

**Tulpehocken Township
Board of Supervisors
Meeting of June 8, 2016**

The Tulpehocken Township Board of Supervisors met on June 8, 2016 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; Christy Flaherty, Township Secretary/Treasurer and Heather Claman, Sewer Secretary.

Members of the audience included: Mr. & Mrs. Ron Snyder, Kevin Brown, Nelson Beidler, Robert Sattazahn, Joseph Mosteller, Dolores Hill, John Schueller and Rebecca Haag.

CALL TO ORDER

The meeting continued with the pledge to the American Flag.

PUBLIC COMMENTS

Ms. Haag inquired on how the Township can enforce the burning ordinance in Rehrersburg at night. Chief Kerschner suggested reporting the burning to the Police when it is happening and advised that they could come out and issue a citation.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the May 11, 2016 Board of Supervisors 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 May 25, 2016 Board of Supervisors Sewer Work Session. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission

John Schueller Poultry Plan: Time expires August 30, 2016. Red Barn was present to discuss the plan. They received NPDES approval. There is going to be a concrete monument on the east side of the property and another monument along the road front boundary. There was a concern with the runoff from the driveway due to the elevation. The maintenance agreement for the Stormwater facilities will cover this concern. The Township Engineer will perform annual inspections. There will also be a small swale at the bottom of the driveway to catch the runoff. The water bars in the driveway will break back the velocity and work well for the gravel driveway. The runoff from the top of the hill will be flowing into an infiltration trench.

The Road Master and Township Engineer had a meeting out at the site. The road is maintained by Jefferson Township. PennDot is stating that the applicant needs to put grass between the areas at the driveway entrance. The following waivers have been requested in a letter dated January 22, 2016 from Red Barn:

- ***Section 205*** - Requires submitting a preliminary plan for approval prior to submitting a final plan. They are requesting to submit the plan as a combined preliminary/final because the plan is minor in scope, limited to the proposal of a single poultry barn and no facilities are being offered for public dedication. Ray Daub made a motion to recommend to the Board of Supervisors to grant the waiver for Section 205. John Zimmerman seconded the motion. All in favor, motion carried.

Supervisor Feick made a motion to grant the waiver of Section 205. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

- ***Section 303.1.B.*** – Requires the plan to provide precise bearings and distance for the entire tract and all boundaries are accurately labeled (including boundary line monuments). They are requesting a waiver of this section due to the location being over one hundred feet from any other property line, no property boundaries will be impacted and monuments have been located. Hershey Surveying, Inc. will be establishing the property boundary directly west of the buildings to establish zoning compliance. John Zimmerman made a motion to recommend to the Board of Supervisors to grant the waiver for Section 303.1.B. Ray Daub seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver of Section 303.1.B. The motion was seconded by Chairman Deck and passed unanimously (3-0).

- ***Section 303.1.L*** – This section requires the plan to provide a certificate of Accuracy to be signed and sealed by a surveyor. They are requesting a waiver of this section because Red Barn Consulting Inc. had their licensed engineers survey the site and they are permitted to seal topography surveys, monuments have been located in the field, and Hershey Surveying Inc. will review and certify the Deed Plot prior to final plan approval. Gary Deck made a motion to recommend to the Board of Supervisors to grant the waiver for Section 303.1.L. John Zimmerman seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver of Section 303.1.L. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

- ***Section 307.B.1.a*** – This section requires a minimum of 48 inch of separation between the bottom of the basin and the limiting zone. Waiver request was submitted due to test results for the infiltration facility provided a minimum of 24 inch of separation, the PA BMP Manual only require a minimum of 24 inches of separation, and there is no public dedication being offered. John Zimmerman made a motion to recommend to

the Board of Supervisors to grant the waiver for Section 307.B.1.a. Ray Daub seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver of Section 3073.B.1.a. The motion was seconded Supervisor Feick and passed unanimously (3-0).

