

**Tulpehocken Township
Board of Supervisors
Meeting of April 11, 2018**

The Tulpehocken Township Board of Supervisors met on April 11, 2018 in the Township meeting room at 7 P.M. In attendance and voting were Supervisors: Chairman Gary Deck and Vice Chairman Richard Kramer. Supervisor Lester Feick was not present. Also present were Kris Kerschner, Police Chief, and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Lori Deck, Lloyd Schneck, Larry Dean Martin and Geneva Aulenbach.

CALL TO ORDER

Chairman Deck called the meeting to order at 7:00 P.M.

The meeting continued with the pledge to the American Flag.

PUBLIC COMMENTS

Mr. Schneck inquired if there was someone new this year plowing in the town of Rehrersburg. Chairman Deck reported that he believes there may be a few new people. Mr. Schneck commented on the tractor smoking. Chief Kerschner reported that the tractor being used was the one that had been repaired last year. Mr. Schneck also commented with regards to the Schaeffer property being torn up by the plow and suggested that the Township repair the damage. Chairman Deck and Vice Chairman Kramer noted other areas within the Township that need attention.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the March 14, 2018 Board of Supervisors meeting. The motion was seconded by Chairman Deck and passed unanimously (2-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Nelson Auker Poultry Final Plan: This plan is still waiting on the NPDES permit and HOP permit (PennDot was out today to measure the site distance for the driveway). The manure storage will be in the barns and the compost will be outside. The barns will be cleaned out once yearly. This is an intensive agricultural production. It is the opinion of the Township Solicitor that the existing use is intensive agriculture and is a nonconforming use in the Rural Residential zoning district because intensive agriculture is not a permitted use in the Rural Residential zoning district. The Township Solicitor recommended to the Planning Commission that the Township require that a shared driveway easement be executed and recorded and that it would be satisfactory to the Township Engineer and Township Solicitor. That way they can make sure that the contents of that agreement are satisfactory. Mr. Brossman owned property to the East of the parcel and he is not interested in signing any formal documents. The Township Solicitor stated that he doesn't feel that an easement is needed since there not going to be stormwater going on there unless there is failure of the system. However, a commitment to Mr. Brossman through the plan approval by the Township and it would relieve the Township in the event that there would be damage to Mr. Brossman's property. This protects Mr.

Brossman and the Township. The Township Solicitor recommends that this should be part of the plan approval. Red Barn Consulting Inc. is requesting the following two waivers for this plan. Section 302. This section pertains to the requirement of submitting a preliminary plan for approval ahead of submitting a final plan. A modification of this section is being requested to submit the plans as a combined preliminary/final plan due to the plan being minor in scope, no facilities are being offered for public dedication and by processing as a combined preliminary/final plan the intent of the ordinance is still met. Section 307.B.1.a. This section pertains to the requirement of providing a minimum of 48 inch of separation between the bottom of the basin and the limiting zone. There was testing completed for the infiltration facility and the results provided a minimum of 24 inches of separation and the PA BMP Manual only requires a minimum of 24 inches of separation. And again, there are not facilities being offered for public dedication.

Gary Deck made a motion to recommend to the Board of Supervisors to grant the waiver requests for Section 302 and Section 307.B.1.a. Scott Hetrick seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver requests for Section 302 and Section 307.B.1.a. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Red Barn Consulting Inc. is asking for conditional preliminary/final plan approval. The Township Solicitor stated that he would be favorable of this as long as the NPDES permit doesn't trigger any change that the Township would care about in the plan.

Ray Daub made a motion to recommend to the Board of Supervisors to grant conditional preliminary/final plan approval with the following conditions. Gary Deck seconded the motion. All in favor, motion carried.

- ***Ludgate Engineering review letter dated April 3, 2018.***
- ***Shared driveway easement. The Township Solicitor will need to review this document.***
- ***Drainage easement with Mr. Hoover.***
- ***Indemnification with Mr. Brossman and relieves the Township if damage would occur on his property.***
- ***Maintenance Agreements to be drafted by the Township Solicitor.***

Vice Chairman Kramer made a motion to grant conditional Preliminary/Final Plan approval with the following conditions:

- ***Ludgate Engineering review letter dated April 3, 2018.***
- ***Shared driveway easement. The Township Solicitor will need to review this document.***
- ***Drainage easement with Mr. Hoover.***
- ***Indemnification with Mr. Brossman and relieves the Township if damage would occur on his property.***
- ***Maintenance Agreements to be drafted by the Township Solicitor.***

The motion was seconded by Chairman Deck and passed unanimously (2-0).

