

**Tulpehocken Township  
Board of Supervisors  
Meeting of November 9, 2016**

The Tulpehocken Township Board of Supervisors met on November 9, 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 Michelle Mayfield, Township Solicitor.

Members of the audience included: Lloyd Schneck, Harold Zimmerman, Denise Royer, Mr. & Mrs. Ron Snyder, Linda Umbenhauer and Mr. & Mrs. Bob Levan.

**CALL TO ORDER**

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

The meeting continued with the pledge to the American Flag.

**PUBLIC COMMENTS**

*None.*

**APPROVAL OF MINUTES**

*Vice Chairman Kramer made a motion to approve the minutes from the October 3, 2016 Board of Supervisors 2017 Preliminary Budget 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 12, 2016 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

**ADMINISTRATIVE ACTIONS**

**Planning Commission**

***John Bicksler Poultry Plan: This plan will need to be revised due to that applicant not obtaining the HOP (highway occupancy permit) permit from PennDot for the driveway along Route 501. Mr. Bicksler would like to begin pouring footers before it gets to cold. A solution would be to utilize the Deck Road driveway and do the improvements on it since this is a Township road. By the time the chicken houses are built, the HOP permit should be secured and then the driveway along Route 501 can be accessed. The Deck Road improvements would not need to be installed if he doesn't plan to use it and they construct the Route 501 driveway improvements as part of the HOP permit from PennDot.***

***The following note (#33) was added to the plan. The property owner shall apply for a driveway permit from Tulpehocken Township for an improved driveway onto Deck Road and install the improvements at Deck Road depicted within this set of plans prior to using that driveway for operation of the newly erected poultry houses, or the property owner shall secure a highway occupancy permit from Penn Dot for the use of an improved driveway onto State Route 501 and install the improvements at State Route 501 depicted within this set of plans prior to using that driveway for operation of the newly erected poultry house. Unless a driveway permit is obtained and the improvements to Deck Road depicted on***

*the plan are installed, inspected and approved, the driveway off of Deck Road shall not be utilized for operation of the poultry houses and the driveway onto State Route 501 shall be the only driveway which may be used.*

*John Zimmerman made a motion to recommend to the Board of Supervisors to reapprove the preliminary/final plan with the additional driveway improvement changes on Deck Road. Ray Daub seconded the motion. All in favor, motion carried.*

*Vice Chairman Kramer made a motion to reapprove the Preliminary/Final Plan with the additional driveway improvement changes on Deck Road. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Mr. Levan inquired on the location of the poultry operation. Supervisor Feick advised that it will be at the far western end of Deck Road.

*John Zimmerman brought up discussion regarding recreation spaces in the Township. We as a Township need to appoint someone who knows how to get grants for recreation. We first need a grant for planning and then a grant for a project. It was mentioned to have surveys sent out to the residents in the Township for their input on how the recreation space should be used. We need to know what we are planning for now, what we want to have, how to get there, benefits of the recreation space, map for the future, information source, public relations and a vision statement. The Township could possibly charge a local services tax of up to \$52.00. The Township Solicitor mentioned that the Township may want to consider contacting Sue Landes with Recreation and Parks Solutions. She could help the Township with the planning grants process.*

*Scott Hetrick made a motion to recommend to the Board of Supervisors to contact Sue Landes and have her be a spokesperson at a meeting with the Board of Supervisors, Planning Commission members and Recreation Board members to discuss the recreation options for the Township. Ray Daub seconded the motion. All in favor, motion carried.*

*John Zimmerman made a motion for the Board of Supervisors to discuss means on which to move forward to establish a recreation plan the beginning of 2017. The Planning Commission members will assist wherever is necessary. Scott Hetrick seconded the motion. All in favor, motion carried.*

Chairman Deck updated the Board with regards to what the Planning Commission is recommending. The Board discussed the recommendations and also appointing John Zimmerman to the Recreation Board.

