

**Tulpehocken Township  
Board of Supervisors  
Meeting of March 11, 2015**

The Tulpehocken Township Board of Supervisors met on March 11, 2015 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 Chris Hartman, Township Solicitor.

Members of the audience included: Lori Deck, Sharon Kramer, Linda Althouse, Harold Althouse, Lloyd Schneck and Robert Sattazahn.

**CALL TO ORDER**

Chairman Gary Deck called the meeting to order at 7:02 P.M.

The meeting continued with the pledge to the American Flag.

**PUBLIC COMMENTS**

Mr. Schneck inquired if the Werni's need any permits to turn the garage. The Board advised that no permits were needed to turn the garage. Mr. Schneck questioned why the Werni's driveway needs to be paved. The Board advised that it needs to be paved to prevent dirt from washing out into the roadway. The Board discussed the garage structure being moved further into the property and the possibility of the ground being regraded. It was clarified that the agreement takes the place of the Zoning Permit and that no Building Permit is needed due to the size of the structure. If the structure has electric, a permit for electrical inspection would be required.

Mrs. Althouse reported that she lives across from the Four Points convenience store and that trucks/trailers are parking there and constantly running. She inquired as to what action the Township can take. The Board discussed Mrs. Althouse's concerns and noted that the vehicles are parked on private property. Attorney Hartman suggested having the Zoning Officer send a warning letter to the property owner, noting that they are violating the zoning. The letter should note that the trucks/trailers are being parked after hours; they are not patronizing the store. If the owner does not comply, a notice of violation (NOV) could be sent. Chief Kerschner advised that he would speak to the property owner.

*Supervisor Feick made a motion to authorize the Zoning Officer to send a warning letter. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

## **APPROVAL OF MINUTES**

*Vice Chairman Kramer made a motion to approve the minutes from the February 11, 2015 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

*Chairman Deck made a motion to approve the minutes from the February 17, 2015 Sewer Workshop. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **ADMINISTRATIVE ACTIONS**

**Planning Commission** – The March 5<sup>th</sup> meeting was cancelled, due to the weather.

***Camp Calvary – Final Plan – Request for 180 day time extension, September 25, 2015***

*Supervisor Feick made a motion to accept the 180 day time extension. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Need to reaffirm Sketch Plan of Record for Robert Conner – Conditional plan approval granted at BOS November 10, 2014 meeting (Planning Commission has not given their recommendation, due to not having a March meeting)***

The Board discussed the work still needing to be completed for the plan.

*Chairman Deck made a motion to reaffirm the Sketch Plan of Record for Robert Conner. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Need to reaffirm Sketch Plan of Record for Curvin Reiff Poultry Operation – Conditional plan approval granted at BOS November 10, 2014 meeting (Planning Commission has not given their recommendation, due to not having a March meeting)***

The Board discussed the work still needing to be completed for the plan.

*Vice Chairman Kramer made a motion to reaffirm the Sketch Plan of Record for the Curvin Reiff Poultry Operation. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **Solicitor Legal Discussions**

Attorney Hartman reported that he had nothing specific at this time, but there would be items for discussion further into the agenda.

## Correspondence from Zoning Officer

The Zoning Officer addressed the Werni property (342 Godfrey Street); she reported that she has not spoken with the property owner and that the structure has not been moved.

The Zoning Officer addressed the Heffner-Davidheiser property (574 Godfrey Street); she reported she has spoken with the property owner who notified the tenant that the cars need to be moved and that she is working with the Township Solicitor with regards to the legal filings. The property owner wants to work with the Township. Attorney Hartman reported that the property owner is responsible for the tenant and that it is the property owner who would be cited. The Board agreed to allow one week for the vehicles to be removed from the outside of the property. If they are not moved, the Zoning Officer is authorized to issue a citation.

The Zoning Officer addressed the Derr property (23 Ketterman Hill Road); she reported that another letter has been sent to the property owner advising that the pavilion is not a dwelling and that she is working with the Township Solicitor with regards to legal matters. The Board authorized Attorney Hartman to look into the matter and to work with the Zoning Officer.

