

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES
AUGUST 26, 2021**

CALL TO ORDER

Chairperson David Moyer called the regularly scheduled meeting of the Washington Township Board of Supervisors to order at 7:08 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, Joan London, Esquire; John Weber representing LTL Consultants, Tom Unger, Systems Design Engineering, Township Manager, Richard Sichler, Township Secretary, Susan Brown, and approximately thirty (30) residents in attendance.

Absent: None

TAPING OF MEETING

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

SPECIAL REQUEST

None

PUBLIC COMMENT

Linda Duncan, 58 Crescent Lane, stated the property located at 44 Crescent Lane is in violation of the Property Maintenance Code of Washington Township. Ms. Duncan explained the property is open and accessible for anyone to walk into the burned-out property. There is trash, weeds and also a rodent problem and wants to know what action is going to be taken to resolve the issue. Mr. Sichler stated the home is posted by a maintenance company which the township did previously contact and stated they were in the process of obtaining demolition permits however they never came to the township for permits. Other attempts to contact the maintenance company have not been successful. LTL Consultants will send Code Enforcement out to the property. Ms. London explained the next steps if there is no response the District Justice can impose fines. Also, the township will notify the property owner by letter to the last known address by regular and certified mail and post the property which would give the owners a specific number of days to secure the property rendering it safe and if they fail to do so the township will enter the property to preform the work at the expense of the owner. If the owner does not reimburse the township for the expenses the township will lien the property for their cost-plus attorney and filing fees. If the property would be sold at the tax upset sale the lien would be in the schedule of distribution. The process, unfortunately takes some time.

Thomas Palmer, 1266 Route 100, said he heard there is a proposed roundabout for Route 100 constructed in conjunction with an adjacent development on the west side of Route 100 about a quarter of a mile south of the Barto Road intersection. Mr. Palmer stated his driveway has been marked and is curious as to what is going on with this. Mr. Weber explained this is part of the development plan for Edison Walk. The Developer is working with PennDOT, who controls all the design criteria and PennDOT requested the roundabout. Mr. Palmer stated he spoke to Jeff Bucher, Acting Chief of Highway Design, PennDOT and was told they would take recommendations from the township. Mr. Weber said the township could make comments to PennDOT if they so choose.

Dave Isett, asked for an update on the Mingey property at 1606 Route 100. Mr. Weber reported the Conservation District conducted an inspection of the property on July 30, 2021. They found there was a timber harvest but there was no disturbance of wetlands and the activity taken at the property was in compliance. Grass was planted on the areas where the harvesting took place. Mr. Moyer stated the gentleman from the Conservation District walked the entire property and did not find any violation. Mr. Isett asked for the name of the representative from the Conservation District. Mr. Isett was told to stop at the township office and speak with Rich for the contact information.

Ed Metzler, asked if the traffic pattern has been approved for the entrance and exit from 1606 Route 100 property. Mr. Moyer stated there has been no submission of a plan to the township at this time.

Brian Duroid, stated his family has been waiting since January to start construction on a new home and asked for an update on the edu situation. Mr. Sichler stated this topic will be covered under the Sewer Engineer portion of the agenda.

Paul Farnsworth, is awaiting the edu update.

Steve Sharrow, said he can't believe Mr. Mingey is in compliance. Mr. Weber said the report states there is no wetland disturbance. Mr. Weber said when a plan is submitted there will need to be a wetland delineation done for the entire property.

Lisa Passerini, is awaiting the edu update.

Nicole Courtney, is also awaiting the edu update.

APPROVAL OF MEETING MINUTES OF JULY 22, 2021

A motion was made by James Roma and seconded by Thomas Powanda to approve the minutes of the regular meeting of July 22, 2021 as prepared. **No comments received.**

All aye

TOWNSHIP REPORTS

A motion was made by David Moyer 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 August 26, 2021, and to file the treasurer's report for audit. **No comments received.**

All ayes

TAX COLLECTOR

Tax Collectors Report for the month of July 2021:

Real Estate Tax	\$ 1,875.26
Per Capita Tax	\$ 6,284.20
Amusement Tax	\$ <u>7,252.98</u>
Total	\$ 15,412.44

Chairman Moyer announced an Executive Session was held this evening to discuss land use.

FIRE CHIEF'S REPORT

A copy of the Eastern Berks Fire Department Report is in the binders. Chairman Moyer urged residents to support the annual fund drive.

