

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

The Tulpehocken Township Board of Supervisors met on November 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: Lloyd Schneck, Kevin Brown & Tim Crouse.

PUBLIC HEARING ON RECEIPT OF AGRICULTURAL AREA APPLICATION

As required, a public hearing on the applications received for Ag Security was called to order. Jeffrey Stoltz (39 Deck Road) and John C. & Beth A. Schueller (9 Summer Mountain Road) have submitted applications for their properties. Jeffrey Stoltz's property is located at 39 Deck Road, with the majority of the parcel in the Effective Agricultural Preservation Zoning District and a small portion in the Environmental Preservation Zoning District, consisting of 50.41 acres. John & Beth Schueller's property is located at 9 Summer Mountain Road, the parcel is in the Effective Agricultural Preservation Zoning District and the Environment Preservation Zoning District, consisting of 120.47 acres. Both properties meet all the requirements of the Ag Security Act. Berks County Planning Commission, Tulpehocken Township Planning Commission, and the Ag Security Committee gave approval of the applications. Mr. Schneck questioned what placing a property into Agricultural Security means. Attorney Hartman discussed various reasons why someone would want to put their property in the Ag Security Area and noted that Ag Security is different from Clean and Green and that placing a property in Ag Security is the first step for entering a property into Ag Preservation. The Board discussed the impact of chicken houses, the extraction of water, well regulations and the DEP & EPA with regards to stormwater and agriculture.

Supervisor Feick made a motion at approve the applications and sign the certificates entering the Stoltz and Schueller properties into the Ag Security Area. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

CALL TO ORDER

Chairman Gary Deck called the meeting to order at 7:18P.M.

The meeting continued with the pledge to the American Flag.

The Board acknowledged that today is Veterans Day and thanked Veterans for their service.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the October 14, 2015 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Vice Chairman Kramer made a motion to approve the minutes from the October 26, 2015 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Laverne & Sandra Frey Poultry – Time expires December 2, 2015. The following waivers/modifications were requested:

- ***Section 302. To allow the plan to be processed as a combined Preliminary/Final Plan. The proposed improvements are all contained within the property with no additional street construction and financial guarantee will be submitted prior to plan approval. Ray Daub made a motion to recommend to the Board of Supervisors to grant the waiver request for Section 302. Scott Hetrick seconded the motion. Laverne Frey abstained from voting due to this being his Land Development Plan. All others in favor, motion carried.***
- ***Section 303.1.B and Section 303.1.L. – Tract Boundary. A waiver is requested to the requirement of the total tract boundary to be surveyed. The proposed plan is centrally located between the property lines. No perimeter survey is proposed and no additional perimeter monuments will be place. John Zimmerman made a motion to recommend to the Board of Supervisors to grant the waiver request for these sections. Gary Deck seconded the motion. Laverne Frey abstained from voting due to this being his Land Development Plan. All others in favor, motion carried.***
- ***Section 602.4 – Monuments and Markers. A modification is requested to require placing additional monuments and markers for the property. The proposed plan is centrally located between the property lines. Gary Deck made a motion to recommend to the Board of Supervisors to grant the modification request for Section 602.4. Two (2) concrete monuments are to be placed along the southern corners of the property. One along the road side right-of-way and the other along the Southeastern corner of the property. Scott Hetrick seconded the motion. Laverne Frey abstained from voting due to this being his Land Development Plan. All others in favor, motion carried.***

The applicant's engineer was instructed to get the cost estimate to the Township Engineer for review. Escrow will also need to be posted and the improvements agreements will need to be drafted and signed prior to plan approval.

John Zimmerman made a motion to recommend to the Board of Supervisors to grant the time extension request to January 13, 2016. Scott Hetrick seconded the motion. Laverne Frey abstained from voting due to this being his Land Development Plan. All others in favor, motion carried.

Supervisor Feick made a motion to grant the waiver of Section 302 and accept the plan as Preliminary/Final. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

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

Supervisor Feick made a motion to grant the modification request for Section 602.4. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Chairman Deck made a motion to grant the time extension request to January 13, 2016. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Meadow Springs Meeting House – The applicant’s engineer was present for discussion. A response letter was presented at the meeting and the Township Engineer will review the revised plans and letter and be in touch with the applicant’s engineer to discuss any necessary changes if needed.

- ***A waiver for Section 302 was presented. This is to allow the plan to be processed as a combined Preliminary/Final Plan. The proposed project is located on an existing lot of record along an existing Township road with no additional street construction and financial guarantee will be submitted prior to plan approval. Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver request for Section 302. John Zimmerman seconded the motion. All in favor, motion carried.***

Section 306.C.3 – Standards for Grading – top/bottom edge of proposed slopes. A modification is requested to allow the top edge of proposed grading for swale “B” to be closer than the required five feet from the property line. The Planning Commission discussed having stakes placed along the property line.

