

**Tulpehocken Township
Board of Supervisors
Meeting of August 9, 2017**

The Tulpehocken Township Board of Supervisors met on August 9, 2017 in the Township meeting room at 7 P.M. In attendance and voting were Supervisors: Chairman Gary Deck, Vice Chairman Richard Kramer and Lester Feick, Supervisor. Also present were Kris Kerschner, Police Chief, and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Shelley Derr, Shirley Derr, Dennis Royer, Lloyd Schneck, Dusty Levan, Linda Umbenhauer, Dolores Hill and John Shatlers.

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

Mrs. Derr inquired on the size of the Village Center (VC) District in Mt. Aetna. Chairman Deck suggested taking a photo of the Township's Zoning Map. Mrs. Derr inquired if the VC District has increased. Chairman Deck reported that there has been no increase since he's been on the Board. Supervisor Feick also reported that he doesn't recall any changes. Mrs. Derr requested to be provided information as to when the change happened.

Mrs. Derr inquired on purchasing the land adjacent to her property; she reported that her family has been maintaining the land since the 1960's. She also commented with regards to Rt. 501 being a scenic route and billboards not being allowed. Chairman Deck reported on recent changes to the Township's Sign Ordinance. Mrs. Derr requested the Board to consider allowing her to purchase the Township's ROW that is adjacent to her lot. The Board discussed the PennDOT and Township ROWs off of Rt. 501 and the Zoning Permit for the Mt. Aetna Fire Company with regards to the Township's ROW and the sign that has been approved to be erected in the ROW. Chairman Deck advised that the Township needs to research who actually owns the ROW and that he would like to discuss Mrs. Derr's request with the Township Solicitor prior to the Board making any decisions. Mrs. Flaherty reminded the Board that the Township does have an agreement with the Fire Company regarding the sign.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the July 12, 2017 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Mountain Meadows Phase 2: Time expires September 6, 2017. Pioneer Management LLC, the applicant's engineer, presented a time extension letter to the Township for a 183 day time

extension. The Planning Commission and Board of Supervisors will need to address a time extension at the February 2018 meetings due to the new proposed expiration date of March 8, 2018. Ray Daub made a motion to recommend to the Board of Supervisors to grant the time extension request for Mountain Meadows as a 183 day time extension to March 8, 2018. Laverne Frey seconded the motion. All in favor, motion carried.

Supervisor Feick mad a motion to accept the time extension request for Mountain Meadows as a 183 day time extension to March 8, 2018. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Camp Calvary: Time expires September 5, 2017. Camp Calvary presented a time extension letter to the Township for a 180 day time extension. The Planning Commission and Board of Supervisors will need to address a time extension at the February 2018 meetings due to the new proposed expiration date of March 4, 2018. Gary Deck made a motion to recommend to the Board of Supervisors to accept the time extension letter for 180 days, giving a new date of March 4, 2018. Ray Daub seconded the motion. All in favor, motion carried.

Supervisor Feick made a motion to accept the time extension letter for 180 days, giving a new date of March 4, 2018. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Aaron Hoover Dairy Operation: Time expires October 4, 2017. Plans need to be revised and resubmitted for the Township Engineer's review.

Royer Annexation – Sketch Plan of Record: The Township Solicitor reviewed the deeds and made recommendations to the applicant's attorney. The deeds were revised and are now acceptable according to the Township Solicitor. All of the comments in the Township Engineer's letter dated August 2, 2017 have been satisfied. The applicant will bring plans back prior to the Board of Supervisors meeting next Wednesday, August 9 for their signatures. The Planning Commission members did sign the plan at tonight's meeting. The plans still need to be notarized by the applicant. Laverne Frey made a motion to recommend to the Board of Supervisors to grant conditional plan approval upon the signing of the plans by the Board of Supervisors. Gary Deck seconded the motion. All in favor, motion carried.

Supervisor Feick made a motion to grant Conditional Plan approval. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Nelson Auker Poultry Operation: This plan was discussed informally at July's Planning Commission meeting. The property is located at 16 Rehrersburg Road and is in the RR District.