ZONING/SEO REPORT

Reports are in the binders

SEWER ENGINEER'S REPORT

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

- Sewer capacity-request for hydraulic re-rate was submitted to PADEP for a 25,000-gallon increase. In addition, a Corrective Action Plan (CAP) was submitted to PADEP which outlined two tasks, one is the re-rate permit and second is an actual plant expansion. PADEP has accepted the CAP and they are not requiring a connection schedule and stated it is the townships responsibility to manage the connections. Mr. Unger's recommendation to the township is the following criteria for edu distribution:
 1. An approved plan or an existing single-family lot
 2. An approved planning module
 3. An executed agreement of sale for the home or lot
 4. A malfunctioning on-lot sewage disposal system
 5. Cost to be paid up front

Mr. Unger stated a recommendation letter will be forthcoming. Chairman Moyer felt the staff would need at least seven (7) days to get things in order and to receive training. Rich stated this does not change the restrictions on the Weinstein Pump Station connections.

Public Comment:

Peg Stuart, asked if 80 edu's is still the number from the re-rate as available edu's. Mr. Unger stated the township will continue to monitor the situation and the number could change from year to year. Ms. Stuart stated there is no plan for expansion and at some point, there will be a need for more capacity. Ms. London said there has been discussion about expansion and are currently working on an agreement that would require any developer who would propose development

beyond the capabilities of the plant to pay for their proportionate share of the plant expansion so the current rate payers are not paying for the expansion. Mr. Moyer stated a Plant Operator was hired about three months ago and he has been doing a fantastic job and is taking care of the Plant the way it should be taken care of. Mr. Moyer said the first day for edu distribution will be Friday, September 3rd. A motion was made by David Moyer to authorize the distribution of edu's beginning on September 3, 2021 as outlined above. **No comments received.**

All ayes

Public Comment:

Peg Stuart, asked if Prestige Partners will be selling, the 27 edu's they currently own, to the township. It was stated no.

- Weinsteiner Lift Station upgrade – new control system is being installed, pump watch system also being installed. MGK is the contractor who is doing the installations and they are recommending the replacement of the power wiring and power conduit with a change order of \$4,500. A motion was made by David Moyer and seconded by Thomas Powanda authorizing the change order for the power wiring and power conduit in the amount of \$4,500. **No comments received.**

All ayes

Mr. Moyer suggested checking the manhole rain dishes before the cold weather.

TOWNSHIP ENGINEER

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

- Mr. Weber reported the Planning Commission reviewed a revised submission of the Edison Walk Subdivision Plan at their August meeting.
- 2021 Road Project Invoice #1808 – E.J. Brenaman invoice #1808 and documentation for the 2021 Road Project and everything is found to be in order and Mr. Weber is recommending payment of invoice #1808. A motion was made by Thomas Powanda and seconded by James Roma authorizing the payment of invoice #1808 in the amount of \$61,656.76 to E. J. Breneman for Moyer and Lane Roads. **No comments received.**

All ayes

Mr. Weber said the invoice was approximately \$10,000 less than the original bid mainly due to the estimate of the Portland cement and the actual square yardage was a little less.

Rich indicated at the last meeting the Supervisors approved spending not more than \$1,100 on a roller however there was an error when calculating due to the relaying of the wrong numbers. The actual price came in at \$1,240 an additional \$140. The Roadmaster reported the two (2) swales are not completed so there will be additional asphalt costs.

So noted.

Mr. Weber also reported the township received a request from Rotelle to move Bally Springs Phases 2 and 3 to dedication. Mr. Weber will be reviewing that information during final inspection and will have a report at the September meeting.

SOLICITOR'S REPORT

Ms. London reported she received the Minge draft Settlement Agreement and has reviewed the draft with the Board of Supervisors, Manager and Engineers. Ms. London has sent back comments on the proposed draft to Attorney Adelman and is now awaiting the response.

Ms. London also stated Spring Valley Estates has filed a new assessment appeal based on a change in assessment which it believes is contrary to a 2020 settlement of a 2016 appeal. The reduction requested in the assessment for the township would result in loss of tax revenue of \$471 per year. Based on this information it is recommended the Board take no action.