## STAFF REPORTS

**Police Report** – Chief Kerschner read the February, 2015 Police report as follows:

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	2744	983
Gallons of Fuel	284.5	0
Hours of Work	447	60
Total Incidents	7	3
Complaints	4	7
Misc. Calls for Service	57	8
Follow-up Investigations	3	4
Telephone Assignments	18	7
Comm/Residential to Alarms	1	4
EMS/Fire Advisory	12	8
Traffic Stops	26	3
Citations Issued	32	6
Non-traffic Citations	6	0
Traffic Warnings	2	0
Warrants	0	0
Parking Tickets	1	0

Traffic Accidents	5	5
DUI Arrests	0	0
Misdemeanor/Felony	1	0
Security Checks	73	27
Police Assists	13	0
Motorists Assists	1	3
Court Appearances	2	2
School Hours	0	0

Chief Kerschner reported that during the month of February there were 139 calls received through Berks County 911 for police services and that the Department has received an Aggressive Driving Grant in the amount of \$1,100. The detail will take place on Rt. 419 in Marion Township during the end of March and beginning of April.

Mrs. Deck inquired if Chief Kerschner has heard anything from Tulpehocken School District with regards to providing police services. He reported that he has not been contacted. Attorney Hartman advised that he has been contacted by the School District's Solicitor.

Vice Chairman Kramer commented with regards to some vandalism that had taken place along New Schaefferstown Road. Chief Kerschner advised that he has heard that there were some arrests regarding those matters.

**Road Master's Report** – Supervisor Feick read the February, 2015 report. The work consisted of equipment maintenance, snow/ice events/plowing, stockpile/mix antiskid & salt, telephone calls/paperwork, sewer maintenance/frozen pipes, meter reading, clean vehicles/shop, pick up parts/supplies, check road conditions and meet with the Bridge Inspector.

Supervisor Feick reported on his meeting with the Bridge Inspector regarding the Midway Road Bridge. The project will have to go out for bid. A project budget quote was received from Descco for approximately \$30,000. The Supervisors discussed who owns the bridge; the Township has no records of ownership. Attorney Hartman noted that if there is no proof of ownership and the bridge is located on a township roadway, then it is township owned.

Supervisor Feick advised that Matt Mack from Ludgate Engineering is working on the GP11 permit for the Stouchsburg Road project; the road is being undermined.

The Board discussed the Teen Challenge Road resurfacing project. It was agreed to start the bidding process.

*Vice Chairman Kramer made a motion to start the bidding process for the Teen Challenge Road resurfacing project. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Supervisor Feick reported that he is currently waiting on three (3) more loads of salt. Chairman Deck inquired if the Township has replaced the salt that was borrowed from Upper Tulpehocken Township and Marion Township. Supervisor Feick advised that has not been done yet. The Board authorized the Township Secretary to send thank you letters to Upper Tulpehocken Township and Marion Township. The Board discussed how much salt the Township currently has and how much was used during the 2013 – 2014 season. They also discussed the work that is proposed for the salt shed this summer; which includes widening the doorway and installing jersey barriers down the center of the shed.

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

## **SEWER OPERATIONS**

### ***Return Check Fee (\$25 - \$30)***

The Board discussed increasing the return check fee. Attorney Hartman reported on Pennsylvania State Law with regards to return check fees; the Township can charge up to \$50 unless the bank charges more, then the Township can charge more. Customers need to be given notice of the fee. It was recommended that the return check fee be posted in the public area of the Township building and noted on invoices. Attorney Hartman suggested that going forward the information be added to the 2016 Fee Schedule.

*Vice Chairman Kramer made a motion to charge a Return Check Fee of \$50. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

### ***Sewer Certification Fee (\$15) – Public Sewer and On Lot***

Attorney Hartman advised on what the sewer certification fee is for and suggested that if the Township chooses to have a fee, that the information should be added to the 2016 Fee Schedule.

*Supervisor Feick made a motion to charge a Sewer Certification Fee of \$15 for public and on lot sewer. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

### ***Increase EDU monthly fee from \$60 to \$65***

The Board discussed increasing the monthly EDU fee from \$60 to \$65 effective July 1, 2015 (3<sup>rd</sup> quarter billing, 2015).