The applicant would like to take down two of the existing barns and put up three new barns. The one existing barn he would like to use as a woodshop. A woodshop is not a permitted use. He could use 1,000 square feet of the building and the remaining space would need to be for storage for the residence or the chicken houses. It cannot be utilized for storage for the woodshop. The operation is considered intensive agriculture. Lot size is only 11.27 acres. The maximum building coverage of the lot is 10%. The existing site building coverage is 8.49% and the proposed building coverage is 18.39%.

There are a number of general comments for this plan. The main concern is not having enough building coverage of the lot. The applicant has said that he will discuss securing a drainage

easement with the adjoining property owner to the North, which is also his uncle. The applicant will need to obtain 20.5 acres to meet the maximum building coverage. John Zimmerman made a motion to recommend to the Board of Supervisors to not approve an easement with the adjoining property owner. Instead, the property should be subdivided. Laverne Frey seconded the motion. All in favor, motion carried.

The Board agreed not to take any action at this time.

Wireless Communication Tower permit fees: The Planning Commission discussed the permit fees that were purposed by the Township Solicitor. The Township Engineer also stated that it can be difficult to obtain the fees due to the frequent changes of the owner of the towers and the communication users. A suggestion that was made was to contact the property owner to see who is paying them to lease the land. John Zimmerman made a motion to recommend to the Board of Supervisors to charge the tower owner an annual permit fee of \$500 and the communication user an annual permit fee of \$100. All other fee amounts recommended were acceptable. Gary Deck seconded the motion. All in favor, motion carried.

The Board discussed the recommendation and agreed they would like to move forward. It was noted that there are at least two (2) existing towers in the Township. Once the Board adopts the resolution and application; copies of *Ordinance 2017-2, Resolution 2017-11* and the permit application should be sent to the property owners.

Lanita Specialized Plan: The Township Engineer has been out to the site regarding the E & S basin. There are issues with the basin holding too much water and it is discharging onto the neighboring property owned by Ray Daub. Geo tests were performed, and the basin should be infiltrating 36 inches per hour. The applicant's contractor stated that there should not be any water leaving the site. There is a meeting scheduled for Friday morning, August 4 between the design engineer, the contractor and the Township Engineer. The Township Engineer is stating that a swale is to be put in on Ray Daub's property.

The Board discussed the issues; no action was taken.

Solicitor Legal Discussions

None.

Escrow Release

None.

Correspondence from Zoning Officer July update

The Zoning Officer addressed the Davidheiser property (574 Godfrey Street); citation has been withdrawn – vehicles on site are licensed/registered.

The Zoning Officer addressed the Dunn property (29 New Schaefferstown Road); Township has mowed the property. Mrs. Flaherty reported that she has invoiced the property owner for the

mowing and is trying to work with the mortgage company with regards to having them maintain the property.

The Zoning Officer addressed the Levan property (200 Deck Road); rubbish/cars – Zoning Officer conducted a site visit on August 3rd (photos included) and advised Mrs. Levan that the property still needs to be cleaned up (unregistered/inoperable vehicles and scrap metal). Need to schedule another inspection once hearing back from Mrs. Levan. Mrs. Levan acknowledged that there are still some vehicles onsite that need to be addressed. Mrs. Levan also commented with regards to the complaints she submitted to the Township and on her neighbors shed being too close to the property line; noting that the shed was put in years ago by the former property owner. She reported that she did discuss the shed with the Zoning Officer and was advised that due to how long the shed has been in that location there was nothing that the Township could do. Chairman Deck advised Mrs. Levan that the complaints she submitted would be forwarded to the Zoning Officer for her review and that with regards to the neighbors shed being too close to the property line – that matter would be reviewed further by the Zoning Officer and Township Solicitor.

Supervisor Feick made a motion to allow the Levan's until Friday, September 1, 2017 to bring 200 Deck Road into compliance. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Mrs. Flaherty advised Mrs. Levan to contact the Zoning Officer to schedule the site visit when she's ready.

The Zoning Officer addressed the Musser property (28 Maria Street); weeds – NOV sent. No response was received. Certified was signed for at the end of July. If the property is not mowed by August 11, 2017, a citation will be filed with the DJ.