Gary Deck made a motion to recommend to the Board of Supervisors to grant conditional preliminary/final plan approval with the following conditions:

- ***The conditions listed in the Ludgate Engineering letter dated June 1, 2106.***
- ***Provide a copy of the HOP permit from Penn Dot to the Township Engineer and the Township Office.***
- ***Financial agreements and Stormwater Maintenance agreement.***

John Zimmerman seconded the motion. All in favor, motion carried.

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

- *The conditions listed in the Ludgate Engineering letter dated June 1, 2106.*
- *Provide a copy of the HOP permit from Penn Dot to the Township Engineer and the Township Office.*
- *Financial agreements and Stormwater Maintenance agreement.*

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

Ben Schueller Poultry Plan: Time expires August 30, 2016. This plan is still waiting for approval from the Conservation District. They do have the HOP permit through PennDot. The Township would like an agreement for a dry hydrant for the front pond for emergency access. The Township Solicitor will work with Red Barn on drafting this agreement. Red Barn has requested waivers in a letter dated January 22, 2016. John Zimmerman made a motion to recommend to the Board of Supervisors to grant waivers for the same Sections of the SALDO as listed above for the John Schueller Poultry Plan. Section 205, Section 303.1.B, Section 303.1.L and Section 307.B.1.a. Ray Daub seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant waivers for the same Sections of the SALDO as listed above for the John Schueller Poultry Plan: Section 205, Section 303.1.B, Section 303.1.L and Section 307.B.1.a. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Mr. John Schueller updated the Board with regards to the dry hydrant; he advised that Mr. Ben Schueller is in favor of installing the dry hydrant for the front pond.

Solicitor Legal Discussions

None.

Escrow Release

Curvin Reiff Poultry Operation (133 Cherry Hill Road) – Partial Release – The Engineer is recommending a release of \$76,997.95. Mr. Reiff submitted a Letter of Credit in the amount of \$82,997.95. He will bring in a check for \$6,000, so that the Letter of Credit can be released.

Supervisor Feick made a motion to release the Letter of Credit for the Curvin Reiff Poultry Operation upon Mr. Reiff submitting a check in the amount of \$6,000 to be held in escrow by the Township. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Correspondence from Zoning Officer

June update

The Zoning Officer addressed the Noll property (7668 Lancaster Avenue). Some of the property has been cleaned; a nice guy letter has been sent. – The property owner advised that he is getting out of the lawn mower business, and will be removing all of them. He also apologized for the slow cleanup effort.

The Zoning Officer addressed the Davidheiser property (574 Godfrey Street). The property has been cleaned up some. There are still two (2) cars remaining, a few jugs and some debris. Property appears to be actively cleaned up, but not convinced that the tenant will completely comply given past history. The Board agreed to wait to see what happens.

The Zoning Officer addressed the Zimmerman property (354A Godfrey Street). There are four (4) sheds located on the property; a nice guy letter has been sent advising that the sheds were not an approved use and placed without a permit. The property owners have not responded to the nice guy letter, a NOV will be sent.

The Zoning Officer addressed the Proulx property (10 West Market Street). The NOV has been sent. The property owner did respond to the NOV, stating that the storage sheds belong to his daughter and that she is out of town, once she returns he will talk with her about removing the pods. The Zoning Officer requests the Township work with him to see if he is successful. The Board agreed to wait until next month to take any action.

The Zoning Officer addressed the Weber property (235 Godfrey Street). The weeds/grass needed to be taken care of. A nice guy letter was sent, but was returned undeliverable. She contacted the Attorney who owns the property; he advised that he would send someone out to clean up the property.

The Zoning Officer addressed the Stiely property (176 Deck Road). A complaint was filed regarding the weeds/grass. A recent site visit noted that the property was recently cut.

The Zoning Officer addressed the Meyers property (123B Godfrey Street). There is still rubbish and vehicles on the property. She is waiting to see the action taken by the new owners.

The Zoning Officer addressed the Lanshe property (117 Godfrey Street). A reminder letter to continue with the cleanup has been sent. A site visit noted that the property is looking better, but still needs work. The property owner stated that he will continue with the cleanup.

The Zoning Officer addressed the Fry property (121 Godfrey Street). The weeds/grass have been cut.

