

**Tulpehocken Township
Board of Supervisors
Meeting of October 14, 2015**

The Tulpehocken Township Board of Supervisors met on October 14, 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, Jake Derr, Ruth Moyer, Mr. & Mrs. Ron Snyder, Nelson Beidler, Elmer King, Chris Falencki, Scott Diller and Mr. & Mrs. Steve Goroshko.

CALL TO ORDER

Chairman Gary Deck called the meeting to order at 7:00 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 September 9, 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 September 21, 2015 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Lanita Specialized Preliminary Plan – The applicant’s engineer presented two (2) letters, one (1) dated July 2, 2015 and the other dated October 5, 2015 requesting the following waivers:

- *Section 307.B.1.a Minimum 48 inch limiting zone. They will be following the PA BMP Manual requirements.*
- *Section 501.2M.3.b Parking Areas. This will allow a majority of the project to use gravel paving.*

- **Section 602.12 Buffering.** They would like the width of the buffer strip to be reduced from 20 feet wide to 10 feet wide for the strip along the southern property line.

Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver requests. Seconded by Gary Deck. Ray Daub abstained from voting due to being an adjoining property owner. All other members were in favor, motion carried.

Supervisor Feick made a motion to grant the waiver requests as follows:

- **Section 307.B.1.a** Minimum 48 inch limiting zone. They will be following the PA BMP Manual requirements.
- **Section 501.2M.3.b** Parking Areas. This will allow a majority of the project to use gravel paving.
- **Section 602.12 Buffering.** They would like the width of the buffer strip to be reduced from 20 feet wide to 10 feet wide for the strip along the southern property line.

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

John Zimmerman made a motion to grant Conditional Preliminary plan approval with the condition listed below. Gary Deck seconded the motion. Ray Daub abstained from voting due to being an adjoining property owner. All other members were in favor, motion carried.

- **The comments in the Township Engineer review letter dated October 6, 2015.**

Vice Chairman Kramer made a motion to grant Conditional Preliminary Plan approval with the condition listed below:

- **The comments in the Township Engineer review letter dated October 6, 2015.**

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

Elmer King Poultry Operation – The applicant’s engineer presented a letter dated July 2, 2105 and the other is dated October 5, 2015 requesting the following waivers:

- **Section 302.** Applicant is requesting to submit the plans as a combined Preliminary/Final plan. The plan is minor in scope and the intent of the ordinance is still met.
- **Section 303.1.B.** This section requires the plan to provide precise bearings and distance for the entire tract and all boundaries. This plan is located near the road and setbacks are established and the southern property boundary which has been surveyed by Hershey Surveying Inc.
- **Section 303.1.L.** This section pertains to the requirement of providing a Certificate of Accuracy to be signed and sealed by a surveyor. This plan will have the monuments set by an established registered surveyor. Hershey Surveying Inc. will review and certify the Deed Plot prior to final plan approval.
- **Section 307.B.1.a.** Minimum 48 inch limiting zone. They will be following the PA BMP Manual requirements.

Gary Deck made a motion to recommend to the Board of Supervisors to grant the waiver requests listed above. Scott Hetrick seconded the motion. Laverne Frey abstained from voting due to being an adjoining property owner. All other members were in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver requests as follows:

- *Section 302. Applicant is requesting to submit the plans as a combined Preliminary/Final plan. The plan is minor in scope and the intent of the ordinance is still met.*
- *Section 303.1.B. This section requires the plan to provide precise bearings and distance for the entire tract and all boundaries. This plan is located near the road and setbacks are established and the southern property boundary which has been surveyed by Hershey Surveying Inc.*
- *Section 303.1.L. This section pertains to the requirement of providing a Certificate of Accuracy to be signed and sealed by a surveyor. This plan will have the monuments set by an established registered surveyor. Hershey Surveying Inc. will review and certify the Deed Plot prior to final plan approval.*
- *Section 307.B.1.a. Minimum 48 inch limiting zone. They will be following the PA BMP Manual requirements.*

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

John Zimmerman made a motion to recommend to the Board of Supervisors to grant a 60 day time extension request which would give a new date of January 3, 2016. Ray Daub seconded the motion. Laverne Frey abstained from voting due to being an adjoining property owner. All other members were in favor, motion carried.

