

The monthly Meeting of the Marion Township Board of Supervisors was held in the Municipal Building and on Zoom video/teleconference with Supervisors Peter McCarthy, Irene Sileski, James Brooks, Secretary Susan Staaby, Assistant Secretary Melissa Benjamin, Attorney Colin Macfarlane, and Engineer Chuck Hess along with seven eight other interested persons. Two people participated via Zoom.

Chairman Peter McCarthy called the meeting to order at 7:04 p.m. followed by the Pledge of Allegiance.

The minutes of the August 26, 2023 Workshop Meeting were distributed to the Board members prior to the meeting. *Peter McCarthy made a motion, seconded by Irene Sileski, to approve the August 26, 2023 minutes. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

The minutes of the August 31, 2023 Board of Supervisors' Meeting were distributed to the Board members prior to the meeting. *Peter McCarthy made a motion, seconded by James Brooks, to approve the August 31, 2023 minutes. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

The minutes of the September 23, 2023 Workshop Meeting are not completed.

Treasurer's Report – Did not complete the FHWA Audit because the password was not received in a timely manner. Needs to transfer funds to pay the bills from Monarch Products for the culverts.

Bill Payment: *Peter McCarthy made a motion, seconded by James Brooks, to approve payment of the September 2023 bills. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

#### SEPTEMBER 2023 BILLS

Richard Troutman Jr	430.19 · Other Personal Services	\$	118.75
System Design Engineering Inc	408 · Engineering Services	\$	122.50
UGI Utilities, Inc	409.35 · Public Utilities/Natural Gas	\$	56.72
State Workers Insurance Fund	486.00 · Insurance Premiums	\$	1,197.00
Peter McCarthy	493.48 · Comm. Website & Multimedia	\$	16.95
John Deere Financial	430.74 · Capital Purchase - truck	\$	1,900.69
Donald E. Heydt	451.33 · Recreation - Transportation	\$	68.54
Cohen Law Group	404.31 · Other Charges - Professional	\$	2,975.00
EMC Insurance Companies	486.00 · Insurance Premiums	\$	1,829.20
Monarch Products Co. Inc	439.30 · Construction / Road Project	\$	95,445.00
Kraft Municipal Group Inc	414.30 · P & Z Other Charges	\$	1,602.81
System Design Engineering Inc	408 · Engineering Services	\$	10,779.64
Dutch Country Ace Hardware	409.26 · Small Tools & Equipment	\$	6.89
Met-Ed	409.36 · Public Utilities/Electric	\$	44.12

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Elan Financial Services	413.31 · UCC/Code Enforcement	\$	40.50
Elan Financial Services	451.33 · Recreation - Transportation	\$	58.82
Elan Financial Services	406.39 · Bank Charges	\$	39.00
LiftOff LLC	493.48 · Comm. Website & Multimedia	\$	480.00
Comcast Cable	400.32 · Comm. - Telephone & Internet	\$	217.86
Tulpehocken Township	410.30 · Other Services & Charges	\$	4,746.61
Monarch Products Co. Inc	439.30 · Construction / Road Project	\$	77,824.00
System Design Engineering Inc	408 · Engineering Services	\$	172.64
Richard Troutman Jr	439.60 · Highway- Construction Expenses	\$	55.00
Owl Creek Truck Repair LLC	430.25 · Supplies/ Repairs & Maintenance	\$	376.20
Peter McCarthy	493.48 · Comm. Website & Multimedia	\$	16.95
Hydraterra Professionals LLC	408.31 · Engineering Act 537	\$	1,776.25

**Total General Fund Bills \$ 202,100.06**

Met-Ed	434.00 Payment for Street Lights	\$	390.75
<b>Total Street Lights</b>		<b>\$</b>	<b>390.75</b>

New Enterprise Stone & Lime	438.00 Maintenance to Highways	\$	486.57
<b>Total Road Fund Bills</b>		<b>\$</b>	<b>486.57</b>