Weaver Annexation: This property is located at 59 Witman Road and is located in the Rural Residential zoning district. The existing driveway for this property is located on a portion of the neighboring lot. The Township Engineer would like a note added to the plan that states that this property is within the Environmental Protection overlay district and any new construction or uses will require review under this section. Section 214.A. The landowner shall submit a copy of the proposed deed for the parcel being annexed. This deed shall include reference to the plan, the recording information and how the parcel is identified on the plan. Statements that the conveyance is for annexation purposes only and that the parcel is not a separate building lot shall also be added. The

Township Solicitor recommends that the Township adopt a policy to require an escrow of a couple hundred dollars for the recording of the annexation and consolidation dates because there are two different dates required. There will be a deed to convey Lot C to the owner of Lot D and then a deed from the Lot D owner to itself consolidating the deeds. The legal concern is that annexation parcels are being approved as annexation parcels and then are not being consolidated and later sold as a separate lot that was never intended to be a separate lot. The solution is that the Township would have a process in place that would monitor the recording of the deeds so that the process has been completed. The escrow would be held by the Township until proof of the recording of the two deeds that was made possible with the plan approval. The Township Solicitor stated that he doesn't want it to be burdensome to the applicant, however he would like to insure that the purpose of the plan has been carried out. The monuments will be set before the plan is approved. It appears that a monument should be set at the east side of the residue lot also called Lot 1 along with two pins. The Applicants Surveyor, DeVon Henne stated that in the past, the deeds were received by the Applicants Attorney were reviewed by the Township prior to approving the plan. If someone goes to the trouble of having the deeds drawn up and reviewed prior to approving the plan, how these deeds are not meeting the Township Solicitor's satisfaction? The Township Solicitor stated that it has been occurring on a frequent basis that annexation lots are being sold as a building lot and then that particular Township is put in a difficult position as to whether they are going to have to get into litigation with someone as to whether the lot can be developed or if zoning relief will be required. It could create a lot of bad circumstances, and the Township Solicitor would like to provide as much protection as possible for the Township and also for property owners from being stuck with the consequences of dealing with the result of a failed annexation. This is not necessarily an issue in Tulpohocken Township however it is worth the expense to require this as a condition of plan approval. The client will have their escrow returned once the process has been completed.

Gary Deck made a motion to recommend to the Board of Supervisors to establish a policy that when someone does an annexation plan that a \$500 escrow be required to insure the recording of the consolidation deed. Scott Hetrick seconded the motion. All in favor, motion carried.

Chairman Deck made a motion to establish a policy that when someone does an annexation plan that a \$500 escrow be required to insure the recording of the consolidation deed. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

The applicant's Surveyor will remove page one since there is some concern with the past subdivision information being confusing. The septic absorption areas for both lots should be shown as well as the full extent of the existing driveway on the reside lot. Revisions will be made to the plan and hopefully they will have a revised plan for next month.

Glenn Auken is proposing a 6,000 sq. ft. workshop and paving area. He is requesting a waiver of land development due to the size of his building. Chrisland Engineering has prepared plans for his project. Based upon the lot area, the maximum amount of impervious surface that he is allowed to have is 15,000 sq. ft. to meet the exemption criteria. There is no plan that has to be reviewed however a stormwater facility needs to be prepared and it needs to meet the intent of the ordinance and certified by his engineer. In the future, Mr. Auken is looking to build a new house and tear down the existing house. Stormwater will need to be required for building the new house in the future and that is noted on the plan. E&S has been approved. The applicant asked to add a small bakery which his daughters will run and have their products taken to market. The Township Solicitor has weighed in and states that the home-based business can be included in the building providing it uses less than 1,000 sq. ft. However, the building code official will need to review the revised plans showing this use being added. Mr. Auken's builder, Matthew Nolt was present and stated that revised plans have been submitted to the Township's building code official. Based upon what is being proposed and with securing the E&S

approval, preparing the stormwater design, and approval from the Township SEO (Sewage Enforcement Officer) the Township Engineer feels that it is reasonable to support the request for waiver of land development for this project. The Planning Commission stated that landscaping will not be required for this project. This was discussed at the October 2017 meeting. If the use changes, customer volume changes, etc., additional requirements and approvals may be needed.

