

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES
OCTOBER 27, 2022**

CALL TO ORDER: Chairman 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.

Chairman Moyer amended the agenda for this evening to include special request public hearing to allow the Eastern Berks Fire Department to be in a Commercial Zoning District. TEFRA Resolution for Conduit Financing for DeSales University.

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, Romnie 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-five (25) 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 and Stenographer was taping the meeting this evening.

ZONING ORDINANCE AMENDMENT

This is the hearing set to amend the zoning ordinance to allow a fire station/department in the commercial zoning district. Ms. London read the exhibits for the record. A motion was made by David Moyer seconded by Romnie Long adopting the proposed ordinance amending the zoning ordinance to allow fire station/department use permitted by right in the Commercial Zoning District.

All ayes

SPECIAL REQUEST

Edison Walk/Prestige Property Partners – Mr. Howard Brown, attorney for Prestige Property Partners, was present this evening to request the Mingey Settlement Agreement Assignment. Last week an agreement of sale was signed with Barto Industries to acquire the property located at Old Route 100 and Barto Road which was to house 32 townhomes on the property. Mr. Brown stated they are on a very tight timeline to complete their due diligence. Mr. Brown explained as part of the settlement agreement Mr. Mingey and his various entities are free to assign their rights under the settlement stipulation to a third party provided they obtain the consent of the township. Mr. Brown is seeking indication from the township that they would be willing to honor that assignment for the Old Route

100 property only with closing on the property taking place November 11th. Ms. London stated the township is not prepared to enter into an agreement tonight. If Prestige were to need to purchase additional sewer capacity if the Barto capacity is not available, the 2011 agreement bulk pricing is no longer available and capacity would need to be purchased at the going rate. Ms. London explained the agreement of April 2011 was the subject of one of the underlying cases to the litigation that was settled and is in the settlement agreement. Mr. Brown asked if that agreement is still in full force and effect? It was represented to Mr. D'Angelo that the agreement was still effective. Ms. London said she would like to look at that further however at this point does not believe the bulk discount is valid. Mr. Brown said there is a provision that provides that the developer would prepare and submit preliminary plans within 12 months from the date of the settlement agreement which is April 2023. Mr. Brown asked if there would there be an opportunity to extend that date. Chairman Moyer said he would not have a problem extending the time, maybe starting with a 90-day extension.

PUBLIC COMMENT

Holly Mohr, Weinsteiger Road, to discuss Copart concerns. Chairman Moyer explained Copart has withdrawn the application to the Zoning Hearing Board.

APPROVAL OF MINUTES OF THE REGULAR MEETING OF SEPTEMBER 22, 2022

A motion was made by Thomas Powanda and seconded by Romnie Long to approve the regular Board of Supervisors meeting minutes of September 22, 2022 as prepared.

All ayes

TOWNSHIP REPORTS

A motion was made by David Moyer 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 October 27, 2022, and to file the treasurer's report for audit.

All ayes

TAX COLLECTOR

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

Real Estate Tax	\$ 4,154.06
Interim Tax	\$ 768.96
Per Capita Tax	\$ 693.50
Amusement Tax	<u>\$ 14,355.04</u>
Total	\$ 19,971.56

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.

- **Technical Standards update** – Currently under review with township staff.
- **2022 I & I field work bids for televising** – This item will be tabled until spring to allow time to clean out easements.
- **2046 Old Route 100** – There is a proposal from the property owner on the north west corner of Gable Lane to replace the malfunctioning on-site system with a low-pressure sewer system with the line running up Old Route 100 toward Robin Hill Road with the connection at the manhole located about 200 feet east of Robin Hill Road. PADOT requires the application for the highway occupancy permit for the line be in the township name. The township would be accepting dedication for the 2" force main. Along with that, is the mandatory connection for residents within 150 feet of the line and would require the installation of a low-pressure pump.

A motion was made by David Moyer, seconded by Thomas Powanda deferring the mandatory connection to the sewer line located along Old Route 100 from the north-west corner of Gable Lane to 200 feet east of Robin Hill Road intersection with Old Route 100 for a period of five (5) years from the date of the line installation unless there is a malfunctioning system.

All ayes

A motion was made by David Moyer, seconded by Rommie Long authorizing the submission of the Highway Occupancy Permit in the townships name on behalf of the applicant with the application fee to be paid by the applicant.

All ayes

- **Lift station cleanouts** – Rich reported it has been about two (2) years since the lift stations have been cleaned out. Rich has received a quote from Franc Environmental to clean three (3) lift stations, one of which will be billed to Prestige Property Partners. A motion was made by Rommie Long and seconded by Thomas Powanda authorizing the cleanout of three (3) lift stations by Franc Environmental not to exceed \$6,000.