*Supervisor Feick made a motion to advertise a joint meeting between the three (3) Boards (Board of Supervisors, Planning Commission & Recreation Board) to discuss recreational planning on December 1<sup>st</sup> at 7 P.M. and to invite Ms. Landes to attend. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

### **Solicitor Legal Discussions**

Attorney Mayfield commented with regards to the Township working with the Lions Club to develop the Lions Club parks located within the Township. She suggested that the Township have discussions with representatives from the Lions Club regarding plans for the properties and having an agreement outlining who would be responsible for what. Chairman Deck suggested reaching out to Harvey Zimmerman to discuss the matter. Supervisor Feick suggested attending one of their meetings; noting that they meet on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of the month. The next meeting would be November 17, 2016. He will contact them to let them know that the Board would like to attend their meeting.

## **Escrow Release**

*None.*

## **Correspondence from Zoning Officer**

### *October update*

The Zoning Officer addressed the Noll property (7668 Lancaster Avenue). Property continues to be cleaned up – all the lawn mowers, etc. were cleaned out from in front of the garage. Still some “mess” on the other side of the house – will continue cleanup.

The Zoning Officer addressed the Davidheiser property (574 Godfrey Street). A few vehicles were moved during my site visit on Friday. There were still some remaining. Ms. Davidheiser paid both citations and plead guilty. I will send letter acknowledging here guilty plea and advising her she has ten (10) days to remove the remaining cars or additional citations will be filed.

The Zoning Officer addressed the Zimmerman property (354A Godfrey Street). Sheds for sale & multiple cars. Citations will be filed by Solicitor, she needs forms from Township. I also suggest a letter be sent to remind them that no permit nor zoning relief has been obtained to operate a business out of the garage. If they are running a business – a separate citation for zoning violation should then be filed as well.

Attorney Mayfield suggested an NOV be issued.

*Chairman Deck made a motion to authorize the Zoning Officer to issue an NOV against the Zimmerman property (354A Godfrey Street). The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

The Zoning Officer addressed the Meyers property (123B Godfrey Street). There is still rubbish and vehicles on the property. Cleanup had started – tires and junk have been removed thus far.

The Zoning Officer addressed the Lanshe property (117 Godfrey Street). I had previously mentioned the site was mostly cleaned up. However, a recent site visit shows there was some new rubbish visible on the site. Therefore, I feel further cleanup should happen. I suggest we send a revised NOV as the other is out dated. Then if clean up doesn't happen within the period allotted – file citation right away.

Attorney Mayfield suggested an NOV be issued.

The Board discussed the property with regards to cleanup and the outside burner. Mrs. Flaherty advised that she has been told by the DEP representative that Mr. Lanshe was planning to convert the outdoor burner to coal, but had some issues, so has been using the indoor oil furnace.

*Vice Chairman Kramer made a motion to authorize the Zoning Office to issue an NOV against the Lanshe property (117 Godfrey Street). The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

The Zoning Officer addressed the Kennelly property (15 W. Market Street). Weeds – only a few of the weeds are over the maximum size permitted. Most of the site is still under the maximum size of grass but perhaps the Township wants to send a letter reminding them to mow the site.

*Chairman Deck made a motion to authorize the Township Secretary to send correspondence to the Kennelly property (15 W. Market Street) regarding mowing the property. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

The Zoning Officer addressed the Fackler property (5180 Route 419). Travel trailer being used as a weekend dwelling unit has the police witnessed any evening activity? Enough to file a citation?

Chief Kerschner noted that he has nothing to report at this time. Attorney Mayfield advised that she could research the property's zoning to verify the rules regarding trailers. The Board discussed the matter; noting there have been no recent complaints.

*Chairman Deck made a motion to table the matter of the Fackler property (5180 Route 419) until further nuisance or complaints received. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

The Zoning Officer addressed the Kline property (226 Godfrey Street). Property cleaned up. In compliance.