Gary Deck made a motion to recommend to the Board of Supervisors to grant the waiver of land development. Scott Hetrick seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver of land development. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Alexander Elliker (attorney), Thomas Wise and Steve Bensinger (engineer) were present to discuss the proposed 4,400 sq. ft. bank barn for Thomas and Sylvia Wise. TW Construction LLC currently has three full time regular employees (excluding Mr. Wise) and five full time leased employees. The employees are not there every day on a regular basis. Mr. & Mrs. Wise would like to use approximately 30% (1320 sq. ft.) of the proposed barn to store TW Construction materials and equipment. The remaining 70% of the proposed barn would then be used for the Wise's farm to store farming materials and equipment. Mr. & Mrs. Wise would be willing to combine the lots into one parcel. The proposed barn lot would be combined with the residential lot. For a home occupation, only 1,000 sq. ft. is allowed per the Township zoning ordinance. So that would only allow 23% of the proposed barn for TW Construction materials. Therefore, that would mean that the Wise's would need to limit the commercial use to less than 1,000 sq. ft. or zoning relief would need be obtained to go over the 1,000 sq. ft. There is a permit for the existing building on his property. The new permit would have to say that it replaces the permit that was granted for the home occupation use at the existing building. There is a sizable amount of impervious surface for road improvements, driveway and a bathroom in the barn. E&S will be needed for this project. The Township Solicitor would like a condition of the zoning permit be that the Township receives evidence of the recording of the consolidation of the deeds. It is material to your compliance with the zoning ordinance that this does occur. According to the SALDO, due to the size of the proposed barn being 4,000 sq. ft. a land development plan will need to be submitted to the Township. The Planning Commission does not feel that landscaping is needed. Under the UCC, if the building is for agricultural use, no building permit is needed however he would still need to do land development.

Gary Deck made a motion to recommend to Thomas Wise and his attorney and engineer that he submit a land development plan for the bank barn, limit the business use in the barn up to 1,000 sq. ft., and annex this parcel with the residential farm parcel. Ray Daub seconded the motion. All in favor, motion carried. This motion does not need to go to the Board of Supervisors, this discussion is about the process on what would be expectable. They can proceed as described and will provide a land development plan for the Township to review.

The Township Engineer would like to discuss the process of waiver of land development. The Township currently does not have costs for review, engineer's time etc. This should added to the fee schedule for land development. An approximate cost could be \$500-\$600. The Township has the ability to impose a condition went granting a waiver of land development that the Township be reimbursed for out of pocket expenses for review of the waiver request. That does work if the person follows through, however the person could drop the project and then the Township would not be reimbursed the expenses.

Scott Hetrick made a motion to recommend to the Board of Supervisors to amend the comprehensive fee schedule for review of land development and subdivision to add an application fee of approximately

\$500-\$600 for waiver of land development. Ray Daub seconded the motion. All in favor, motion carried.

The Board discussed the recommendation; noting that they would like more information prior to making a decision. They agreed to table this discussion. It was suggested to have the Planning Commission Secretary provide scenarios.

Solicitor Legal Discussions

None.

Escrow Release

Larry Dean Martin Poultry Operation (7 Cherry Hill Road) – Partial Release – The Engineer is recommending a release of \$45,298. Mr. Martin submitted a Letter of Credit in the amount of \$48,798

Mr. Martin agreed to write a check in the amount of \$3,500, the difference between the release recommended by the Township Engineer and the LOC. He also requested that once all of the requirements are met he receives the full \$3,500 back.

Vice Chairman Kramer made a motion to release Mr. Martin’s Letter of Credit; upon receipt of the \$3,500. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Correspondence from Zoning Officer

March update

No update was provided by the Zoning Officer.

Mrs. Flaherty reported that the Levan’s hearing (200 Deck Road) is scheduled for July 17, 2018.

Land Development

None.

STAFF REPORTS

Police Report – Chief Kerschner read the March, 2018 Police report as follows:

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	3017	683
GALLONS OF FUEL	318.5	0
HOURS WORKED	448.5	60
PATROL HOURS	311.5	46.5
TULPEHOCKEN AREA SCHOOL DIST. HOURS	23.5	0
TOTAL INCIDENTS	3	1
TOTAL COMPLAINTS	16	3
MISCELLANEOUS CALLS FOR SERVICE	25	4
FOLLOW-UP INVEST	0	0
TELEPHONE ASSIGNMENTS	9	2

COMM/RESIDENTIAL ALARMS	1	0
EMS/FIRE ADVISORIES	21	7
TRAFFIC STOPS	14	2
CITATIONS ISSUED	12	2
NON-TRAFFIC CITATIONS	0	2
TRAFFIC WARNINGS	4	1
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	3	0
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	1	0
SECURITY CHECKS	60	37
POLICE ASSISTS	10	0
MOTORISTS ASSISTS	2	3
COURT APPEARANCES	3	0
SCHOOL HOURS	48	0

Chief Kerschner reported that during the month of March there were 115 calls received through Berks County 911 for police. The Board discussed the new patrol vehicle (2018 Ford Explorer); Chief Kerschner advised that the Explorer works great in the snow and is very comfy. The Board also discussed the School District; Chief Kerschner advised on the lunches he has with the students and that he will be attending a field trip with the 10th grade class on his day off.

