

**Tulpehocken Township  
Board of Supervisors  
Meeting of December 12, 2018**

The Tulpehocken Township Board of Supervisors met on December 12, 2018 in the Township meeting room at 7 P.M. In attendance and voting were Supervisors: Chairman Gary Deck, Vice Chairman Richard Kramer and Supervisor Lester Feick. Also present were Kris Kerschner, Police Chief and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Harold Zimmerman, Lori Deck, Matthew Ehst, John Schueller, Beth Schueller, Geneva Aulenbach, Ryan Snyder and Kristen Snyder.

**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. Schueller commented with regards to his property on Summer Mountain Road and his neighbor's property on New Schaefferstown Road. He noted that when it comes to developing his property he's done everything correctly and feels that his neighbor has not; commenting on the damage to his property due to his neighbor excavating their property. He questioned why some people have to follow the rules while others do not. He reported that with regards to the neighbor's property he has been in touch with the Township Engineer, DEP, the Conservation District and NRCS. Chairman Deck advised that since the neighbor is not building anything, Mr. Schueller's concerns do not fall under the Township's jurisdiction; the Conservation District and DEP would be the ones to investigate the issues. Mr. Schueller expressed his frustration; noting that he has been in touch with an attorney. The Board reviewed the correspondence/inspection reports for 40 New Schaefferstown Road received from the Conservation District and DEP. The Board instructed Mrs. Flaherty to contact the Conservation District on behalf of Mr. & Mrs. Schueller. Mrs. Flaherty requested Mr. Schueller to forward the photos of the damage to his property to her. Chairman Deck advised that he would contact the Township Engineer to discuss the matter. Mr. Zimmerman suggested Mr. Schueller contact his attorney and have him deal with the matter.

Mr. Schueller commented with regards to his parent's property located off of New Schaefferstown Road and the request from the Township to give the driveway a private name due to multiple residences located back the lane. He reported on his father's failing health and commented on all that his parents have done for this community. Mrs. Flaherty reported on meetings she has had with Linda & John Schueller with regards to Parcel #86442100636031 and the multiple residential dwellings on the site; noting that this is a unique situation as it is only one (1) parcel with multiple dwellings whereas the other two (2) private lanes that have been established this past year have multiple parcels. The Board discussed the matter and possible ways to resolve the issue; it was noted that the Township has been working with Emergency Services to resolve the Township's address issues. Mrs. Deck suggested leaving as is until the property ownership changes. The Board agreed not to rename the driveway to a private lane until a time when the ownership of the property changes. The Board requested Mr. Schueller to clearly identify all of the dwellings on the property; it was

noted that reflective signs are available for purchase thru the local fire company. Mrs. Flaherty advised that she would contact Emergency Services to update them on the Township's decision.

### **APPROVAL OF MINUTES**

*Supervisor Feick made a motion to approve the minutes from the November 14, 2018 Board of Supervisors 2019 Preliminary Budget meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

*Supervisor Feick made a motion to approve the minutes from the November 14, 2018 Board of Supervisors meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

### **ADOPTION OF 2019 BUDGET FOR TOWNSHIP AND SEWER FUNDS**

***Budget Certification for Township Funds year 2019 (Resolution 2018-11)*** – The proposed 2019 Budget had been advertised as available for public inspection on November 21, 2018, after having been reviewed and preliminarily approved by the Board on November 14, 2018. The 2019 Budget for all Township accounts, except the Sewer Service, proposes revenues of \$1,277,199 and expenditures of \$1,152,372.

*Vice Chairman Kramer made a motion to adopt **Resolution 2018-11** to enact the 2019 Budget. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

***Budget Certification for Sewer Service Funds year 2019 (Resolution 2018-12)*** – The proposed 2019 Budget for all public sewer funds had been advertised as available for public inspection on November 21, 2018, after having been reviewed and preliminarily approved by the Board on November 14, 2018. The 2019 Budget for all public sewer funds proposed revenues of \$392,969 and expenditures of \$392,836.

*Supervisor Feick made a motion to adopt **Resolution 2018-12** to enact the 2019 Sewer Budget. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Tax Levy Resolution (Resolution 2018-13)*** – This resolution fixed the rate for the year 2019 as follows:

**Real Estate Tax Levy** – remains at 1.6 mills on each dollar of assessed valuation, or the Sum of 16 cents on each one hundred dollars of assessed valuation (\$160 for each \$100,000.00 valuation).

