

**Tulpehocken Township
Board of Supervisors
Meeting of July 12, 2017**

The Tulpehocken Township Board of Supervisors met on July 14, 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, Christy Flaherty, Township Secretary/Treasurer and Christopher Hartman, Solicitor.

Members of the audience included: Lori Deck, Lloyd Schneck, Robert Sattazahn, Louie Hurst, Craig Carrell, Karen Baxter, Michael Scarborough, Mr. & Mrs. Ron Snyder, Dennis Royer, Harold Zimmerman, Dusty Levan, Robert Levan, Shelley Derr and Shirley Derr.

PUBLIC HEARING FOR PROPOSED ZONING ORDINANCE AMENDMENT

Attorney Hartman advised that a public hearing is needed for the Zoning Ordinance amendment proposed for adoption at tonight's meeting. He reported on the changes noted in the amendment. The Board inquired if the public had any comments regarding the proposed Zoning Ordinance amendment. Upon hearing none, the hearing was closed.

CALL TO ORDER

Chairman Deck called the meeting to order at 7:04 P.M.

The meeting continued with the pledge to the American Flag.

PUBLIC COMMENTS

Mr. Zimmerman inquired on the status of the two (2) properties he commented on June meeting. Chairman Deck reported that an update would be giving under the monthly Zoning update.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the June 14, 2017 Board of Supervisors meeting. The motion was seconded by Chairman Deck and passed unanimously with Supervisor Feick abstaining (2-0-1).

OTHER BUSINESS

Louie Hurst (Mt. Meadows Development) – Installation of second sewer line

Mr. Hurst commented with regards to the current sewer issues related to the Lancaster Avenue pump station (DEP Corrective Action Plan, the second pump kicking on and the force main line being too small). He reported that the sewer system in the Mt. Meadows development has been televised and inspected and that no issues were found. He discussed the CAP; noting that DEP will only issue five (5) hookups per year and reported that he is here to discuss how to resolve the issues addressed above. He reported on discussions with Supervisor Feick and the Township Engineer; noting that a possible solution would be to increase the size of the force main – all are in agreement that the line is too small. He inquired as to what the Township's action plan is for resolving the issues. He also acknowledged that Phase 2 of the development required the developer to upgrade the Lancaster Avenue pump station.

Chairman Deck commented that the pump station hasn't failed and that the CAP was put into place due to an unwritten rule. Supervisor Feick acknowledged that there are two (2) issues; even if the second pump doesn't kick on, eventually the pump station would not be able to handle the load due to the size of the force main. Attorney Hartman updated the Board with regards to the discussion he's had with the Township Engineer; noting that if an additional 4 inch line is installed from the Lancaster Avenue pump station to the Village Estate Development that would address both the Phase 1 issues and have adequate capacity for Phase 2. He suggested improving the line now rather than waiting until Phase 2. The Board discussed when the development of Phase 2 will begin. Mr. Hurst discussed the development of Phase 1 and 2; he reported that the developers have concerns with regards to the limited number of permits allowed per year. The Board discussed the upgrade to the force main and was hopeful that the upgrade would satisfy DEP with regards to the CAP. Attorney Hartman suggested that the Board consider that if the developer pays for the force main upgrade that the Township would give some type of economic adjustment. Mr. Hurst advised that the developers would agree to cover the cost to install the new 4 inch force main, subject to confirmation from the Township Engineer that the larger line would resolve the sewer permit issues. Mr. Hurst advised that he has already begun pricing the installation of the new line; there would be six (6) openings/cleanouts every 500 feet. Attorney Hartman noted that two (2) permits would be required; one from DEP and the other from PennDOT for the boring under the roadway.

Supervisor Feick made a motion for the Township Engineer to begin the application process for the permits needed to install the new force main and the upgrades to the Lancaster Avenue pump station. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Attorney Hartman requested Mr. Hurst to provide the Township with cost estimates for the installation of the new force main so they may be reviewed by the Township Engineer; he advised that an agreement will be needed regarding the costs once the design is completed. It was agreed that with regards to the installation of the 4 inch force main; the design & permit would be completed by the Township, the construction would be done by the developers. With regards to the Lancaster Avenue pump station upgrade; the permit and specifications would be done by the Township, the developers will design/construct to the Township's specs. The project will be completed in two (2) phases.