Attorney Hartman advised the Board that no motion is needed if they are going to grant Conditional Preliminary Plan approval.

Ray Daub made a motion to recommend to the Board of Supervisors to grant Conditional Preliminary plan approval with the condition listed below. Scott Hetrick seconded the motion. Laverne Frey abstained from voting due to being an adjoining property owner. All other members were in favor, motion carried.

- ***The comments in the Township Engineer review letter dated October 6, 2015.***

Chairman Deck updated the Board with regards to discussions that have taken place at the Planning Commission meetings.

The Supervisors discussed/reviewed the plan with regards to the grading and driveway.

Supervisor Feick made a motion to grant Conditional Preliminary/Final Plan approval with the condition listed below:

- *The comments in the Township Engineer review letter dated October 6, 2015.*

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

Mr. King dropped off revised plans noting the waivers. Attorney Hartman inquired if the Township Engineer received a copy of the new plans. Mr. King was unsure. Attorney Hartman noted that the Stormwater Improvements Agreement needs to be finalized and escrow received prior to releasing the signed plans. He noted that the Board could sign the plans at the October 26, 2015 meeting if all conditions are met and that Mrs. Flaherty should touch base with the

Township Engineer to confirm that he has received the revised plans and on the status of the Stormwater Improvements Agreement and escrow.

F A Giorgio Annexation – Scott Hetrick made a motion to recommend to the Board of Supervisors to grant Conditional Plan approval with the condition below. John Zimmerman seconded the motion. All in favor, motion carried.

- ***The comments in the Township Engineer review letter dated October 5, 2015. The letter does state that review from the Berks County Planning Commission is required prior to granting plan approval.***

Vice Chairman Kramer made a motion to grant Conditional Plan approval with the following condition:

- *The comments in the Township Engineer review letter dated October 5, 2015. The letter does state that review from the Berks County Planning Commission is required prior to granting plan approval.*

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

Tim Crouse Poultry – The applicant’s engineer presented a letter dated September 11, 2015 requesting the following waivers:

- ***Section 302. Applicant is requesting to submit the plans as a combined Preliminary/Final plan. The plan is minor in scope and the intent of the ordinance is still met.***
- ***Section 303.1.B. This section requires the plan to provide precise bearings and distance for the entire tract and all boundaries. This plan is located over one hundred feet from any property line or street right of way line. Hershey Surveying Inc. will be establishing the property boundaries directly around the buildings to be compliant with zoning.***
- ***Section 303.1.L. This section pertains to the requirement of providing a Certificate of Accuracy to be signed and sealed by a surveyor. This plan will have the monuments set by an established registered surveyor. Hershey Surveying Inc. will review and certify the Deed Plot prior to final plan approval.***
- ***Section 307.B.1.a. Minimum 48 inch limiting zone. They will be following the PA BMP Manual requirements.***

Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver request listed above. John Zimmerman seconded the motion. All in favor, motion carried.

Attorney Hartman advised on correspondence received from the DEP and Mr. Hurst’s consultant and on discussions that have taken place at Planning Commission meetings with regards to the Greble Road Tract Subdivision and the Crouse Poultry Plan. The Board will not be considering approval of the Crouse Poultry Plan tonight, only the approval of the waivers requested. He also noted that the Crouse Poultry Plan needs a stormwater easement.

