

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 11 other interested persons. One person participated via Zoom.

Chairman Peter McCarthy called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance.

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

The minutes of the September 28, 2023 Board of Supervisors' Meeting are not completed.

The minutes of the October 21, 2023 Workshop Meeting are not completed.

Treasurer's Report – The ARP funds were transferred to the General Fund.

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 October 2023 bills. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.

OCTOBER 2023 BILLS

NCR/Jet Pay	400.11 · Payroll Service Expense	\$	29.60
Sue Staaby	405.26 · Secretary-Office Equipment	\$	234.47
John A. Sileski Jr.	415.24 · Other Servies & Charges	\$	239.95
EMC Insurance Companies	486.00 · Insurance Premiums	\$	1,913.20
Met-Ed	409.36 · Public Utilities/Electric	\$	42.04
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Tulpehocken Township	410.30 · Other Services & Charges	\$	5,500.00
Kozloff Stoudt	404.31 · Other Charges - Professional	\$	3,675.50
Comcast Cable	400.32 · Comm. - Telephone & Internet	\$	285.29
David Staaby	439.60 · Highway- Construction Expenses	\$	38.75
Elan Financial Services	400.32 · Comm. - Telephone & Internet	\$	3.10
Kozloff Stoudt	404.31 · Other Charges - Professional	\$	4,423.00
Marion Fire Company Relief Assn.	411.01 · Foreign Fire Relief	\$	14,018.00
Peter McCarthy	493.48 · Comm. Website & Multimedia	\$	16.95
Stone Group	491.00 · Refund prior year Revenues	\$	37.40
Pennsylvania Municipalities Pension Trust	405.19 · Sec-Contributions to benefits	\$	300.00
David Staaby	438 · Maint & Rep of Roads & Bridges	\$	3.38
Martin Water Conditioning	409.37 · Repair & Maintenance	\$	203.70

Hydraterra Professionals LLC	408.31 · Engineering Act 537	\$ 10,381.50
System Design Engineering Inc	408 · Engineering Services	\$ 10,825.71
System Design Engineering Inc	429.00 · Sewage Enforcement Officer	\$ 140.00
Tulpehocken Township	410.30 · Other Services & Charges	\$ 4,746.61
Agriteer	409.26 · Small Tools & Equipment	\$ 21.94
Kraft Municipal Group Inc	414.30 · P & Z Other Charges	\$ 4,866.47
Ebling's Service Plus	430.25 · Supplies/ Repairs & Maintenance	\$ 1,318.98
SOS Business Machines Inc	405.26 · Secretary-Office Equipment	\$ 147.39
Harold I. Manbeck	402.10 · Audit Wages	\$ 50.00
Sherri A. Sattazahn	402.10 · Audit Wages	\$ 50.00
Melissa Benjamin	400.46 · Conference & Meetings	\$ 50.00
Sue Staaby	400.46 · Conference & Meetings	\$ 50.00
Richard Troutman Jr	439.30 · Construction / Road Project	\$ 71.88

Total Expenses General Account \$ 63,812.90

Met-Ed	434.00 Payment for Street Lights	\$ 390.75
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Total Street Lights \$ 390.75

New Enterprise Stone & Lime	438.00 · Maintenance to Highways	\$ 332.22
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Total Road Fund Expenses \$ 332.22

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

Total Payroll 9/28/2023 \$ 4,039.60

Melissa Benjamin	Wages	\$ 791.14
Susan Staaby	Wages	\$ 1,202.13
Donald Heydt	Wages	\$ 105.94
David Staaby	Wages	\$ 167.60
Richard Troutman Jr.	Wages	\$ 549.64
Eileen Heydt	Commission	\$ 7.40
James Brook	Meeting Pay	\$ 317.81
Irene Sileski	Meeting Pay	\$ 317.81

Peter McCarthy	Meeting Pay	\$	264.84
JetPay/NCR/Isolved	Fee for Payroll Services	\$	35.60
JetPay/NCR/Isolved	Payroll Withholding & Taxes	\$	722.01
Total Payroll 10/12/2023		\$	4,481.98

Public Comments – Marie Altemus, 281 Copper Beech Lane, HOA President of Stonecroft Village; Fred Walter, 252 Copper Beech Lane; Dennis Kelly, 37 Loganberry Ct., had questions about why the township is pursuing transferring the Deed for Open Space Lot 215 #8 at Stonecroft Village from the HOA to the township; that piece of land makes up the required amount of land for their open space; do they need to conform with the current WBJZ requirement of 30% open space because they only have approximately 25%; who is responsible for the sidewalk maintenance along Wm. Penn Blvd. Atty. Macfarlane advised that the Developer mistakenly conveyed land within the township's Right-of-Way to the HOA. The township still owns the land, because it was never the Developers land to convey. The Recorded Chain of Title, reflects that the HOA owns that portion of the land by virtue of that conveyance. It was never the Developer's land to convey. The Township would like the HOA to execute a Deed that gives us back that area of the ROW so that the chain of title in the Public Record is correct. Eng. Hess will email a digital copy of the As-Built Plan and a legal description of Lot 215 #8. Commented that the 30% open space requirement is for a new developments. Stonecroft existed before we joined the WBJZ. HOA is responsible for their sidewalks along Wm. Penn Blvd.

