

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS
MEETING OF July 17, 2023

The regular monthly meeting of the Washington Township Board of Supervisors was held Monday, July 17, 2023.

Those in attendance were Chairman John J. Krause, Vice-Chairman, Wendell S. Gainer, Jr., Supervisor/Roadmaster Lynn Brown, Secretary/Treasurer Holly Reinford, and Solicitor Rick Wiest. Also in attendance were Jeremy Bickham, Bob Free, Eric Wolfe, Nick Miller, Robert Sensky, Nancy Welty, and Gary Brown.

Chairman Krause opened the meeting with the pledge of allegiance. Chairman Krause reminded the residents of the notices, regarding meeting conduct and public comment procedures.

Chairman Krause switched out of normal order to give courtesy to Attorney Rob Sensky, representing resident Nancy Welty of 138 Gristmill Rd. Welty and Attorney Sensky are here about ordinance 1998-2 – Junk Cars; Storage of Motor Vehicles on neighboring property: 136 Gristmill Rd. Sensky stated resident Kevin Sattizahn has two violations under that ordinance and has a “little enterprise going” on an agricultural zoned property with vehicle nuisances and abandoned vehicles.

Attorney Sensky passed out three packets of photos obtained by Welty, who took photos of vehicles in Sattizahn’s yard, to the board members and Solicitor Rick Wiest. The board looked over the photos as Sensky explained the vehicles have been there for months on end, longer than 30 days without movement, nuisance vehicles that are in various stages of torn apart, tires, and some drums of unknown substance. Sensky explained photo by photo to the board and had Welty verify the type of vehicle and how long it has been on the property. Welty pointed out a truck with another identical truck being torn apart for parts, missing license plates, and missing registrations. The most recent packet of photos was taken July 13, 2023, by Welty.

Attorney Sensky stated that there is an issue here and that Welty and her husband are looking to the Board of Supervisors to remedy this complaint under Ordinance 1998-2. They would like Washington Township to pursue the ordinance, inspect the property, and notify Sattizahn under the ordinance. Sensky left time open for any questions; Solicitor Wiest asked if anyone had spoken to Mr. Sattizahn. Resident Welty stated no. Sensky continued that the Weltys had a problem with Sattizahn in 2021 about him using his property for a denied gun shop. Welty feels this is another avenue for him to conduct a different enterprise.

Supervisor Brown pointed out that many properties within the township have various vehicles on their property as well, including farmers. He stated one out of three residents have the same situation happening; so, are we going to go throughout the entirety of the township and enforce this ordinance as nowhere in Brown’s Roadmaster description does it state he is to do inspections? Where is the line drawn about projects vs. antiques vs. farmers?

Resident Welty then questioned Supervisor Brown on whether he owns a home, despite Attorney Sensky advising her to not keep talking. Brown and Welty had some back and forth about

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Welty's previous phone call into the township when she initially spoke with Brown, stating she was "flabbergasted" that he asked her "what does it matter what anyone does on their property?" Welty stated Supervisor Brown has bias. Vice-Chairman Gainer informed Welty that this is a three-member board, so bias or not, three votes need to be accounted for before any actions take place.

Vice-Chairman Gainer stated he needs time to digest this information and wants to hear from our Solicitor on whether we have a right to not enforce. Solicitor Wiest stated that if we have an ordinance, it is because, in this case, a prior board put an ordinance together and presumably, if it is on the books, we do have an obligation to enforce it. If we do not, measures can be brought against the township to compel us to enforce it. However, before we do, there is a pretty clear inspection that ought to take place since it looks as though no one has spoken to the property owner. Wiest advises the township to contact Sattizahn and arrange for an inspection to give Sattizahn a chance to tell his side. He stated we should be motivated to look at it from the inspection aspect; either appoint someone on the board or hire someone to inspect. That is where he would start. Attorney Sensky agrees with Solicitor Wiest.

Attorney Sensky stated they aren't asking to vote on enforcement but asking to take the next step of an inspection and if there is a violation to enforce the ordinance created by the township.

Solicitor Wiest stated that the Weltys should not expect action to be taken yet by only hearing one side. Recommends the board look at section 4 of the ordinance and discuss how we want to take an examination of the property.

Attorney Sensky & resident Welty proceeded to leave the meeting.