The Zoning Officer addressed Stiely property (176 Deck Road). The property has been mowed. In compliance.

The Board discussed the Mosteller property (7679 Lancaster Avenue) with regards to the travel trailer on site and when the six (6) months will expire. Mrs. Flaherty advised she would update the Board at the December meeting.

The Board discussed the Shirk (202 Deck Road) and Levan (200 Deck Road) properties and the driveway issues. Supervisor Feick reported that he has spoken with both property owners and advised Mr. Shirk that part of the railroad ties were in the Township right-of-way and should be cut back; he noted that Mr. Shirk did address the matter and that the railroad ties are no longer in the Township right-of-way and that Mr. Shirk is planning on having his property surveyed. Mr. & Mrs. Levan stated that their neighbor Mr. Shirk placed railroad ties on their property. Chairman Deck advised the Levan's that this matter is not a Township issue; it is an issue between property owners. The Board and Chief Kerschner recommended that the Levan's wait until the survey results are in before moving any of the railroad ties. Mr. Levan commented on his mailbox being in the right-of-way. The Board advised that if an article is in the Township right-of-way and gets damaged by the Township; the Township is not responsible. Supervisor Feick reported that if a person is injured by something in the Township right-of-way, that person can sue both the Township and property owner. Mr. Levan commented on the danger of pulling out of his driveway onto Deck Road; he inquired on installing a mirror to help with his vision concerns. The Board noted that they have concerns with regards to the mirror being in the right-of-way and advised that the Township will not be installing a mirror; noting that they are not liable for private driveways. Mr. Levan commented on erosion/washout of the swale/gully behind his mailbox. The Board advised that they would look into Mr. Levan concerns regarding the erosion/washout of the swale/gully behind the mailbox. Mr. & Mrs. Levan thank the Board for their time.

## **Land Development**

*None.*

## **STAFF REPORTS**

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

| ACTIVITY                            | TULPEHOCKEN<br>TWP | MARION<br>TWP |
|-------------------------------------|--------------------|---------------|
| MILES PATROLLED                     | 2731               | 909           |
| GALLONS OF FUEL                     | 292.5              | 0             |
| HOURS WORKED                        | 423.5              | 60            |
| PATROL HOURS                        | 291                | 53.5          |
| TULPEHOCKEN AREA SCHOOL DIST. HOURS | 26.5               | 0             |
| TOTAL INCIDENTS                     | 4                  | 0             |
| TOTAL COMPLAINTS                    | 12                 | 5             |
| MISCELLANEOUS CALLS FOR SERVICE     | 43                 | 9             |
| FOLLOW-UP INVEST                    | 1                  | 1             |
| TELEPHONE ASSIGNMENTS               | 17                 | 7             |
| COMM/RESIDENTIAL ALARMS             | 1                  | 1             |
| EMS/FIRE ADVISORIES                 | 10                 | 2             |
| TRAFFIC STOPS                       | 21                 | 2             |
| CITATIONS ISSUED                    | 21                 | 2             |
| NON-TRAFFIC CITATIONS               | 0                  | 0             |
| TRAFFIC WARNINGS                    | 2                  | 1             |
| WARRANTS                            | 1                  | 0             |
| PARKING TICKETS                     | 0                  | 0             |
| TRAFFIC ACCIDENTS                   | 8                  | 4             |
| DUI ARRESTS                         | 0                  | 0             |
| MISDEMEANOR/FELONY                  | 0                  | 0             |
| SECURITY CHECKS                     | 64                 | 13            |
| POLICE ASSISTS                      | 7                  | 0             |
| MOTORISTS ASSISTS                   | 0                  | 0             |
| COURT APPEARANCES                   | 1                  | 0             |
| SCHOOL HOURS                        | 0                  | 0             |

Chief Kerschner reported that during the month of October there were 132 calls received through Berks County 911 for police services. He updated the Board on the request from T ASD to have him participate on the T ASD Counseling Department Advisory Council. He advised that he would not charge the Township for this service, but was looking for the Board's approval. Attorney Mayfield suggested that due to him not being on the clock a motion should be made in case of a worker's compensation claim. The Board discussed the request and agreed that Chief Kerschner should be on the clock, but no overtime will be paid for providing this service and there would also be no hours charged to the school.