SUPERVISORS

UNFINISHED BUSINESS

- **PADOT Ebst Road/Route 100 stormwater issue**-Mr. Moyer said he was told this project is expected to begin in spring.
- **Gehringer Road open space tract** – Lefever Tree Care, Bethel, will be contacting Rich or David next week and will take a look at the trees.
- **Barto Road straightening** – *ongoing*
- **Public Works building** – Rich reported he obtained two quotes on hoop buildings of varying sizes. A 30' x 36' free-standing poly building is \$9,000 and 42' x 40' free-standing is \$19,245 and are delivered unassembled. David also obtained a quote for a pre-engineered steel building 80' wide x 50' deep at \$176,646. After some discussion it was decided to rent a building for the winter months to store equipment and order building for next year. Mr. Unger said a requirement should be a set of signed and sealed drawings. Rich will use this quote as a basis and check for vendors through CoStars. Rich will also check for rental units and have some pricing for the next meeting.
- **American Rescue Plan Act of 2021** – The Treasurer has worked with the auditing firm and right now there is an interim guidance out which specifies how you calculate lost municipal revenue. Following the interim guidance, it appears the township can use all of the \$225,000 in the first installment as lost municipal revenue.
- **Road Inspection progress report** – Rich and Brian went through the road inspection report and identified the overlay of Himmelwright Road as the big-ticket item for 2022. Other items include pipe crossings, gutter work and patching. The back part of Anthony's Mill Road needs repair and Wilt Road pipe crossing needs attention. It was decided the priority is Himmelwright Road and the pipe crossing repairs and as the budget comes together possibly Anthony's Mill Road. Mr. Moyer suggested installing raised crosswalks in areas to help slow traffic.

NEW BUSINESS

- **2022 Budget process** – Rich asked if there are any projects to be considered there should be budgetary estimates and budget meeting is Monday, October 18th. The

first draft of the budget has been completed. Rich has contacted Paul Janssen to run the sewer numbers past him and get his input and make sure we are headed in the right direction.

- **Wastewater Plant vehicle** – Rich stated a vehicle is needed for the Plant Operator. Mr. Moyer suggested using some of the American Rescue Act money for the purchase of a truck. Rich will get some pricing.
- **PSATS Southeast Regional Forum, 2021** – The forum will be held October 27th in Exton if anyone is interested.
- **Berks County Dept. of Emergency Svcs.** – Submitted a proposed agreement which automatically escalates with the cost of living. A motion was made by David Moyer and seconded by Thomas Powanda authorizing to enter into the agreement with Berks County for automatic escalation of the fees for emergency management. **No comments received.**

All ayes

- **Road Occupancy Permit-1574 County Line Road** – This is for directional drilling for a sewer connection for resident Lee Moyer. The road surface will not be opened therefore the total fee would be \$50. A motion was made by David Moyer and seconded by James Roma authorizing the issuance of the Road Occupancy Permit for 1574 County Line Road. **No comments received.**

All ayes

Ms. London stated that she has prepared a recapture agreement for reimbursement in the event that the township would accept dedication of the line and it becomes public.

- **Bally Borough Detour Plan** – This detour plan is for the 2021 Halloween Parade. A motion was made by David Moyer, seconded by Thomas Powanda authorizing the Bally Borough Detour Plan. **No comments received.**

All ayes

- **Traffic Impact Fund** – A motion was made by James Roma, seconded by Thomas Powanda authorizing the transfer of funds from the Traffic Impact Fund to the General Fund in the amount of \$4,065.24 less the amount necessary to keep the account active. **No comments received.**

All ayes

SUBDIVISION/PLANNING

Edison Walk Waiver Requests:

- **Section 107-32.A(6) & 107-34.B** - Based upon previous conversations the Plan has been modified to isolate the townhomes away from the remainder of the development. The 38 townhomes are on a cul-de-sac, township ordinance allows for 20 townhomes on a cul-de-sac. There has also been a 24' wide secondary access through the open space which will require an easement from the township. There is also additional parking which has been added on the cul-de-sac which provides more parking than what is required by the township ordinance. Mr. Roma stated he does not like the fact that a pathway will go through the township open space and is taking away from usable space. Mr. Bailey stated this is not taking away from usable space since the township would have to provide access

to the property anyway, so this will serve as the access. Mr. Powanda asked if there is any type of improvements Prestige would be willing to do to the property, such as a playground or some type of usable area. Mr. Bailey said he would have to take that request back to Prestige for their input. Prestige will be paving and curbing the access road. Mr. Moyer asked what the intension is for the roads within the development. Mr. Bailey said all roads would be offered for dedication with the exception of the cul-de-sac, that would remain private and would be the responsibility of the HOA. Mr. Moyer said Barto Road needs to be straightened because of this development and in order to do that it will need to cross over the pipeline and UGI will want \$3,000 to look at plans for the changes to Barto Road. Mr. Moyer is asking Prestige to pay for those items as well as pay for from the bridge in 220 feet and give the land for \$1.00 lease for 100 years and Prestige maintains the land because he is not going to put kids playing next to Mr. Gehman's house. Ms. London stated she will need to look into a \$1.00 lease, she is not sure if that is possible. Mr. Moyer also said the intersection at Barto Road and Old Route 100 needs to be changed as well. Mr. Bailey said the traffic impact money has already been consumed by the requirements to modify the intersection of Hoffmansville and Stauffer Roads. Mr. Bailey said he would relay Mr. Roma and Mr. Moyer's concerns with respect to the 18 additional townhomes as well as the requested improvements.