CORRESPONDENCE: The following miscellaneous correspondence was received and presented to the Board of Supervisors for their review; a list was also included in the public packet. Received from:

1. Keith Heinbach- Tax Collector report for June 2023.
2. MRM Trust – Loss Activity Report; 0 Claims
3. USPS – First-Class postage rate increase to \$0.66 with fee schedule for stamped envelopes
4. Eric Wolfe Republican Nomination papers to keep on file at Township
5. Bureau of Labor Statistics; Washington Township; sent June's data on number of employees
6. Verisk Building Code Effectiveness Grading Schedule gave Washington Township a Class 04 rating
7. Annual Maintenance Report Small Flow Treatment Facilities copy for residents in Washington Township
8. H&T Engineering for Zimmerman Trust through Jeremy Bentz – Component 1-4
9. FCCB – Statement
10. Fulton Bank – Statement
11. PLGIT – Statement
12. MRM Trust Notes – How to file Workers' Comp claims

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13. Federal Highway Administration – local government revenues and expenditures data collection due September 15, 2023
14. North End Fire Company – June report
15. Schuylkill Conservation District & E-Permitting PennDOT– approved Titus Nolt
16. Broadband Infrastructure Program Funding – August 9, 2023, deadline to apply.

PUBLIC COMMENT PERIOD: Eric Wolfe asked; what about farmers? The response was addressed later during the agenda item for the Ordinance.

APPROVAL OF MINUTES: Upon motion of Chairman Krause, seconded by Vice-Chairman Gainer, approving the minutes to the June 19, 2023, regular monthly meeting without correction. This motion unanimously carried.

TREASURER’S REPORT AND BILLS FOR APPROVAL: Upon motion of Chairman Krause, seconded by Supervisor Brown, the June 2023 Treasurer’s Report was approved with a balance in all accounts, before receipts and bills, was \$1,362,360.84. Included in this motion was the approval of payment of all bills presented. This motion unanimously carried.

RECEIPTS: The report of receipts (June 15 – July 13, 2023) listing \$33,425.21 in EIT receipts and \$17,495.20 in regular General Fund receipts was approved as printed upon motion of Chairman Krause, seconded by Supervisor Brown. This motion unanimously carried.

SOLICITOR’S REPORT: Solicitor Wiest was present with no new business outside of Ordinance 1998-2. Wiest stated Welty’s Attorney called and spoke with him prior to the meeting as a courtesy/heads up. Wiest stated he would make his comments later in the meeting when the agenda item for the Ordinance came up. Vice-Chairman Gainer and Solicitor Wiest discussed, briefly, why Attorney Sensky and resident Welty did not stay in the meeting to hear the final discussion and potential decision later down the agenda.

ROADMASTER REPORTS: Chairman Krause questioned the Public Works spreadsheet as to what the percentages were for in each category. Roadmaster Brown and Secretary/Treasurer Reinford explained that is how the sheet was originally set up and aren’t completely sure of the thought process behind it but think it is the percentage of work completed or set to complete. Roadmaster Brown stated that we know the spreadsheet needs work and that he and Secretary/Treasurer Reinford are going to re-work it into more comprehensible information. Chairman Krause stated he would like to be able to see the bigger picture per season and where we are at each month. Roadmaster Brown stated let’s work on it since this is supposed to be seasonal and isn’t even close to what is happening.

Chairman Krause recapped the breakdown and savings Roadmaster Brown found for tack coating. Krause explained that Brown had bought a 55gal drum of concentrate that when mixed with water gave him 110gals. This is significant because Brown used to pay \$80 per 5gal bucket. $\$80 \times 22 \text{ buckets} = \$1,760.00$ to get 110gals of material. $\$1,760.00 - \$598.28 =$ a savings of \$1,161.7 by buying one 55gal drum at \$598.28. Chairman Krause would like the snapshot of the roadwork budget to be included in each board packet.

Roadmaster Brown stated after next month, since slowing down with paving and patching, he would like to do a little bit more patching but wants to wait until after the Blue Mountain Road bridge project is finished since it will take some paving. After that, he would like to do some scratch coating on the south side.

COUNTY ZONING: Planning and Zoning report; Chairman Krause reviewed the permit paperwork.

EMERGENCY MANAGEMENT: EMS Nick Miller stated nothing to report this month.

OLD BUSINESS: Chairman Krause inquired with Secretary/Treasurer Reinford if she spoke with the auditor about an exit audit. Secretary/Treasurer Reinford stated she and Kelly have been emailing back and forth as Kelly stated they don't have any specific guidelines for an exit audit. Vice-Chairman Gainer stated to ask her for a quote on a 5-month mini audit, just like they would do at year-end.

Chairman Krause asked if Secretary/Treasurer Reinford spoke with the lady who cleans the office, Lynn, about frequency. Reinford stated she spoke with Lynn about cleaning the Friday before meetings & cleaning after elections. Lynn asked if she could clean the Monday of the meeting. The board collectively agreed this was fine.

NEW BUSINESS: Secretary/Treasurer Reinford inquired if there was a specific amount of money that would be donated to the fire companies and ambulance. The board discussed previous years' amounts and tasked Secretary/Treasurer Reinford to research how much was given to each. Vice-Chairman Gainer moved to donate the same amount of money in 2023 as was donated, in equal proportions, to each fire company & ambulance in 2022, seconded by Supervisor Brown.

