

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS  
MINUTES  
AUGUST 25, 2022**

**CALL TO ORDER:** Chairman 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.

Chairman Moyer announced an Executive Session was held this evening concerning personnel matters and land use issues.

**ROLL CALL**

The following members were present: Supervisors, Chairman Moyer, Thomas Powanda, Ronnie Long, Solicitor, Joan London, Esquire; John Weber representing LTL Consultants, Tom Unger, Systems Design Engineering, Township Manager, Richard Sichler, Township Secretary, Susan Brown, and twenty-six (26) 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**

**Roark Americana, flood plain construction approval** – Ms. Stephanie Wanuk, Renew Design, representing Roark Americana seeking flood plain construction approval for the proposed culinary day retreat. Item #5 from the LTL Review letter dated August 19, 2022-In accordance with Section 131-50.D, paved roads, driveways and parking lots are permitted in the Floodplain Overlay District when approved by the Board of Supervisors upon advisement of the Township Planning Commission and Township Engineer. Therefore, the applicant should seek advisement from the Township Planning Commission and approval from the Board of Supervisors regarding the proposed parking areas and access drive located in the Floodplain Overlay District.

**Public Comment:**

**Joseph Kincaid, III, Forgedale Road**, said on Finding of Fact, page 10, from the Zoning Hearing, it states on the relief from floodplain regulations the Board does not support and will not grant relief as requested by the applicant. The Board does not believe the applicant met the burden of proof for any relief of floodplain criteria.

Ms. Wanuk clarified by stating they are not looking for any type of relief but are adhering to the ordinance. Mr. Kincaid stated in chapter 131 of the Zoning Hearing it clearly states that in any Floodplain Overlay District, Chapter 59 must be followed in its entirety. Mr. Kincaid argued that none of the issues related to Chapter 59 have been addressed. Mr. Weber stated this is a zone A where there's no base flood elevation determined and

the ordinance says the Township may require a detailed study however it is not mandatory. Mr. Weber also stated they are not adding anything in the floodplain and they removed a 4,000 square foot building from the floodplain area. Mr. Kincaid also argued that fill is not allowed to be placed under the impervious surfaces, Mr. Weber does not interpret this in the same manner as Mr. Kincaid.

Ms. Wanuk also referenced comment #6 from the LTL Review Letter which has already been recommended for approval by the Planning Commission.

Comment #7 has to do with the reuse of the onsite well which is allowed if approved by the Board.

In the General Comment Section #1, a driveway permit has been obtained from PennDOT for the ingress and egress.

A motion was made by David Moyer, seconded by Thomas Powanda granting approval of the proposed driveways in accordance with SALDO Section 107-33.

**All ayes**

Regarding LTL comment #5 the Board has asked for further clarification before any action is taken.

A motion was made by David Moyer and seconded by Thomas Powanda granting approval of the storm water system located in the Floodplain Overlay District in accordance with Section 131-50.C.

**All ayes**

A motion was made by David Moyer, seconded by Thomas Powanda granting approval of the reuse of the existing water supply well located in the Floodplain Overlay District in accordance with Section 131-50.E.

**All ayes**

**Jet's Softball Academy, home occupation permit** – Mr. Jamie Ottaviano, Attorney for Jet's Softball Academy was present this evening to discuss application for home occupation permit. Application was made in July 2022 after the township receiving a complaint regarding the home business. Mr. Ottaviano stated his client provides one on one, appointment only, instructional softball to young girls which he states is a permitted use and is requesting the township to approve the permit. Ms. London stated there has been some social media advertisement of group instruction is offered and if this is on social media, it should be removed. As a condition, the township would want it noted on the issued permit that all instruction is one on one instruction only. Mr. Ottaviano objected to any condition and is seeking approval, and said the ordinance does not specifically state that a home occupation has to be one on one. Ms. London stated there have already been complaints of noise and traffic and the township is trying to head-off any future complaints.