All ayes

TOWNSHIP ENGINEER

A copy of the Township Engineer's Report dated September 16, 2022 – October 19, 2022 is enclosed.

- Mr. Weber reported the revised Longenhagen Plan was reviewed by the Planning Commission at the October meeting.
- A second Conditional Use Application for Camp Camino for two (2) barn conversions has been reviewed by LTL and will be on the Planning meeting agenda for the November meeting.
- Mr. Weber also reported an engineer's cost estimate was prepared for the 2023 road project.

SOLICITOR'S REPORT

- **Snow Emergency parking ban enforcement:** This is an amendment to Chapter 125 of the Code of Ordinances for the township. This is for snow emergency routes or on roads with an accumulation of more than two (2) inches of ice or snow or having basketball hoops or similar large objects left in the road which are an obstruction to snow and ice removal. This ordinance clarifies the snow emergency ordinance to require that vehicles and such objects be removed in declared snow emergencies for the duration of the snow emergency until the ice and snow is cleared on a non-snow emergency route in the township. A motion was made by David Moyer, seconded by Thomas Powanda adopting Ordinance 2022-2.

All ayes

- **Prestige Property Partners sewage service agreement** – Ms. London states this agreement is near completion.
- **DeSales University Conduit Financing** – This will be on next month's agenda.
- **EBFD Land Use** – There is a need for an amendment to the Zoning Ordinance to allow a fire station in the Commercial District as a use permitted by right. A motion was made by David Moyer, seconded by Thomas Powanda authorizing the process of adoption, including advertisement and forwarding to the Planning Commission an amendment to the Zoning Ordinance to allow a fire station in the Commercial District as a use permitted by right.

All ayes

- **Act 57, required tax waiver resolution** – All municipalities in Pennsylvania are required to adopt a resolution that in the event that a new purchaser of real estate does not receive a tax bill and can attest to the same and provide supporting information and a statement under oath or affirmation, that property owner will not be assessed the penalty and will pay the flat rate of tax for the first tax year only. A motion was made by Thomas Powanda seconded by Rommie Long adopting Resolution 2022-23 Act 57 tax waiver.

All ayes

- **Camp Camino Conditional Use decision** – A lengthy public hearing was held at the September 22nd Board of Supervisors meeting on a conditional use application by Camp Camino Inc for a camp on the property located at 16 Kutztown Road. This is a camp for children with special needs and disadvantaged children. The

decision as drafted would be that the Board of Supervisors of Washington Township find the applicant, Camp Camino, is entitled to the requested relief subject to the following terms and conditions:

- a. one use and occupancy at Camp Camino facility will be limited to the bunk houses combined capacity described as 80 campers and approximately 20 staff
- b. amphitheater events will be limited to stated seating capacity
- c. there will be a decibel limit at the property line as set forth in Section 73-6 of the township code of ordinances for any amplified music or speech, especially in the amphitheater as follows: 70 decibels between the hours of 7:00 am and 9:00 pm prevailing time, and 60 decibels between the hours of 9:00 pm and 7:00 am prevailing time.
- d. Roads or trails will be at least 14 feet wide with pull off areas at locations agreed to by township and project engineers to allow for emergency vehicle access.
- e. Buffering landscaping will be with trees as contained in subdivision and land development ordinance as opposed to arborvitae.
- f. Lighting will be shielded and angled and meet applicable IESNA standards so as to avoid glare or light trespass onto neighboring properties.
- g. Emergency access will be a location mutually agreed upon by project and township engineers.
- h. 40-foot setback is shown on concept plans from all camp facilities from property lines.
- i. The use, occupancy and facilities will be consistent with the application and accompanying materials and the evidence and testimony presented at the hearing
- j. The use and occupancy must be in accordance with all applicable ordinances, statutes and regulations and applicant will provide all required permits and approvals for the use.
- k. In the event Pierce Keating purchases the property with additional frontage on Kutztown Road, applicant shall demonstrate through design and engineering the feasibility of potential access from Kutztown Road in addition to the proposed access from Schwenkfelder Road.

A motion was made by David Moyer and seconded by Thomas Powanda granting the Conditional Use Application of Camp Camino Inc. subject to the terms and conditions outlined above.

All ayes

- **Camp Camino Conditional Use Application-Barn Conversion** – Mr. Keating has filed a second conditional use application for the 16 Kutztown Road property for two (2) barn conversions on the property. The Conditional Use Application will be considered at the November Planning Commission meeting with the hearing being held at the November 17th Board of Supervisors meeting. A motion was made by David Moyer and seconded by Rommie Long authorizing the Solicitor to advertise the Conditional Use Hearing for November 17, 2002 at 7:00 p.m.