As a result of this evenings discussions, the waiver requests for **Sections 107-32.A(6) and 107-34.B** were not granted by the Board of Supervisors.

- **Section 107-36.A** – Subdivision and Land Development [36] Sidewalks [A] Sidewalks shall be provided along all roads and other locations designated by this chapter.
Sidewalks are being proposed on only one side of each road. Sidewalks on both sides would add unnecessary impervious coverage to the property.
A motion was made by James Roma and seconded by David Moyer declining the waiver request for Section 107-36.A. No comments received.
David Moyer – aye
James Roma – aye
Thomas Powanda - opposed
- **Section 107-20.A(1)** – [107-20] preliminary plans [A] drafting standards [1] the plan scale shall be no smaller than 100 feet to the inch.
A waiver is requested for the larger scale overall plans, to be easily able to see the entire project on 1 page. All other plans are in compliance. **A motion was made by David Moyer, seconded by Thomas Powanda granting the waiver as requested. No comments received.**
All ayes.
- **Section 107-31.B** – [107-31] There shall be a minimum distance of 50 feet from any proposed dwelling unit and the right-of-way line of any petroleum, petroleum products or natural gas transmission line which traverses the subdivision or land development.
A waiver is requested for the additional separation distance from natural gas transmission line to a proposed dwelling. There are no petroleum lines running

through the subdivision, only a natural gas line. This waiver would pertain to lots 35, 57, 58, and 60-66. **A motion was made by David Moyer and seconded by Thomas Powanda granting the waiver request as outlined. No comments received.**

All ayes

- **Section 107-32.D(1)** – [107-32] Minimum and maximum grades. There shall be a minimum grade of at least 1% on all streets; a maximum grade of 3% on major and collector streets; and 10% on local and rural streets.

A waiver is requested to facilitate the construction of the required roundabout, while limiting the fill placed over the crossing of the Swamp Creek. All PennDOT intersection requirements will be met for site distance, slope etc. **A motion was made by Thomas Powanda and seconded by James Roma granting the waiver request for Section 107-32.D(1). No comments received.**

All ayes

- **Section 107-32.J** – [107-32] streets and roads [J] approach grades. All approaches to an intersection shall not exceed 4% for a distance of 50 feet measured from the nearest ultimate right-of-way line of the intersecting street. Approaches to an intersection shall follow a straight horizontal course for 100 feet.

A waiver is requested due to the site constraints and to try to minimize the disturbance of natural resources. **A motion was made by James Roma and seconded by Thomas Powanda granting the waiver request for Section 107-32.J. No comments received.**

All ayes

- **Section 107-73.A.1** – [107-73] Street trees shall be required: Along all existing streets when they abut or lie within the proposed subdivision or land development.

A waiver is requested for street trees along Barto road and also a section of Battery Road because of existing natural gas utility line that parallels Barto Road and a section of Battery Road. Trees cannot be installed within the easement of the utility line.

This would pertain to lots 1B, 1A, 1, 2, 3, 204-209. **A motion was made by David Moyer and seconded by Thomas Powanda granting the waiver request for Section 107-73.A.1 as outlined. No comments received.**

All ayes

Mr. Powanda asked why there will be three (3) HOA associations. Mr. Bailey explained there is one for the original townhomes, one for the new townhomes and one for the remaining new homes.

Mr. Bailey said there were questions that came up from the PennDOT letter and the McMann letter for Board input. The first is the changing of Sugar Maple Road to make it a one-way in, removing the two-way access onto Old Route 100. Mr. Moyer said there needs to be parking made available to the people living in the townhomes. Mr. Bailey said there is no place to put parking in that area. The

Supervisors are in favor of making Sugar Maple a one way in off of Old Route 100.

McMann also expressed speeding concerns for Sugar Maple Road and Battery Road and some traffic calming measures. The consensus was in favor of raised crosswalks.

- **Aqua Will Serve Letter** – This letter is saying they will serve the development.

SUBDIVISION EXTENSION

None

COMMUNICATIONS

- Copy of the ARB Delinquent Account Report is enclosed.
- Thank you letter from Mrs. Tantaros

ANNOUNCEMENTS

The next board of Supervisors meeting will be held on Thursday, September 23, 2021 at 7:00 pm.

EXECUTIVE SESSION

ADJOURNMENT

A motion was made by James Roma and seconded by Thomas Powanda to adjourn the meeting at approximately 9:18 p.m. **No public comment received.**

All ayes

Respectfully submitted,

Susan J. Brown
Township Secretary