

**Tulpehocken Township
Board of Supervisors
Meeting of June 14, 2017**

The Tulpehocken Township Board of Supervisors met on June 14, 2017 in the Township meeting room at 7 P.M. In attendance and voting were Supervisors: Chairman Gary Deck and Vice Chairman Richard Kramer. Also present were Kris Kerschner, Police Chief and Christy Flaherty, Township Secretary/Treasurer. Supervisor Feick was not in attendance.

Members of the audience included: Lori Deck, Mr. & Mrs. Ron Snyder, Harold Zimmerman, Dolores Hill, Lloyd Schneck, Dusty Levan, Linda Umbenhauer and Robert Sattazahn.

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. Schneck inquired with regards to the recycling program ending. The Board advised that the County run recycling program is scheduled to end as of December 31, 2017. Mrs. Flaherty reported that Upper Tulpehocken Township is in the process of establishing their own recycling program; the service will be available to residents and non-residents for a fee. Once UTT sets the fee they will let Mrs. Flaherty know and the information will be posted at various locations throughout the Township. There is the possibility that Bethel Township will also be establishing a recycling program, but no decision has been made to date. The Board discussed options if the Township was to start their own program; noting that the residents would have to pay for the service. Chairman Deck suggested residents contact their trash provider to verify if they offer recycling.

Mr. Zimmerman commented with regards to the appearance of the property located at 29 New Schaefferstown Road; property is not being mowed. The Board advised that they are aware of the issue. Mrs. Flaherty advised that the property is currently in the foreclosure process and the bank will maintain the property.

Mr. Zimmerman commented with regards to 91 Wintersville Road having two (2) homes on the property; he inquired if the older home need to be removed and was there a deadline for removal. The Board had no comment at this time, but would look into the matter.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the May 10, 2017 Board of Supervisors meeting. The motion was seconded by Chairman Deck and passed unanimously (2-0).

ADMINISTRATIVE ACTIONS

Planning Commission

David Martin (18 Kurr Road) – David Martin was present to discuss his property at 18 Kurr Road. He would like to remove a 4,900 square foot old building and build a 17,000 square foot building plus a silo and feed room. The Township SALDO states that Land Development is needed for this building. The applicant must meet the intent of the SALDO due to the amount of impervious surface area. Mr. Martin may not need to prepare a drainage plan for stormwater, however he must have a plan to manage the stormwater. The heifer barn is to be removed and another building will be put in its place with a manure pit underneath. There is one silo on the property and the new 20 foot silo will be built next to the existing silo. The feed room will connect from the barn to the new silo. This barn will be housing steers only, no heifers. Rose Tree Consultants is working to prepare an E & S plan to submit to the Conservation District due to the disturbance being over 5,000 square foot. A manure management plan is also being prepared. Approximately 250 acres is farmed, driveway is paved, and there is a pond on the property. The Township Engineer asked if the Fire Companies could use the pond for fire access. Mr. Martin stated that Lester Feick did discuss this with him and he (Mr. Martin) would not be opposed. There is fencing there currently for sheep, however a gate and fill could be added so that the fire trucks can pull it right at the pond. As for stormwater, Mr. Martin would need to provide how the rate and volume will be controlled. The current stormwater goes into an existing sentiment pond. It was recommended that he widen the parking area at the barn and put in a stone trench. He also currently uses and plans to continue to have the barn roof water runoff into the manure pit. The new pit will be four times bigger than the existing and water is needed to mix in with the liquid manure. Planning Commission does not feel that landscaping is necessary for this project.

Scott Hetrick made a motion to the Board of Supervisors to grant a waiver of land development with the following conditions for the zoning permit. John Zimmerman seconded the motion. All in favor, motion carried:

- *Stormwater management. Simple plan now or request an exemption from stormwater. Will need to show the difference in the increase.*
- *Stone trench across the street on Kurr Road for trucks turning into farm. This would need to be approximately a 2-3 foot wide and one foot deep stone trench. Mr. Martin will work with the Township Roadmaster.*
- *Agreement for the pond for fire access with a gate and stone pad.*
- *E & S approval from the Conservation District.*
- *Copy of the manure management plan to verify zoning.*

Vice Chairman Kramer made a motion to grant a waiver of land development with the following conditions for the zoning permit:

- *Stormwater management. Simple plan now or request an exemption from stormwater. Will need to show the difference in the increase.*
- *Stone trench across the street on Kurr Road for trucks turning into farm. This would need to be approximately a 2-3 foot wide and one foot deep stone trench. Mr. Martin will work with the Township Roadmaster.*
- *Agreement for the pond for fire access with a gate and stone pad.*
- *E & S approval from the Conservation District.*
- *Copy of the manure management plan to verify zoning.*

The motion was seconded by Chairman Deck and passed unanimously (2-0).