**Public Comment**

**Vince Dinnocenti, 232 Wissinger Road**, provided pictures to the Board of numerous vehicles entering and exiting the neighboring property within a 12-minute time period. Mr. Dinnocenti stated his and his wife's privacy is very important to them.

Mr. Ottaviano explained on his client's website you will see things related to her prior business model when she was in the Borough of Pottstown and has not yet updated her website. Mr. Ottaviano also stated there is no prohibition as to how many people his client can have over at her residence. Ms. London argued this is a residential district and businesses are limited to home-based businesses of a low impact. Chairman Moyer expressed concerns with the information that is on the website and stated a business owner would make sure their information is up to date. Mr. Ottaviano stated if the township is going to deny the permit he will take his appeal to the Zoning Hearing Board. Ms. London said no decision would be made this evening. Mr. Ottaviano stated his client meets every requirement under the township zoning ordinance. Supervisor Powanda asked if the instruction is going to be one on one, what is the big deal if it is noted on the permit that group instruction is not allowed. Mr. Ottaviano stated he does not feel it is appropriate to put limitations on the permit. Mr. Weber indicated the ordinance states it needs to be incidental or secondary to the residential function of the property. Chairman Moyer stated they should go to the Zoning Hearing Board.

**Public Comment**

**Shannon Mitchell, 238 Wissinger Road**, asked how many complaints have been received by the township. Mr. Weber indicated he has three complaints from three different addresses. Ms. Mitchell stated several neighbors have had issues with the complainant and the complainant wants to control the neighborhood.

**Cable Franchise Agreement renewal hearing** – Ms. London read the exhibits into record and provided a brief summary of the agreement which is a 10-year non-exclusive term.

**Public Comment:**

**Doug Stetler, Limekiln Road**, asked what the compensation is to the township. Mr. Sichler stated a little more than \$75,000 per year.

A motion was made by David Moyer, seconded by Ronnie Long adopting Ordinance No. 2022-1, authorizing the execution of the Cable Franchise Agreement between Washington Township and Comcast of Southeast Pennsylvania LLC.

**All ayes**

**PUBLIC COMMENT**

**Beverly Elmes, 147 Eagles Watch S, SVV** – Ms. Elmes stated she is in favor of the rezoning for the Spring Valley Village property located along Old Route 100 and is opposed to any commercial ventures at this location. Ms. Elmes asked why the Board was against rezoning the property. Chairman Moyer stated he feels there are enough Spring Valley Village homes and also wants to keep the Light Industrial Zoning due to a

lack of a tax base. Supervisor Powanda stated the reason he was not in favor of the zoning change due to the fact that in order to access the property in question Spring Valley Village would have had to cross township land (obtain an easement) which Mr. Powanda felt was unfair to township residents since this would have only benefited a very small number of township residents. Ms. London explained Ms. Elmes may submit a proposal to rezone the land but as of right now the Board of Supervisors' decision has to do with the land use.

**APPROVAL OF MINUTES OF THE REGULAR MEETING OF JULY 28, 2022**

A motion was made by David Moyer and seconded by Romnie Long to approve the regular Board of Supervisors meeting minutes of July 28, 2022 as prepared.

**All ayes**

**TOWNSHIP REPORTS**

A motion was made by Thomas Powanda and seconded by Romnie Long 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 25, 2022, and to file the treasurer's report for audit.

**All ayes**

**TAX COLLECTOR**

Tax Collectors Report for the month of July 2022 was presented by Rich Sichler on behalf of the Tax Collector, Brenda Breidigan:

|                 |                     |
|-----------------|---------------------|
| Real Estate Tax | \$ 467.78           |
| Interim Tax     | \$ 2,318.92         |
| Per Capita Tax  | \$ 5,855.40         |
| Amusement Tax   | <u>\$ 15,246.35</u> |
| Total           | \$ 23,888.45        |

**FIRE CHIEF'S REPORT**

A copy of the Eastern Berks Fire Department Report is enclosed.