The Zoning Officer addressed the Gantea property (5149 Rt. 419); rubbish/fire remains – Nice guy letter sent. No response received. If the property is not cleaned up by August 11, 2017, a NOV will be sent.

The Zoning Officer addressed the Gonzalez property (72 Camp Swatara Road); dog warden stop by Township office – condition of property is a concern – Weeds, cars and lots of trash. Major concern is the structural integrity of the house. The Building Inspector will check the structure. The property owner is also handicapped and has no family nearby. Will send a nice guy letter, but feel that the BCO should inspect to verify that the house is suitable for occupancy.

Mrs. Flaherty forwarded the Zoning Officer's update to the Building Inspector on August 7th and updated the Board on discussions that took place with the Dog Warden. She also reported on the discussion that took place between the Building Inspector, Supervisor Feick and herself; noting that she is trying to set up at time when the Zoning Officer, Sewer Enforcement Officer, Building Inspector and Supervisor Feick can go out to the property to complete an inspection.

The Zoning Officer addressed the Krow property (91 Wintersville Road); two (2) houses on property. No response from property owner – Sent another email to the builder, who is also anxious to have the second house removed.

Citizen's Complaints received

32 Summer Mountain Road (Hlavaty) – Received a complaint with regards to junk vehicles. A copy of the complaint was forwarded to the Township Zoning Officer.

38 Summer Mountain Road (Veres) – Received a complaint with regards to junk vehicles. A copy of the complaint was forwarded to the Township Zoning Officer.

5228 Route 419 (Hoffert) - Received a complaint with regards to scrap metal, furnaces, air conditioners and refrigerator. A copy of the complaint was forwarded to the Township Zoning Officer.

Land Development

None.

STAFF REPORTS

Police Report – Chief Kerschner read the July, 2017 Police report as follows:

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	2901	651
GALLONS OF FUEL	259.5	0
HOURS WORKED	405	60
PATROL HOURS	286.5	41.25
TULPEHOCKEN AREA SCHOOL DIST. HOURS	0	0
TOTAL INCIDENTS	0	0
TOTAL COMPLAINTS	24	9
MISCELLANEOUS CALLS FOR SERVICE	26	4
FOLLOW-UP INVEST	1	1
TELEPHONE ASSIGNMENTS	8	18
COMM/RESIDENTIAL ALARMS	1	3
EMS/FIRE ADVISORIES	23	4
TRAFFIC STOPS	28	4
CITATIONS ISSUED	27	4
NON-TRAFFIC CITATIONS	0	0
TRAFFIC WARNINGS	2	0
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	3	4
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	0	0
SECURITY CHECKS	66	37
POLICE ASSISTS	16	0
MOTORISTS ASSISTS	1	0
COURT APPEARANCES	3	0
SCHOOL HOURS	0	0

Chief Kerschner reported that during the month of July there were 162 calls received through Berks County 911 for police. Chairman Deck inquired on the number of 911 calls received. Chief Kerschner advised that the number of calls includes both Tulpehocken and Marion Townships. He clarified that Marion Township pays for their own 911 service with Berks Radio; it is not included in what Tulpehocken Township pays.

Chief Kerschner advised that Chevy Caprice needs tires; he has begun getting quotes and would like to purchase tires from whoever offers the best price.

Vice Chairman Kramer made a motion to authorize the purchase of four (4) tires for the Chevy Caprice. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Chief Kerschner requested permission to get quotes for the purchase of a new patrol vehicle. Chairman Deck agreed to getting the quotes; noting that no decision would be made until the 2018 Preliminary Budget meeting.

Chief Kerschner reported on the success of National Night Out (always the first Tuesday in August); noting that next year he would like to host the event in Tulpehocken Township. Mr. Royer commented on what a great event Bethel and Tulpehocken Police Departments made the evening with the limited budget they had to work with; he reported on his experience with regards to planning National Night Out and requested the Board to budget for the event next year.

Central Westmoreland COG Membership is up for renewal. Fee is \$195 for September 1, 2017 – September 30, 2018. Does the Board want to renew membership? This is who the Police Department uses to purchase police vehicles.

The Board discussed and agreed not to renew the COG membership until a decision is made with regards to purchasing a vehicle.