Update on Citizen's Complaint regarding Mt. Meadows Development – There is a trailer with a sign/advertisement parked on the lawn south of the model home – Keystone Custom Homes sent a letter to the Township requesting additional time. The Zoning Officer would support the trailer for a six (6) month time period like other accessory trailers are permitted. She noted that the banner on the trailer is too large and would support the Boards decision to reject the request if so desired. The Board discussed the request and noted that they are okay with the trailer being on site for six (6) months, but that a permit would be needed for both the trailer and sign. The Township Secretaries reported that Keystone Custom Homes has been very lacks with regards to applying for permits. The Board stated that the builder must comply with the Township ordinance and that if they don't they will be fined. A comment was made with regards to Rt. 501 being a scenic route.

Chairman Deck made a motion to allow Keystone Custom Homes to keep the trailer on site for a time period of six (6) months, noting that they would need to apply for a permit for both the trailer and sign. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Citizen's Complaint – 176 Deck Road (Stiely Property) - Two (2) complaints received stating that the lawn is not being mowed and that the property looks like a dump – complaint was email to the Zoning Officer for review

This matter was discussed under the Zoning Officer's update.

Citizen's Complaint – 467 Godfrey Street (Fenton property) – Neighbor is complaining about fence being erected

The Board discussed the complaint and agreed that it should be submitted to the Zoning Officer and Solicitor for review; need to verify if the fence is legal, does it meet the ordinance and how to handle if it is not a legal issue.

Vice Chairman Kramer made a motion to submit the complaint to the Zoning Officer and Solicitor for review. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Citizen's Complaint – 29 Harry Stoudt Drive (Wylezik-Pfeiffer property) – Fireworks

The Board discussed the complaint. The Recording Secretary reported that there was no record of the property owner applying for a Fireworks permit.

Vice Chairman Kramer made a motion to authorize the Township Secretary to send out a letter advising that a complaint was received and that a Fireworks Permit is required. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Joe Mosteller – 7679 Lancaster Avenue – request to put a travel trailer on property while new home is being constructed

The Board reviewed the email from the Zoning Officer dated June 6, 2016 and discussed Mr. Mosteller's request. Mr. Mosteller updated the Board on what he is proposing for the site; he noted that the property has been having uninvited visitors. He advised that the travel trailer would only be onsite for a maximum time period of six (6) months. The Board advised Mr. Mosteller that a Demolishing permit would be needed for the demo of the existing mobile home currently onsite and that a sewer inspection would be required if the travel trailer is to connect to the sewer system. The Board discussed the possibility of receiving complaints if they allow a travel trailer to be placed on the site. Chairman Deck also recommended Mr. Mosteller contact the State with regards to the demo of the existing mobile home. It was also advised to contact the Tax Collector, Lori Deck to have it removed from the tax record.

Supervisor Feick made a motion to allow Mr. Mosteller to place a travel trailer on the property for a maximum time period of six (6) months starting today, June 8, 2016 and that a sewer inspection will be required if hooking into the sewer system (\$150/Sewer Inspection Fee). The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Land Development

Reaffirm Lanita Specialized Land Development Plan – The Board granted Conditional Final Plan approval on February 10, 2016 with conditions – The conditions have not been met.

Vice Chairman Kramer made a motion to reaffirm the Lanita Specialized Final Plan approval granted on February 10, 2016. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

STAFF REPORTS

Police Report – Chief Kerschner read the May, 2016 Police report as follows:

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	3516	904
GALLONS OF FUEL	347	0
HOURS WORKED	517	60
PATROL HOURS	393.5	55.75
TULPEHOCKEN AREA SCHOOL DIST. HOURS	27	0
TOTAL INCIDENTS	4	3
TOTAL COMPLAINTS	13	23
MISCELLANEOUS CALLS FOR SERVICE	37	4
FOLLOW-UP INVEST	1	0
TELEPHONE ASSIGNMENTS	19	5
COMM/RESIDENTIAL ALARMS	0	3
EMS/FIRE ADVISORIES	6	6

TRAFFIC STOPS	58	10
CITATIONS ISSUED	62	9
NON-TRAFFIC CITATIONS	0	0
TRAFFIC WARNINGS	5	0
WARRANTS	0	0
PARKING TICKETS	2	5
TRAFFIC ACCIDENTS	6	2
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	0	0
SECURITY CHECKS	77	23
POLICE ASSISTS	13	0
MOTORISTS ASSISTS	2	0
COURT APPEARANCES	3	0
SCHOOL HOURS	0	0

Chief Kerschner reported that during the month of May there were 175 calls received through Berks County 911 for police services.