*Vice Chairman Kramer made a motion to increase the monthly EDU fee from \$60 to \$65 effective July 1, 2015 (3<sup>rd</sup> quarter billing, 2015). The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

*Vice Chairman Kramer amended the motion to include authorization for the Solicitor to draft a resolution to increase the monthly EDU Fee from \$60 to \$65 effective July 1, 2015 (3<sup>rd</sup> quarter billing, 2015). The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

### ***Tapping Fee***

Attorney Hartman recommended increasing the tapping fee. The Supervisors agreed to a 3% yearly increase since last raised in 2012; which would increase the fee from \$2,945.28 to \$3,218.09. Mrs. Flaherty reported that she believes that the amount you can increase the fee is capped. It was agreed to verify that the amount of the increase will not exceed the capped amount.

*Vice Chairman Kramer made a motion to increase the Tapping Fee from \$2,945.28 to \$3,218.09, providing that amount does not exceed the capped amount. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

*Vice Chairman Kramer amended the motion to include authorization for the Solicitor to draft a resolution to increase the Tapping Fee from \$2,945.28 to \$3,218.09, providing that amount does not exceed the capped amount. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

### ***Sewer Waivers***

The Supervisors discussed the existing customers who have been granted sewer waivers and agreed that all existing waivers would be grandfathered. No new waivers would be accepted unless a permanent disconnect; a disconnect permit would be required.

*Supervisor Feick made a motion to grandfather all existing waivers and not to grant any new waivers unless a disconnect permit is filed. The motion was seconded by Chairman Deck and passed with Vice Chairman Kramer abstaining (2-0-1).*

#### ***1. Salem/St. John's Church – 14 East Mill Street – Requesting waiver of sewer user fees***

The Supervisors discussed the waiver request received from Herb Webber and agreed to deny the waiver.

***Sewer Inspection Connection/Disconnection Permit Fee – If the previous owner paid a tapping fee, can the Township charge for a sewer inspection since it is a new owner/new construction***

The Supervisors discussed having an inspection fee for sewer connections and disconnections. It was agreed that the permit fee would be \$150. Attorney Hartman noted that the fee information should also be added to the 2016 Fee Schedule.

*Supervisor Feick made a motion to charge a Sewer Inspection Connection/Disconnection Permit Fee of \$150. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Sewer Ordinance***

Mrs. Flaherty inquired with regards to some of the language in the Sewer Ordinance. It was agreed to leave the language regarding the sewer waivers as is. With regards to the language regarding recovering legal fees; Attorney Hartman will discuss the matter with his staff.

***Judgments and Delinquent Sewer Accounts***

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

***Christina Kennelly – 15 West Market Street (Note that this property is not occupied) – Has missed three (4) monthly judgment payments, no contact – How should we proceed? – Ms. Kennelly lives in Schuylkill County – Current Judgment amount past due \$3,776.38 – Current delinquent balance \$312.00 (not quite two (2) quarters past due) – Below is a summary of the correspondence received from Hartman’s office dated February 11<sup>th</sup>***

*Township can recommence sheriff sale on personal property – a new writ would have to be filed – Berks County cost \$354 – Township needs to decide if they want to levy on the property in Berks, Schuylkill or both – the Police have done a drive by and there are no items on the exterior of the Berks property, however there are items inside – to go after the interior personal property the Township would need to obtain a break the lock order – The cost to go after personal property in Schuylkill County is \$170*

The Supervisors discussed the matter. Attorney Hartman advised the Board on the Township’s options which include going after the property in Berks or Schuylkill Counties, or garnishing bank accounts or pay checks. He discussed completing a title search. Mrs. Deck reported that the property taxes were paid by

Jonestown Bank. It was suggested to have Mrs. Claman contact Jonestown Bank to verify that status of the property.