**ZONING/SEO REPORT**

Reports are in the binders.

**SEWER ENGINEER'S REPORT**

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

- **WWTP Influent lift station upgrade** – The influent lift station upgrade bid was awarded to MGK Industries, Inc. The shop drawings are being submitted for review.
- **Swamp Creek & Weinstein Pump Stations** – The PRIMEX pump systems are up and operating and reporting data correctly.
- **2022 I & I field work bids for televising** – Bid documents for light cleaning and CCTV inspection of approximately 4,295 ft of sanitary sewer line to the Weinstein Pump Station are out with CoStars.

- **Citation** – A non-traffic citation was submitted to the District Magistrate.

### TOWNSHIP ENGINEER

A copy of the Township Engineer's Report dated July 21 – August 18, 2022 is enclosed.

- **Planning Commission:** The Longenhagen Subdivision will be before the Planning Commission next week as well as the D'Angelo Minor Plan. The Camp Camino Conditional Use Application review letter will be issued tomorrow and the application will be considered at the September Planning Commission meeting. Clover Hill, Natalie Circle was paved this month however there are a few punch list items which need to be addressed prior to the township taking dedication.

Supervisors briefly discussed school bus service at Gehringer Farms Subdivision, Chairman Moyer will contact the school regarding student pick-up and drop-off within the subdivision.

### SOLICITOR'S REPORT

- **Snow Emergency parking ban enforcement:** A draft ordinance was circulated to the Supervisors and Township Manager. Supervisor Long stated she would like to see this applied to all township roads rather than just snow emergency routes in any measurable snow or ice event. Ms. London will make the requested changes and advertise for the September meeting.
- **Prestige Property Partners sewage service agreement** – Ms. London and Mr. Brown have been finalizing the details of the agreement and should be ready very shortly.
- **DeSales University Conduit Financing** – Ms. London received a call from Darryl Peck regarding a new borrowing in the amount of \$10 million for capital projects and has asked the Authority to serve as the conduit. Ms. London would like to hold the TEFRA hearing at the October Authority meeting. Chairman Moyer would like to ask for an increased fee amount. Ms. London will make the request of a \$10,000 fee. A motion was made by David Moyer, seconded by Thomas Powanda authorizing an October Water Authority meeting.

**All ayes**

### SUPERVISORS

#### UNFINISHED BUSINESS

- **PADOT Ehst Road/Route 100 stormwater issue** – PADOT will not take pipe down Chestnut Street but rather run it across the front of Chuck Smith's property and down to old pipe. Pipe running from east side to west side will not be replaced.
- **Gehringer Road open space tract** – No update
- **Basketball Court painting** – The painting is complete and looks great.
- **County Line Road speeding issues** - The traffic study is complete. The data collected showed 1,958 vehicles traveled County Line Road per day. The 85% speed be must be at least 10 mph over the posted speed limit of 35 mph. The northbound direction the 85% speed was 47 mph and the southbound 85% was 45

mph so both volume and speed of traffic meet the criteria for traffic calming measures. The neighborhood survey must be mailed out to the previously designated areas.

- **Nighttime sign audit** – still waiting on the PaDOT equipment.
- **Recycling Center contract** – Rich has not received a proposal from Total Recycling. Chairman Moyer said the township is not entering into a recycling contract and will extend one more month to the EAC to come up with a plan. The plan needs to be in place by September 22<sup>nd</sup> or the recycling center will close permanently.
- **2022 Road Project update** – The full length of Wilt Road has been paved and a portion of Passmore Road. The FDR has been done. The project will be finished next week. Mr. Weber said the invoice has been received from EJ Breneman for the FDR work in the amount of \$196,670.72 however the original contract price was \$170,894.25. The cost increase was a result of two matters, one, the tie-in was extended on Passmore Road which added some square yardage to the job. The bigger price increase was because of the amount of additional Portland cement needed for the job which was \$20,086.86. A motion was made by David Moyer and seconded by Thomas Powanda approving the payment to EJ Breneman in the amount of \$196,670.72 subject to the receipt of all required contract documentation.