Mr. Hurst advised that he will work with the Township Engineer and thanked the Board for their time.

ADMINISTRATIVE ACTIONS

Planning Commission

Met-Ed Substation Preliminary/Final Plan: Greg Koral, from Met-Ed and Michael Scarborough, from JDB Engineering Inc were present to discuss this plan. This plan is located along Wintersville Road and will be issued an address of 51 Wintersville Road. The plan has been reviewed recently as a Sketch Plan. The Township Solicitor will review the easement and agreements for this plan. The area of the easement and residue lot needs to be confirmed. The Township Solicitor will draft the maintenance agreement for privately owned stormwater facilities. This agreement will need to be signed by both Met-Ed, as the developer and Mr. & Mrs. Jason Weaver, as the property owners.

The Planning Commission members present, John Zimmerman, Scott Hetrick and Robert Sattazahn recommend the Board of Supervisors grant the waiver request for Section 302, Section 602.7 and Section 307.B.1.a.

- ***Section 302.*** This section requires submission of plans as a final submission. This plan has been submitted as a preliminary/final plan.
- ***Section 602.7 Monuments and markers.*** The applicant is requesting the markers to be set per Planning Commission recommendation. The members present discussed having monuments

placed in all four corners of the property. The front two monuments are to be concrete and placed on the right-of-way and the back two monuments should be rebar pins.

- *Section 307.B.1.a. A minimum depth of 48 inches between the bottom of the facility and the seasonal high water table and or bedrock for street runoff. The PA BMP Manual only requires a minimum of 24 inches of separation.*

Mr. Scarborough, Nutec Group, representing Met-Ed; updated the Board with regards to what Met-Ed is proposing; he provided the Board with a copy of the proposed plan.

Supervisor Feick made a motion to grant the waiver request for Section 302, Section 602.7 and Section 307.B.1.a. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

The Planning Commission members present, John Zimmerman, Scott Hetrick and Robert Sattazahn recommend the Board of Supervisors grant conditional plan approval based on the conditions listed below.

- *The conditions of the Township Engineer's review letter dated July 6, 2017.*
- *The placement of monuments placed in all four corners of the property. The front two monuments are to be concrete and placed on the right-of-way and the back two monuments should be rebar pins.*

Vice Chairman Kramer made a motion to grant Conditional Plan approved based on the conditions listed below:

- *The conditions of the Township Engineer's review letter dated July 6, 2017.*
- *The placement of monuments placed in all four corners of the property. The front two monuments are to be concrete and placed on the right-of-way and the back two monuments should be rebar pins.*

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

It was noted that the developer needs to wait until the agreements have been signed before breaking ground.

Royer Annexation: This plan is located at 59 West Four Point Road owned by Dennis Royer (referred to as Lot B) and 130 Rehrersburg Road, Margaret Royer Estate (referred to as Residue Lot). The properties are located in the EAP (Effective Agricultural Preservation) District. Lot A (.243 acres) is being annexed to Lot B (1.7 acres before annexation and 1.943 after annexation). Lot B is an existing non-conforming lot.

The deeds will need to be recorded as well as the plan. One deed is from the Residue Lot (Margaret Royer Estate) to Lot B (Dennis Royer) and the second from Dennis Royer to himself. EAP District has maximum lot sized of 1.5 acres. Lot B is already an existing non-conforming lot without the .243 acres being annexed. The Township Solicitor could address this issue and present a letter to the Board of Supervisors declaring that this is de minimus deviation and is acceptable. The Planning Commission members present were all in agreement with this. The Township Solicitor will draft a letter to the Board of Supervisors addressing this issue.

There are general comments in the Township Engineer review letter that the applicant's surveyor will address and resubmit revised plans for next month's meeting.

Attorney Hartman advised that correspondence dated July 7th addressing the lot size has been submitted to the Planning Commission Secretary; a copy was provided to the Board.

Other Business discussed by the Planning Commission:

John Zimmerman commented on an Article in the Township News regarding Act 172. It talks about Townships offering tax credits to volunteer fire fighters. This could help as an incentive with training and recruiting. The Township would need to adopt an ordinance and essentially would be giving money to the volunteer fire fighters whom reside in Tulpehocken Township. Earned income tax, township real estate tax or even both would be allowed to be earned by volunteer fire fighters. The law allows up to 20% of earned income tax. The article also mentions that if the decline in volunteers continues, the state could mandate that all fire fighters would be paid fire fighters. This would be a larger price tag if this occurs. The Planning Commission members present, John Zimmerman, Scott Hetrick and Robert Sattazahn recommend the Board of Supervisors to look into the tax credit for volunteer fire fighters.