***Zimmerman (365 Godfrey Street) – Levy was served on February 19<sup>th</sup> – An attorney from Hartman’s office and a representative from the Township will need to attend the sale – If items aren’t sold the Township will need to be prepared to take items, including vehicles on date of sale***

Mr. Zimmerman submitted correspondence on March 9, 2015 requesting to establish a payment plan of \$300 per month. He also submitted a check for \$1,000. Attorney Hartman suggested continuing the Sheriff’s Sale and that if the payments are consistent for six (6) months the sale can be withdrawn. The Board discussed the barn that is owned by Mr. Zimmerman. Attorney Hartman reported that if the Judgment is thru the District Attorney the Township could execute on any property owned in Berks County. The Board discussed Mr. Zimmerman’s payment plan proposal and making a counter offer of a \$600 monthly payment until the balance is paid off. Attorney Hartman suggested completing a property lien search.

*Vice Chairman Kramer made a motion to authorize Mrs. Claman to draft a payment plan agreement of \$600 per month; \$65 would go towards the current payment and the balance would go against the delinquent amount. If the Zimmerman’s agree to the counter offer, the sale will be postponed up to six (6) months as long as monthly payments are made. The Township must receive an answer in writing by noon on Monday, March 16, 2015. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

Mrs. Flaherty will advise Mrs. Claman on the Board’s directions with regards to the Zimmerman matter. The Police Department will serve the letter. Once the Township hears back from Mr. Zimmerman, they will update Hartman’s office.

If Mr. Zimmerman does not respond, Supervisor Feick will attend the sale, scheduled for Tuesday, March 17, 2015.

**Tracy & Marlisa Smith (12A Deck Road) – Judgment filed February 3<sup>rd</sup>; in the amount of \$1,280 – The appeal deadline was March 5<sup>th</sup> – No contact – How should we proceed?**

Attorney Hartman recommended that the Township proceed to execute on the Judgment for Sheriff Sale of personal property. The Board agreed with Attorney Hartman’s recommendation.



## **UNFINISHED BUSINESS**

### ***Discuss hands free cell phone devices for CDL drivers***

Supervisor Deck requested the matter to remain on the agenda for further discussion.

## **NEW BUSINESS**

***Health Care Insurance Renewal*** – Capital Blue Cross Health Care renewal has increased approximately 9.65%. The Board was provided a packet which includes the renewal information and prices for comparative plans. They discussed the renewal and noted that the coverage cannot change for the contract employees.

*Vice Chairman Kramer made a motion to renew the Health Care Insurance with Capital Blue. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

The Board discussed the 2015 Budget. It was agreed to hold a Budget Workshop on April 8, 2015 at 6 P.M. (prior to the regularly scheduled meeting).

*Vice Chairman Kramer made a motion to authorize the Township Secretary to advertise the Budget Workshop on April 8, 2015 at 6 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **OLD BUSINESS**

***28 Church Street (formally the Manegold property)*** – The Board discussed putting the property out for bid in May and agreed to discuss the matter further at the April meeting. The Secretary advised that she has received a 2015 tax bill for the property and that the property does not qualify as tax exempt. The Board agreed to hold off on the payment of the 2015 taxes until June; hoping that the property will sell by then.

## **CORRESPONDENCE**

***Albright College, Center for Excellence in Local Government is asking for a contribution; the Township contributed \$250.00 in 2013, could not find documentation of a contribution in 2014***

*Supervisor Feick made a motion to contribute \$250 to Albright College in 2015. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

## **OTHER BUSINESS**

The Board discussed Township equipment. Vice Chairman Kramer noted that on the morning of February 13, 2015 it was twelve (12) degrees out. Upon the comments at the February meeting, the loader was parked outside of the salt shed and would not start due to the cold. Thereafter it was agreed to park the loader back in the salt shed. On the

mornings of February 15<sup>th</sup> it was four (4) degrees and on February 16<sup>th</sup> it was zero (0) degrees and the loader started just fine. Supervisor Feick reported that the loader's rims are in very poor condition and should be replaced. He received a price from Wenger's Farm Machinery for approximately \$350 per rim; the replacement rims would be used. It was agreed that due to safety concerns the rims should be replaced.

