

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 other interested persons. Also present was Kimberly DeRosa from Hydraterra Professionals. Joe Boldaz from Hydraterra Professionals participated via Zoom.

Chairman Peter McCarthy called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

The minutes of the July 22, 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 July 22, 2023 minutes. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

The minutes of the July 27, 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 July 27, 2023 minutes. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

The minutes of the August 26, 2023 Workshop Meeting are not completed.

Treasurer's Report – Nothing unusual.

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

#### AUGUST 2023 BILLS

Fulton Bank	406.39 · Bank Charges	\$	10.00
John Deere Financial	430.74 · Capital Purchase - truck	\$	1,900.69
System Design Engineering Inc	408 · Engineering Services	\$	14,156.72
Met-Ed	409.36 · Public Utilities/Electric	\$	119.85
Met-Ed	409.36 · Public Utilities/Electric	\$	43.82
Main Stream Industries, Inc	433.20 · Street Markings & Supplies	\$	810.00
EMC Insurance Companies	486.00 · Insurance Premiums	\$	1,849.20
Agriteer	409.26 · Small Tools & Equipment	\$	362.98
Monarch Products Co. Inc	439.30 · Construction / Road Project	\$	89,598.00
Hydraterra Professionals LLC	408.31 · Engineering Act 537	\$	24,676.25
Countryside Fuel Service LLC	430.24 · Operating Supplies.	\$	1,155.51
Kozloff Stoudt	404.31 · Other Charges - Professional	\$	3,180.50
Comcast Cable	400.32 · Comm. - Telephone & Internet	\$	219.86
Emerick's Cleaning Service	409.37 · Repair & Maintenance	\$	95.40

Kraft Municipal Group Inc	414.30 · P & Z Other Charges	\$	1,458.76
Tulpehocken Township	410.30 · Other Services & Charges	\$	4,746.61
CivicPlus	493.48 · Comm. Website & Multimedia	\$	2,151.81
Agriteer	409.26 · Small Tools & Equipment	\$	362.98
Deere Credit, Inc	437.25 · Repairs of Tools & Machinery	\$	386.57
Cardmember Services	406.39 · Bank Charges	\$	86.26
Richard Troutman Jr	430.19 · Other Personal Services	\$	45.00
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
<b>Total General Fund Bills</b>			<b>\$ 148,928.69</b>

Public Comments – Albert Ferrandino, 55 Main Street, commented that something needs to be done about the drainage problem along Marion Drive to Main Street; feels too much money was spent on the drone and other supplies for EMC.

David Randler, 451 West Penn Avenue, Robesonia – commented that he owns a property on Smaltz Road that was issued a Demolition Order. He has picked up the permit to demolish the building. He also has a building permit approved to build a house on the property and would like the date of issue changed or extended. He was advised to pick up the permit, then contact Kraft Municipal Group for and request an extension.

Dan Klein, 14 Rosebush Court, commented that he and his granddaughter recently wanted to play pickleball on the tennis court, but it has 2 ½ inch crack down the center. He also was appalled at the condition of the ice skating rink. The lock was hanging on the fence with the key in it, the door was wide open and the plastic on the rink was full of mud and dirt and tree limbs.

Kelly Cox, 541 Richland Road, commented that the Community Association only has seven members. They have limited manpower to get things done. Their meetings are the second Thursday of the month at 7 p.m. in the Township Building.

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

Limit Public Comments to five minutes per person. *Irene Sileski made a motion, seconded by Peter McCarthy, to limit public comments to five minutes and at the Board's discretion to extend it to 10 minutes or longer as necessary. On a roll call vote, Peter – aye, Irene – aye, Jim – nay. Motion carried.*

Act 537 – A motion was made at the Workshop Meeting to approve and submit the new Milestone Compliance Schedule to DEP. A motion was made at the Workshop Meeting to authorize Hydraterra to prepare a Special Study for the low pressure sewer design. The Inter-Municipal Agreement is still under review by the WSA.