Vice Chairman Kramer inquired on the number of citations issued. Chief Kerschner advised that the increase was due to the PA Buckle Up Grant detail.

The Board discussed the oil leak on the Crown Victoria.

Road Master's Report – Supervisor Feick read the May, 2016 report. The work consisted of telephone calls, meet with FEMA, meter reading, sewer issues, sewer monthly maintenance, mowing, work on FEMA snow grant, Met Ed street lights, sewer maintenance, sign maintenance, look at bridge problem, check on some road projects, work on equipment, sewer inspections, close Stouchburg Road, meet with Township Engineer, Meet with Sean Drunkenmiller (Soil Conservation), brush cutting, clean out debris at bridge, pick up parts, street sweeping, meet with Carl Kline to discuss sewer issues, paperwork for road projects, met with paving contractor, cut up tree on Four Points Road, site visit (176 Deck Road), work on Host Road, Met with EJB, sewer work, seed Host Road project, highway mowing, pick up leaf vacuum, went to Mt. Aetna to check out pipe, repair stop sign, and check on low hanging wires.

Supervisor Feick updated the Board with regards to the pipe installation on Stouchburg Road; he noted that the blacktopping will begin tomorrow. He reported that the mowing tractor is currently out of commission. He advised that he will be ordering more stone. Chairman Deck inquired on the costs involved with the Stouchburg Road Pipe Project. Supervisor Feick reported that he is still waiting for the bills to come in.

Fire Chiefs' Report – Supervisor Feick read the monthly reports for the Keystone Fire Company and the Rescue Fire Company.

SEWER OPERATIONS

Judgments and Delinquent Sewer Accounts

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

Zimmerman (354 Godfrey Street) – Does the Board want to transfer the judgment in the amount of \$2,066.42 to the Berks County Court of Common Pleas? (Sheriff Sale is scheduled for July 8th)

Chairman Deck made a motion for the Township to transfer the judgement in the amount of \$2,066.42 to the Berks County Court of Common Pleas. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Update regarding sewer issues and televising the lines

Supervisor Feick reported that he has heard back from Captain Clog and that they are planning a meeting to review the job; once the initial meeting occurs they should be able to come out two (2) weeks later to complete the job. The Board agreed that if Captain Clog doesn't come through by the July meeting, the Board will have no other option that to contact another company. It was noted that there have been no further sewer issues at this time.

Sewer Waiver Requests

The Board discussed the existing waivers and the Township's new policy regarding waivers. It was noted that Vice Chairman Kramer's property would no longer be receiving a waiver.

Review/Approve Waiver Request Form

The Board reviewed the partial waiver request application form. The Sewer Secretary requested clarification on several items. The Board discussed rental units and agreed that rental units are any properties that are not occupied by the property owner. The Board discussed vacant properties for sale and agreed that they would not qualify for the waiver. It was agreed that all waiver requests would be submitted to the Board for review/approval at a BOS meeting. It was noted that to qualify for a partial waiver of the sewer user fee the property would need to be the property owners' primary residence. The Board agreed that they are okay with the form; noting the changes to the first sentence – needs to state that the property is the owner's primary residence.

Mr. Snyder discussed the expense to the Township for running the sewer plants and advised the Board that he is against the Township granting waivers.

Chairman Deck reported that everyone will still be paying something, that a property has to be vacant for six (6) months to be approved for a partial waiver and that if it is determined to be a true hardship and the partial waiver granted they will still have to pay ½ of the regular monthly user fee and that after one (1) year they would have to reapply.