Supervisor Feick made a motion to grant the waiver request as follows:

- Section 302. Applicant is requesting to submit the plans as a combined Preliminary/Final plan. The plan is minor in scope and the intent of the ordinance is still met.
- Section 303.1.B. This section requires the plan to provide precise bearings and distance for the entire tract and all boundaries. This plan is located over one hundred feet from any property line or street right of way line. Hershey Surveying Inc. will be establishing the property boundaries directly around the buildings to be compliant with zoning.
- Section 303.1.L. This section pertains to the requirement of providing a Certificate of Accuracy to be signed and sealed by a surveyor. This plan will have the monuments set by an established registered surveyor. Hershey Surveying Inc. will review and certify the Deed Plot prior to final plan approval.
- Section 307.B.1.a. Minimum 48 inch limiting zone. They will be following the PA BMP Manual requirements.

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

Ag Security Applications for Jeffrey Stoltz (39 Deck Road) and John & Beth Schueller (9 Summer Mountain Road) – Laverne Frey made a motion to recommend to the Board of Supervisors to approve both applications to be placed into Ag Security. Scott Hetrick seconded the motion. All in favor, motion carried.

Attorney Hartman reported that with regards to Mr. Stoltz's application the small lot does qualify for Ag Security.

The Board discussed the recommendation from the Ag Security Area Advisory Committee. Attorney Hartman suggested that the Board override their recommendation.

Attorney Hartman advised that the next step would be for the Board to approval to advertise the applications for a Public Hearing at the November meeting.

Supervisor Feick made a motion to authorize the advertisement of a Public Hearing at the November 11, 2015 BOS meeting. The motion was seconded by Vice chairman Kramer and passed unanimously (3-0).

Solicitor Legal Discussions

John C. & Beth A. Schueller – Agricultural Security Application – Motion for acceptance of the application

Supervisor Feick made a motion to accept Mr. & Mrs. Schueller's Agricultural Security Application as a modification of the application submitted by Mr. Stoltz at the October 14, 2015 meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Greble Road Tract (Tim Crouse) – Authorization for the Chairman to sign the escrow agreement

Vice Chairman Kramer made a motion to authorize the Chairman to sign Mr. Crouse's escrow agreement. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Tulpehocken Area School District Police Services Agreement

Attorney Hartman updated the Board; he suggested having two (2) agreements. An agreement between the Tulpehocken, Penn & Jefferson Townships and a second agreement between Tulpehocken Township and the School District. He is looking for a motion to authorize the advertisement for consideration of enactment at the November meeting. The agreed hourly rate will be \$61.50. The Township will need to provide insurance to the Officers while they are in Penn & Jefferson Townships. Penn & Jefferson Townships will not be responsible for paying any expenses. Attorney Hartman updated the Board with regards to what he has requested of the School District's Solicitor and Superintendent. The Township is requesting the School District to pay the cost associated with advertising.

Vice Chairman Kramer made a motion to authorize the advertisement for consideration of enactment at the November 11, 2015 meeting an ordinance approving an Intergovernmental Cooperation Agreement with Penn & Jefferson Townships. 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); property cleanup has begun, but progress is slow.

The Zoning Officer addressed the Lanshe property (117 Godfrey Street); some progress has been made in the rear of the property.

The Zoning Officer addressed the Smith property (238 Godfrey Street); the property is currently in compliance.

The Zoning Officer addressed the Noll property (7668 Lancaster Avenue); she has heard from the property owner. He advised that he is disabled, but his wife will work on cleaning up and requested the Township to work with them. During a site visit, it was noted that some items have been removed from in front of the garage.

The Zoning Officer addressed the Werni property (342 Godfrey Street); stone has been placed. The Board noted that by the night of the meeting, the driveway was completed.

The Zoning Officer addressed the Heffner-Davidheiser property (574 Godfrey Street); the property owner is changing – email with property owner’s attorney advising on what else needs to be cleaned up.

The Zoning Officer addressed the Zimmerman property (354 Godfrey Street); currently there are two (2) vehicles on the site - she will check the property periodically.

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.