*Chairman Deck made a motion to authorize the purchase of the replacement rims from Wenger's Farm Machinery for approximately \$350 per rim. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

Township Auditors' Carole Lape and Linda Bicksler's terms expire at the end of 2015; neither party wants to be reappointed. The Supervisors agreed to encourage other residents to fill the positions.

The Township Secretary advised the Board that no bids were received for the 2005 Crown Vic. Supervisor Feick reported that he did receive two (2) telephone calls with regards to the vehicle. He suggested parking the vehicle out front with a 4-sale sign once the weather breaks. The Board discussed the value of the vehicle and agreed with Supervisor Feick's suggestion.

The Board discussed the 2015 EAC Network Conference (May 7 – 9, 2015) and agreed they had no interest in attending.

The Board discussed the MRM Property & Liability Trust, annual meeting scheduled for Thursday, April 9, 2015. It was agreed that a representative from the Township would not be attending. The Township agreed to appoint Chairman Deck as the delegate and Vice Chairman Kramer as the alternate and to authorize Chairman Deck to sign the proxy statement authorizing the MRM Property & Liability Trust Chairman to cast the Township's vote.

*Supervisor Feick made a motion to authorize Chairman Deck to sign the MRM Property & Liability Trust proxy statement. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

The Board discussed the 9<sup>th</sup> Annual Berks Municipal Officials Dinner scheduled for Thursday, March 26, 2015. It was agreed that Chairman Deck, Vice Chairman Kramer and Supervisor Feick would be attending the dinner.

The Board discussed the Township Newsletter. The Secretary requested the Board to think of items they would like to see in the newsletter and suggested that they each write an article. The Board agreed that they would come up with topics for discussion at the April meeting.

The Board discussed holding an appreciation dinner for elected and appointed Township officials. It was agreed not to have the dinner this year due to the current budget situation. Chairman Deck offered to have a gathering at his home.

Chairman Deck suggested having alternate meeting dates for Supervisor and Planning Commission meetings for 2016, in case of inclement weather. Attorney Hartman advised that he did not believe the Township can do that.

The Board discussed the VALIC proxy statement; a motion was needed to authorize the Chairman to sign the proxy.

*Supervisor Feick made a motion to authorize Chairman Deck to sign the VALIC proxy statement. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

The Board discussed the Citizen's Complaint received with regards to 37 Teen Challenge Road and the stakes being too close to the roadway. It was agreed that Chairman Deck would speak to the property owner.

Mr. Sattazahn invited the Board to attend the legislative banquet at the Fleetwood Grange on April 24<sup>th</sup>; he noted that cost of dinner for one (1) Supervisor would be paid for. The Board discussed the invitation and agreed that Chairman Deck would attend.

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

Account Balances for the end of February, 2015 were as follows:

General Account	\$ 6,936.65
FNB Fredericksburg Holding Account	\$ 15,433.86
General Plus Account	\$178,767.40
State Aid Account	\$ 41.62
State Plus Account	\$ 3,398.70
Street Light Account	\$ 8,079.00

Payments of Bills for this March 11, 2015 meeting are:

General Account combined with the payroll account- Checks #15790 to #15817 in the amount of \$42,888.61  
Street Light Account – Check #336 in the amount of \$1,179.85  
State Liquid Fuels Account – Checks #184 to #185 in the amount of \$4,288.30  
Camp Calvary Land Dev. Escrow – Check #152 in the amount of \$67.43  
Camp Calvary Inspection Escrow –  
Village Estates Improvements Inspection Escrow –  
Stormwater Inspection Escrow –  
Total Expenses for this meeting – \$48,424.19

*Vice Chairman Kramer made a motion to approve the payments of the bills for this March 11, 2015 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Sewer Accounts balances for the end of February, 2015 are as follows:

Sewer Operation Account – \$8,089.72  
Balance in the Sewer Holding Account - \$85,186.40  
Debt Service Account - \$403,045.06

Payments of Bills in the Sewer Operation Account for this March 11, 2015 meeting are:  
Check #1554 to #1563 in the amount of \$11,748.83

*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 10:27 P.M. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

Respectfully Submitted,

*Christy Flaherty*

Secretary, Tulpehocken Township