

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES
DECEMBER 16, 2021**

CALL TO ORDER

Chairperson David Moyer called the regularly scheduled meeting of the Washington Township Board of Supervisors to order at 7:11 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 Treasurer, Missy Swanson, Tax Collector, Brenda Briedgan and three (3) 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

None

APPROVAL OF MEETING MINUTES OF OCTOBER 18, 2021 BUDGET MEETING AND THE NOVEMBER 18, 2021 REGULAR MEETING:

A motion was made by Dave Moyer and seconded by Jim Roma to approve the minutes of the meeting of October 18, 2021 for 2022 Budget and November 18, 2021 BOS Meeting as prepared. **No comments received.**

All ayes

MEETING AGENDA ADDITION:

Joan London stated that Under Act 65, the township will have to vote to amend the agenda in the settlement agreement of the Barto Industry/ Mingey matter. This will need to be posted on the website the next business day which is December 17, 2021. A motion was made by Dave Moyer to amend the agenda to add Mingey under the ordinance and seconded by Tom Powanda. **No comments received.**

All ayes

TOWNSHIP REPORTS

A motion was made by Tom 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 December 16, 2021, and to file the treasurer’s report for audit. **No comments received.**

All ayes

Chairman Moyer announced an Executive Session was held this evening to discuss land litigation and personnel matters.

TAX COLLECTOR

Tax Collectors Report for the month of November 2021:

Real Estate Tax	\$ 2,280.66
Light Tax	\$ 0.00
Per Capita Tax	\$ 669.77
Amusement Tax	\$ 0.00
Total	\$ 2,950.43

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.

- **Sewer Report** – No Action items
- **Hydraulic Plant Rerate** – 2nd review was completed on the water quality permit and submitted to DEP, so the ball is in DEP’s court.
- **Influent Pump** – Tom Unger is putting together the contract for the pipe rail system and the pumps. They have also included the replacement of the ventilation fan and controls and control system. This should take place in the springtime.

TOWNSHIP ENGINEER

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

- **Via the Dec 9th Report** – Edison Walk/Rose Gross Subdivision Plan was accepted by the Planning Commission meeting at the December meeting.
- **Edison Walk Transportation Plans:** Township Manager wanted to make sure the Board was abreast on the current plans that have been presented to PennDOT. One specific plan that has to do with the Sugar Maple / Old Route 100 section needed to be discussed. Board of Supervisors had discussed making this a one-way in. Prestige did not like the one way in and has reverted back to a left in and right out for that intersection. John

showed the plans to the Board of Supervisors. There was much discussion in which Tom Powanda suggested making the retaining wall higher and to widen the road. John stated they are to widen the entrances, take out the curbs, and insert a traffic island. John Weber then showed the plans for the roundabout on Route 100. Resident, Mr. Palmer, brought up concerns about the Route 100 turnabout, he will have trouble getting out of his driveway. Dave Moyer stated that Mr. Palmer's driveway should exit to the south rather than the north of the turnabout. Mr. Palmer would like to have the turnabout be down by the church parking lot. It was discussed and moving turnabout down to church parking lot would be better for the Hoffmansville Road traffic and Stauffer Road traffic. John Weber will take these suggestions to the developer and get back to the board of supervisors. There was also discussion on approaching PA DOT at changing the timing of the traffic light at Barto Road and Route 100 or maybe even having a turning lane onto Barto Road. Rich Sichler stated that Padre Pio's plans show that if turning onto Barto Road creates too much traffic that they are to bear the cost of the turning lane issue.

- **Edison Walk - Private roads:** Jim Roma had some questions to John Weber about the private roads. John Weber will check into the status of Sugar Maple and Battery Road's status of being public versus private. Sugar Maple was to be public and Battery Road were to be public and everything else to be private. That issue has not been finalized and will be kept in the topic for review.

SOLICITOR'S REPORT

- **Mingey litigation update & status of agreement** – Ms. London indicated the settlement agreement has three areas of consideration.
 1. Land use appeal challenge filed in 2018,
 2. Breach of contract action filed in 2020
 3. Appeal for denial of conditional use filed in 2020

This is a global settlement agreement which will settle the claims of Barto Industry and Mingey Entities.

Settlement of litigation is for proposed development of certain properties owned by Mingey Entities:

1. Old Route 100 Property – allow 16 buildings of townhome units. 32 townhome units in all on public water and public sewer.
2. Stauffer Road Property – 4 units which are two twins on public sewer and either public or onsite water.
- 3, 1606 Main Street - up to 48 townhomes subject to the constraints of the property all aged restricted on public sewer and public water with single private street access from Route 100 plus an emergency access. With possibility of any residual portions to be used for commercial use.
4. Kutztown Property – accommodate a maximum of 37 single family homes on part of the parcel – 62 acres. Subdivide lots approximately 1 ½ acres each with additional emergency access to Kutztown Road and the existing farmhouse remaining on the 38.3-acre parcel with a deed stating no further

subdivision . Also, three farmstead lots of 18.17 acres , 17.67 acres and 42.19 acres which would be subdivided for agricultural usage permitted under the zoning ordinance.