The applicant’s engineer was instructed to see that the Township Engineer gets the architectural plans for the proposed meeting house for him to review.

Supervisor Feick made a motion to grant the waiver request for Section 302 and accept the plans as Preliminary/Final. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Chairman Deck advised that the applicant was also requested to install a fence by the parking area to help block any headlights.

Tim Crouse Poultry – The two (2) new cage free layer poultry barns will house 20,000 birds in each house. The plan is fairly clean, however it will be held up until the Greble Road Tract Plan is recorded. Or the applicant could have a temporary Stormwater easement for Lot 2 of the Greble Road Tract Plan drafted with Louie Hurst prior to settlement.

John Zimmerman made a motion to recommend to the Board of Supervisors to grant Conditional Preliminary/Final Plan approval with the conditions of the Ludgate review letter dated November 4, 2015. The comment under general comments states that this plan cannot be approved until the non-building waiver from DEP is approved and the prior subdivision plan (Greble Road Tract) is recorded. This comment could be satisfied with an easement shown for Lot 2. Ray Daub seconded the motion. All in favor, motion carried.

Mr. Crouse updated the Board and advised that Mr. Hurst has the Stormwater easement agreement for signature.

Supervisor Feick made a motion to grant Conditional Preliminary/Final Plan approval with the conditions of the Ludgate review letter dated November 4, 2015. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

The Board discussed the agreements still needed. Attorney Hartman gave recommendations. It was noted that as long as the Township has the signed agreements, the financial security required by the agreements and the plans; that the applicant can start moving dirt. The plans would be signed by the Planning Commission and BOS at their December meetings.

Greble Road Tract – Motion to authorize the Chairman to sign the Planning Waiver and Non-Building Declaration for Lot #2

Vice Chairman Kramer made a motion to authorize the Chairman to sign the Planning Waiver and Non-Building Declaration for Lot #2 of the Greble Road Tract. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Solicitor Legal Discussions

Update regarding Tulpehocken Area School District Police Services Agreement

Attorney Hartman updated the Board. He reported that the ordinance has been advertised with regards to the Intergovernmental Cooperation Agreement between the three (3) municipalities and the Police Services Agreement between Tulpehocken Area School District and Tulpehocken Township. He noted that a copy of the Certificate of Insurance for general liability and worker's compensation insurance coverages needs to be added to the Police Services Agreement and requested Mrs. Flaherty to provide him with a copy. The agreements will be ready for consideration of approval at the December meeting. Once the agreements are approved, coverage will begin December 10, 2015. He also advised the Board as to why he wanted to have two (2) separate agreements – an agreement between the Township and School District and a second agreement between Tulpehocken, Penn & Jefferson Townships.

Update regarding Amendment to the Collective Bargaining Agreement

Attorney Hartman updated the Board with regards to the Amendment to the Collective Bargaining Agreement; it was noted that the Officers will still need to provide receipts.

Vice Chairman Kramer made a motion to approve the Amendment to the Collective Bargaining Agreement. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Escrow Release

None.

Correspondence from Zoning Officer

The Zoning Officer addressed the Myers property (123B Godfrey Street); items have been tarped, and some removed; will continue to monitor progress.

The Zoning Officer addressed the Lanshe property (117 Godfrey Street); small amounts of progress made, but it now looks as though the woodshed is falling. She will contact the property owner and send periodic reminders to cleanup.

The Zoning Officer addressed the Noll property (7668 Lancaster Avenue); cleanup is slow. She will send periodic reminders.

The Zoning Officer addressed the Werni property (342 Godfrey Street); the paving of the driveway has been completed.

The Zoning Officer addressed the Heffner-Davidheiser property (574 Godfrey Street); will contact the property owner's attorney again with regards to the property changing ownership; no sign of new owners and the cars are still there; suggested sending a current NOV. The Board discussed the matter and agreed that the property owner needs to be verified; if the property has a new owner send a nice guy letter, if the same property owner resend the original NOV from November, 2014.

The Zoning Officer addressed the Goroshko property (105 Teen Challenge Road); the containers are still on site and no permit has been applied for. She suggested contacting the owner giving them a drop dead date to remove the pods or file a citation. The Board noted the motion that was made at the October meeting and agreed that since the Township has not received any contact from the property owner, the Zoning Officer should issue a NOV.

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

LAND DEVELOPMENT

None.