Proposed Well Water Ordinance – As Joe Boldaz from Hydraterra was preparing the Special Study, he noted that the Act 537 approval letter from DEP requested a well ordinance for the water wells in the township. They are looking for well-head protection to prevent any surface water from infiltrating the ground and getting into the water supply. Mr. Boldaz will contact DEP to see what their concerns are and exactly what they want in an ordinance. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Kozloff Stoudt to prepare the Well Ordinance to review at next month's meeting. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Sewage Management Program – Hydraterra Professionals has drafted a Guidance Booklet which needs to be coordinated with the Sewage Management Resolution. The Supervisors will review all of the documents by next month's meeting.

Revised On-Lot Sewage Disposal systems (OLDS) Ordinance – needs to be advertised after the Guidance Booklet and resolution are finalized. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Hydraterra to work with Kozloff Stoudt on updating the Guidance Booklet. 2023 minutes. 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 Kozloff Stoudt to advertise the On-Lot Sewage Disposal Ordinance after making the necessary corrections in conjunction with Hydraterra. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Kimberly DeRosa, from Hydraterra Professionals, commented that it would be good to contact our State Senator and Representative to invite them to tour the township to give a positive feel and to understand completely what is happening within the township. She feels that this is critical to the grant process. *Peter McCarthy made a motion, seconded by James Brooks, to authorize Hydraterra to contact our state representatives on behalf of Marion Township. 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. A letter needs to be sent to the property owners and the pumpers.

2023 LSA Category-4 Program (Berks) Grant – At last month's meeting a motion was made to authorize Hydraterra to prepare and submit the grant application using the low pressure sewer design. Deadline for submittal is September 30. Projects must improve community's quality of life. Infrastructure planning, design, and construction are eligible projects. No match is required. The fund maximum is currently undetermined. We will notify Rep. Barry Jozwiak and Senator Chris Gebhard of our application and request letters of support from them. It would also be beneficial to have letters of support from residents of Marion Township.

Resolution 2023-4 is needed to apply for the 2023 LSA Category-4 Program (Berks) Grant. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Resolution 2023-4 which*

*will allow Hydraterra to submit for the 2023 LSA Category-4 Program (Berks) Grant. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

2023 LSA Statewide Program (PA) Grant – At last month's meeting a motion as made to authorize Hydraterra to prepare and submit the grant application using the low pressure sewer design. Deadline for submittal is November 30. All projects apply for these grants must improve the community's quality of life. Infrastructure planning, design, and construction are eligible projects. No match is required. The fund maximum is \$1,000,000. We will notify Rep. Barry Jozwiak and Senator Chris Gebhard of our application and request letters of support from them. It would be beneficial to have letters of support from residents of Marion Township.

Schedule Town Hall – preferably in October or November to discuss progress of the Act 537 Plan. The Secretary will contact Conrad Weiser High School and Conrad Weiser West for available dates. *Peter McCarthy made a motion, seconded by James Brooks, to authorize the Secretary to book a Town Hall Meeting and advertise the date. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Road occupancy permit Ordinance Amendment – needs to be updated to assist with the broadband infrastructure program to bring high speed internet to the unserved and underserved communities in Pennsylvania. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Atty. Macfarlane to prepare and advertise the Road Occupancy Permit Ordinance Amendment. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Proposed Air BnB Ordinance – our Zoning Ordinance does not cover this use. A short-term rental ordinance would cover Air BnB. A short-term rental permit would be required with a yearly inspection to ensure safety. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Kozloff Stoudt to prepare the short-term rental ordinance draft. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

RoboCalling/Emergency Alerts – Chairman McCarthy is still reviewing.