Melissa Benjamin	Wages	\$	830.28
Susan Staaby	Wages	\$	1,143.44
Leon Brubaker	Wages	\$	105.86
Donald Heydt	Wages	\$	282.50
Kevin Sattazahn	Wages	\$	70.56
Richard Troutman Jr.	Wages	\$	960.24
Eileen Heydt	Commission	\$	82.51
JetPay/NCR/Isolved	Fee for Payroll Services	\$	29.60
JetPay/NCR/Isolved	Payroll Withholding & Taxes	\$	745.07
<b>Total Payroll 8/31/2023</b>		<b>\$</b>	<b>4,250.06</b>

Melissa Benjamin	Wages	\$	830.28
Susan Staaby	Wages	\$	1,105.71
Leon Brubaker	Wages	\$	61.74
Kevin Sattazahn	Wages	\$	211.70
Richard Troutman Jr.	Wages	\$	960.24
Eileen Heydt	Commission	\$	65.68
JetPay/NCR/Isolved	Fee for Payroll Services	\$	29.60

JetPay/NCR/Isolved	Payroll Withholding & Taxes	\$ 706.54
	<b>Total Payroll 9/14/2023</b>	<b>\$ 3,971.49</b>
Melissa Benjamin	Wages	\$ 901.54
Susan Staaby	Wages	\$ 1,285.95
Leon Brubaker	Wages	\$ 105.86
Donald Heydt	Wages	\$ 211.87
Richard Troutman Jr.	Wages	\$ 771.36
Eileen Heydt	Commission	\$ 3.53
JetPay/NCR/Isolved	Fee for Payroll Services	\$ 29.60
JetPay/NCR/Isolved	Payroll Withholding & Taxes	\$ 729.89
	<b>Total Payroll 9/28/2023</b>	<b>\$ 4,039.60</b>

Public Comments – David Randler, 451 West Penn Avenue, Robesonia – commented that he owns the property at 158 Smaltz Road. He has an agreement to sell the property to the neighbor, Mr. David Sattazahn, who is also present tonight. There is a Demolition Order for the property and a Demolition Permit has been issued. Mr. Randler would like the Board's approval to transfer the Demolition Permit to Mr. Sattazahn. Mr. Sattazahn agreed to complying with the Demolition Order issued to Mr. Randler; remove the existing structure from the property within 30 days or the Township will be forced to remove the structure and lien the property; provide the Agreement of Sale to the Township within 5 business days; will submit a building permit application and pay the fees. Mr. Randler agreed to withdraw his Building Permit but pay the review fees for the Permit. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the extension of the demolition permit for 158 Smaltz Road x 60 days under the contingency of the provided agreement of sale, a written statement from the prospective buyer acknowledging the liability for the demolition of the property, and the payment of any outstanding building permit review fees from Kraft that are reasonable by Mr. Randler within the next 10 calendar days. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

#### **Items for Discussion:**

Tulpy Police Donation – Their Tasers are outdated and cannot be repaired. They would like us to give them a donation towards the cost of new Tasers. Chief Dronick provided a quote from Axon for \$22,999.27, to be paid over five years for four Tasers, all cartridges and training. They are also in need of Mobile Data Terminals (MDT). Supervisor Sileski suggested making a donation of \$5500.00 to Tulpy Police to help defray the cost of the MDT. *Irene Sileski made a motion, seconded by James Brooks, to amend the agenda to include a donation to Tulpehocken Police for the amount of \$2500.00 for additional fuels costs as well as \$3,000.00 for the Mobile Data Terminal (MDT) for a total of \$5,500.00. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

*Peter McCarthy made a motion, seconded by James Brooks, to approve the item that was added for amendment. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Act 537 – There was a brief discussion about the Intermunicipal Agreement with Womelsdorf Sewer Authority. WSA is hesitant to hold capacity for us because we have not made any commitment yet, including the actual structural design of the system. Geotechnical work is complete. Bedrock was hit starting at approximately 3 feet. A gravity system would require approximately 8,000 cubic yards of bedrock removal amounting to approximately \$2.5 million. There was a lengthy discussion about the public sewer project in general.