**Act 511 Per Capita Tax Levy** – remains at the rate of \$5.00 payable of all residents 18 years of age or older.

**Act 511 Real Estate Transfer Tax Levy** – remains at the rate of one half percent.

**Act 511 Earned Income Tax Levy** – remains at the ratio of one half percent.

**Tax Rate for Street Light usage in the Villages of Rehrersburg and Mt. Aetna** – at the rate of \$.75 for each front foot of property that is serviced by the coverage of such Street Light on each property.

*Vice Chairman Kramer made a motion to adopt the Tax Levy **Resolution 2018-13** to enact the Tax Levy for 2019. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## ADMINISTRATIVE ACTIONS

### Planning Commission

*Matthew Ehst with Spring Pond Farm located at 92 Deck Road was present to discuss erecting a 50 x 84 foot high tunnel structure. This structure would be used for farm equipment storage only. High tunnel structures do not require stormwater as per DEP. Press release from April 15, 2018 stating that Governor Tom Wolf signed into law Act 15 that waives Stormwater Management Plans for high tunnel structures which are temporary structures. In June of 2005 a 40 x 100 farm implement shed was built on the property. Mr. Martin would like to add a 4,400 square foot addition to the existing heifer barn and a new silo. There are no new utilities being proposed for this structure. Per the SALDO he would technically need land development due to the past improvements done in 2005, but stormwater would be exempt. Land development is typically to look at stormwater, zoning and driveways. No new driveway is being proposed and minimal grading will need to be done. Anything under 5,000 square feet of disturbance is exempt from E & S approval from the County, however it isn't exempt from having a plan on site and doing something for stormwater. If over 5,000 square feet of disturbance, a simple E & S plan would need County approval.*

*An aerial plan could be drawn up to at least to show how earth disturbance is going to be handled. This could be submitted along with the zoning permit application form for review.*

*The Township Engineer stated that the definition of land development in the SALDO says the addition of a single accessory farm building with a footprint area under 4,000 square feet, or combination of accessory farm buildings constructed either at one time or over a period of time which together have a combined footprint area under 6,000 square feet, on a lot or lots subordinate to an existing principal building.*

*Scott Hetrick made a motion to recommend to the Board of Supervisors to grant the waiver of Land Development with the condition that the Mr. Ehst would submit an E & S plan along with his zoning permit application form. He is exempt from the new state law (Act 15) for stormwater due to the high tunnel structures being temporary. Laverne Frey seconded the motion and was unanimously approved.*

*The Township Engineer stated that he could give Mr. Ehst a printout to add whatever he is going to use for E & S control etc. Again, if the complete area of disturbance is over 5,000 square feet, an E & S permit is required with the Conservation District and then he will need come back and submit the County approval to the zoning officer for verification of County approval prior to the zoning permit being issued. It was recommended that Mr. Ehst does obtain a permit from the Conservation District especially since there is a waterway on the property.*

*Mr. Ehst will need to evaluate if he will be over the 5,000 square feet of disturbance and what his needs are, he needs to measure and determine what the total area of disturbance is. If it does go over the 5,000 square feet, he will need to present verification of the Conservation District approval prior to receiving a zoning permit from the Township. If under the 5,000 square feet, Mr. Ehst is to contact the Township Engineer and they will provide an aerial printout and he would need to sketch what he would like to do. The Township Engineer will need to perform a site visit to verify what is proposed.*

Mr. Ehst provided the Board with correspondence from the Berks County Conservation District dated December 7, 2018.

The Board requested Mr. Ehst to provide a copy of the E & S plan.

*Supervisor Feick made a motion to grant the waiver of Land Development with the condition that Mr. Ehst would submit an E & S plan along with his zoning permit application form. He is exempt from the new state law (Act 15) for stormwater due to the high tunnel structures being temporary. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Joseph Halteman's property is located at 50 Camp Swatara Road. This is a current dairy operation which went through land development 3 years ago. Mr. Halteman would like to add an additional 66 x 126 foot (8,316 square feet) pole building on the property. Red Barn is working on stormwater for the existing ponds. This proposed building is not exempt from stormwater. Red Barn feels like the existing basins can be modified to meet the Township stormwater requirements. This will also need E & S approval due to the total disturbance being over 5,000 square feet. It also meets the definition of land development because the individual proposed building is over 6,000 square feet. This building will not house any animals.***