STAFF REPORTS

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

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	3502	908
Gallons of Fuel	270	0
Hours Worked	462	60
Patrol Hours	308.25	64
Total Incidents	7	1
Total Complaints	19	10
Miscellaneous Calls for Service	55	5
Follow-up Investigations	2	2
Telephone Assignments	19	11
Comm/Residential Alarms	4	0
EMS/FIRE Advisories	17	8
Traffic Stops	29	8
Citations Issued	27	9
Non-Traffic Citations	0	0
Traffic Warnings	2	0
Warrants	0	0
Parking Tickets	0	0
Traffic Accidents	0	1
DUI Arrests	0	0
Misdemeanor/Felony	1	0
Security Checks	69	40
Police Assists	7	0
Motorists Assists	0	2
Court Appearances	0	1
School Hours	0	0

Chief Kerschner reported that during the month of October there were 153 calls received through Berks County 911 for police services.

Chief Kerschner reported that the tires have been purchased for the Tahoe and that he did purchase the AED batteries and pads for a cost of \$600.02.

Chairman Deck inquired with regards to the number of calls received through Berks County 911. Chief Kerschner advised on the types of call being received.

The Board discussed the services provided to Marion Township. Chief Kerschner explained how coverage works and noted that Marion Township receives 60 hours of coverage per month; patrol hours are adjusted in accordance with call volume.

Chief Kerschner updated the Board with regards to how the local Police Departments are working together to stop crime.

Chairman Deck commented with regards to the possibility of having an Officer on duty after midnight between Tulpehocken and Bethel Townships. Chief Kerschner reported on the coverage provided by the State Police during overnight hours and noted that if it was needed for the Township's Police Department to be on during the late evening/early morning hours they would revise the schedule.

Chief Kerschner reported that the Department has qualified for handguns and rifles and that they will need to qualify for tasers before the end of the year.

Road Master's Report – Supervisor Feick read the October, 2015 report. The work consisted of attending the Berks County Public Works meeting, telephone calls, sign maintenance, sewer maintenance, meter reading, paperwork, work in shop, weed trimming/lawn mowing at the sewer plant, sewer inspections, posted John Schueller's property for Ag Security, equipment maintenance, going for stone, taking backhoe to Marion Drive, install tile on Marion Drive, highway/lawn mowing, road maintenance, work on Stone Road, pick up parts, pick up barricades, driveway inspection, line painting, meeting with Mr. Shirk, check on dump truck, emergency sewer call, and close Mill Road due to flooding.

The Board discussed the repairs needed to the pipe on Cherry Hill Road. Supervisor Feick reported that the work is scheduled to begin November 12, 2015.

The Board discussed Mr. Shirk's shoulder installation off of Teen Challenge Road.

Vice Chairman Kramer commented with regards to installing a hydraulic lift on the service truck. The Board agreed to authorize the purchase.

Supervisor Feick made a motion to purchase a hydraulic lift for the service truck. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Vice Chairman Kramer updated the Board with regards to the work being completed on the v-plow.

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

SEWER OPERATIONS

Supervisor Feick reported that he is planning to have the Sewer Pump Stations pumped out prior to the end of the year.

Judgments and Delinquent Sewer Accounts

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

George & Tammy Field (118 Godfrey Street)

The Board discussed the current delinquent balance of \$980.29. Attorney Hartman recommended that the Township file a lien for the \$980.29 to protect the Township's interests.

Supervisor Kramer made a motion to proceed with filing a lien for the \$980.29. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

The Board discussed the property owner's payment history and agreed that the matter of suing would be discussed further at the December meeting.

Sewer Waiver Requests

None.

Sewer Issues

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Reorganization 2016 – Reorganization meeting is Monday, January 4, 2016. We need to set the time and advertise the meeting. Last year the meeting began at 6 P.M.

The Board agreed to hold the reorganization and regular monthly meeting on Monday, January 4, 2016. Attorney Hartman advised that due to a prior commitment, he would not be present for the January 4th meetings, but noted that if needed he could send a representative from the firm. It was noted that the Board will authorize advertising next year's meeting schedule at their December meeting and that the advertisements would run in the Reading Eagle and the Merchandiser.

Citizens' Complaint received from Nichols Walsh with regards to 28 Host Road (Nelson Brubaker) – high & wild growth

The Board discussed Mr. Walsh's complaint and agreed that there is nothing the Township can do at this time. It was noted that Mrs. Flaherty should send a letter advising that the Township has reviewed the matter and there doesn't appear to be a violation of any Township regulations.

CORRESPONDENCE

Fire Police coverage request from the Borough of Myerstown for the Holiday Parade scheduled for Saturday, November 28, 2015, or rain date of November 29, 2015

Vice Chairman Kramer made a motion to authorize the participation of the Fire Police for the Holiday Parade scheduled for Saturday, November 28, 2015, or rain date of November 29, 2015. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Berks County Solid Waste Authority is asking for a contribution; the Township contributed \$100.00 in 2012, \$250.00 in 2013 and \$250.00 in 2014

Supervisor Feick made a motion the contribute \$250 to the Berks County Solid Waste Authority for 2015. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

OTHER BUSINESS

Trick or Treat Night

The Board discussed Trick or Treat Night and agreed that in the future Trick or Treat Night would not be scheduled for a Friday or Saturday night.