An Executive Session was held after the Thursday, September 28, 2023 Board of Supervisors meeting to discuss possible litigation (9:30 p.m. to 9:55 p.m.)

Items for Discussion:

Act 537 – Discussed the draft of the Special Study prepared by Hydraterra Professionals for the low-pressure sewer design.

Sewage Management Program – Hydraterra is working with Kozloff Stoudt on updating the Guidance Booklet.

Revised On-Lot Sewage Disposal Systems (OLDS) Ordinance – (2023-1) was advertised in the Reading Eagle on October 12, 2023. *Peter McCarthy made a motion, seconded by Irene Sileski, to adopt Ordinance 2023-1 as advertised in the Reading Eagle. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Adopt Sewage Management Program Resolution – (2023-5) 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. *Peter McCarthy made a motion, seconded by Irene Sileski, to Adopt Resolution 2023-5 for the Sewage Management Program update. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

2023 LSA Category-4 Program (Berks) Grant – Application has been submitted and Resolution was adopted last month.

2023 LSA Statewide Program (PA) Grant – Melissa & Kimberly are working together to prepare and submit an application for Tulpehocken Police Department and EMC emergency supplies. EMC John Sileski is working on obtaining letters of support/intermunicipal agreements.

Tulpehocken Police Taser—Their Taser is outdated. They would like our help in obtaining 4 Tasers, all cartridges and training for a total of \$22,999.27 which can be paid over 5 years. Chief Dronick got a quote from Axon Enterprises which expires 12/29/23. There was discussion about why we are paying for their equipment when it's their police department and they only patrol our township part time. We will inquire whether Axon participates with CoStars. *Peter McCarthy made a motion, seconded by Irene Sileski, to approve the purchase of the 4 Tasers, all cartridges and training for Tulpehocken Police contingent upon Axon participating in CoStars for a sum total over the next five years of \$22,999.27. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Schedule Town Hall – Joe Boldaz from Hydraterra recommends waiting until January when the Special Study and the fees are finalized.

Hire IT/Computer Technician – The secretaries are very frustrated with the constant computer issues. Chairman McCarthy promised he will make the time to install the new computers.

Set Trick-or-Treat Night and Advertise – Motion made at the Workshop meeting to set Trick-or-Treat night for Tuesday, October 31, 2023 from 6 p.m. to 8 p.m.

Road Occupancy Permit Ordinance Amendment – (2023-2) The draft has been prepared but it needs to be advertised. A Resolution is needed to set the fees. *Peter McCarthy made a motion, seconded by Irene Sileski, to approve the advertising of the Road Occupancy Permit Ordinance Amendment 2023-2. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Proposed Short Term Rental Ordinance – Atty. Macfarlane has prepared a preliminary draft. Discussed whether or not to create a checklist other than the IMPC and creating a Short-term Rental Permit Application. The secretary will inquire what Kraft Municipal Group uses in other municipalities. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Atty. Macfarlane to prepare a short memo requesting that being a topic of discussion for review at the next Western Berks Joint Zoning meeting based on assessed need and Atty. Macfarlane's review. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Stonecroft Village Deed for Open Space Lot #215 – See public comments.

Emergency Management Coordinator Report – Nothing submitted.

Creekview Dairy Operation, 952 Route 419 – The NPDES Permit has been closed out. The As-Built Plan has been recorded. 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. We received Change Order #2 from Construction Masters Services for a decrease of \$26,541.95 which includes a reduction in the amount of guiderail installed on Sheridan Road, a reduction in the amount of pavement wearing installed on Sheridan Road, a reduction in the amount of guiderail install on Marion Drive South and a little increase for additional pavement that was used at Marion Drive South. *Peter McCarthy made a motion, seconded by James Brooks, to accept the Change Order and a net reduction of \$26,541.95 and execute the same. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Construction Masters Services submitted a completed Payment Application #2 requesting \$290,761.80. Amount to be retained is 5% or \$28,002.57. When the Roadmaster verifies that everything is completed, Eng. Hess will close out the contract with the contractor. *Peter McCarthy made a motion, seconded by Irene Sileski, to approve and execute payment of the sum of \$290,761.80 to Construction Masters Services. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Guiderails – Eng. Hess suggested we prioritize William Penn Blvd., for this year. Hickory Rd. and Bollinger Rd. can follow next year. He will initiate a PA-1 Call for Wm. Penn Blvd. and get an estimate to see if the project needs to be publicly bid.