***Mr. Halteman is requesting a waiver of land development with the conditions that stormwater and E & S requirements are met and a zoning permit will be obtained from the Township. Due to the size of the proposed building, this is not an automatic exemption from land development.***

***The electric service will come across from the existing barn utility room. There could be a hydrant used to rinse off equipment. No bathrooms or showers are being proposed. There is already access from the existing driveway. No landscaping requirements or building permit will be needed due to this being agriculture. The additional proposed stone area is 8,370 square feet. This is a total of 16,686 square feet of disturbed area.***

***Anything that Mr. Halteman proposes in the future, will require land development due to using over the 6,000 square feet initially on the original plan.***

***The Township Engineer stated that if the waiver of land development is granted, the conditions would be that Township Stormwater Management is met, E & S approval through the County is obtained and a zoning permit is obtained through the Township.***

***Red Barn has a pre-development rate for volume for the ponds. They will need to go back and add the additional impervious area in and verify it with the pre-rate from before for the total impervious area. If there are any plans for any new future buildings, they should be added to the proposed new additional buildings.***

***Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver of Land Development with the condition that the Mr. Halteman obtains the following:***

- Stormwater requirements***
- E & S approval***
- Zoning permit from the Township***
- A written waiver request of land development is received by the Township prior to the Board of Supervisors meeting on December 12, 2018.***

*Scott Hetrick seconded the motion and was unanimously approved.*

*The Township Engineer stated that Mr. Halteman or Red Barn should be present to discuss the questions that the Board of Supervisors may have at their meeting.*

*Mr. Halteman would like to add a lean-to roof (approximately 12 x 35 feet) over the existing concrete pad. He should also add this to his waiver of land development request. Due to this being another structure with a roof over it. Red Barn will need to show this on the plans. The Township Engineer will verify the proposed buildings to verify stormwater.*

*Laverne Frey made a motion to amend the prior motion to include the roof over the pad area/commodity shed and the requirement to pay fees associated with the Township stormwater review. Scott Hetrick seconded the motion for the amendment and was unanimously approved.*

*Red Barn will need to submit for E & S approval from the Conservation District for a small project, submit stormwater plans and a zoning permit application to the Township. The Planning Commission Secretary will email Red Barn to ask for the waiver request and to forward a zoning permit application form. The Township Engineer will discuss the conditions with Red Barn directly.*

*Vice Chairman Kramer made a motion to grant the waiver of Land Development with the condition that the Mr. Halteman obtains the following:*

- *Stormwater requirements*
- *E & S approval*
- *Zoning permit from the Township*
- *A written waiver request of land development is received by the Township prior to the Board of Supervisors meeting on December 12, 2018.*
- *Roof over the pad area/commodity shed and the requirement to pay fees associated with the Township stormwater review*

*The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

### **Solicitor Legal Discussions**

*None.*

### **Escrow Release**

**Rufus Eugene Martin** (74 Wintersville Road) – Partial Release – The Engineer is recommending a release of \$12,750. Mr. Martin submitted a Letter of Credit in the amount of \$112,169.60, of which \$84,169.60 was released in June, 2018; leaving a balance of \$28,000. The Engineer recommends holding \$15,250. The Board could authorize a partial release of Mr. Martin's LOC

*Vice Chairman Kramer made a motion to authorize a partial escrow release for Rufus Eugene Martin's LOC in the amount of \$12,750. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

**Laverne Frey** (4625 Route 419 – Formally 5193 Route 419) – The Engineer is recommending the full release of Mr. Frey's escrow of \$1,050.29

*Vice Chairman Kramer made a motion to authorize the final escrow release for Laverne Frey in the amount of \$1,050.29. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

**Mt. Aetna Village/Leonard Martin** – Partial Release – The Engineer is recommending a release of \$144,197.50. Mr. Martin submitted a Letter of Credit in the amount of \$78,113.43. The Engineer recommends holding \$78,113.43. The Board could authorize a partial release of Mr. Martin’s LOC

*Vice Chairman Kramer made a motion to authorize a partial release for Mt. Aetna Village/Leonard Martin’s LOC in the amount of \$144,197.50. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

**Correspondence from Zoning Officer**  
*November*

The Zoning Officer addressed the Bicher property (75 Cherry Hill Road); living in RV. A nice guy letter has been sent.

The Zoning Officer addressed the Fedora property (115 Wintersville Road); political sign complaint. Complaint closed per email from Township.

