

**WASHINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES
JULY 27, 2023**

CALL TO ORDER: Chairman Powanda called the regularly scheduled meeting of the Washington Township Board of Supervisors to order at 7:02 p.m., at the Washington Township Municipal Building. The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Supervisors, Chairman Powanda, David Moyer, Romnie Long, Solicitor, Joan London, Esquire; John Weber representing LTL Consultants, Tom Unger, Systems Design Engineering, Township Manager, Rich Sichler, Township Secretary, Susan Brown, and twenty (20) members of the public were 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 taping the meeting this evening.

AGENDA AMENDMENT

A motion was made by Romnie Long and seconded by Thomas Powanda amending the agenda to include the consideration and approval of a price quote for the rehab of a pump to be included as part of the Sewer Engineer report.

All ayes

Chairman Powanda announced an Executive Session was held this evening to discuss personnel matters.

SPECIAL REQUEST

John McGovern, stated he believes he has a temporary solution to the restroom issue at his property. Since it will take some time to design and construct the pole building on the property Mr. McGovern is requesting, on the short term, he would like to put a temporary restroom/job trailer which would be connected directly to the sewer system. Mr. McGovern felt this would be a better option than the current holding tank. Mr. Weber stated the bathrooms would need to be connected prior to issuing a permit for the dry storage facility Mr. McGovern is requesting. Ms. London stated the township should have some type of agreement with Mr. McGovern. A motion was made by David Moyer, seconded by Romnie Long authorizing to enter into an agreement with John McGovern for a temporary job/trailer for a six (6) month time period.

All ayes

Mr. McGovern will supply a drawing for the dry storage area and Ms. London will draft an agreement.

PUBLIC COMMENT

Dan Stauffer, 114 Sycamore Road, would like to ask some questions and make some comments with respect to the proposed rental ordinance however would like to reserve his comment time for when this item is discussed later in the meeting.

APPROVAL OF MEETING MINUTES OF JUNE 22, 2023 MEETING

A motion was made by Thomas Powanda and seconded by Romnie Long approving the meeting minutes of June 22, 2023 as prepared.

All ayes

TOWNSHIP REPORTS

A motion was made by Romnie Long and seconded by David Moyer 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 27, 2023, and to file the treasurer’s report for audit.

All ayes

TAX COLLECTOR

Tax Collectors Report for the month of June 2023 was presented by Rich Sichler:

Real Estate Tax	\$ 26,558.28
Interim Tax	\$ 1,419.42
Light Tax	\$ 123.00
Hydrant Tax	\$ 37.34
Per Capita Tax	\$ 187.00
Amusement Tax	<u>\$ 6,811.00</u>
Total	\$ 35,136.04

FIRE CHIEF’S REPORT

A copy of the Eastern Berks Fire Department report is enclosed. It was announced a chicken bar b q will be held at the Bally station on Saturday, August 26th starting at 2:00 p.m.

2022 AUDIT REPORT

The elected Township Auditors, Elaine Pennington, William Piersol and James Roma along with Mr. Nick Bieber from Herbein and Company was present this evening. Mr. Bieber presented the findings of the 2022 Township Audit and pointed out the township had a clean audit. Mr. Roma asked if Mr. Bieber saw a trend in the reconciliation procedures. Mr. Bieber explained their process for their walk-thru. Rich stated the township has implemented a process to ensure proper documentation and sign off of the bank reconciliations. Ms. Pennington asked if it is typical of townships to have an excess of cash on hand to which Mr. Bieber explained it depends on the long-term plans are for the municipality. Looking at the next year budget the township is looking at using a substantial portion of the funds and by having the funds on hand the township will not have to take out debt to fund the projects at a high interest rate. The budget process does include a five-year plan for income and expense. Ms. Pennington also asked if there is

any consideration for lowering the earned income tax. Chairman Powanda stated the township is planning on building a new Public Works building which will cost close to \$1 million dollars. Mr. Powanda also stated the sewer rate was lowered last year and also four (4) years ago. Mr. Piersol said it would be nice to reduce taxes and give back to the people of the township. It was stated the township will look at all the numbers at the time of the budget process. The question was raised again if the prior tax increase is still funding the sewer debt. The 1 mil tax increase years ago was never reduced however the increase was not going to pay sewer debt it is going into the general fund. The budget meeting to review the proposed 2024 budget is scheduled for October 16th at 6:00 pm.

ZONING/SEO REPORT

Reports are in the binders.