Road Master's Report – Chairman Deck read the March, 2018 report. The work consisted of sign repairs/maintenance, monthly sewer checks, meter reading, equipment repairs/maintenance, work in shop, sewer alarms, sewer maintenance/repairs, tree removal, sign repairs/maintenance, move a down pole, work on Four Point Road project, telephone calls, pick up parts/supplies, emergency sewer call out, check for icy roads, attending meeting at Ebling's Service, work on Midway Road Bridge project, took police car to RMI, meeting with PennDot representative, snow events, went for CDL test, meeting with salesman, two (2) sewer inspections, clean pump stations and wash trucks.

Update on purchase of jumping jack and plate compactor

The Board reviewed various quotes provided by Supervisor Feick. Mrs. Flaherty reported that with regards to the plate compactor, Supervisor Feick is recommending the Bomag BVP 18/45 for a cost of approximately \$1,996. With regards to the tamper (jumping jack), he is recommending the Bomag BT 60 for a cost of approximately \$2,725. He also provided a quote for a Topcon Laser for a cost of \$625 for a Topcon RL-H5B D-Cell, LS-80L Receiver, grade rod and tripod.

Chairman Deck made a motion to purchase a Bomag BVP 18/45 for a cost of approximately \$1,996, a Bomag BT 60 for a cost of approximately \$2,725 and a Topcon RL-H5B D-Cell, LS-80L Receiver, grade rod and tripod for approximately \$625; total cost of approximately \$5,346; the costs should be debited against the Township's Small Tool Fund. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

Chairman Deck reported that there is a pothole at the intersection of Rehrersburg and Airport Roads that needs attention.

Fire Chiefs' Report – Chairman Deck read the monthly reports for the Keystone Fire Company and the Rescue Fire Company.

SEWER OPERATIONS

Judgements and Delinquent Sewer Accounts

The Supervisors discussed sewer operations with regards to judgments and delinquent accounts.

UNFINISHED BUSINESS

Open bids for Midway Road Bridge Project

The bids for the Midway Road Bridge Project were opened.

Company	Total
Mar-Allen Concrete Products, Inc.	\$54,839
Descoco Design & Construction, Inc.	\$72,159
Bertolet Construction Corp	\$74,089

The Board noted that the Township Engineer budgeted \$30,000 for the project.

Vice Chairman Kramer made a motion to award the Midway Road Bridge Project to Mar-Allen Concrete Products, Inc. for a cost of \$54,839, after review by the Township Solicitor and Engineer. The motion was seconded by Chairman Deck and passed unanimously (2-0).

DCNR Recreation Grant – An escrow account has been opened; need a motion to transfer \$10,835 from the Recreation Fund to the Recreation Planning Escrow account. The Board also needs to establish a Study Committee for the project; committee should consist of five (5) members from each municipality

Mrs. Flaherty advised the Board that Mr. John Zimmerman (Project Coordinator) has been in touch with the Township Solicitor with regards to having an agreement drafted between the three (3) municipalities (Bethel, Marion and Tulpehocken Townships); noting that all municipalities will contribute their share into the bank account. The account will be overseen by Tulpehocken Township.

Vice Chairman Kramer made a motion to transfer \$10,835 from the Recreation Fund to the Recreation Planning Escrow account. The motion was seconded by Chairman Deck and passed unanimously (2-0).

The Board discussed the need to establish a Study Committee. It was agreed that the committee should consist of one (1) member from the Planning Commission, one (1) Supervisor and one (1) member from the Recreation Board. Chairman Deck volunteered to be the Supervisor on the committee. It was recommended to contact Dolores Hill to see if she would be interested in sitting on the committee. Mrs. Flaherty would reach out to Mrs. Hill and the Recreation Board. The Supervisors would also look for members.

The Board discussed the silt fence being down at the property owned by the Township off of Lions Park Drive. Chairman Deck suggested using a silt sock vs. silt fencing.