Review draft ordinance with regards to medical marijuana growing/processing and dispensaries, amend and add regulations for wireless communications facilities and amend sign regulations. The Planning Commission reviewed the draft regulations for medical marijuana growing/processing and dispensaries, amend and add regulations for wireless communications facilities and amend sign regulations. The Township Solicitor stated that the County Planning Commission reviewed the draft and had a couple comments. The County would like to see clarification under the sign regulations.

- *Section 1041.02. Temporary signs apply to Subdivisions and Land Development and are not permitted in the Environmental Protection and is cross referenced in the Rural Residential Districts. For Tower-Based Wireless Communications Facilities (WCF).*
- *Section 1080.1.A (4). Sole use on a lot. Stating that a tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district. A land development plan shall be required prior to construction of any tower-based WCF and communications equipment building.*
- *Section 1080.1.D (2). Any height extensions to an existing tower-based WCF shall require approval as a special exception by the Zoning Hearing Board. This gives clarification of procedure.*
- *Section 1080.1.L. Historic Buildings or Districts. No tower-based WCF may be located on a lot which contains a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or which is located in a Historic District.*
- *Section 1080.1.S. Aviation Safety. Tower-based WCF's shall submit FAA Form 74060, or any successor form, to the FAA and shall comply with all applicable Federal and State laws and regulations concerning aviation safety, and any applicable airport zoning regulations, if any.*
- *Section 1080.2.A (9). Timing of Approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. Except for applications for collocations that do not substantially change the height of the underlying support structure where the Township shall make its final decision on whether to approve the application within sixty (60) days of receipt of a complete application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's applicable ninety (90) or sixty (60) day review period.*
- *Section 1085. Co-Location of Wireless Communications Facilities. To the extent the regulations provided for in Section 1080 are applicable to co-location of wireless communications facilities and the regulations are inconsistent with the Wireless Broadband Collocation Act, 53 P.S. §11702.1 et seq., or the Federal Communications Commission's October 2017 Report and Order the regulations set forth in the statute an Order shall control.*
- *Section 1091.1 and 1095.1. Medical Marijuana Dispensary. Provide a copy of the permit (to the Township) for medical marijuana growing/processing issued by the Pennsylvania Department of Health.*

The Township Solicitor stated that as of today, the Township has the authority to enact the regulations regarding WCF in the public right of way in the draft ordinance and should proceed to put the regulations in place. WCF are currently not exempt from Township Zoning when the equipment is put in public rights of way. It is possible that the battle between Municipal Authority and these Communication Companies might move to legislature. There is already a bill that is pending in Harrisburg stating that they are public utilities and that they are not subject to Municipal Zoning. Hopefully the legislature will not change the outcome determined by the PUC.

Laverne Frey made a motion to recommend to the Board of Supervisors to approve the new zoning regulations for medical marijuana growing/processing and dispensaries, wireless communications facilities and sign regulations. Scott Hetrick seconded the motion. All in favor, motion carried.

If the Board of Supervisors adopt the Planning Commission's recommendation, a public hearing will need to be scheduled. So the earliest the regulations could be enacted would be at the July 12, 2017 Board of Supervisors meeting.

Vice Chairman Kramer made a motion to adopt the Planning Commission's recommendation. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Larry Dean Martin (Fourth Poultry Barn) – Reaffirm Plan – The Planning Commission discussed the Larry Dean Martin Poultry Plan for the fourth barn. The ninety (90) day time period expired from when the plans were conditionally approved. The plans need to be reaffirmed by the Planning Commission and Board of Supervisors. Gary Deck made a motion to recommend to the Board of Supervisors to reaffirm the Larry Dean Martin Poultry Plan for the fourth barn. John Zimmerman seconded the motion. All in favor, motion carried.

See discussion under Land Development.

Solicitor Legal Discussions

Property Maintenance Code – See email dated 5/30/17

The Board reviewed the Solicitor's email. Chairman Deck advised that he would like to research the matter further prior to making any decisions. Vice Chairman Kramer agreed.