Road Master's Report – Supervisor Feick read the July, 2017 report. The work consisted of telephone calls, monthly sewer maintenance, highway mowing, work in shop, lawn mowing, sewer call outs, road maintenance (Cherry Hill Road intersection), trim branches on Deck Road, cut wood up alongside of roadway, meeting with salesman, clean up alongside of roadways, road maintenance on Stone & Witman Roads, street sweeping, hauling stone, paperwork, pickup parts, juvenile here for community service, gutter repairs on Stone and Host Church Roads, stock pile 2A stone, meet with Engineer, check on storm damage, driveway permits, look for sewer leaks, sewer inspections, address water issues on Cherry Hill and Four Points Roads, clean dirt and stone off of some roadways, sign maintenance, check on stone and trimming of some intersections.

Supervisor Feick advised that he would like to do some roadway maintenance in the alley near St. John's parking lot in Mt. Aetna, the Township line painting has been scheduled, will be painting the lines in the squares as soon as the weather permits and that the Township will need to address water runoff issues on Cherry Hill Road.

Chairman Deck inquired as to when the no parking areas can be painted on Godfrey Street at the intersection near Teen Challenge Road. Supervisor Feick reported that can be done once the weather permits.

Chairman Deck inquired on the status of the new tractor. Supervisor Feick had no update at this time.

Fire Chiefs' Report – Supervisor Feick 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.

Sewer Issues

Supervisor Feick reported that he did find a major sewer leak at 581 Godfrey Street; it was agreed that the Sewer Secretary should send a letter giving Mr. Good two (2) weeks to repair the broken line.

The Board discussed the Lancaster Avenue Pump Station; Supervisor Feick reported that the second pump did kick on at least one time in the past month. He also advised that he has not heard anything more with regards to the upgrades to the pump station that were discussed at the July

James & Susan Fox (2 East Hunsicker Lane) – Motion to ratify Supervisor Feick's signature of Promissory Note Satisfaction from November 9, 2006. Supervisor Feick signed August 7, 2017

Vice Chairman Kramer made a motion to ratify Supervisor Feick's signature of the Promissory Note Satisfaction from November 9, 2006 for 2 East Hunsicker Lane. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Discuss renewal of agreement with Select Environmental Solutions and quotes from other providers

The Board agreed they will review the information provided by the Sewer Secretary for further discussion at the September meeting.

UNFINISHED BUSINESS

Update regarding Weidner Bridge & Salem Road – Bethel is onboard, Jane has emailed information to Bob Ludgate – Waiting on formal proposal from Bob, then Jane will forward to Commissioner Barnhardt

Mrs. Flaherty reported that Bethel Township is onboard; however their secretary feels that the dollar amount being requested from the County should be increased to \$4,500. Mrs. Seifrit (Bethel Township Secretary) will be in contact with Mr. Ludgate and Commissioner Barnhardt.

Update regarding Act 172- Tax Credit for Volunteer Firefighters/Emergency Responders

Supervisor Feick reported on the brief discussion he had with Chief Keener and members of the Rehrersburg Fire Company; he advised that he would discuss the matter further with Chief Keener.

He also commented on the amount of bookkeeping that will be involved if the Township chooses to offer the incentive to the volunteers.

NEW BUSINESS

Motion to adopt Resolution 2017-11; Establishing Permit Fees and Right-of-Way Compensation for Wireless Communications Facilities

*Supervisor Feick made a motion to adopt **Resolution 2017-11; Establishing Permit Fees and Right-of-Way Compensation for Wireless Communications Facilities**. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

Motion to adopt Permit Application for Wireless Communication Facilities

Supervisor Feick made a motion to adopt the permit application for Wireless Communication Facilities. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

CORRESPONDENCE

Request from Upper Tulpehocken Township & the Strausstown Lions Club for Fire Police coverage for the 46th annual Strausstown Lions Club Car Show on September 10th

Supervisor Feick made a motion to authorize Fire Police coverage for the 46th annual Strausstown Lions Club Car Show on September 10th. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Fire Police Coverage request from Muhlenberg Township Police Department for the Temple Halloween Parade, scheduled for Saturday, October 7, 2017, or rain date of Sunday, October 8, 2017

Supervisor Feick made a motion to authorize Fire Police coverage for the Temple Halloween Parade, scheduled for Saturday, October 7, 2017, or rain date of Sunday, October 8, 2017. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Bethel Tulpehocken Public Library is requesting the Township consider increasing the yearly donation to help with renovations. Currently the Township donates \$5,000 per calendar year. If the Township chooses to increase the donation the library would like a Statement of Intent

Mrs. Hill updated the Board with regards to the grant that the library has received and the renovations needed. The Board agreed to discuss the request further at the 2018 Preliminary Budget meeting.