Attorney Hartman updated the Board with regards to Act 172; he noted that the law allows a Township to give a credit for any amount of earned income tax. The Township just needs to set a dollar amount and that amount can't exceed the amount the volunteer would pay. The 20% is the limit on the Township real estate tax credit, so whatever the volunteer pays the Township could give a credit up to 20%. If the Township chooses to put Act 172 into effect; the Board would need to enact an ordinance and resolution. He also advised that the Township would need to determine the guidelines for volunteers to qualify for the credits. The Board discussed the need to have input from the Fire Chiefs and the Chiefs needing to track information. They also discussed having input/information from the volunteers. Supervisor Feick feels offering the credit is a good idea, but will be a lot of work. He will discuss the matter with Gary Keener (Mt. Aetna Fire Chief). He suggested scheduling a workshop to discuss the matter further. The Board agreed to gather information for discussion at the next meeting.

Solicitor Legal Discussions

Motion for enactment of the Zoning Ordinance Amendment; Ordinance 2017-2

Supervisor Feick made a motion to adopt Ordinance 2017-2. The motion was seconded by Chairman Kramer and passed unanimously (3-0).

Update with regards to the Volunteer Firefighters Tax Credit and Act 172

This matter was discussed under the Planning Commission discussion.

Escrow Release

John Schueller Poultry Operation (9 Summer Mountain Road) – the Engineer is recommending the release of Mr. Schueller's LOC, with the condition that Mr. Schueller bring in a check in the amount of \$10,000 as an As-built plan has not yet been submitted. Mr. Schueller did bring in the check.

Vice Chairman Kramer made a motion to authorize the release of Mr. Schueller's LOC. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Correspondence from Zoning Officer

June update

The Zoning Officer addressed the Davidheiser property (574 Godfrey Street); citation was filed with DJ. DJ hearing scheduled for July 18th. Will discuss with Attorney and check property again prior to hearing.

The Zoning Officer addressed the Dunn property (29 New Schaefferstown Road); property has not been mowed. Several calls with bank's attorney – their system shows property in the system to be maintained.

NOV send to the owner, Ditech and attorney – no response received yet. Zoning Officer provided several options as to how to handle.

Supervisor Feick made a motion to give the property one week to be mowed, if that doesn't happen the Township will mow and lien the property. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

The Zoning Officer addressed the Kennelly (15 West Market Street); weeds/grass. Recent site visit showed grass getting long again.

Mrs. Flaherty reported that she contacted the bank and the property has been mowed.

The Zoning Officer addressed the Levan property (200 Deck Road); rubbish/cars – Levan's attorney asked for copies of the citations, etc. to see if he could talk to his client regarding this cleanup effort. I got a text message from Ms. Levan saying the dumpster was emptied and would be removed this week.

Mrs. Levan advised that the dumpster has been removed and the site has been cleaned up. The Board recommended for Mrs. Levan to contact the Zoning Officer to schedule an inspection to confirm that the property is now in compliance.

The Zoning Officer addressed the Musser property (28 Maria Street); weeds. NOV sent.

The Zoning Officer addressed the Gantea property (5149 Rt. 419); rubbish/fire remains. Nice guy letter sent.

Define operable and inoperable vehicles

The Board discussed the Zoning Officer's concerns with regards to defining operable and inoperable vehicles.

Supervisor Feick made a motion to consider an inoperable vehicle to be a vehicle with an outdated inspection sticker. The motion was seconded by Chairman Deck and passed unanimously (3-0).

The Zoning Officer addressed the Zimmerman property (Godfrey Street); citations for vehicles - warrants. Property is now in compliance.

Attorney Hartman updated the Board; he noted that the Township may not be able to do anything due to it being a criminal matter.

Vice Chairman Kramer made a motion to authorize the Zoning Officer to discuss withdraw of the citations with the District Justice. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Mrs. Levan commented with regards to enforcing zoning issues. The Board advised that Township procedure is for the complainant to complete a complaint form. Mrs. Flaherty provided her with a copy of the Township's complaint form.