Review agreement with Mt. Aetna Fire Company regarding sign proposed to be located on Township property

The Board reviewed the draft agreement and discussed the correspondence received from the Mt. Aetna Fire Company. The Board agreed that Fire Company ads would have priority over other ads and that there would be no charge to place an ad. The Board discussed approval of the ads; it was agreed that the Fire Company would approve first then submit to Township for final approval. However, there was concern raised that due to the approval process and timing, it might be better to state that if the Township feels the ad is inappropriate it would be removed immediately. The Fire Company reported that their bylaws require two (2) signatures. They also commented that they feel the Township should waive any application fees and explained their reasoning. The Fire Company commented with regards to the maintenance of the area that the sign is being proposed. The Board direct Mrs. Flaherty to forward the comments/questions received from the Fire Company to the Solicitor for further review/revisions to the agreement along with the Board comments. Chairman

Deck noted that if the Fire Company proceeds prior to the agreement being signed, it would be at their own risk.

Motion to authorize the advertisement of a public hearing to adopt Ordinance 2017-2; Amending Zoning Ordinance of 2013, to provide Zoning Regulations for Medical Marijuana Growing/Processing and Dispensaries, Amend and Add Regulations for Wireless Communication Facilities and Amend Sign Regulations

Vice Chairman Kramer made a motion to authorize the advertisement of a public hearing to adopt Ordinance 2017-2; Amending Zoning Ordinance of 2013. The motion was Chairman Deck and passed unanimously (2-0).

Escrow Release

David Alspaugh – Clement Lane – Final Release – the Engineer is recommending releasing Mr. Alspaugh's remaining \$1,000

Vice Chairman Kramer made a motion to authorize the release of Mr. Alspaugh's \$1,000. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Glen Hoover Dairy Operation (143 Greble Road) – the Engineer is recommending the release of Mr. Hoover's LOC, with the condition that Mr. Hoover bring in a check in the amount of \$15,000 until the NPDES is closed out and the basin elevations are corrected, converted, and draining properly.

Chairman Deck made a motion to authorize the release of Mr. Hoover's LOC, upon Mr. Hoover bringing in a check for \$15,000. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

Joseph Haldeman Dairy Operation (50 Camp Swatara Road) – the Engineer is recommending the release of Mr. Haldeman's LOC, with the condition that Mr. Haldeman bring in a check in the amount of \$7,500 until the NPDES is closed out and the Basins A & B are modified to obtain the required 1' of free board

Vice Chairman Kramer made a motion to authorize the release of Mr. Haldeman's LOC, upon Mr. Haldeman bringing in a check for \$7,500. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Correspondence from Zoning Officer

May update

The Zoning Officer addressed the Davidheiser property (574 Godfrey Street); citation was filed with DJ. A visit on June 12th showed the trucks on site. If vehicles not removed next week, additional citations will be filed.

The Zoning Officer addressed the Martins property (174 Greble Road); weeds/grass. Property was mowed; new landscaper hired.

The Zoning Officer addressed the Dunn property (29 New Schaefferstown Road); weeds/grass – Property is in foreclosure. Spoke with the bank's attorney; they were unaware that the property was

vacant and advised they would send someone out to mow. As of June 12th the property still wasn't mowed – left message for attorney advising that the property has not been mowed and that an NOV would be filed.

The Zoning Officer addressed the Kennelly (15 West Market Street); weeds/grass. Property is being mowed by bank.

The Zoning Officer addressed the Levan property (200 Deck Road); rubbish/cars – NOV was already issued. Property owner called and advised that she is working to clean up the site; she requested an additional thirty (30) days.

Vice Chairman Kramer made a motion to allow the Levan's (200 Deck Road) an additional thirty (30) days to comply. The motion was seconded by Chairman Deck and passed unanimously (2-0).

The Zoning Officer addressed the Berrios property (591 Godfrey Street); weeds/grass. Property is being mowed.

The Zoning Officer addressed the Donkel property (7654 Lancaster Avenue); weeds. Property is being mowed.

The Zoning Officer addressed the Donkel property (5 Magdalena Street); weeds. Property is being mowed.

Land Development

Reaffirm Larry Dean Martin Poultry Plan (4th barn) – The Board granted Conditional Preliminary/Final Plan approval on February 8, 2017 based on the conditions listing below:

- *The conditions of the Township Engineer's review letter dated February 2, 2017.*
- *New improvements agreements drafted by the Township Solicitor.*
- *Updating the existing stormwater agreements.*

Also need motion to authorize Chairman to sign agreements

Vice Chairman Kramer made a motion to reaffirm Larry Dean Martin's Poultry Plan. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Vice Chairman Kramer made a motion to authorize the Chairman to sign the agreements. The motion was seconded by Chairman Deck and passed unanimously (2-0).

