

HEREFORD TOWNSHIP BOARD OF SUPERVISORS

May 3, 2022

Due to the COVID-19 Pandemic the regular meeting of the Hereford Township Board of Supervisors was held via Zoom and in person. Those present were Supervisors John Membrino, Keith Masemore, and Karla Dexter, Secretary/Treasurer Diane Hollenbach, Engineer Jennifer Van Dyke, Solicitor Eugene Orlando,

Guests: Bob Boyer, Bob Stockdale, Cliff Kerchner, Bill Weaver, Joe Brooke, Matt Moyer, Deb Gaugler, Tom Sparr, Christopher Frichman, Kris Gischel, Paul Schilling, Jeff Ney, Matt Ferdock, Jack Arnold, Barb & Gary Snyder, Larry and Linda Iampietro, James and Joann Mauser, John and Nancy Allem, Amanda Emrick, Craig Neely, Fred Saracino, Hilary and John Yanan, Mark Matthias, Carl & Joanne Denslow, David Dunne, Matt and Jenn Spangenberg, Caryl Pettijohn, Rose and Glen Greenawald, Keith Dmochowski, Tim Smith, James Itterly, Vanessa Sell, Orion Fichter, John Artim, Greg and Amy Daub, Susan Pireda, Matthew Roy, John Yanan Jr., Terry Fichter Zoom attendees: Tom O'Connor, Harlan Snyder, Candace Perry

Mr. Membrino called the meeting to order at 7:30 PM

MINUTES

Mr. Membrino made a motion and Ms. Dexter seconded approving the April 19, 2022, regular meeting minutes. All were in favor. Motion passed.

PAYMENT OF BILLS

Mr. Membrino made a motion and Mr. Masemore seconded to pay the bills and approve the Treasurer's bill list. All were in favor. Motion passed.

PERSONAL APPEARANCES

Matt Ferdock of Weaver Road informed the Board that a citizen's committee had been formed. There were currently forty-five people involved. Fifteen of them had obtained estimates to get their marked trees removed. The total estimated cost for those fifteen people was \$341,000. We are looking at millions of dollars of expense. The Met Ed forester disputes the trees marked on Mr. Iampietro's property and another arborist disputes trees that were marked for destruction on another property. If the government requires we destroy our property, we are to be compensated. He introduced Mr. Craig Neely, legal representation for a number of residents.

WORK CREW REPORT

Mr. Masemore reported the road crew used the new paver on Old Mill Road. They also wanted to look at a belt loader, but it was sold before they got the chance.

ENGINEER

Erb Construction Escrow Release

Mr. Membrino made a motion and Ms. Dexter seconded upon the recommendation of the township engineer to release the Erb Construction financial security in the amount of \$3,291.16. All were in favor. Motion passed.

Wawa Liquor License Hearing Escrow

Mr. Membrino made a motion and Ms. Dexter seconded upon the recommendation of the township secretary to release the Wawa Liquor License hearing escrow in the amount of \$917.00 to Flaherty & O'Hara P.C. All were in favor. Motion passed.

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Hollyberry Road Tree Removal Bid Package

Mr. Membrino made a motion and Ms. Dexter seconded to authorize the engineer and secretary to advertise the bid package for tree removal on Hollyberry Road per the approved specifications. All were in favor. Motion passed.

Arborist Project – Ms. VanDyke reported that the arborist work is still on hold while the work is reviewed and the notification letter is prepared for review and comment. Mr. Membrino stated that the Board needs to review the letter further.

SEWAGE ENFORCEMENT OFFICER

The Board reviewed a copy of the SEO report for April 2022.

BUILDING INSPECTOR and ZONING OFFICER REPORT

The Board reviewed a copy of the Building Inspector's and Zoning Officer's report for April 2022 and the Board had no comment.

Camp Mensch Mill – no update.

SOLICITER

Reimbursement Resolution – Mr. Orlando stated Treasury Regulations allow that when a township expends money that may later be reimbursed with public funding, the township may reimburse itself for those expenses as long as a resolution has been adopted. Mr. Orlando asked for this to be placed on the June meeting agenda.

Wawa Sidewalk Easement – Mr. Orlando spoke with the representatives from Wawa and explained that the township does not do maintenance on sidewalks. The gentleman from Wawa thought that was strange because every other place that happens. Mr. Orlando stated if he can find something where the commitment had been made to do maintenance, the Board would discuss that.