OTHER BUSINESS

Chairman Deck asked Shelley Derr for any Recreation Board meeting minutes. Ms. Derr advised that she has provided the Township with all copies of minutes that she has with the exception of the minutes from the July meeting; noting that she was never told what she needs to be doing as the Secretary. Mrs. Flaherty inquired if there were any other notes taken and tried to explain what is expected to be provided to the Township. Ms. Derr commented that there were no other notes, the

Recreation Board really had no business taking place at past meetings and that she has provided the Township will all the information that she has. Chairman Deck commented with regards to the past and the Township not funding the Recreation Board; noting that going forward the Township would be provided a copy of the minutes from their meetings.

Mrs. Flaherty reminded the Board that the 2018 Preliminary Budget meeting is scheduled for Monday, September 18th at 6 P.M.

Notice - Starting August 14 thru September 1st paving will be taking place on Rt. 419 and Rt. 183. The section of Rt. 419 will be from I-78 to Rt. 183. The section of Rt. 183 will be from I-78 to the Schuylkill County line. The project is scheduled for night work from 7 P.M. – 6 A.M.; one lane will be open with flaggers. Once the above projects are completed paving will begin on Rt. 183 from I-78 into Reading.

Motion to authorize the Chairman to sign the Water Usage Agreement between Erma B. Martin and the Township – property located at 26 Kurr Road

Supervisor Feick made a motion to authorize the Chairman to sign the Water Usage Agreement between Erma B. Martin (26 Kurr Road) and the Township. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Mr. Shatlers inquired what he needs to do to build on the lot he owns off of Deck Road. Mrs. Flaherty provided him with copies of the Township’s Zoning Permit and Building Permit applications.

The Board discussed the improvements to be completed by Larry Dean Martin at the intersection of Cherry Hill and Rehrersburg Roads, the correspondence from Ludgate Engineering dated August 9, 2016 and the funds still held in escrow for the improvements. Supervisor Feick reported that he would discuss the matter with the Township Engineer. A suggestion was made to only charge Mr. Martin for the costs of materials and that the Township would do the labor. The Board discussed the donations Mr. Martin gave to the Township. Mr. Royer commented on the Township needing to be consistent.

Mr. Schneck commented with regards to the odor and disposal of Mr. Martin’s manure pile. Chairman Deck commented on reviewing the plans and discussing the matter with the Township Engineer.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

Account Balances for the end of July, 2017 were as follows:

General Account	\$ 84,292.51
First Citizens General Holding Account	\$ 89,329.24
General Plus Account	\$200,179.42
State Aid Account	\$ 120.81
State Plus Account	\$274,830.25
Street Light Account	\$ 18,170.84

Payments of Bills for this August 9, 2017 meeting are:

General Account combined with the payroll account – Checks #17669 to #17696 in the amount of \$18,550.19
Street Light Account – Check #366 in the amount of \$1,317.15
State Liquid Fuels Account – Check #194 in the amount of \$110,308.83
Recreation Fund –
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$130,176.17

Supervisor Feick made a motion to approve the payments of the bills for this August 9, 2017 meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Sewer Accounts balances for the end of July, 2017 were as follows:

Sewer Operation Account – \$14,981.92
Balance in the Sewer Holding Account - \$66,838.84
Debt Service Account - \$406,189.41

Payments of Bills in the Sewer Operation Account for this August 9, 2017 meeting are:
Check #1984 to #1997 in the amount of \$13,187.06

Vice Chairman Kramer made a motion to approve payment of the sewer bills. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

ADJOURNMENT OF MEETING

Vice Chairman Kramer made a motion to adjourn the meeting at 9:26 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township