

**Tulpehocken Township
Board of Supervisors
Meeting of February 14, 2018**

The Tulpehocken Township Board of Supervisors met on February 14, 2018 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: Lloyd Schneck, Robert Sattazahn, Linda Umbenhauer 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

None.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the January 2, 2018 Reorganization 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 January 2, 2018 Board of Supervisors meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Mt. Meadows Phase 2: Time expires March 8, 2018 (time extension letter dated February 25, 2018) – Pioneer Management LLC, the applicant’s engineer, presented a time extension letter to the Township for a 182 day time extension. The Township Engineer stated that he and Lester Feick meet with Louie Hurst, the developer for Mountain Meadows. The sewer main for the Lancaster Avenue Pump Station is going to be upgraded from a three inch line to a four inch line to help with the sewer issues that have been ongoing under the CAP (Corrective Action Plan) with DEP. Louie will be paying for the complete pump station upgrade for Phase II.

Laverne Frey made a motion to recommend to the Board of Supervisors to grant the time extension request for Mountain Meadows as a 182 day time extension to September 6, 2018. Scott Hetrick seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the time extension request for Mountain Meadows as a 182 day time extension to September 6, 2018. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Camp Calvary Final Plan: Time expires March 4, 2018 (time extension letter dated January 28, 2018) – The staff housing project is almost complete. They are expecting to receive their occupancy permit in the very near future to use this building. Camp Calvary presented a time extension letter to the Township for a 180 day time extension.

Ray Daub made a motion to recommend to the Board of Supervisors to accept the time extension letter for 180 days, giving a new date of August 31, 2018. Scott Hetrick seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to accept the time extension letter for 180 days, giving a new date of August 31, 2018. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Urie Stoltzfus Final Minor Subdivision Plan: Hershey Surveying Inc. submitted a Final Minor Subdivision Plan for Urie Stoltzfus who resides at 1359 Hilltop Rd. They are requesting a waiver/deferral of land development due to 7/10th of an acre of the proposed Lot 2 being in Tulpehocken Township. The total acres for the proposed Lot 2 is 12.6 acres (gross) and is being used for agricultural use only. The majority of this parcel is in Jackson Township.

The Township Solicitor stated that he would think that if a portion of the plan is in Berks County, it would need to be recorded in Berks County. There was question on how Berks County would record the plan without performing a review. Ron Hershey, with Hershey Surveying Inc. stated that he spoke to the Recorder of Deeds in Berks County and was told that since it is not an assessed parcel, that the plan would not need to be recorded nor would a deed be necessary in Berks County. The Township Solicitor does not agree with this statement. Usually there is a signature block on the plan for the Township to sign and waive review of the plan. The Township Solicitor will contact the Berks County Planning Commission to see if they would like to review this plan and have the plan recorded in Berks County. This property could be subject to further subdivision or development in the future and then the information would not appear with the County if it is not recorded in Berks County.

Ray Daub made a motion to recommend to the Board of Supervisors to grant the request to waive a review of this subdivision. John Zimmerman seconded the motion. All in favor, motion carried.

The Board discussed the matter and agreed to waive the Township's review of the subdivision; a new cover sheet will be needed with a signature block for the Board to sign noting the Township has waived review. Mrs. Flaherty will contact Ron Hershey to advise what is needed.

Chairman Deck made a motion to grant the request to waive a review of Urie Stoltzfus' Subdivision; noting that the Board will sign the plans once the new cover sheet is received. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Zoning Hearing Application for Michelle Giorgio: The Planning Commission discussed the Zoning Hearing Board Application of Michelle Giorgio for a use variance from Section 741 of the Tulpehocken Township Zoning Ordinance of 2013, as amended, to allow residential use of a proposed single family dwelling on a pre-existing, separately deeded lot. The residential use would be located at 5250 Route 419, Tulpehocken Township, within the Township's I/C – Industrial/Commercial District. Residential use is not allowed as a separate use in the district where the property is located.

There is an existing home on the one lot, owned by Michelle Giorgio. The existing house was there prior to being zoned in the Industrial/Commercial District, therefore is a non-conforming use. The Township Ordinance does not provide new residential use lots in the Industrial/Commercial District. The two lots are currently owned by Michelle Giorgio. Until the second lot is sold it will not have its own tax parcel number. If a variance would be granted, it would change the purpose of the zoning district. A use variance should not be granted from a legal standpoint unless there is a hardship of the property which prevents it from being used in accordance with the issues already allowed in the zoning district. The property has not been marketed for a commercial use. There are a number of commercial uses that this lot could be used for. The use variance is frowned upon because it brings incompatible uses together. And one of the primary uses of zoning is to group compatible uses of zoning together. Residential is typically not compatible with industrial/commercial. No evidence of a hardship is listed on the application and it could negatively impact the neighboring properties in the future.

Another option, the Planning Commission could recommend a condition to the Zoning Hearing Board that states that there should be a deed restriction recorded as a condition of the approval of the variance that whoever uses this property for a residential use cannot complain about industrial/commercial uses on the adjoining parcels. This option is not recommended.

