need to know what the cost of expansion

will be. There needs to be a current engineering estimate of what the expansion is going to cost to make sure that the township is collecting appropriate fees to fund it so there is no need to look for additional funding sources. Supervisor Roma stated we should have solid plans from the Developer so it is known how much to expand the plant and have more accurate information.

Public Comment:

Dan Stauffer, stated there was a discussion at Planning Commission regarding plant expansion and stated he was advised the township isn't obligated to do the study and expand the sewer and pay for it up front and then recoup our money in the form of the appropriate EDU fee. Mr. Stauffer said Washington Township has exuberant sewer fees and he and everyone else in this room who is not hooked up to the sewer system is being taxed to pay for the system. The tax payers are not obligated to foot the bill for this infrastructure. Chairman Moyer stated the tax payers are not being taxed for the sewer. The tax money was never designated specifically for the sewer, the money was put into the general fund. Chairman Moyer also said Washington Township is not going to be responsible to pay for plant expansion. Mr. Stauffer stated how can the developer pay for everything upfront. Suppose the developer only wants 100 EDU's and not all 250 so essentially, he will only be paying for the 100, who pays for the other 150. Mr. Becker stated the developer buys available capacity and pay the EDU fee, that money is used for the infrastructure cost and if there is not enough money to expand then the developer or others will need to figure out how to fund the expansion or the expansion can't happen. There are other issues, PADEP will have a say as to what happens and there are other issues that factor into this. The Developers of the Prestige Plan are aware of the situation. Mr. Stauffer stated that Mr. Becker agreed that the taxpayers and the township do not have to provide and pay for the sewer upfront. Mr. Becker said it depends on the situation, you can require the developer to participate in the costs but depends on what is happening with the system. The answer is not black and white but certainly pressure can be put on a developer who is looking for capacity that is not available. Mr. Sichler asked if the Board wished to proceed with the interviews. Supervisor Powanda asked if there is enough capacity for the Prestige Plan and Mr. Becker stated that becomes part of the entire Land Development Plan. This will be tabled for now.

Public Comment:

Doug Stetler, asked if there is escrow money to look at the different Sketch Plans. Mr. Becker stated there are agreements and there is escrow money in place.

- **2018 Road Project Final Payment** – A percentage of the total contract was withheld until the project was complete. The repair has been completed and the final payment may now be released. A motion was made by David Moyer and seconded by Thomas Powanda to release final payment of \$24,943.50 to Advanced Pavement Systems. **No comments received.**

All ayes

- **Proposed joint meeting** with the Planning Commission for Thursday, August 1, 2019. Supervisor will notify Mr. Sichler tomorrow after checking schedules if

there will be a joint meeting. A motion was made by David Moyer and seconded by James Roma authorizing the manager to advertise the joint meeting if need be. **No comments received.**

All ayes

NEW BUSINESS

- **District 3 Septic Pumping Violations** – These are people who have not pumped their septic systems which were due to be pumped by 12/31/18, were sent violation letters and still have not pumped. The next step would be a citation to take it to the District Justice who would order the pumping or a fine. A motion was made by David Moyer and seconded by Thomas Powanda authorizing the District 3 Septic Pumping violators to receive citations. **No comments received.**

All ayes

- **Roark Americana, Inc.-ZHB Application** – this has already been covered.
- **State Correctional Institution, Phoenix** – Mr. Sichler stated they have offered to provide supervised work crews. The Township would need to enter into an agreement with them. It must be a fairly large project for a five (5) person crew provided at no charge to the township. A motion was made by David Moyer and seconded by James Roma authorizing the township manager to proceed with an agreement between the township and SCI Phoenix to provide supervised work crews. **No comments received.**

All ayes

- **Notary Reappointment with training** – Mr. Sichler explained in prior years the township paid for the reappointment process for the Notary and this year the reappointment requires training. The cost for reappointment and classroom training is \$314.35.

A motion was made by James Roma and seconded by Thomas Powanda authorizing the payment of \$314.35 for the reappointment and training for the Notary Public on staff. Supervisor Roma asked if this is for one employee or for everyone who is a Notary. Mr. Sichler stated this is for one employee.

All ayes

- **Limerick Generating Station Biennial Exercise** – this is just to let everyone know this will be held the night of November 19, 2019 here at the township building. So noted.
- **Three phase generator** – Mr. Moyer stated possibly Limerick Generating Station may foot the bill to connect the generator. Mr. Sichler will work out an overall cost.
- **BMMA request for connection** – This is for a property on Lane Road to connect to BMMA. At this point this is informational that this is in the works.
- **Township Vehicle Insurance** – the township is starting the renewal process and one thing noted to keep rates close to what they are now they would like the township to consider raising the deductible for heavy trucks comprehensive and collision coverage from \$500 to \$1,000. Supervisor Roma asked what the cost difference is. Mr. Sichler said he would check with the insurance company.
- **Proposed property donation** – Mr. Sichler received a call from a property owner of a ½ acre lot at the intersection of Dairy Lane and Old Route 100. They are

interested in donating the parcel to the township which is in the flood plain. Mr. Sichler was directed to thank the owner for the offer however the Board of Supervisors are not interested in taking ownership of the parcel.

SUBDIVISIONS/PLANNING

None

SUBDIVISION EXTENSION

A motion was made by Thomas Powanda and seconded by James Roma granting the following Subdivision Extension:

Clover Hill 07/30/19 to 10/28/19

No comments received.

All ayes

COMMUNICATIONS

- Copy of the ARB Delinquent Account Report is enclosed.
- Animal Crossing General Permit acknowledgement

ANNOUNCEMENTS

The next board of Supervisors meeting will be held on Thursday, August 22, 2019 at 7:00 pm.

Public Comment:

Doug Stetler, commented he had the opportunity to go to the township office with some questions and said the township staff was extremely helpful and he was very appreciative that they took the time to answer his questions.

EXECUTIVE SESSION

ADJOURNMENT

A motion was made by James Roma and seconded by Thomas Powanda to adjourn the meeting at approximately 8:29 p.m. **No public comment received.**

All ayes

Respectfully submitted,

Richard Sichler
Manager/Secretary