STAFF REPORTS

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

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	3596	792
GALLONS OF FUEL	314.5	0
HOURS WORKED	535	60
PATROL HOURS	392.5	52
TULPEHOCKEN AREA SCHOOL DIST. HOURS	27	0

TOTAL INCIDENTS	3	3
TOTAL COMPLAINTS	13	7
MISCELLANEOUS CALLS FOR SERVICE	24	3
FOLLOW-UP INVEST	3	2
TELEPHONE ASSIGNMENTS	22	9
COMM/RESIDENTIAL ALARMS	1	1
EMS/FIRE ADVISORIES	14	7
TRAFFIC STOPS	66	4
CITATIONS ISSUED	66	4
NON-TRAFFIC CITATIONS	2	0
TRAFFIC WARNINGS	6	0
WARRANTS	0	0
PARKING TICKETS	0	6
TRAFFIC ACCIDENTS	7	1
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	0	0
SECURITY CHECKS	87	40
POLICE ASSISTS	8	0
MOTORISTS ASSISTS	1	1
COURT APPEARANCES	2	0
SCHOOL HOURS	0	0

Chief Kerschner reported that during the month of May there were 200 calls received through Berks County 911 for police services and on the results from PA Buckle Up Grant. He advised that the Berks County DA will be supplying Narcan to the department and that the Chevy Caprice needs to be serviced.

Chairman Deck reported that the Board will work with Mrs. Flaherty and Office Hepler to schedule meeting dates to discuss the Police contract.

Renew Memorandum of Understanding between the Township Police and Tulpehocken Area School District – Authorize Chairman to sign agreement

Vice Chairman Kramer made a motion to authorize the Chairman to sign the Memorandum of Understanding between the Township Police and Tulpehocken Area School District. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Road Master’s Report – Vice Chairman Kramer read the May, 2017 report. The work consisted of sewer maintenance, meter reading, work in shop, telephone calls, equipment maintenance/repairs, look into complaints in Mt. Aetna, meet with Engineer at Met-Ed substation, paperwork; work on pipe at Apple Street, work on Lancaster Avenue pump station, meet with Engineer and Bob and Lester Moyer re: Host Road work, meet with Charlie Paris re: road project, mowing/trimming, televise sewer lines in Rehrersburg, highway mowing, pothole patching, sewer meeting with Louie Hurst and pipe salesman, patching, and traffic count.

Motion to authorize approval to purchase six (6) safety vests

Chairman Deck made a motion to approve the purchase of six (6) safety vests. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

Fire Chiefs' Report – Chairman Deck 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 made a motion to transfer the February 21st judgment to the Court of Common Pleas for the Miller property (7661 Lancaster Avenue). The motion was seconded by Chairman Deck and passed unanimously (2-0).

Vice Chairman made a motion to transfer the February 21st judgment to the Court of Common Pleas for the Smith property (12A Deck Road). The motion was seconded by Chairman Deck and passed unanimously (2-0).

Should a notice regarding storm water and disposing of household grease be included with the third quarter statements?

The Board was provided with a copy of the notice that was sent in April, 2016.

Chairman Deck made a motion to authorize the Sewer Secretary to include the notice with the third quarter statements. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

UNFINISHED BUSINESS

Update regarding street address in the Township and discussions with Emergency Services

Mrs. Flaherty reported that she is working on resolving the address issue. She has sent correspondence to some residents and is still working with Berks County Emergency Services and the USPS to resolve the issue. She will advise the representative from Berks County Emergency Services that the address issue needs to be resolved prior to the next census.

NEW BUSINESS

Opening of Bids for 2017 Seal Coating Project (Deck, Ketterman Hill and Temple Roads)

The 2017 seal coating project bids were opened.