This would end the litigation. The settlement has already been approved by the court subject to the specific terms which have been discussed since July. The plans will be submitted to the township in the usual manner within 12 months after the issuance of the order approving this agreement. Waivers will be granted. This can be initially reviewed as land subdivisions but no land development will occur without approved land development plan. For the Kutztown Road Tract, Mingey is entitled to attempt to obtain public water and sewer but no guaranty of capacity. If Mingey is able to procure public water and public sewer, the township will not interfere. Greg Foster is another party that entered into the litigation – he will be only be involved in the Kutztown Property. All of Mr. Fosters concerns had been addressed in this agreement. Board of Supervisors have received all of these plans and settlement agreement. Motion was made by by Dave Moyer to approve this settlement seconded by Tom Powanda. **No comments received**

Dave Moyer – aye

Thomas Powanda - aye

Jim Roma -opposed

SUPERVISORS

UNFINISHED BUSINESS

- **PADOT Ehst Road/Route 100 stormwater issue-** Have not seen any new paperwork on this but we are still anticipating this to happen next year.
- **Bamboo Issue:** Dave Moyer had a question for Joan London. He mentioned that he is seeing a lot of Bamboo popping up all over the township. Bamboo grows fast and high and is invasive. Joan said it is the subject of many neighbor disputes. Dave asked what can the township do to ban it. Joan stated you cannot outright ban it. In the subdivision agreements, there is usually a list of approved landscaping items and bamboo is not approved. There are nuisance ordinances that can be possibly be used with Bamboo. Planting of Bamboo especially at the property line could be declared a nuisance.
- **Gehringer Road open space tract** –Still have not located a tree company to give us a quote. Jim Roma asked if we can hire someone to remove the trees instead of trying to sell them. Rich is looking into this .
- **Barto Road straightening** – John Weber submitted the plan to Buckeye Pipeline because of the crossing of the pipeline required in this process. John showed the plan to the Board of Supervisors. The width of the road needs to be discussed as the original plan was set at 28 feet, John is asking they reduce that to help with stormwater management and being close to wetlands. John asked for the width to go to either 24 feet or 22 feet. They will also be removing the existing blacktop of current Barto road which will help with the wetland issue. No motion was needed but both Dave Moyer and Tom Powanda agreed to the width being reduced to 22 feet.

- **American Tower Lease Agreement** – Rich did request the draft to extend the lease and American Tower was pleased. When Rich gets that draft he will extend it to Joan London for review.
- **2022 Budget:** No changes are needed.

- **NEW BUSINESS**

- **2021 F350 Outfitting Update** – Perkiomen Performance installed the plow and put beacon light on. Two other items we need that Perkiomen Performance does not provide is a spray in bedliner and warning lights (strobe lights in grill and back taillights). Two quotes were provided for the spray in bedliner. Red Hill Ford was for \$899.00 and Wyomissing Line-X was for \$754.00. Red Hill's bedliner was for the Toff brand. Dave stated how well the Toff product was. Warning Lights quote from TRM was for \$877.18. A motion was made by Dave Moyer to go with the Red Hill quote of \$899.00 for the spray in bedliner and was seconded by Tom Powanda. All Ayes. A motion was made by Dave Moyer to approve the TRM warning light quote of \$877.18 and was seconded by Tom Powanda.

All Ayes.

- **Lee Boy Paver:** Needs a 1000-hour maintenance service and was quoted by Stephenson Equipment for \$2,415.00. Stephenson sold us this equipment and we would like to go with them as they will troubleshoot a hydraulic leak problem we have. A motion was made by Dave Moyer to approve the \$2,415.00 Stephenson invoice for 1,000-hour maintenance on the Lee Boy Paver and was seconded by Tom Powanda.

All Ayes

- **PADOT Niantic Road Bridge Replacement :** This is only just preliminary plans to replace the bridge. Also, there is a preliminary detour plan which involves Hoffmansville Road and Congo Niantic Road. It is a full destruction of bridge and complete rebuilding. There is no anticipated start date. Rich is putting this information on our website.
- **Surplus Portable Toilets :** We have two over sized toilets that we were to replace. Rich talked to Scotty's Potties to see if there is any value in them. Scotty said there is no value in either toilet. Rich asked for permission to destroy these toilets. We will be renting porta potties in the new year for \$80 per month – no need to repair them ourselves. A motion was made by Dave Moyer to dispose of these toilets and seconded by Jim Roma.

All Ayes

- **Recognition of Jim Roma's Service to the Township:** Dave presented a certificate of service to Jim Roma for his 12 years of service to this township. We commend Jim for his selfless dedication to his community and local government. Presented by BOS and PSTATS. Jim thanked everyone saying it was a nice ride. Jim had a couple items:

- **Admin Bldg. Parking Lot :** light has been out for a couple months. Can it be replaced.
- **All Weather Sign at Washington Park:** Can the township sign by the flagpole at the municipal building be replaced with a sign that is the same style?
- **Plows are coming:** What will the public works be doing about the portable basketball courts that are around the township. Rich is out with Jayme on December 17, 2021, so he will have a look to see and a letter will go out to anyone who still has them up.

SUBDIVISION/PLANNING

None

SUBDIVISION EXTENSION

None

COMMUNICATIONS

- Copy of the ARB Delinquent Account Report is enclosed.

ANNOUNCEMENTS

The next board of Supervisors meeting will be held on Thursday, January 27, 2022 at 7:00 pm.

The Board of Supervisors reorganization meeting will be held Monday, January 3, 2022 at 5:30 p.m.

Dave Moyer would like to say to the township residents Merry Christmas and Happy and Prosperous New Year. We will again strive as a board to give you the best service in 2022. Thank you.

EXECUTIVE SESSION

None needed

ADJOURNMENT

A motion was made by James Roma and seconded by Thomas Powanda to adjourn the meeting at approximately 8:06 p.m. **No public comment received.**

All ayes

Respectfully submitted,

Missy Swanson
Treasurer