All ayes

- **Pending matters before the Washington Twp. Zoning Hearing Board** – The Copart application has been withdrawn. A zoning hearing has been scheduled for Nov. 14th at 7:00 p.m. on the Buriss property which is a subject of an enforcement notice on a softball coaching facility. The Board has the option of supporting the relief, opposing the relief or doing nothing and allowing the ZHB to decide. This is an appeal of the Zoning Officer decision; the application was denied. At this time the Board is taking no position.
- **DeSales University Conduit Financing** – At the Authority meeting earlier this evening a conduit financing for DeSales University Capital Projects was discussed and approved. The TEFRA hearing was conducted on the tax-exempt financing as required.
A motion was made by David Moyer and seconded by Rommie Long adopting Resolution No. 2022-24 approving the use of tax-exempt conduit financing for DeSales University.

All ayes

SUPERVISORS

UNFINISHED BUSINESS

- **County Line Road, traffic calming survey** - A survey was generated and mailed 9/9/22 to residents in the area of County Line Road and asked the survey be returned by the end of September. There was a total of 100 surveys sent out and 39 came back as a YES, 38 came back as NO and 23 no response. Mr. Weber explained if the result is a no response, it is considered a yes. If there is a 30% disapproval that is considered a disapproval for the neighborhood survey. The township had a disapproval rate of 38% which indicates a disapproval of the project.

Public Comment:

Steve Markley, asked if that is the end of the matter; there are cars speeding on County Line Road and the speed limit is not enforced.

Rich will do an analysis of the responses and report back.

- **Nighttime sign audit** – still waiting on the PaDOT equipment.
- **Barto Park Playground equipment** – The equipment has been ordered and is scheduled to arrive on November 14th.
- **Pottstown Area Recreation Committee, grant assistance and professional services provider, invitation to apply for membership** – Rich reported PARRC is actually run by the Pottstown Health and Wellness Organization currently with seven municipality memberships. Washington Township’s request for admission was granted at last night’s meeting. Rich explained there is a funding resolution and an intergovernmental agreement that the township must enter into. The cost share for the township is \$8,106 per year for September 1 thru August 31 and is due by August 1st each year.

A motion was made by Rommie Long, seconded by David Moyer authorizing to advertise for adoption of the intergovernmental agreement with the Pottstown Area Regional Recreation Committee.

All ayes

- **Parks and open space Plan update** – The Plan was authorized to be formed by YSM out of York. The Park Committee is very excited since this increases the township’s potential for receiving grants.
- **Public Works garage project** – A motion was made by Romnie Long and seconded by Thomas Powanda authorizing Systems Design Engineering to conduct soil samples at the former pond location.

All ayes

- **Public Works position/hiring** – Rich stated it was budgeted to hire two employees and is looking for direction as to whether he should be hiring one or two employees. If two should be hired, one employee would work 40 hours for Public Works while the second employee would split time between Public Works and the WWTP. Supervisor Powanda stated the township lost two employees and should be replacing two employees. The starting salary previously discussed was hiring at \$22.50 per hour with an increase after 90 days to \$23.50. Supervisor Long said it is bad policy to bring in new hires at a starting salary higher than current employees are receiving and suggested at the time the new hires begin the current employees who are paid less than the new hires should receive an increase to \$24 per hour which is the budgeted increase for 2023. Supervisor Powanda stated since no employee has been hired since Kyle left the township really wouldn’t be losing anything since they have not been paying that salary for a few months.

A motion was made by Thomas Powanda, seconded by Romnie Long authorizing the hiring of two employees, one for Public Works full time and one employee to work 50% for Public Works and 50% for the Sewer Department.

All aye

A motion was made by Thomas Powanda, seconded by Romnie Long authorizing a pay increase for two Public Works employees to \$24.00 per hour to coincide with the start date of two new employees.

Thomas Powanda	aye
Romnie Long	aye
Davis Moyer	opposed

A recess was called at 8:11 p.m. by Chairman Moyer. The meeting reconvened at 8:15 p.m.

Supervisor Powanda rescinded his motion for the additional compensation for the two Public Works employees for the last six weeks of 2022.

Supervisor Powanda made a motion to compensate two Public Works employees beginning at the start of employment of the two new Public Works employees at a rate of \$24.00 for the remainder of 2022 motion was seconded by David Moyer for purposes of discussion.