Land Development

None.

STAFF REPORTS

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

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	3040	773
GALLONS OF FUEL	287	0
HOURS WORKED	573.5	60
PATROL HOURS	336.35	57
TULPEHOCKEN AREA SCHOOL DIST. HOURS	5.25	0
TOTAL INCIDENTS	3	2
TOTAL COMPLAINTS	18	11
MISCELLANEOUS CALLS FOR SERVICE	29	5
FOLLOW-UP INVEST	0	0
TELEPHONE ASSIGNMENTS	28	12
COMM/RESIDENTIAL ALARMS	1	3
EMS/FIRE ADVISORIES	18	8
TRAFFIC STOPS	32	7
CITATIONS ISSUED	33	7
NON-TRAFFIC CITATIONS	2	0
TRAFFIC WARNINGS	2	1
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	1	1
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	0	0
SECURITY CHECKS	72	18
POLICE ASSISTS	11	0
MOTORISTS ASSISTS	0	0
COURT APPEARANCES	2	1
SCHOOL HOURS	6	0

Chief Kerschner reported that during the month of June there were 172 calls received through Berks County 911 for police.

Request to participate in National Night Out with Bethel Township Police Department at the Bethel Union Fire Company on Tuesday, August 1st from 6 PM to 9 PM

Vice Chairman Kramer made a motion to allow Chief Kerschner to attend Bethel Township’s National Night Out on Tuesday, August 1, 2017. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Road Master’s Report – Supervisor Feick read the June, 2017 report. The work consisted of telephone calls, work on grant projects, meet with Engineer, sewer maintenance, monthly checks/meter reading, review road complaints, mow, paint lines in the square, highway mowing, sewer inspection at Lanita Trucking, line painting, work in shop, trimming around signs, sign maintenance, mowing lawns/trimming, equipment maintenance/repairs, road maintenance, work at Township buildings, paperwork, unclog EQ pump, check on red stuff at Mt. Aetna, sewer inspections, traffic control for

highway mowing, remove tree on Witman Road, clean up tree on Cherry Hill Road, clean gutters on Cherry Hill Road, sewer call out high EQ tanks in Rehrersburg, remove pipe at Temple & Deck Roads, black top area of Temple Road, clean out gutters on Deck Road, Meet with Louie Hurst, fix leaky force main and seal coat Deck, Temple and Ketterman Hill Roads.

Supervisor Feick advised that the Township needs to purchase Oil & Chip signs prior to the next seal coating project and 2A or 2RC stone. The Board agreed to both the purchase of the signs and stone.

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.

Attorney Hartman suggested that with regard to the Miller property (7661 Lancaster Avenue) that the Township starts the process for Sheriff Sale of personal property. Mrs. Flaherty reported that this property was listed on the Upset Tax Sale scheduled for September 22, 2017.

Vice Chairman Kramer made a motion to start the process for Sheriff Sale of personal property for the Miller property (7661 Lancaster Avenue). The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Chairman Deck commented with regards to the Township having a policy in place regarding the timeframe for starting the Sheriff Sale process. He requested the Sewer Secretary provide information to the Board with regards to the policy and to notify delinquent customers if they are within that timeframe. He also discussed the Field property (118 Godfrey Street) and requested verification that they are paying; note monthly report to show when and how much is paid.

Discuss renewal of agreement with Select Environmental Solutions (expires October 31, 2017)

Chairman Deck made a motion to authorize the Sewer Secretary to solicit quotes from other providers. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Discuss resolution amending the Sewer Rules and Regulations with regards to grease traps; Motion to adopt Resolution 2017-10

*Vice Chairman Kramer made a motion to adopt **Resolution 2017-10**. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Supervisor Feick reported that he feels someone could be illegally dumping into the system. The Board discussed how to proceed with investigating Supervisor Feick's concerns.

UNFINISHED BUSINESS

Motion to authorize Chairman to sign agreement with Mt. Aetna Fire Company for sign on Township property; Motion to waive Zoning Permit Application Fee

Supervisor Feick made a motion to authorize the Chairman to sign the agreement with the Mt. Aetna Fire Company regarding the sign to be placed on Township owned property. The motion was seconded by Chairman Deck and passed unanimously (3-0).