The Zoning Officer addressed the Peters property (584 Godfrey Street); site inspection was conducted on Monday, November 18<sup>th</sup>. Property owner has agreed to have only two (2) units and will allow the Township to inspect once the interior work is complete.

**Land Development**

*None.*

**STAFF REPORTS**

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

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	2725	807
GALLONS OF FUEL	243.5	0
HOURS WORKED	418	60
PATROL HOURS	309	41.75
TULPEHOCKEN AREA SCHOOL DIST. HOURS	23.75	0
TOTAL INCIDENTS	2	1
TOTAL COMPLAINTS	11	6
MISCELLANEOUS CALLS FOR SERVICE	24	1
FOLLOW-UP INVEST	2	0
TELEPHONE ASSIGNMENTS	16	11
COMM/RESIDENTIAL ALARMS	0	3
EMS/FIRE ADVISORIES	16	6
TRAFFIC STOPS	9	2

CITATIONS ISSUED	8	3
NON-TRAFFIC CITATIONS	0	0
TRAFFIC WARNINGS	2	0
WARRANTS	0	1
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	4	4
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	1	0
SECURITY CHECKS	60	48
POLICE ASSISTS	8	0
MOTORISTS ASSISTS	0	3
COURT APPEARANCES	3	0
SCHOOL HOURS	0	0

Chief Kerschner reported that during the month of November there were 156 calls received through Berks County 911 for police. He advised that he did receive two (2) quotes for purchasing tires for the Tahoe – Blatt’s for \$827.24 and Custom Exhaust for \$643.48. Approval for purchasing the tires was given by the Board at the November Budget meeting. He updated the Board with regards to Mr. Katzaman’s proposal to purchase the two (2) outdated tasers and holsters for a price of \$250.

*Vice Chairman Kramer made a motion to authorize the sale of the two (2) Taser X26s and holsters to Mr. Katzaman for \$250. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Chief Kerschner advised that the quote to purchase two (2) gun racks for the Tahoe and Caprice came in higher than what was approved at the November Budget meeting. The quote received was \$1,900.

*Vice Chairman Kramer made a motion to authorize the purchase of two (2) guns racks; one (1) for the Tahoe and one (1) for the Caprice for a cost of \$1,900. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Chief Kerschner updated the Board with regards to the School District receiving a grant and increasing the number of hours the Police are in the schools. He also advised that Marion Township did approve the rate increase for 2019.

**Road Master’s Report** – Supervisor Feick read the November, 2018 report. The work consisted of Midway Road project, sewer repairs/maintenance, meter reading, equipment repairs/maintenance, work in shop, repair fence at pump station, pick up parts/supplies, call out for pump station, top off fuel tanks for generator, check leak in sewer line in Rehrersburg, telephone calls, put on snow equipment, black topping on Host Church Road, snow event, sign maintenance, snow removal, Cherry Hill Road project, backfill driveways on Cherry Hill Road, put equipment away, fix barricade on Midway Road, paperwork, remove a tree from lines, work on Midway Road, top off fuel tanks at Mt Aetna WWTP and repair lights on dump truck.

Supervisor Feick advised that the Midway Road Bridge project has been completed.

Chairman Deck commented with regards to equipment for sale on Municibid.

***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.

*Vice Chairman Kramer made a motion to file a Stipulation with the Merkey's bankruptcy. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **UNFINISHED BUSINESS**

### ***Animal Rescue League***

The Board discussed the recent proposals received from ARL and purchasing a microchip scanner. Mrs. Deck reported on recent meetings she's attended regarding ARL. The Board agreed to use the services of the Dog Warden.

*Vice Chairman Kramer made a motion to authorize the purchase of a microchip scanner. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **NEW BUSINESS**

Vice Chairman Kramer reported on the dead animals he recently found on his property. Chief Kerschner advised that he would contact the Game Commission and provide an update.

## **CORRESPONDENCE**

***Invitation to luncheon for Public Officials Day at the PA Farm Show Complex – Wednesday, January 9<sup>th</sup> at 11 A.M.***

The Board discussed the invite and agreed they had no interest in attending.

## **OTHER BUSINESS**

***Accept Ray Daub's resignation letter from the Planning Commission and the Recreation Grant Study Committee***

*Vice Chairman Kramer made a motion to accept Mr. Daub's resignation letter. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Mrs. Flaherty would send a thank you for your service letter to Mr. Daub.