Company	Total
Asphalt Maintenance Solutions, LLC	\$130,883.28
Martin Paving, Inc.	\$110,308.82

Chairman Deck made a motion to award the 2017 Seal Coating Project (Deck, Ketterman Hill and Temple Roads) to Martin Paving, Inc. for a cost of \$110,308.82, after review by the Township Solicitor. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

Discuss road openings – Motion to adopt Resolution 2017-8; Establishing Fees Pursuant to Ordinance 2006-1 – Motion to adopt Street Excavation and Opening Permit Applicant

Vice Chairman Kramer made a motion to adopt Resolution 2017-8; Establishing Fees Pursuant to Ordinance 2006-1. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Vice Chairman Kramer made a motion to adopt the Street Excavation and Opening Permit Application. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Need to set a policy with regards to audio tape of monthly meetings; determine how long to keep audio – Drafted Resolution to delete the audio once the minutes have been approved – Motion to adopt Resolution 2017-9; Policy for the Disposal of Electronic Tape Recordings of Public Meetings

Vice Chairman Kramer made a motion to adopt Resolution 2017-9; Policy for the Disposal of Electronic Tape Recordings of Public Meetings. The motion was seconded by Chairman Deck and passed unanimously (2-0).

CORRESPONDENCE

Request from Bern Township Police Department for Fire Police coverage for the annual World War II Airshow scheduled for Friday, June 2nd through Saturday, June 4th – need to ratify the motion due to approval being granted between meetings.

Vice Chairman Kramer made a motion to ratify the Fire Police coverage on Friday, June 2nd through Saturday, June 4th for the annual World War II Airshow. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Request from Bern Township Police Department for Fire Police coverage for the weeklong Reading Fair scheduled for Sunday, August 6th through Saturday, August 12th

Chairman Deck made a motion to authorize Fire Police coverage for the Reading Fair scheduled for Sunday, August 6th through Saturday, August 12th. The motion was seconded by Vice Chairman Kramer and passed unanimously (2-0).

Chairman Deck thanked the Fire Police for the service they provided to the community.

Mr. Sattazahn thanked the Police Department for escorting the Annual Tractor Parade.

Request from the Borough of Robesonia for Fire Police coverage for the annual fireworks display scheduled for Saturday, June 24th.

Vice Chairman Kramer made a motion to authorize Fire Police coverage for the annual fireworks display scheduled for Saturday, June 24th in the Borough of Robesonia. The motion was seconded by Chairman Deck and passed unanimously (2-0).

OTHER BUSINESS

Discuss closing the Township office on Monday, July 3rd

Vice Chairman Kramer made a motion to authorize the closing of the Township office on Monday, July 3rd. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Mrs. Flaherty advised that she would make a sign to be posted on the door.

Discuss enforcing the deadline that was established in 2009 for submitting any items to be placed on agenda – suggest deadline be Monday prior to meeting by 11 A.M.

The Board discussed the matter and agreed that Mrs. Flaherty should request the Township Solicitor and Engineer to have any information that pertains to the meeting submitted by the end of the business day the Monday prior to the monthly meeting.

Mrs. Flaherty presented the Board with an invitation to the 2017 Summer Picnic on July 21, 2017. The Supervisors agreed they had no interest in attending.

Mrs. Deck inquired if the Township has received any information with regards to Act 170; she explained that it is to reimburse volunteer emergency service workers a percentage of their real estate taxes. Mrs. Flaherty reported that she has not received anything. Mrs. Deck will forward a copy of the sample resolution to Mrs. Flaherty for review by the Board.

Mrs. Deck commented with regards to matters being addressed at the secretary meetings hosted by Albright College. Mrs. Flaherty requested approval to attend the secretary meetings hosted by Albright College. The Board agreed that she can attend.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$146,273.25
First Citizens General Holding Account	\$ 5,648.42
General Plus Account	\$199,834.86
State Aid Account	\$ 120.69
State Plus Account	\$274,345.45
Street Light Account	\$ 19,255.65

Payments of Bills for this June 14, 2017 meeting are:

- General Account combined with the payroll account – Checks #17548 to #17586 in the amount of \$48,396.21
- Street Light Account – Check #363 in the amount of \$1,284.71
- 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 – \$49,680.92

Vice Chairman Kramer made a motion to approve the payments of the bills for this June 14, 2017 meeting. The motion was seconded by Chairman Deck and passed unanimously (2-0).

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

Sewer Operation Account – \$2,319.08
Balance in the Sewer Holding Account - \$125,373.88
Debt Service Account - \$405,472.90

Payments of Bills in the Sewer Operation Account for this June 14, 2017 meeting are:
Check #1951 to #1967 in the amount of \$95,751.38

Vice Chairman Kramer made a motion to approve payment of the sewer bills. The motion was seconded by Chairman Deck and passed unanimously (2-0).

ADJOURNMENT OF MEETING

The Board reported that they met briefly during this meeting in Executive Session to discuss personnel matters.

Vice Chairman Kramer made a motion to adjourn the meeting at 9:00 P.M. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township