The Planning Commission commented that the zoning for this lot allows Industrial/Commercial uses of property, that the undeveloped lot appears to be usable for several of the permitted uses in the district, and that the application does not indicate a hardship of the property to justify a variance.

John Zimmerman made a recommendation to the Zoning Hearing Board to deny the application. Ray Daub seconded the motion. All in favor, motion carried.

The Board discussed the Giorgio application and agreed they had no comment at this time.

Rufus Eugene & Susan Martin Poultry Plan: The Planning Commission will need to re-approve and sign revised plans for the Rufus Eugene & Susan Martin Poultry Plan. There were a couple revisions with the pond when the Conservation District got involved and the names on the plan needed to all match as well.

Laverne Frey made a motion to re-approve and sign revised plans. Scott Hetrick seconded the motion. All in favor, motion carried.

Supervisor Feick made a motion to re-approve and sign the revised plans. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Solicitor Legal Discussions

Michelle Giorgio Zoning Hearing (Tuesday, February 20th) – Does the Board wish from representation to be present for the hearing?

This matter was discussed under Planning Commission recommendations.

Urie Stoltzfus Final Minor Subdivision Plan – See email from Solicitor – The Board needs to decide if they wish to have the plan recorded in Berks County? If so, the plan would then be reviewed by the Berks County Planning Commission.

This matter was discussed under Planning Commission recommendations.

Escrow Release

None.

**Correspondence from Zoning Officer
January update**

The Zoning Officer addressed the Krow property (91 Wintersville Road); demolition of existing house has been started.

The Zoning Officer addressed the Levan property (200 Deck Road); vehicles. Attorneys agreed that if property owner can obtain “antique” plates; the remaining vehicles are acceptable. The DJ hearing has been postponed until July 17, 2018.

The Zoning Officer addressed the Hoffert property (5228 Rt. 419); scrap metal/junk. Most of the cleanup has been done; should have completed prior to March deadline.

The Zoning Officer addressed the Hlavaty property (32 Summer Mountain Road); cars. Some cleanup has been done; spoke with property owner who advised that they are currently dealing with a death in the family and will continue cleaning up. Zoning Officer informed her that she will check back on a monthly basis for updates.

Land Development

Rufus Eugene & Susan Martin Poultry Plan – Motion to re-approve and sign revised plan and to sign agreements

This matter was discussed under Planning Commission recommendations.

STAFF REPORTS

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

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	3647	785
GALLONS OF FUEL	313.2	0
HOURS WORKED	471	60
PATROL HOURS	431.01	45
TULPEHOCKEN AREA SCHOOL DIST. HOURS	25.75	0
TOTAL INCIDENTS	0	0
TOTAL COMPLAINTS	14	2
MISCELLANEOUS CALLS FOR SERVICE	29	1
FOLLOW-UP INVEST	1	3

TELEPHONE ASSIGNMENTS	19	5
COMM/RESIDENTIAL ALARMS	1	0
EMS/FIRE ADVISORIES	18	9
TRAFFIC STOPS	10	3
CITATIONS ISSUED	10	3
NON-TRAFFIC CITATIONS	1	0
TRAFFIC WARNINGS	1	0
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	7	0
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	0	0
SECURITY CHECKS	61	51
POLICE ASSISTS	10	0
MOTORISTS ASSISTS	2	1
COURT APPEARANCES	1	0
SCHOOL HOURS	0	0

Chief Kerschner reported that during the month of January there were 122 calls received through Berks County 911 for police. He updated the Board with regards to the Tahoe being in an accident in Marion Township; it is scheduled to go to Jim Glass for repairs on Friday, February 16th. The new patrol vehicle (2018 Ford Explorer) has been picked up; the cost of the lettering/stripping is being donated by a local business man. The swapping of the radios from the Crown Vic to the Explorer is scheduled for next week. The Officers are scheduled to attending two (2) days of training in March at the Reading Police Academy. He also advised on the recent outbreak of catalytic converters being stolen.

What would the Board like to do with the 2008 Crown Victoria patrol vehicle?

Chief Kerschner advised that the head on the Crown Vic is cracked. The Board discussed what could be done with the light bars from the 2008 and 2005 (sold in 2015) Crown Victoria patrol vehicles.

Chairman Deck made a motion to authorize the advertisement to put the 2008 Crown Victoria out for bid. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Chairman Deck made a motion to donate one (1) of the light bars to the Fire Company. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Chairman Deck made a motion to sell the second light bar. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Motion to authorize the advertisement to put the old Police cruiser (2005 Crown Vic) out for bid

Supervisor Kramer made a motion to authorize the advertisement to put the old Police cruiser (2005 Crown Vic) out for bid. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Road Master's Report – Supervisor Feick read the January, 2018 report. The work consisted of telephone calls, working in shop, picking up parts/supplies, equipment repairs/maintenance, stockpile salt,

snow event, meter reading, mix antiskid, sewer repairs/maintenance, sewer call out, meeting with PennDot, check roads, check on tree that is ready to come down, unload/wash trucks, remove furniture that was dumped in the creek, close/reopen roads due to flooding, meet with bridge inspector, check for/repair washouts, haul stone to Witman Road, stockpile stone and apply antiskid where needed.