Thomas Powanda	aye
David Moyer	opposed
Romnie Long	abstained

Since one member has abstained from voting as a result of a conflict of interest and the remaining governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie. Supervisor Long has disclosed her husband is a member of Public Works who would be affected by the pay increase and will vote as permitted by Section 1103 (J) of the Public Officials Ethics Act.

A call for the vote resulted in the following:

Thomas Powanda	aye
Romnie Long	aye
David Moyer	opposed

- **Sale of 2008 Case Skid Steer** – Rich reported the 2008 Case Skid Steer has been advertised on MuniBid and also in the local newspaper. The bids closed yesterday and the high bid received was in the amount of \$39,600 from Jonathan Campbell.

Motion made by David Moyer and seconded by Thomas Powanda authorizing the sale of the Case Skid Steer to Mr. Campbell in the amount of \$39,600.

All ayes

NEW BUSINESS

- **2023 Budget** – Rich explained the 2023 budget will be ready for advertisement for November 17th meeting and adoption to take place at the December 15th meeting.
- **2023 Road Project** – The proposed road project for 2023 would be all of Meitzler Road and Washington Road from Meitzler to Weinsteiger Road. The cost estimate is \$162,000 which is within the budgeted amount. Also, for budget is the purchase of Polymer sealing for Victoria Village in the amount of \$62,500 the combined cost is \$225,000 which would leave \$45,000 to do road patching. One other budget item is the gas meter for the sewer plant. The EBFD got a grant for gas meters and purchased more meters than they need, so they will be gifting a gas meter to the township.

Motion made by David Moyer, seconded by Thomas Powanda authorizing the preparation of bid documents and to advertise the project.

All ayes

- **2023 Ford F-550 truck chassis purchase** – Last year the township signed authorizations to purchase a Freightliner truck chassis and upfit with a body from Lancaster Truck and Ford F550 truck chassis and upfitting costs. The vendors were contacted to see if the prices were going to be valid in 2023. The upfitter will hold their price and Freightliner will hold their price. The Ford dealer's hands are tied, they unfortunately did not have 2022 model to sell the township. The window to order is from November 7 to 10th and it is believed all orders may be taken by November 7th. Rich would like authorization to take the CoStar price and commit and report back what the price is and would like to sign a commitment to purchase a 2023 F550 truck chassis through CoStars from New Holland Ford at the CoStars pricing.

A motion was made by Romnie Long, seconded by Thomas Powanda authorizing the township manager to sign a commitment with New Holland Ford as outlined above.

All ayes

- **Ambler Savings Bank** – Seeking approval to switch banks from Truist to Ambler Savings Bank. A motion was made by David Moyer and seconded by Romnie Long authorizing to change the township bank accounts from Truist Bank to Ambler Savings & Loan of Bally.

All ayes

- **Tree removal at Barto Park** – Brian needs to contact property owner.
- **Longacre light donation** – Steve Longacre donated a new LED light and installed the light at no charge on the Recycling Center. Chairman Moyer asked Rich to send a thank you letter from the Board of Supervisors and the EAC.

Chairman Moyer asked the Solicitor if the township could possibly give a tax rebate to owner occupied property in the township. Joan will research and report back.

Brian asked if the 2023 budget is closed and was told no. Brian stated the Peterbilt date came in late today stating the second half of 2023, July to December.

SUBDIVISION/PLANNING

Longenhagen Preliminary/Final Plan – Mr. John Aston was present this evening seeking Preliminary/Final Plan approval for the Longenhagen Plan.

A motion was made by David Moyer and seconded by Thomas Powanda granting Preliminary/Final Plan approval for the Longenhagen Plan.

All ayes

A motion was made by David Moyer, seconded by Thomas Powanda granting the following waivers:

- Waiver from Section 107-21.B(3)(a) To not require the property to be surveyed.
- Waiver from Section 107-47.A To not require new pins or monuments to be set.

All ayes

SUBDIVISION EXTENSION

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

J.D. McGovern **10/06/22 to 01/04/23**

All ayes

COMMUNICATIONS

- Copy of the ARB Delinquent Account Report is enclosed.

ANNOUNCEMENTS

The next board of Supervisors meeting will be held on Thursday, November 17, 2022 at 7:00 pm.

Supervisor Long announced there will be a craft fair held this Saturday at Spring Valley Village at 9:00 a.m.

Chairman Moyer encouraged folks to go out and vote on November 8th.

EXECUTIVE SESSION

None needed

ADJOURNMENT

A motion was made by Romnie Long, seconded by Thomas Powanda to adjourn the meeting at approximately 8:38 p.m.

All ayes

Respectfully submitted,

Susan J. Brown
Township Secretary