Additional Enforcement Action against Property owner of 1117 William Penn Blvd. – Discussed the condition of the property which continues to be in violation of our Property Maintenance Code. Also discussed the goats roaming on neighbors properties and not being penned up which is a violation of our Zoning Ordinance. A Notice of Violation has been issued for the Zoning Violation and a Notice of Violation has been issued for the Property Maintenance issue. *Irene Sileski made a motion, seconded by James Brooks, to authorize the solicitor to institute an injunction action against the owner and occupant of 1117 William Penn Blvd. if the notices are not appealed. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

*Peter McCarthy made a motion, seconded by Irene Sileski, to ratify the Code Officer's issuance of the Notices of Violation. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Stonecroft Village Deed for Open Space Lot #215 – was mistakenly dedicated to the Home Owner's Association. These areas include a portion of William Penn Blvd. and the Right-Of-Way, which should have been deeded to Marion Township. Atty. Macfarlane has made repeated attempts to contact Stone Group's legal counsel and has gotten no response. Engineer Hess commented that the Berks County Conservation District reinspected the "infield" because the developer submitted the Notice of Termination for the NPDES permit after modifications were made to comply with DEP regulations. The valves are supposed to remain closed to allow water to infiltrate into the ground. Dan Klein, Stonecroft HOA, suggested Engineer Hess attend an HOA meeting to explain the above. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize Engineer Hess to attend an HOA meeting to discuss the infiltration basin pending the approval of the HOA to reimburse the cost. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Emergency Management Coordinator Report – Nothing to report

Creekview Dairy Operation, 952 Route 419 – Engineer Hess has received the As-Built Plans and issued a review letters. We have not received the report from BCCD's inspection on August 22, 2023.

Move General Fund Money from Money Market Account to Checking Account – *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the movement of the ARPA money out of the Money Market Account and back into the Checking Account. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Culverts and Related Site Improvements on Marion Dr. North, Sheridan Rd., Marion Dr. South & Paving/Guiderail Improvements on Reichert Rd. – Reichert Rd. & Marion Dr. North are completed. Sheridan Rd. culvert was set on August 29, 2023 and they are finishing up work. Met-Ed has been notified that there is an electric pole in our Right-Of-Way at Marion Drive South culvert. We can request/require them to move the pole at no cost to the township. Engineer Hess will contact Met-Ed.

Temporary Construction Easement & Permanent Draining Easement for Culvert Replacements – Eng. Hess is working on getting signatures from property owners.

Reichert Culvert Application for Payment & Change Order #1 – Covers reduction in amount of guiderail on Reichert Road which saved us \$6500 but in paving Marion Drive North, the estimated tonnage of asphalt was over what we anticipated and that was an additional cost of \$4500 so the net is a decrease of \$1,949.15. The Change Order amends the contract. Engineer Hess recommends we authorize the Change Order. *Irene Sileski made a motion, seconded by James Brooks, to authorize the Chairman to sign the Change Order with respect for the Reichert*

*Road Culvert. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

We also received the first pay application from CMS for \$241,287.03. Engineer Hess recommends we issue payment. *Peter McCarthy made a motion, seconded by Irene Sileski, to issue payment for the said amount for the culverts. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Bollinger Road Fill Overflow Matter – Nothing new to discuss.

Bollinger Road Fill Overflow Agreement – Nothing new to discuss.

Guiderrails are needed for portions of Bollinger Road, Hickory Road and William Penn Blvd. Engineer Hess will contact the subcontractor who is working on the culvert projects for an estimate.

Extension of the stormwater pipe along Marion Drive to Main Street – Engineer Hess contacted our PennDOT Rep – Charlie Paris. The project is under the bidding threshold, so we need three quotes. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the Engineer, subject to PennDot approval, to solicit quotes for the Marion Drive Project. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Purchase Road Signs – Someone stole a “dangerous intersection ahead” sign. We also need 6 cross walk ahead signs, and 3 children ahead signs. *Peter McCarthy made a motion, seconded by Irene Sileski, to purchase a “dangerous intersection ahead” sign, 6 cross walk ahead signs and 3 children ahead signs. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Line Painting – Zones 5 & 6 need to be painted. We received a quote from Berks Traffic & Line Painting in Robesonia for \$18,724.98.