Supervisor Feick advised that he ordered three (3) more loads of salt.

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.

UNFINISHED BUSINESS

Authorization to advertise for Midway Road Bridge Specs – The Engineer reported that the Midway specs are almost complete and should be able to be advertised prior to the March Meeting

The Board discussed the recent bridge inspection. Supervisor Feick reported there were no changes since the prior inspection. The Board agreed to table the matter until next month; they would like to see the specs first.

NEW BUSINESS

State Salt Contract for 2018/2019 – Contract is due March 15, 2018 – must purchase at least 60% and cannot go more than 140% of bid

Supervisor Feick made a motion to purchase 400 ton of salt under the 2018/2019 State Salt Contract. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

CORRESPONDENCE

Berks County Conservation District and Berks County Planning Commission invitation to attend “What does your municipality need to know” program on Thursday, March 8th at the Berks County Ag Center (County Welfare Road, Leesport) – morning and evening programs

The Board discussed the invitation. Chairman Deck reported that he would attend the evening program. Supervisor Feick reported that he would attend the morning program. Mrs. Flaherty advised that she would rsvp for both of them.

PennDot invitation to attend a two-hour Municipal Outreach Session – Wednesday, February 28th at the Berks County Ag Center from 1 – 3 PM – the program is also being offered other locations on various dates

The Board discussed the invitation; it was agreed that both Chairman Deck and Supervisor Feick would attend. Mrs. Flaherty would send the rsvp.

Email from RKL re: changes to supplementary information in the financial statement – Does the Board wish to include pension information (page 36) and combining schedules (pages 28 – 35)?

The Board agreed that would like to include the pension information and combining schedules in the financial statement.

Berks County Conservation District invitation to Spotted Lanternfly Municipal Permit Training and Testing on Friday, February 23rd from 9 – 12 PM at the Berks County Ag Center

The Board discussed the invitation; it was agreed that Mrs. Flaherty should contact Scott Hetrick to see if he has the required license and if so, would he like to attend.

OTHER BUSINESS

12th Annual Berks Municipal Officials Dinner – Thursday, March 22, 2018

The Board discussed the 12th Annual Berks Municipal Officials Dinner scheduled for Thursday, March 22, 2018; it was agreed that Chairman Deck, Vice Chairman Kramer, Supervisor Feick and Mrs. Flaherty would be attending the dinner. The Planning Commission will discussed attendance at their March meeting.

Motion to ratify the release of Gregory and Jody Mill’s fire escrow in the amount of \$26,757.90

Supervisor Feick made a motion to ratify the release of Gregory and Jody Mill’s fire escrow in the amount of \$26,757.90. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Motion to ratify the purchase of a spreader for the Mack from E.M. Kutz, Inc. in the amount of \$3,864.00

Vice Chairman Kramer made a motion to ratify the purchase of a spreader for the Mack from E.M. Kutz, Inc. in the amount of \$3,864. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Does the Board wish to transfer the funds budgeted in 2018 for the Recreation Fund - \$5,000?

Chairman Deck made a motion to transfer \$5,000 from the General Fund to the Recreation Fund. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Chairman Deck reported that the Township was awarded the DCNR Recreation Planning Grant; noting that the grant funds will be split between Bethel, Marion and Tulpehocken Townships. The total grant is \$32,500; Tulpehocken share is approximately \$10,835. Mr. Zimmerman will be the Township’s point of contact.

The Board discussed the death of Attorney Mayfield’s husband and agreed they would like to make a contribution to the Jamie Frees Memorial Fund.

Vice Chairman Kramer made a motion authorizing a contribution of \$50 to the Jamie Frees Memorial Fund. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$115,767.46
First Citizens General Holding Account	\$ 74,827.64
General Plus Account	\$201,139.37
State Aid Account	\$ 142.85
State Plus Account	\$105,971.57
Street Light Account	\$ 12,269.98

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

- General Account combined with the payroll account – Checks #18065 to #18103 in the amount of \$89,781.94
- Street Light Account – Check #371 in the amount of \$2,606.17
- State Liquid Fuels Account – Checks #196 and 197 in the amount of \$4,895.93
- Recreation Fund –
- Camp Calvary Land Dev. Escrow –
- Camp Calvary Inspection Escrow –
- Village Estates Improvements Inspection Escrow –
- Stormwater Inspection Escrow –
- Total Expenses for this meeting – \$97,284.04

Vice Chairman Kramer made a motion to approve the payments of the bills for this February 14, 2018 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

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

- Sewer Operation Account – \$2,715.10
- Balance in the Sewer Holding Account - \$111,597.88
- Debt Service Account - \$408,138.74

Payments of Bills in the Sewer Operation Account for this February 14, 2018 meeting are:
Check #2074 to #2097 in the amount of \$31,971.76

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

Supervisor Feick made a motion to adjourn the meeting at 8:15 P.M. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Respectfully Submitted,
Christy Flaherty
Secretary, Tulpehocken Township