SEWER ENGINEER'S REPORT

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

- **Request to Bally Borough to amend Intergovernmental Sewage Agreement – Ongoing**
- **Treatment Plant expansion design authorization – ongoing**
- **Treatment Plant influent lift station upgrade project update – MGK payment application #2** – The influent pump station is mostly complete. A motion was made by Romnie Long and seconded by David Moyer approving Payment Application #2 in the amount of \$13,405 to MGK Industries.
- **Deckman Motor & Pump price quote** – price quote received from Deckman for the rehab of the pulled pump which will be a stand by pump. A motion was made by David Moyer, seconded by Romnie Long authorizing the work to be performed on the pulled pump for a cost of \$4,480 plus freight.

All ayes

TOWNSHIP ENGINEER

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

- **Planning Commission** – The August meeting there will be reviews of the Eddinger Propane Land Development Plan, the Camp Camino Land Development Plan, the Fox Lot Line Adjustment Plan, Stauffer Road Subdivision Plan and the Richard Black Subdivision Plan. The Richard Black Sewage Facility Planning Modules have been submitted and reviewed and are ready for adoption. A motion was made by Romnie Long and seconded by Thomas Powanda approving Resolution No. 2023-20 to adopt the Sewage Facilities Planning Module for the Richard Black Subdivision.
- **Barto Road straightening update** – Mr. Weber reported a meeting was held this month with Buckeye Pipeline and they have agreed to move their facilities at their expense however Mr. Weber is still waiting on Windstream.

All ayes

SOLICITOR'S REPORT

- **Prestige Property Partners/Barto Mall, Inc. deed of correction, Phase Q-1, Lot B, removal of deed restriction** – Ms. London reported the hearing will be held on August 24, 2023 at 2:30 p.m.
- **Rose Gross deed of dedication** – Ms. London reported the deed has been submitted for recording. There is a 10-foot-wide temporary construction easement and a 20-foot-wide sewer easement along the 26-acre property. A motion was made by David Moyer, seconded by Ronnie Long authorizing the execution of the easement agreement.

All ayes

Rich will contact a local farmer to remove the hay.

- **PennDOT Contribution Agreement** – Ms. London stated the resolution was adopted at the June meeting and the agreement was sent to PADOT on July 10th and acknowledgment of receipt was received on July 11th. A fully executed copy has not yet been received.
- **Rental Property Inspection Ordinance** – Ms. London provided a draft ordinance to the board members in June for review. This ordinance provides for self-certification by the landlords of the rental units. Chairman Powanda felt the ordinance was fine as drafted.

Public Comment:

Dan Stauffer, stated to say this is a self-certification really downplays the eleven-page ordinance which requires licensing, fees and can require enforcement of inspections. Mr. Stauffer asked what the reasoning is for this rental ordinance. Chairman Powanda stated his reasoning is to protect the tenants of the township. Mr. Stauffer stated this is another case of the government being overbearing in regulation and said the township is interfering in private business. Mr. Stauffer said he is against this ordinance and has been advised by a prominent real estate attorney in Berks County that any existing rental property is a preexisting non-conforming use and are grandfathered and have a vested right to continue that use without a license and are not subject to the ordinance. Mr. Stauffer also stated that on March 17, 2023 the Commonwealth Court of Pennsylvania struck down the city of Pittsburgh's Rental Ordinance and suggested the Board of Supervisors think twice before enacting this ordinance. Ms. London stated those cases tend to be fact specific but Ms. London stated she will look into this further.

Chairman Powanda stated there are 197 rental units within the township and the inspection would only take place if there is a complaint. Mr. Powanda stated the prior draft ordinance never should have gone to the Planning Commission in the first place since the ordinance had nothing to do with planning and was not a function of the Planning Commission. Ms. London stated the jurisdiction of the Planning Commission is for land use ordinances, which is the zoning, subdivision and land development and some stormwater and flood plane ordinances. The rental unit inspection ordinance is not under the jurisdiction of the Planning Commission, the Planning Commission has an advisory role.

Mr. Treichler spoke about his insurance company inspection and felt the landlords and tenants need to be educated and feels this ordinance is overreach. Mr. Stauffer stated this was misrepresented as a simple self-checklist. Mr. Piersol said this is the township's way of trying to get more money out of the residents. Mr. Stauffer said he hopes based on public comment, that the Board would reconsider no matter what the Solicitor advises, it's up to the Board not the Solicitor. Mr. Stauffer suggested the township notify all landlords regarding the possible ordinance and they should have input and additionally tenants should be invited. Supervisor Moyer directed Rich to send out mailers to all landlords and tenants inviting them to attend the next meeting to learn about and discuss the proposed ordinance. It was also suggested placing an article in the township newspaper listing the safety items that tenants should look for when renting a property. Ms. London will do some research on the Pittsburgh case and report back.