**Road Master's Report** – Supervisor Feick read the October, 2016 report. The work consisted of meter reading, sewer maintenance, telephone calls, work in shop, work on budget, mow grass and trimming, meet with Zinn Insurance, meet with Township Engineer, highway and lawn mowing, go for parts/supplies, work on Wintersville & Stouchburg Roads, work at pump station on Market Street, sewer problems, sewer call out, work on Deck Road, hauled fuel for generator in Mt. Aetna, went for cold patch, patching, equipment maintenance, meet with Carlie Paris & EJB re: Stouchburg Road project, sewer inspections, sign maintenance and work on lights out on building.

Supervisor Feick updated the Board on an issue with the generator at the Mt. Aetna Sewer Plant. He reported that pressure testing of the sewer lines in Village Estate is scheduled for this month. He advised that the Public Works department is ready to vacuum leaves in Rehrersburg and Mt. Aetna and suggested

advertising in the Merchandiser and posting signs at the two (2) post offices. The leaves should be placed curbside up until December 1<sup>st</sup> for pickup. He also requested approval to purchase a small auger motor for the spreader and light for one of the dump trucks.

*Supervisor Feick made a motion to authorize the advertisement of leave pickup in the Merchandiser. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

*Vice Chairman Kramer made a motion to authorize the purchase of a small auger motor for the spreader and light for one of the dump trucks. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

The Board discussed getting prices for the purchase of a snow blower for use at the sewer plants.

### ***Discuss Stouchburg 2016 Road Project***

Supervisor Feick updated the Board with regards to conversations with the representative from the micro milling company; noting that the representative does not feel micro milling is an option – questioning if there is enough black top. He also reported on the discussion that took place at a meeting with Mr. Paris and the representatives from EJB Paving & Materials; noting that EJB is not willing to accept the Township's offer of a 25% reduction. EJB acknowledges that they did forget the tack coat; they feel they should be paid for the material laid and would offer a 10% discount. They proposed the revised bill to be \$56,010.25. Supervisor Feick feels that EJB should be responsible for fixing the road and that the Township should not pay for the extra 100 tons of material used. He suggested that the Board approve the Township Solicitor to draft correspondence stating the Township's conditions. Attorney Mayfield suggested that the letter state that a claim will be submitted against the Performance Bond if the matter is not resolved to the Township's satisfaction. The Township is willing to offer the following three (3) options to resolve the matter – Reduce the invoice by 100 tons of materials and repair the bumps. Apply 1 ½ inch top coat over the entire roadway. Mill the entire roadway and start the job over. It was agreed that this matter needs to be resolved as soon as possible.

*Supervisor Feick made a motion to authorize the Township Solicitor to draft correspondence to EJB Paving & Materials stating the following options to resolve the matter:*

- *Reduce the invoice by 100 tons of materials and repair the bumps*
- *Apply 1 ½ inch top coat over the entire roadway*
- *Mill the entire roadway and start the job over*

*The matter was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

The Board discussed the EJB Paving & Materials change order and agreed that it would not be signed until the Township's offer is accepted.

***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.

### ***Partial Sewer Waiver Requests***

None.

**Robert Bashore (4 Deck Road) – Septic tank**

The Board reviewed the information provided by Mr. Bashore and agreed that they were satisfied that the septic tank had been abandoned.