The Supervisors discussed whether the Planning Commission should remain a six (6) member board or go back to five (5) members. Chairman Deck advised that he would discuss the matter at the next Planning Commission meeting and provide an update to the Board at their January meeting.

Chairman Deck reported that he received a resignation letter from John Zimmerman advising that effective the end of 2018, he no longer wanted to be the Project Coordinator for the Recreation Grant Study. Chairman Deck advised that he would contact the BOS Chairman for Bethel and Marion Townships to provide an update. It was agreed that Mrs. Flaherty would forward a copy of the resignation letter to the Township Secretary for Bethel and Marion Townships. She would also send a thank you for your service letter. The Board discussed letting the committee have input on who their next Project Coordinator will be.

***Board vacancies for 2019***

***Planning Commission – Robert Sattazahn’s term ends, he would like to continue – new term would be January, 2019 – December, 2022***

Mrs. Flaherty reported that Mr. Sattazahn would like to continue; it was agreed that he would be reappointed at the reorganization meeting in January.

***Planning Commission – Vacancy (term ends 2019)***

***Recreation Board – Rick Klopp’s term ends; he would like to continue – new term would be January, 2019 – December, 2023***

Mrs. Flaherty reported that Mr. Klopp would like to continue; it was agreed that he would be reappointed at the reorganization meeting in January.

***Zoning Hearing Board – Sharon Kramer’s term ends; she would like to continue – new term would be January, 2019 – December, 2021***

Mrs. Flaherty reported that Mrs. Kramer would like to continue; it was agreed that she would be reappointed at the reorganization meeting in January.

***Zoning Hearing Board – Jayne Seifrit’s term ends; she would like to continue – new term would be January, 2019 – December, 2021***

Mrs. Flaherty reported that Mrs. Seifrit would like to continue; it was agreed that she would be reappointed at the reorganization meeting in January.

***Vacant positions need to be filled at the reorganization meeting to be held on January 7, 2019***

***Need a motion to ratify the readdressing of the following property:***

- ***PIN #86442100636031 as 15 Parkside Inn Road***

*Supervisor Feick made a motion to ratify the readdressing of the following property:*

- ***PIN #86442100636031 as 15 Parkside Inn Road***

*The motion was seconded Vice Chairman Kramer and passed unanimously (3-0).*

Mrs. Flaherty advised the Board on two private lanes (Keibach Lane & Hillcrest Lane) off of Deck Road where the properties should be readdressed due to their access being off of the private lane. She also inquired if Hurst Drive should be renamed to Hurst Lane. The Board agreed to leave the road name as Hurst Drive. She inquired if the Board knows of any other private lanes/shared driveways within the Township. Supervisor Feick advised that there is another shared driveway across from Keibach Lane.

Chief Kerschner inquired if the Township would consider having a shredding event; noting that his department is being overrun with files. Vice Chairman Kramer commented on having a controlled burn.

Mrs. Deck inquired if the Township would consider collecting tax payments. The Board agreed they had no issues with the Township Secretaries accepting tax payments. Mrs. Flaherty advised that she would setup a bin for the Tax Collector; noting that the items could be time stamped using the timeclock.

## **FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS**

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

General Account	\$ 60,181.31
First Citizens General Holding Account	\$ 9,093.47
General Plus Account	\$253,901.13
State Aid Account	\$ 101.28
State Plus Account	\$251,308.58
Street Light Account	\$ 14,300.91
Recreation Planning Escrow Account	\$ 27,315.80

Payments of Bills for this November 14, 2018 meeting are:

General Account combined with the payroll account – Checks #18765 to #18813 in the amount of \$39,102.72
Street Light Account – Check #381 in the amount of \$1,205.27
State Liquid Fuels Account –
Recreation Fund – Check #104 in the amount of \$38.35
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$40,346.34

*Supervisor Feick made a motion to approve the payments of the bills for this December 12, 2018 meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

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

Sewer Operation Account – \$434.67
Balance in the Sewer Holding Account - \$153,748.46
Debt Service Account - \$413,114.71

Payments of Bills in the Sewer Operation Account for this December 12, 2018 meeting are:  
Check #2242 to #2254 in the amount of \$85,674.76

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

#### **EXECUTIVE SESSION**

*None.*

#### **ADJOURNMENT OF MEETING**

*Supervisor Feick made a motion to adjourn the meeting at 10:10 P.M. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

Respectfully Submitted,

*Christy Flaherty*

Secretary, Tulpehocken Township