Chairman Deck stated that he feels if a home is destroyed by a fire or tornado that the sewer user fee should be waived 100%. Mrs. Claman noted that was discussed at the work shop, but no motion was made. The Board discussed that type of situation not having to wait the mandatory six (6) months. Supervisor Feick suggested that the property owners' insurance may cover the user fees.

Clarify if a property owner chooses to go through with disconnecting from the sewer, they will have to pay the reconnection fee. Will they have to pay another tapping fee if they choose to reconnect at a later date?

The Board agreed that properties would only pay a tapping fee one time.

The Board discussed waivers with regards to the church properties. It was noted that all church properties that are currently receiving waivers will no longer be receiving waivers effective January 1, 2017.

UNFINISHED BUSINESS

None.

NEW BUSINESS

The Board discussed the two (2) road projects proposed for 2016. Supervisor Feick reported on the funds available from Liquid Fuels and the General accounts. Chairman Deck commented on oil prices being down. Supervisor Feick suggested that if the Township does not repair the Midway Road Bridge this year, they could use those funds for the 2016 road projects. The Board discussed the miles of roadway being paved per year. Supervisor Feick reported that the Township has 42.6 miles of roadway. The Board discussed the possibility of waiting to award the bids.

Opening of Bids for 2016 Seal Coating Project (Pottieger, Gravel Pit, Little Swatara Church and Stouchburg Roads – Contract #1) – two bids received

The 2016 seal coating project bids were opened.

Company	Total
Asphalt Maintenance Solutions, LLC	\$95,372.64
Martin Paving, Inc.	\$104,203.44

Supervisor Feick made a motion to award the 2016 Seal Coating Project (Pottieger, Gravel Pit, Little Swatara Church and Stouchburg Roads – Contract #1) to Asphalt Maintenance Solutions, LLC for a cost of \$95,372.64, after review by the Township Solicitor. The motion was seconded by Chairman Deck and passed unanimously (3-0).

Opening of Bids for 2016 Stouchburg Road Project (Overlay – Contract #2) – four bids received

The 2016 Stouchburg Road project bids were opened.

Company	Total
EJB Paving & Materials Co.	\$ 52,583.04
Landis C. Deck & Sons	\$ 54,835.20
Pennsy Supply, Inc.	\$ 57,120.00
New Enterprise Stone & Lime Co., Inc.	\$ 60,318.72

Supervisor Feick made a motion to award the 2016 Stouchburg Road Project (Overlay – Contract #2) to EJB Paving & Materials Co. for a cost of \$52,583.04, after review by the Township Solicitor. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

CORRESPONDENCE

Bethel Township – Draft 2015 Comprehensive Plan

The Board was provided copies for their review. Mrs. Flaherty reported that the document will also be reviewed by the Planning Commission, Solicitor and Zoning Officer and that the Township has forty-five (45) days to submit comments.

OTHER BUSINESS

Quotes received to have Township buildings appraised – MIB (\$1,620) – IAC (\$1,340)

Vice Chairman Kramer made a motion to have the Township buildings appraised by MIB for an approximate cost of \$1,620.00 per the recommendation of Zinn Insurance. The motion was seconded by Chairman Deck and passed unanimously (3-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

Account Balances for the end of May, 2016 were as follows:

General Account	\$ 96,490.93
First Citizens General Holding Account	\$ 34,216.83
General Plus Account	\$179,021.86
State Aid Account	\$ 92.79
State Plus Account	\$231,396.80
Street Light Account	\$ 17,448.29

Payments of Bills for this June 8, 2016 meeting are:

General Account combined with the payroll account- Checks #16756 to #16787 in the amount of \$40,632.18

Street Light Account – Check #351 in the amount of \$1,199.71
State Liquid Fuels Account –
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$41,831.89

Vice Chairman Kramer made a motion to approve the payments of the bills for this June 8, 2016 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Sewer Accounts balances for the end of May, 2016 were as follows:

Sewer Operation Account – \$2,807.84
Balance in the Sewer Holding Account - \$121,458.05
Debt Service Account - \$403,639.82

Payments of Bills in the Sewer Operation Account for this June 8, 2016 meeting are:
Check #1763 to #1778 in the amount of \$86,842.73

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 10:05P.M. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township