Mr. & Mrs. Goroshko reported that she is trying to rent a space for her dental business and that they would like to build a cord wood shed on her property. They provided photos of what they are proposing for the Board to look at. They noted that with regards to the shed project, they would not be able to start until the spring of 2016, due to the wood needing to dry. Mr. Goroshko advised that he is proposing for the shed to be 24’ X 32’ X 21’. The Board advised that the proposed height does not meet the zoning and that they would need to apply for a variance. Mr. Goroshko advised that he has looked into having a pole barn installed. Chairman Deck commented on the Township’s laws. Attorney Hartman reported on the Township’s zoning regulations; noting that anything over 18 feet would require a variance. It was noted that a variance can be applied for now. To avoid receiving a violation, it was suggested for the property owners to submit an application to the Zoning Hearing Board within the next thirty (30) days and to submit correspondence to the Township with regards to the status of the dental office by the Supervisors’ November meeting.

Vice Chairman Kramer made a motion for the Township not to take any enforcement action providing receipt of the Zoning Hearing Board application and correspondence regarding the dental practice by the November 11, 2015 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

The Zoning Officer addressed the Martins property (174 Greble Road); high weeds/grass have been cut and removed, there is still a small cluster of branches next to the house.

The Zoning Officer addressed the Oberholtzer property (22A Maria Street); no real way without accessing the property to determine if the feces has been removed. A nice guy letter was sent.

LAND DEVELOPMENT

None.

STAFF REPORTS

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

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	2813	809

Gallons of Fuel	278	0
Hours Worked	438	60
Patrol Hours	266.75	55.25
Total Incidents	8	4
Total Complaints	11	7
Miscellaneous Calls for Service	47	7
Follow-up Investigations	11	3
Telephone Assignments	19	24
Comm/Residential Alarms	0	1
EMS/FIRE Advisories	12	8
Traffic Stops	21	8
Citations Issued	23	10
Non-Traffic Citations	0	0
Traffic Warnings	0	2
Warrants	0	0
Parking Tickets	0	0
Traffic Accidents	1	1
DUI Arrests	0	0
Misdemeanor/Felony	0	2
Security Checks	68	41
Police Assists	7	0
Motorists Assists	2	3
Court Appearances	1	1
School Hours	0	0

Chief Kerschner reported that during the month of September there were 159 calls received through Berks County 911 for police services.

Chief Kerschner update the Board on quotes received for four (4) tires for the Tahoe – Firestone LE2 for \$563.28 or Firestone AT for \$619.20. He prefers the Firestone AT. Chairman Deck inquired on the vehicle mileage. Chief Kerschner advised that the Tahoe has approximately 37,000 miles.

Supervisor Feick made a motion to authorize the purchase of four (4) Firestone AT tires for the Tahoe for approximately \$619.20. The motion was seconded by Chairman Deck and passed unanimously (3-0).

Chief Kerschner advised the Board that the AED batteries and pads need to be replaced; he would provide costs at the November meeting.

Vice Chairman made a motion to authorize the purchase of the batteries and pads for the AED now. The motion was seconded by Chairman Deck and passed unanimously (3-0).

Reimbursement of medical expenses to the Police Officers – due to the Affordable Care Act the Township needs to set up a Flexible Spending Account. The setup fee is \$250 with a monthly fee of \$60 and a yearly renewal fee of \$200

The Board discussed the Township's options. A suggestion was made to modify the contract by removing the wording with regards to the \$600 reimbursement for out of pocket medical expenses and adding forty (40) hours of sick pay. The Officers will still need to submit receipts in order to be reimbursed. Attorney Hartman noted that a motion to authorize the contract to be modified effective January 1, 2015 is needed.

Vice Chairman Kramer made a motion to authorize the contract to be modified effective January 1, 2015 which will be documented in an amendment to the Collective Bargaining Agreement. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

The Board agreed to authorize Attorney Hartman to prepare an amendment for all parties to sign.