Ordinance 1998-2 Junked Cars; Storage of Motor Vehicles came up for discussion relating to the above conversation between Attorney Sensky on behalf of resident Nancy Welty and the Board of Supervisors against property owner Kevin Sattizahn. Supervisor Brown stated that 1 out of every 3 people in the township are in violation of this ordinance and does that mean we will have to inspect every property in this condition? Speaking as a resident, he has property that is not in compliance with the ordinance and, as a resident, he will create an art piece out of his. Brown also stated that if he is appointed to inspect properties, he would require higher compensation due to the risk of coming onto someone else's personal property.

Vice-Chairman Gainer stated that there is no elected official on the township staff that, in his eyes, should be performing these inspections. He will also not vote to appoint anyone who is associated with this township in an official capacity to perform the inspection. Instead, Gainer stated, we should appoint someone such as Light-Heigel or an independent entity to the township to perform inspections.

Supervisor Brown inquired if we send an inspector to this specific property, will they then go to all the properties that are visually not in compliance with this ordinance? Chairman Krause responded that inspections would just be done on properties that have complaints on file. Solicitor Wiest was asked his input and stated he thinks Vice-Chairman Gainer is correct; we have the authority to appoint someone, but that there is great wisdom in none of the board

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members going out and instead obtaining the services of a company such as Light-Heigel. In having someone neutral go out, the property owner can be allowed to modify his practices, and his property, and obtain permits for certain activities. Wiest stated that the township can opt to repeal the ordinance in the future, but if it is on the books, the township needs to follow it or else a resident can compel the township to enact the ordinance through further action.

Vice-Chairman Gainer agreed with Chairman Krause that we don't need to enact the ordinance on everyone who may fall under this ordinance and only enact it on the properties that received a filed complaint with the township. Gainer agrees the board needs to take time and appoint a qualified individual to inspect what is on the property, in any drums on the property, and what activities are taking place. The goal is to benefit both parties to come to a resolution.

Resident Eric Wolfe asked; from a legal standpoint, what would resident Welty's recourse be if the ordinance was repealed? Solicitor Wiest responded that she, Welty, wouldn't have the ability to compel and force the township to enforce it. Vice-Chairman Gainer added that Attorney Sensky told us if repealed, it would then be taken to the county. Solicitor Wiest expanded that once at the county level, it would go to county zoning where it would be stated the individual is conducting something in violation of zoning ordinances, it would go to the PA Department of Environmental Protection where concern for alleged vermin, toxicity, or flammable substances are present. Vice-Chairman Gainer added that the DEP will then serve a warrant and take soil samples. He stated that by repealing the ordinance and going through the county and DEP, the township would not be benefiting this property owner in aiding him in the ability to solve this. Due to this, Gainer's concern is what happens to the property owner if we don't help mitigate the problem.

Vice-Chairman Gainer stated the township should bring the property owner in, show him the pictures presented by Attorney Sensky, and hear his side of the story. Doing this gives us an idea of what is going on, what is in the drums, and what activities are happening, and gives the township the ability to say and show we are pursuing this complaint. With Solicitor Wiest's help, we can ask that he bring his property up to compliance with the Ordinance.

Chairman Krause stated that if all are in agreement, we need to schedule a meeting between a board member, Solicitor Wiest, and the property owner.

Vice-Chairman Gainer volunteered as the board member and discussed with Solicitor Wiest about gathering the property owner's details, informing him of what was happening, and using this as an opportunity to sit down as a group of three with the property owner's input, the current Ordinance, and the possibility of needing a 3rd party to take a walk around the property.

Vice-Chairman Gainer and Solicitor Wiest agreed to meet on July 24, 2023, at the township building. This meeting then was rescheduled to July 31, 2023, at the township building between Vice-Chairman Gainer, Solicitor Wiest, and property owner Kevin Sattizahn.

Chairman Krause stated no issues with the July 2023 per capita exemptions. Vice-Chairman Gainer moved to accept all tax exemptions submitted by Keith Heinbach, seconded by Chairman Krause. This motion unanimously carried.

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Chairman Kause updated that he heard back from Scott with Spotts Bros right after the last meeting and they would like to set up a meeting with his contractor the last week of July or the first week of August to assess the three windows in the township building.

ADJOURNMENT: There being no further business to come before the Board of Supervisors of Washington Township, upon motion of Chairman Krause, seconded by Supervisor Brown the meeting adjourned at 8:29 p.m. This motion unanimously carried.

Respectfully Submitted,

Holly Reinford
Secretary/Treasurer
Washington Township

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