Supervisor Feick made a motion for the Township to waive the Zoning Permit Application fee for the Mt. Aetna Fire Company. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Discuss updating Property Maintenance Code

Attorney Hartman advised that currently the Township is using the 2003 Property Maintenance Code. The Board agreed to continue using the 2003 Property Maintenance Code.

Update regarding Weidner Bridge & Salem Road

The Board was provided correspondence from the Township Engineer and Solicitor and from Commissioner Barnhardt. Attorney Hartman updated the Board with regards to email discussions; he is recommending that Bethel and Tulpehocken Townships ask the County to pay from its liquid fuels funds not only the costs of the engineering study, but also the costs of the preparation and advertising of the two (2) ordinances which are required to put into place any use restrictions on the road that are recommended by the engineering study. He recommends that Mr. Ludgate's proposal be on letterhead and also include attorney, advertising and sign costs. It was agreed that the Township does not want to take over the bridge. The Board agreed to have Mrs. Flaherty update Bethel Township to verify they agree with what Tulpehocken Township is proposing. Once the Township is notified that Bethel Township agrees with what is being proposed; Mrs. Flaherty will contact Mr. Ludgate and request him to update his proposal. Once she receives the updated proposal from Mr. Ludgate she will forward it to the Bethel Township Secretary and ask her to forward the information to Commissioner Barnhardt.

Vice Chairman Kramer made a motion to authorize Ludgate Engineering to draft a proposal to be submitted to Commissioner Barnhardt once hearing back from Bethel Township. The proposal shall include the costs for the engineering study and the attorney, advertising and sign costs. The motion was seconded by Chairman Deck and passed unanimously (3-0).

NEW BUSINESS

Fireworks Permit Application – Teen Challenge submitted an application for a fireworks display to take place on Saturday, July 22nd (Rain date July 29, 2017)

Supervisor Feick made a motion to authorize the Chairman to sign Teen Challenge's Fireworks Permit. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

How to handle residents wanting to set off fireworks

The Board discussed the ordinance and application; it was agreed that anyone applying for a Fireworks Permit must meet the criteria addressed in the Ordinance.

Notice – The bridge on Rehrersburg Road will be closed from July 17th to August 7th

CORRESPONDENCE

Request from Teen Challenge Training Center, Inc. for Fire Police coverage for the annual outdoor festival scheduled for Saturday, July 22nd with a rain date of Saturday, July 29th

Vice Chairman Kramer made a motion to authorize Fire Police coverage for the annual outdoor festival scheduled for Saturday, July 22nd, with a rain date of Saturday, July 29th. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Smart Growth Alliance of Berks County Call for Nominations

The Board agreed they had no nominations at this time.

OTHER BUSINESS

Mrs. Flaherty commented with regards to the Recreation Board; noting that she is not being provided with copies of their meeting minutes. She has made several requests both verbally and via email. Attorney Hartman provided a copy of the Sunshine Law to be forwarded to the Recreation Board. Mrs. Flaherty will type a formal letter to the Recreation Board requesting copies of their minutes; she will include a copy of the Sunshine Law. The request will be emailed and sent in the US mail. The Board also would like the Recreation Board to know that the bridge construction taking place on Rehrersburg Road will help to promote work to begin on the Township owned lot off of Lions Park Drive. The Board would also like the Recreation Board to discuss/research how working with the Lions Club could benefit the Township; they request the research be presented to them at a future meeting.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$126,820.38
First Citizens General Holding Account	\$ 5,648.42
General Plus Account	\$199,834.86
State Aid Account	\$ 120.75
State Plus Account	\$274,345.45
Street Light Account	\$ 18,386.74

Payments of Bills for this July 12, 2017 meeting are:

- General Account combined with the payroll account – Checks #17611 to #17642 in the amount of \$20,301.60
- Street Light Account – Check #365 in the amount of \$1,312.25
- 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 – \$21,613.85

Vice Chairman Kramer made a motion to approve the payments of the bills for this July 12, 2017 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

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

Sewer Operation Account – \$1,579.58
Balance in the Sewer Holding Account - \$54,638.78
Debt Service Account - \$406,189.41

Payments of Bills in the Sewer Operation Account for this July 12, 2017 meeting are:

Check #1968 to #1982 in the amount of \$16,100.82

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 9:39 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township