Proposed Well Water Ordinance – Joe Boldaz from Hydraterra Professionals spoke with Tim Wagner at PA DEP who clarified that the ordinance is not required to be in the Special Study.

Sewage Management Program – Hydraterra Professionals are working on getting the new TerraTracker Program started next month and are working with Atty. Macfarlane on updating the Guidance Booklet.

Revised On-Lot Sewage Disposal Systems (OLDS) Ordinance – Hydraterra Professionals and Kozloff Stoudt are still working on updating/correcting the Guidance Booklet. Atty. Macfarlane anticipates the ordinance can be adopted at our next meeting. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Kozloff Stoudt to advertise the updated/revised On-Lot Sewage Disposal Systems Ordinance. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Adopt Sewage Management Program Resolution – will need to be adopted after the ordinance is adopted. This will specify the information and documentation required by the pumpers on the Inspection Report. Letters needs to be sent to the property owners and the pumpers.

2023 LSA Category-4 Program (Berks) Grant – We met with District Director Daniel Bost from Senator Gebhard's office on September 13, 023 and Representative Barry Jozwiak on September 25, 023 to discuss how they can support us in securing critical grant funding to complete the design of our mandated sewer project. We received 31 support letters from residents and one petition with 56 signatures, for a total of 87 signatures. Grant submission is due September 30.

Review and adopt revised Resolution for LSA Category-4 (Berks) Grant – A motion was made at the Workshop meeting to review and adopt the revised Resolution (2023-5) for \$220,461.00.

2023 LSA Statewide Program (PA) Grant – Kimberly from Hydraterra Professionals spoke with members of the DCED Grant Review Committee who recommended that we do not apply for the statewide grant for the sewer design at this time. This could help our chances at securing all of the funds we requested in the LSA-Category 4 (Berks) Grant. We can apply for the Statewide Grant once we enter the construction phase. We should consider applying for other projects such as Tasers or EMC equipment. It is important to become involved at the county level, starting with our county commissioners, to make the municipality well known.

Schedule Town Hall – Dates are available for November at Conrad Weiser West Elementary School. Rate is \$10-\$15 per hour. Application form must be submitted and then approved at a School Board meeting. The Supervisors will let the secretary know their available dates.

158 Smaltz Road – See Public Comments.

Road occupancy permit Ordinance Amendment – Eng. Hess will prepare/provide standard details for pavement restoration and new application form and forward to Atty. Macfarlane to include with the Ordinance. Atty. Macfarlane will provide a final draft with the exhibits for the Supervisors to review.

Proposed Air BnB Ordinance (Short Term Rental Ordinance) – Atty. Macfarlane is preparing a draft Short-term Rental Ordinance for the Supervisors to review.

RoboCalling/Emergency Alerts – Received quotes from Civic Ready (\$2,500) and OnSolve (\$2,858.14). *Peter McCarthy made a motion, seconded by Irene Sileski, to move forward with the Civic Ready proposal for Robo-Calling/Emergency Alerts for \$2,500.00. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Additional Enforcement Action against Property owner of 1117 William Penn Blvd. – The condition of the property was discussed. Kraft did an inspection on Friday, September 22, 2023 and notes that the condition of the property has improved immensely, however, junk is still present. They recommend we have the Solicitor proceed with the injunction.

Stonecroft Village Deed for Open Space Lot #215 – After multiple attempts, Atty. Macfarlane has not gotten a response from Stone Group Legal Counsel. He explained that the Developer had no right to transfer the property to the HOA because it belongs to Marion Township. That is called a “wild deed”. The best and easiest way to resolve this matter is to either get a corrected deed from the Developer or a “special warranty deed” from the HOA, to make the public record clear that we own the property. Atty. Macfarlane or Eng. Hess will attempt to contact Stone Group again.

Emergency Management Coordinator Report – Gave a Power Point presentation with photos and video of various ways he has been using the drone – pre/post flood damage of roads, culverts and bridges; assist Police Departments with searches.