Act 537 Plan Working Group – Nothing new to report.

SECRETARIES REPORT

Ms. Hollenbach provided the Board with a written report. The American Rescue Plan report was filed before the deadline. The next deadline is the SAM registration but there is some difficulty with this since everything is in Norann's name and her old cell phone number. The office has processed numerous Right to Know requests this month.

UNFINISHED BUSINESS

Public Comment on the Dangerous Tree Ordinance

Craig Neely, Esquire who represents Mr. Spangenberg and Mr. Sarcino provided the Board with a written opinion on the dangerous tree ordinance. Attorney Neely felt that the ordinance was unenforceable because it authorizes Township action and imposes penalties as a result of a landowner's rightful use of their own property; exceeds the powers granted the Township by the enabling legislation because the ordinance authorizes action when there is the potential for danger instead of present danger; the ordinance is vague because it doesn't provide objective standards to determine if a tree is dangerous; and determination of a tree's fall zone is beyond the reasonable ability of a land owner.

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John Allem of Sigmund Road asked why he was never notified about the arborist marking trees. Mr. Allem stated he has trees on his property one hundred feet high. Do we cut trees down one hundred feet off the road. He also asked if other townships had enacted a similar ordinance.

John Yanan of Sigmund Road asked the Board to repeal the ordinance.

Cliff Kerchner of Hollyberry Road mentioned with the liability issues due to the trees being marked, if they should come down, how does this impact the homeowner's liability. Mr. Kerchner's other concern was why trees were not being marked on state roads.

Amanda Emrick of Stein Road was not certain where her property line was. Would there be a survey done? Ms. Emrick will dispute half the trees that were marked.

Matt Spangenberg of Township Road asked for the ordinance to be repealed. When he spoke to other residents in the township, they believed that the township or the power company would take down the trees.

A resident asked the Board to confirm that the trees outside the right of way would not be required to be removed.

Larry Iampietro of Five Points Road spoke with the Met Ed Arborist about the eighteen marked trees on his property. The Met Ed arborist felt none were a present danger.

Deb Gaugler of Orthaus Road asked what the right of way is and what gives someone the right to come on her property. All the trees on her property are more than thirty feet in.

Fred Saracino of Township Road asked if there was a cease and desist order on the arborist. Mr. Membrino stated that the work in the other two quadrants is on hold because we are not caught up on the letters in the first quadrants. Mr. Saracino stated that those people need x on their trees so people figure out what is going on. There will be a lot more people at the meetings.

James Itterly of St. Peters Road stated that the value of his property will go down because of the marked trees. Mr. Itterly stated he was not notified of the project and asked why.

A resident asked why the Board was not answering their questions. Mr. Membrino stated that the board has been threatened with litigation.

Bob Boyer of Wetzel Road told the Board that he had lived on his property since 1977. He and his neighbor had taken down several hundred trees over that time. Mr. Boyer stated that you can't predict which way a tree will fall and suggested the Board hire an engineer to check the arborist's work. Mr. Boyer has been out of electric twenty-seven times in the last eighteen months because of Met Ed's philosophy that they will deal with the trees when they fall.

John Yanan asked how much the board had paid the arborist so far.

NEW BUSINESS

Assistant Right to Know Officer

Mr. Membrino made a motion and Mr. Masemore seconded to appoint Diane Hollenbach as

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Assistant Right to Know Officer for 2022. All were in favor. Motion passed.

Ambler Bank Certificate of Deposit – The interest rates are not available until the certificate of deposit expires. The Board needs to decide on the length of the term for the CD.

Executive Session

Mr. Membrino announced that an executive session was held from 7:10 to 7:25 p.m. to receive advice and counsel on potential litigation.

Additional Public Comment

Hilary Yanan of Sigmund Road asked if the Board is not answering questions because of the possible litigation, when can the public expect answers and how will they be notified. Mr. Membrino stated the answers would come at a public meeting.

Paul Schilling of Crow Road asked if the Board was suggesting that the residents should litigate this to get some answers.

Larry Iampietro asked the Board if they took the low bid for the arborist.

Matt Ferdock asked if anyone in the room wanted the dangerous tree ordinance.

There being no further business, Mr. Membrino made a motion and Mr. Masemore seconded to adjourn at 8:20 PM. All were in favor. Motion passed.

Respectfully Submitted,

Diane Hollenbach, Secretary/Treasurer