- **Off-Street Parking Zoning Amendment** – Advertised for adoption at the August 24, 2023 meeting.

SUPERVISORS

UNFINISHED BUSINESS

- **Public Works garage project** – A quote was received from Gorski Engineering who has offered a design/build at a cost of \$861,000. There are approximately \$370,000 remaining ARP funds. Discussion took place regarding running a natural gas line to the township buildings for an estimated cost of \$80,000 to \$100,000 as the heat source for the new building as well as the administrative office. There was discussion regarding the size of the line needed and it was pointed out if the gas service were to be offered to local residents the size of the line would need to be increased. Completion estimate for the building is the first quarter of 2024. Lengthy discussion took place regarding the oversight of the project. Mr. Unger said there is a sixteen (16) week delivery time on the steel. A review of the price quote will be conducted during a special meeting to be held by August 8th at 6 p.m. Rich will schedule a special meeting to finalize the details of the building.

- **Wood Chuck Chipper** – A motion was made by David Moyer and seconded by Romnie Long to accept the high bid for the 1990 Wood Chuck W/C-9HD Disc Chipper in the amount of \$11,300 by John Halliday, Halliday Trucking.

All ayes

- **Township review of ordinances & codification project** – General Code has completed the first phase of the project and they have uploaded everything for township review.
- **Weisstown Road oil & chip project** – Budget numbers look good for this project. A rubber roller and applicator equipment will need to be rented for this project. Rich will get price quotes.
- **Ongoing projects with no report this month:**
 - Addition of roads to PADOT Liquid Fuels Inventory
 - Fire Company request for Knox boxes
 - Township review of ordinances and codification project

NEW BUSINESS

- **Tree removal** – A large dead oak tree in the township right of way on County Line Road and a small tree have been identified as needing to be removed as well as an additional ash tree on Washington Road that needs to be removed. A motion was made by Romnie Long, seconded by Thomas Powanda authorizing Merkle Tree Service to remove three trees as outlined in the amount of \$4,750.

All ayes

- **Sealcoating, Victoria Village** – Brian got an estimate for this new process. Mr. Weber spoke with the representative from the company and is waiting for some information from the company. Brian has a video on the process available. There are some unknowns with respect to this process and possibly is unattainable at this point in the year. Rich, John and Brian will take a look at the roads in Victoria Village to see if there is something else that can be done to preserve the roads at this point.
- **Limerick Drill** – Rich reported the Limerick drill will be held on September 26th.
- **Bulk Electricity** – The contract for bulk electricity expires at the end of this year. Rich is working with the person who helped him last time to obtain a new contract.

SUBDIVISION/PLANNING

Pierce Keating requested six (6) month time extensions on the Kate’s Place Subdivision and Land Development Plan. After brief discussion, a motion was made by Thomas Powanda and seconded by Romnie Long granting Kate’s Place six (6) month time extensions.

- Thomas Powanda – aye**
- Romnie Long – aye**
- David Moyer – opposed**

BERNHARD PRIVACY FENCE

Bernhard Weiss was present to discuss a request for a privacy fence. Mr. Weiss stated he had a visit from John Koch from Code Enforcement regarding a request from Bethaney EC Church for a privacy fence due to the unsightly vehicles parked near the church. Mr. Weiss stated these are vehicles they work on over an extended period of time but stated he could move some of the vehicles to his property across Route 100. Mr. Weiss said he contacted a landscaper about possibly installing a natural buffer instead of a fence and asked if that would be acceptable. It was suggested he plant larger Emerald Cypress or some type of deer resistant trees for a buffer.

SUBDIVISION/LAND DEVELOPMENT EXTENSIONS

A motion was made by Romnie Long, seconded by Thomas Powanda granting the following subdivision extensions:

- Beverly A. Melcher Minor Plan** **08/02/23 to 10/31/23**
- Stauffer Road Minor Plan** **08/02/23 to 10/31/23**
- All ayes**

COMMUNICATIONS

- Copy of the ARB Delinquent Account Report is enclosed.

ANNOUNCEMENTS

The next board of Supervisors meeting will be held on Thursday, August 24, 2023 at 7:00 pm.

EXECUTIVE SESSION

An Executive Session was called at 9:14 pm. The regular meeting resumed at 9:22 pm. A motion was made by David Moyer, seconded by Thomas Powanda authorizing the hiring of a part time person for grass mowing and assistance at the Waste Water Treatment Plant at the rate of \$20.00 per hour for a maximum of 20 hours per week.

All ayes

ADJOURNMENT

A motion was made by David Moyer, seconded by Romnie Long to adjourn the meeting at approximately 9:24 p.m.

All ayes

Respectfully submitted,

Susan J. Brown
Township Secretary