Purchase EMC Equipment/Supplies – One rescue vest \$264.95, various signs \$890.50, generator with fuel \$1,318.98. Total \$2,474.43. *Peter McCarthy made a motion, seconded by James Brooks, to authorize the purchase of the EMC equipment/supplies. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Creekview Dairy Operation, 952 Route 419 – Engineer Hess issued a second review letter on September 7, 2023. Two minor changes will be incorporated into the As-Built plans to address

the requirements of the NPDES Notice of Termination. BCCD did an inspection on August 22, 2023. The Letter of Credit balance is \$40,222.88.

Culverts and Related Site Improvements on Marion Dr. North, Sheridan Rd., Marion Dr. South & Paving/Guiderail Improvements on Reichert Rd. – Everything is completed except the guiderails. Eng. Hess expects a payment application next month.

Guiderails – needed for portions of Bollinger Road, Hickory Road, and William Penn Blvd. Eng. Hess recommended we get quotes for Hickory and William Penn Blvd this year and do Bollinger Road next year. Apparently there is a UGI natural gas line along William Penn Blvd. Discussed possibly applying for the PennDOT Green Light Go Grant or the LSA Category-4 Statewide Grant.

Temporary Construction Easement & Permanent Draining Easement for Culvert Replacements – Eng. Hess has obtained signatures on all eight documents. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the Chairman to sign the documents. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Bollinger Road Fill Overflow Matter – Tabled.

Bollinger Road Fill Overflow Agreement – Tabled.

Extension of the stormwater pipe along Marion Drive to Main Street – Engineer Hess will prepare draft document to solicit three quotes for Atty. Macfarlane's review. He will coordinate with UGI and the property owner.

John Deere boom mower maintenance – possibly up to \$1,000.00 for filter, fluids, etc. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the mower maintenance up to \$1,000.00. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Martin Landscape permit – for tree limbs, etc., is \$25 through December, and \$60 January 1 through December 31. *Peter McCarthy made a motion, seconded by Irene Sileski, to opt in or enroll in the Martin Landscape permit for \$60. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Building Demolition/Proposed New Building – The signed proposal has been returned to Olsen Design Group. They will add us to their schedule.

Comcast Franchise Renewal – Supervisors are reviewing the draft agreement that was received from Cohen law Group.

Western Berks Joint Zoning Ordinance Section 403 Amendment – The keeping of pets & small domesticated farm animals. Other municipalities are interested in participating. The September meeting was cancelled and has not been rescheduled yet.

112 Forge Rd. Municipal Repository Bid Acknowledgement Form – must be accepted or rejected and returned to the County. *Peter McCarthy made a motion, seconded by Irene Sileski, to accept the 112 Forge Rd. Repository Bid Form based on with correction of adding Peter's name. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Advertise Road Crew Assistant Secretary Positions on Indeed – Melissa did an excellent job at writing the advertisements. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the secretaries to publish the positions on Indeed subject to the Board's approval. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

2023 Volunteer Fire Relief Association Fund – A motion was made at the Workshop meeting to authorize disbursement of funds (\$14,018.00) and complete form 706B.

Stormwater Management Ordinance and Fees Update – Tabled.

2024 Proposed Budget – Tabled until next month.

Executive Session – Was held after the meeting adjourned to discuss possible litigation.

**Supervisors' Comments:**

Peter – Reviewed August Police Report.

Irene – Would like to do background checks on any new hires. Possibly draft an Intermunicipal Agreement or Memorandum of Understanding for debris collection following an emergency incident.

Jim – Thank you to John for volunteering his time for all of the training he has done as EMC.

Engineer – No further comments

Solicitor – No further comments

Secretary/Assistant Secretary – No further comments.

There being no further business, *Peter McCarthy made a motion, seconded by Irene Sileski, to adjourn the meeting at 9:22 p.m. On a roll call vote, Peter – aye, Irene- aye, Jim – aye. Motion unanimously carried.*

Respectfully submitted,

Susan M. Staaby, Secretary