*Peter McCarthy made a motion, seconded by Irene Sileski, to engage Berks Traffic and Line Painting for the sum of \$18,724.98 for painting Zones 5 & 6 within Marion Township. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Building Demolition/Proposed New Building – A meeting was held on August 10, 2023 with Olsen Design Group who submitted a proposal of \$9,750.00 with reimbursable expenses of up to \$975.00 totaling \$10,725.00. They will draft the architectural design of a new building which could be used for securing grant funding for design and construction of a new building. *Peter McCarthy made a motion, seconded by James Brooks, to move forward with the Olsen Design Group’s proposal and authorize the expenditure of \$10,725.00. On a roll call vote, Peter – aye, Irene – aye, Jim – aye. Motion unanimously carried.*

Comcast Franchise Renewal – We are waiting for the draft agreement from Atty. Phil Fraga at Cohen Law Group. Supervisor Sileski will contact him again.

Western Berks Joint Zoning Ordinance Section 403 Amendment – The keeping of pets & small domesticated farm animals. Other municipalities are interested in adopting this as well. A tentative meeting is scheduled for September 22, 2023 at 7 p.m. at Heidelberg Township.

PSATS Unemployment Compensation Group Trust 2023 Ballot for Election of Trustees has been received. There are two candidates, Jack Hines and Marvin Meteer. A motion was made at the Workshop Meeting to submit the ballot for the two candidates.

PSATS PA Municipal Pension Trust 2023 Ballot for Election of Trustees has been received. There are two candidates, Jack Hines and Marvin Meteer. A motion was made at the Workshop Meeting to submit the ballot for the two candidates.

PSATS Health Insurance Cooperative Trust 2023 Ballot for Election of Trustees has been received. There are two candidates, Jack Hines and Marvin Meteer. A motion was made at the Workshop Meeting to submit the ballot for the two candidates.

Berks County Public Works Association Annual Trade Show will be held on October 5, 2023 at Oley Fairgrounds from 8 a.m. to 2 p.m. Michael Palak with Recon Construction Services will give a presentation on Recycling Roads. Equipment skills rodeo will be held. A motion was made at the Workshop Meeting to authorize supervisors, office staff, and road crew to attend.

Berks County Association of Township Officials 2023 Convention will be held on Thursday, October 19, 2023 from 5 p.m. to 9:30 p.m. at Oley Fair Center. A motion was made at the Workshop Meeting to authorize Supervisors, Office Staff, Elected Auditors and Tax Collector to attend.

2024 Proposed Budget – Tabled until next month.

Advertise Road Crew and Assistant Secretary Positions on Indeed. *Peter McCarthy made a motion, seconded by Irene Sileski, to authorize the Secretaries to prepare and advertise job posting positions on Indeed for Road Crew and Assistant Secretary. On a roll call vote, Peter M. - aye, Irene – aye, Jim – aye. Motion unanimously*

Executive Session – The meeting was recessed at 9:35 p.m. to discuss potential litigation. The meeting was reconvened at 10:09 p.m.

**Supervisors' Comments:**

Peter – Reviewed July Police Report.

Irene – Thank you to Sue and Melissa for fielding all of the phone calls that come into the office and handling all of the complaints. Thank you also to Colin and Chuck for all that they do.

Jim – found out we have another internet provider in the township, T-mobile.

Engineer – No further comments

Solicitor – No further comments

Secretary/Assistant Secretary – Melissa commented that she looked into five grant opportunities. Most of them have match requirements. She will get us set up with Ashley Showers at the County. Our homework is to get the projects organized so Ms. Showers can do the narrative

There being no further business, *Peter McCarthy made a motion, seconded by Irene Sileski, to adjourn the meeting at 10:09 p.m. On a roll call vote, Peter – aye, Irene- aye, Jim – aye. Motion unanimously carried.*

Respectfully submitted,

Susan M. Staaby, Secretary