**All ayes**

- **Barto Park Playground equipment** – Three quotes were obtained for playground equipment for Barto Park. A motion was made by Thomas Powanda and seconded by Romnie Long authorizing the equipment purchase with installation from BYO Recreation in the amount of \$42,308.00.

**Thomas Powanda – aye**

**Romnie Long – aye**

**David Moyer – opposed**

- **Township Building Electronic Sign** – *table*
- **Recreation Study, proposal for professional services to conduct from YSM Landscape Architects and appointment of Study Committee** – A motion was made by David Moyer and seconded by Thomas Powanda granting authorization to enter into a contract with YSM for the completion of a recreation study.

**All ayes**

- **Transfer of funds to PLIGIT Certificates of Deposit and savings accounts** – Rich informed the Board as of the 18<sup>th</sup> of August \$1 million has been put into a 365-day term CD at a rate of 3.68% and \$1 million into a 180-day term CD at a rate of 3.43% and switched some savings accounts to a prime fund earning 2.29% and at the end of one year it will add \$71,400.
- **Newsletter** – All articles must be in to the printer by September 13<sup>th</sup>.

#### NEW BUSINESS

- **Request to support Act 167 Plan Study for Perkiomen Creek water shed stormwater, EAC Comments on presentation** – The EAC met with Crystal Gilchrist she is working within the Perkiomen Creek Watershed. Ms. Gilchrist is

requesting Washington Township to sign a letter of support asking the Berks County Commissioners to initiate a joint study with Montgomery and Chester Counties to study stormwater issues and develop common stormwater requirements throughout the Perkiomen Creek Watershed. A motion was made by Thomas Powanda and seconded by Romnie Long authorizing a letter of support for ACT 167, with no financial commitment at this time.

**All ayes**

- **2023 proposed meeting dates** – The Board of Supervisors December meeting date should be changed from December 28<sup>th</sup> to December 21<sup>st</sup>, 2023. A motion was made by David Moyer, seconded by Romnie Long accepting the 2023 proposed meeting dates and holiday schedule as amended.

**All ayes**

- **Revised Personnel Manual adoption** – Rich incorporated all the recent changes as discussed. A motion was made by Romnie Long and seconded by Thomas Powanda adopting the revised personnel policy.

**All ayes**

Rich asked when additional days go into effect and it was decided September 1<sup>st</sup>.

- **Bally Halloween Parade route approval** – A motion was made by David Moyer, seconded by Romnie Long authorizing the Bally Parade Route detour through Washington Township.

**All ayes**

#### **SUBDIVISION/PLANNING**

None

#### **SUBDIVISION EXTENSION**

Motion made by David Moyer, seconded by Romnie Long granting the following subdivision extension:

##### **Shadeland Development-Kutztown Road Minor Subdivision**

**08/26/22 to 11/24/22**

**All ayes**

Motion made by Thomas Powanda, seconded by Romnie Long granting the following subdivision extension:

##### **Kelly Group-Schwenkfelder Road Minor Subdivision**

**08/26/22 to 11/24/22**

**All ayes**

#### **COMMUNICATIONS**

- Copy of the ARB Delinquent Account Report is enclosed.
- Safety Committee minutes dated August 12, 2022
- EAC meeting minutes dated August 15, 2022

#### **ANNOUNCEMENTS**

The next board of Supervisors meeting will be held on Thursday, September 22, 2022 at 7:00 pm.

**EXECUTIVE SESSION**

None needed

**ADJOURNMENT**

A motion was made by David Moyer, seconded by Thomas Powanda to adjourn the meeting at approximately 8:58 p.m.

**All ayes**

Respectfully submitted,

Susan J. Brown  
Township Secretary