*Chairman Deck made a motion to consider the matter of the abandonment of Mr. Bashore's septic tank on the property located at 4 Deck Road closed. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

***Reorganization 2017 – Reorganization meeting is Tuesday, January 3, 2017. We need to set the time and advertise the meeting. Last year the meeting was at 6 P.M.***

*Vice Chairman Kramer made a motion to hold the reorganization and regular monthly meeting on Tuesday, January 3, 2017 at 6 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

***2017 Meeting Dates – Motion to advertise meeting dates***

The Board discussed the meeting dates for 2017; it was agreed that the Board of Supervisors' meetings would be held on the second Wednesday of the month at 7 P.M., starting with the February 8<sup>th</sup> meeting, the Planning Commission meetings would be held the first Thursday of the month at 7:30 P.M. and the Recreation Board would meet quarterly on the third Thursday of the month at 7 P.M.

*Chairman Deck made a motion to accept the 2017 meeting schedule as listed above and to authorize the advertisement of all of the Township's 2017 meeting dates in the Reading Eagle and the Merchandiser. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

**CORRESPONDENCE**

***Animal Rescue League Agreement and Donation – Motion to sign the 2017 Agreement; the Township contributed \$500 in 2013, \$750 in 2014 and \$500 in 2015 and 2016***

*Supervisor Feick made a motion to authorize the Chairman to sign the agreement and to make a donation of \$500 for 2017. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Berks County Solid Waste Authority is asking for a contribution; the Township contributed \$100 in 2012, \$250 in 2013, 2014 and 2015***

*Supervisor Feick made a motion to contribute \$300 to the Berks County Solid Waste Authority for 2016. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Invitation to attend the Rising Star Award Reception hosted by the Greater Reading Chamber of Commerce & Industry – Wednesday, November 16, 2016 from 5-7:30 P.M. at the Berkshire Country Club – cost is \$30 per person***

The Board discussed the invitation and agreed they had no interest in attending.

***Crime Alert Berks County is asking for a contribution; the Township contributed \$100 in 2012, \$150 in 2013, 2014 and 2015***

*Vice Chairman Kramer made a motion to authorize the Township to contribute \$200 to the Berks County Crime Alert in 2016. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **OTHER BUSINESS**

***Appointment of CPA Auditor – We need to advertise no later than November 30, 2016 for the appointment of the Township CPA Auditor and their applicable fees for the Fiscal Year 2016 Annual Audit. The Fee for RKL to perform the audit is \$10,500***

The appointment of the Township's CPA auditor needs to be advertised 30 days prior to the Reorganization Meeting along with their applicable fees that will be charged. Audit fee for RKL will be \$10,500.00.

*Supervisor Feick made a motion to authorize advertisement of the Resolution to appoint RKL as the CPA auditor. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***COSTARS Hands-on Computer Training – cost is \$35 per person***

The Board discussed the training and agreed they had no interest at this time.

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

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

|  |              |
|--|--------------|
| General Account                        | \$ 71,656.36 |
| First Citizens General Holding Account | \$ 53,183.09 |
| General Plus Account                   | \$179,381.35 |
| State Aid Account                      | \$ 92.90     |
| State Plus Account                     | \$127,126.97 |
| Street Light Account                   | \$ 13,503.83 |

Payments of Bills for this November 9, 2016 meeting are:

General Account combined with the payroll account – Checks #17053 to #17085 in the amount of \$17,130.41

Street Light Account – Check #356 in the amount of \$1,131.22

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 – \$18,261.63



*Vice Chairman Kramer made a motion to approve the payments of the bills for this November 9, 2016 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

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

Sewer Operation Account – \$559.82  
Balance in the Sewer Holding Account - \$113,353.46  
Debt Service Account - \$404,450.36

Payments of Bills in the Sewer Operation Account for this November 9, 2016 meeting are:

Check #1837 to #1852 in the amount of \$11,867.32

*Vice Chairman Kramer made a motion to approve payment of the sewer bills. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

#### **ADJOURNMENT OF MEETING**

*Vice Chairman Kramer made a motion to adjourn the meeting at 8:58 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Respectfully Submitted,

*Christy Flaherty*

Secretary, Tulpehocken Township