Invitation from Berks County Conservancy and the Berks County Planning Commission to attend a workshop on December 8th with regards to Winter Weather and MS4 Preparation

Attorney Hartman updated the Board, noting that currently the Township has no MS4 responsibility, but it will be coming. It was agreed that Supervisor Feick would attend the workshop.

Supervisor Feick will update the Board with regards to quotes received for security cameras and a new telephone system

Supervisor Feick updated the Board with regards to a security camera system; he received two (2) quotes. Both quotes included six (6) cameras and two (2) monitors. Choice Communications gave a quote for \$4,438.00, the warranty included one (1) year parts and labor. Smrt Guys LLC gave a quote for \$4,123.99, the warranty included one (1) year labor and three (3) years parts.

The Board discussed the quotes and noted that if the Township does install security cameras that they would also need to install signs alerting you that you are being videotaped.

Chairman Deck made a motion to authorize the purchase of a security camera system in 2015 from Smrt Guys LLC for a cost of approximately \$4,123.99. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

The Board agreed to split the costs from the following general ledger accounts – Building Maintenance and Police Small Equipment.

Supervisor Feick updated the Board with regards to a new telephone system; he received two (2) quotes. Both quotes included eight (8) telephones, a control panel and a horn for in the shop area. Choice Communications gave a quote for \$3,971.60. Connect Tek gave a quote for \$3,658.00; the warranty included two (2) years for the product and one (1) year labor.

Vice Chairman Kramer made a motion to authorize the purchase of a new telephone system in 2016 as long as it is in the budget from Connect Tek for a cost of approximately \$3,658.00. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Motion to advertise the 2016 Preliminary Budget available for public inspection – the 2016 Budget will come before the Board for adoption at the December 9, 2015 meeting at 7 P.M.

Chairman Deck advised that he requested Mrs. Flaherty to provide him with a report showing the funds that make up the Subdivision Fees. Mrs. Flaherty provided Chairman Deck with a report showing all of the funds that went into the Subdivision Fee General Ledger Account for 2015.

Supervisor Feick made a motion to advertise the 2016 Preliminary Budget for the General and Sewer Funds being available for public inspection. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Motion to authorize the release of Kevin S. & Carla A. Brown Fire Escrow

Supervisor Feick made a motion to authorize the release of Kevin S. & Carla A. Brown's fire escrow. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Discuss painting office areas while the furniture is out

Mrs. Flaherty advised the Board that Officer Hepler has offered to paint the office areas on his own time while the furniture is out as long as he has some help.

Supervisor Feick made a motion to authorize the purchase of paint for the office areas. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Municipal Recycling Program Grants

Supervisor Feick updated the Board; he inquired if the Township would be interested in applying

for a grant and noted that if the grant was awarded he would like to purchase a leaf vacuum. He advised on items that other local municipalities have purchased through the grant program. He reported that the DEP would pay 90% of the costs involved with drafting the ordinances needed and that per Jane Meeks (Solid Waste Authority Executive Director) the Township would have to ban burning. Chairman Deck noted that he would be against the Township banning burning. The Board discussed the requirement to ban burning. Supervisor Feick advised that he would check with Jackson Township with regards to the grant program and banning burning. Attorney Hartman reported on his experience with regards to the grant program and Richmond Township; he would provide a sample ordinance for the Board to review.

Chairman Deck updated the Board with regards to his recent attendance at the Conservation District's Board meeting. He advised on discussions that he has had with representatives from the Conservation District with regards to stormwater management. The Board discussed the Township's subdivision regulations with regards to stormwater management. Chairman Deck advised that he would favor more farmable/less wasteful stormwater management regulations. Attorney Hartman reported that the Township would need to change the Stormwater Management Ordinance.

The Board discussed receiving the second container for recycling.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

Sewer Operation Account – \$830.48
Balance in the Sewer Holding Account - \$125,382.20
Debt Service Account - \$403,175.80

Payments of Bills in the Sewer Operation Account for this November 11, 2015 meeting are:
Check #1655 to #1668 in the amount of \$11,973.43.

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).

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

General Account	\$ 99,465.54
FNB Fredericksburg Holding Account	\$ 14,740.15
General Plus Account	\$178,787.16
State Aid Account	\$ 68.28
State Plus Account	\$ 37,828.75
Street Light Account	\$ 13,144.16

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

General Account combined with the payroll account- Checks #16287 to #16325 in the amount of \$43,400.04

Street Light Account – Check #345 in the amount of \$1,219.94
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 – \$44,619.98

Vice Chairman Kramer made a motion to approve the payments of the bills for this November 11, 2015 meeting. 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 10:27P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township