Vice Chairman Kramer made a motion to purchase silt sock. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Need a motion to ratify the readdressing of the following properties

- *PIN #86442100264519 as 5276 Four Point Road*
- *PIN #86442100269992 as 5295 Four Point Road*
- *PIN #86442100464685 as 5299 Four Point Road*
- *PIN #86442100273699 as 5322 Four Point Road*
- *PIN #86442100275874 as 5328 Four Point Road*
- *PIN #86442100372982 as 5343 Four Point Road (Residence)*
- *PIN #86442100372982 as 5345 Four Point Road (Business)*
- *PIN #86442100185795 as 5374 Four Point Road*
- *PIN #86442100399197 as 5391 Four Point Road*

Vice Chairman Kramer made a motion to ratify the readdressing of the following properties.

- *PIN #86442100264519 as 5276 Four Point Road*
- *PIN #86442100269992 as 5295 Four Point Road*
- *PIN #86442100464685 as 5299 Four Point Road*
- *PIN #86442100273699 as 5322 Four Point Road*
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- *PIN #86442100185795 as 5374 Four Point Road*
- *PIN #86442100399197 as 5391 Four Point Road*

The motion was seconded by Chairman Deck and passed unanimously (2-0).

NEW BUSINESS

None.

CORRESPONDENCE

Request from Berks County Association of Township Officials to attend the lunch being provided on Monday, April 23rd & Tuesday, April 24th from 11:30 A.M. to 12:30 P.M. at the PSATS Conference (Hershey Lodge – Room #3341)

The Board discussed the request; it was agreed that Vice Chairman Kramer, Supervisor Feick and Mrs. Flaherty would attend the lunches.

Invitation to attend the Berks County Municipal Breakfast on Friday, April 27th at the Strausstown Volunteer Fire Company at 8 A.M. – informational session regarding “County-wide Coordinated Addressing”

The Board discussed the invitation; it was agreed that all three (3) Supervisors and Mrs. Flaherty would attend the breakfast.

OTHER BUSINESS

Request for Board to authorize the carpets to be cleaned – received a quote from Martin’s Floor Coverings in the amount of \$330.90 for cleaning during the day; have a 10% off coupon if scheduled by April 15th, cleaning would need to be done before the end of May

Vice Chairman Kramer made a motion to authorize the carpets to be cleaned by Martin's Floor Coverings in the amount of \$330.90, less 10%. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Request from Lester Feick for the Board of Supervisors and Township Auditors to consider reimbursing him for his monthly health insurance expenses; monthly cost is \$282.40

The Board discussed the request. It was noted that the Board can pay for Mr. Feick's Supplemental Insurance Plan at a rate of \$135.50 per month; however the Medicare Premium (\$134/per month) and Prescription Plan (\$12.90/per month) would need to be approved by the Township Auditors. Mrs. Flaherty noted that the options would be to increase his hourly rate or a bonus, either way the Prescription Plan and Medicare Premium would need to be taxed. The Board would prefer not to increase his hourly rate increase.

Chairman Deck made a motion for the Township to reimburse Lester Feick for his Supplemental Insurance Plan at a monthly cost of \$135.50 effective April, 2018; as long as he works an average of thirty (30) hours per week, also noting that this cost would most likely increase every year due to Mr. Feick's age increase. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

Vice Chairman Kramer made a motion to request the Township Auditors to meet to discuss Mr. Feick's request. The motion was seconded by Chairman Deck and passed unanimously (2-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

Account Balances for the end of March, 2018 were as follows:

General Account	\$ 92,225.15
First Citizens General Holding Account	\$ 13,540.75
General Plus Account	\$201,139.37
State Aid Account	\$ 54.13
State Plus Account	\$306,638.57
Street Light Account	\$ 8,989.35

Payments of Bills for this April 11, 2018 meeting are:

General Account combined with the payroll account – Checks #18212 to #18245 in the amount of \$15,570.69
Street Light Account – Check #373 in the amount of \$1,311.31
State Liquid Fuels Account –
Recreation Fund –
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$16,882.00

Vice Chairman Kramer made a motion to approve the payments of the bills for this April 11, 2018 meeting. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Sewer Accounts balances for the end of March, 2018 were as follows:

Sewer Operation Account – \$600.42
Balance in the Sewer Holding Account - \$108,169.03
Debt Service Account - \$408,459.27

Payments of Bills in the Sewer Operation Account for this April 11, 2018 meeting are:
Check #2111 to #2127 in the amount of \$17,960.51

Vice Chairman Kramer made a motion to approve payment of the sewer bills. The motion was seconded by Chairman Deck and passed unanimously (2-0).

ADJOURNMENT OF MEETING

Vice Chairman Kramer made a motion to adjourn the meeting at 9:05 P.M. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township