Bollinger Road Fill Overflow Matter – We have notified our insurance company.

Bollinger Road Fill Overflow Agreement – Tabled.

2024 Road Project – Road Crew suggested looking at Sheridan Road South from Wm. Penn Blvd. to Lebanon County, Sheridan Road North from Wm. Penn Blvd. to School Road., Stouchsburg Road and Wintersville Road.

158 Smaltz Road Curve – Apparently there have been quite a few accidents around that turn/curve. Most recently on October 16, 2023. The property owner inquired as to what can be done. Eng. Hess suggested curve ahead signs. The Secretary will look for an Ordinance for speed limit signs on Smaltz Road. *Peter McCarthy made a motion, seconded by James Brooks, to authorize the purchase as necessary pending our current inventory, of three additional 35 MPH signs, 2 curve ahead signs, and 6 chevron signs. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the purchase of 2 dangerous intersection signs. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.

Equipment Repairs – The big truck windshield is damaged/scratched and should be replaced, estimate of \$190. The little truck windshield is leaking at the top because of rusting of the cap. One quote was received, waiting for a second quote. Four snow plow shoes need to be replaced, \$50 each used. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the replacement of the big truck windshield for a total of \$190. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Peter McCarthy made a motion, seconded by Irene Sileski, to replace four snow plow shoes at \$50 each for a total of \$200. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.

Extension of the stormwater pipe along Marion Drive to Main Street – Eng. Hess met with UGI on Tuesday, October 24, 2023 to determine where the gas main is located. They will check the requirements for separation distance from the gas main. Hand digging of the trench may be required. There are also Met-Ed poles on that side of the road. There is a possibility UGI will relocate the gas main towards the center of the road by digging a pit at each end of the road and boring under the road.

Comcast Franchise Renewal – Draft was received from Cohen Law Group. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Atty. Macfarlane to prepare and advertise an ordinance to adopt the new Comcast Franchise Agreement as well as advertise a public hearing of the same purpose. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

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

Dutch Valley Food Distributors Landscaping Plan Change – They would like to remove trees from the recorded Plan.

Dutch Valley Food Distributors LOC Reduction Request #2 – They would like a reduction of \$6,750 for the cost of the trees they want to remove from the Plan. The LOC balance is \$36,515.44.

37 Main St – CWP-LD – Escrow Release Request #1 – The owner requested release in accordance with whatever you deem is appropriate. Eng. Hess did an inspection and recommends release of \$139,250.13 from the Escrow Account that was established to provide financial security. It will leave a balance of \$251,738.81. The site work is roughly 40% completed. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the release of \$139,250.13 from the Escrow Account. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

4050 Conrad Weiser Parkway Variance Application – has been received. The property owner would like to open a used car lot in what is zoned Town Center where a used car lot is not a

permitted use. A Zoning Hearing needs to be scheduled. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Eng. Hess to review the Variance Application. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Set dates for 2024 Reorganization meetings – Motion made at the Workshop meeting to set date for the Board of Supervisors Reorganization Meeting for Tuesday, January 2, 2024 at 7 p.m. at the township building; and the Elected Auditors Reorganization Meeting for Wednesday, January 3, 2024 at 7 p.m. at the township building and advertise both meetings.

Municipal Tax Sheet – We need to let the Berks County Treasurer's Office know our tax rates for real estate, street light and also the sewer levy. Due date is December 28, 2023.

2024 Proposed Budget – Tabled until next month.

Executive Session – Was held after last month's meeting to discuss possible litigation (9:30 p.m. to 9:55 p.m.)

Supervisors' Comments:

Peter – Reviewed September Police Report.

Irene – EMC provided information about Tulpehocken Police. They pay for their vehicles, full time officers, training academy at Harrisburg, radios, etc. Received some complaints about curbing your dog. We do have a dog leash ordinance. Thank you to everyone for cooperation in working together.

Jim – Has sold his house and will be moving out of Marion Township.

Engineer – No further comments

Solicitor – The injunction petition has been prepared and submitted to the Code Enforcement Officer for review and signing of the verification form.

Secretary/Assistant Secretary – We should send thank you letters to Senator Gebhard and Representative Jozwiak for meeting with us and giving us letters of support for the grant application. The secretary and road crew positions have been posted on Indeed and we are scheduling phone interviews.

There being no further business, *Peter McCarthy made a motion, seconded by Irene Sileski, to adjourn the meeting at 9:45 p.m. On a roll call vote, Peter – aye, Irene- aye, Jim – aye. Motion unanimously carried.*

Respectfully submitted,

Susan M. Staaby, Secretary