Road Master's Report – Supervisor Feick read the September, 2015 report. The work consisted of highway mowing, telephone calls, paperwork, equipment maintenance, highway/lawn mowing, emergency sewer call, sewer repairs/maintenance, work in shop, discussions with Township Engineer, meeting with PennDot Supervisor, pick up parts/supplies, work in Mt. Aetna, line painting, sign maintenance, tree trimming, equipment repairs/maintenance, work on budget, went to Daubs, meeting with John Bicksler, check Met Ed pole, work on lights around building, sewer inspection, post Ag Security notices, meeting with camera man, and haul top soil on Teen Challenge Road.

Chairman Deck inquired on the status of the Stouchsburg Road project. Supervisor Feick advised that no permits have been received yet and suggested that the project wait until 2016.

Supervisor Feick advised on issues with the 4-wheel drive on the International dump truck and noted that it worked last winter.

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. They also discussed following through with Sheriff Sales.

Herbert Webber (235 Godfrey Street)

Attorney Hartman advised that the Township should receive \$2,001.45 once the funds are distributed (approximately twenty (20) days).

George & Tammy Field (118 Godfrey Street)

It was noted that a payment was received on October 14th in the amount of \$430.

Sewer Waiver Requests

None.

Sewer Issues

None.

UNFINISHED BUSINESS

Building Maintenance – Review flooring quotes

The Board reviewed flooring samples, discussed the quotes received and agreed to accept the quote from Martin's Flooring.

Chairman Deck made a motion to accept the quote from Martin's Flooring for approximately \$8,427.41. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

NEW BUSINESS

Citizen's Complaint received from Jose Baez with regards to 22A Marie Street (rental apartment above the garage) – numerous piles of dog feces in the yard, smells bad & drawing insects – The Zoning Officer did send correspondence to the property owner

This matter was discussed under the Zoning Officer update.

CORRESPONDENCE

Fire Police coverage request from Hamburg Borough Police Department for the King Frost Parade scheduled for Saturday, October 31, 2015, or rain date of November 7, 2015

Vice Chairman Kramer made a motion to authorize the participation of the Fire Police for the King Frost Parade scheduled for Saturday, October 31, 2015, or rain date of November 7, 2015; participation on October 31st is approved with the condition of Fire Police availability due to that being Treat or Treat night in the Township. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

PSATS – Health Insurance Cooperative Trust – Ballot for Election of Trustees

The Board discussed the ballot and authorized Vice Chairman Kramer to sign the ballot.

OTHER BUSINESS

Invitation from the DEP to attend a free workshop on LED Street Lighting

Supervisor Feick advised that he would be attending the workshop on November 9, 2015.

Discuss appointment of Township Auditors – two (2) of the three (3) auditors terms expire this year

Attorney Hartman reported that the Township has two (2) options; write in or appoint. Chairman Kramer advised that Mrs. Hill is interested. A suggested was made to have Mrs. Hill as a write in. Supervisor Feick also has someone in mind.

Preliminary Budget meeting – reminder that there is a Preliminary Budget meeting scheduled for Monday, October 26, 2015 at 6 P.M.

Chairman Deck reminder everyone that the next review of the 2016 Preliminary Budget would be on Monday, October 26, 2015 at 6 P.M.

Update regarding computer software and payroll (Quick Books, DacEasy and Larry Rabold, CPA)

The Board discussed the Township's current accounting system, switching to Quick Books and outsourcing payroll. It was agreed to continue using DacEasy and keeping payroll in-house.

Invitation from Hartman's office to attend Municipal seminars

The Board discussed the invitation. Supervisor Feick advised that he had no interest. Chairman Deck and Vice Chairman Kramer advised that they would check their calendars for availability. The Board discussed having staff attend and suggested they attend on a Friday if possible.

Heating oil

Vice Chairman Kramer suggested that the Township purchase heating oil as soon as possible.

Vice Chairman Kramer made a motion to authorize the purchase of heating oil. The motion was seconded by Chairman Deck and passed unanimously (3-0).

Handicapped Parking

Chairman Deck advised that Mrs. Nolt has inquired with regards to having a handicapped parking space in front of her home. Supervisor Feick updated the Board on the issues with the

Nolt's and the School District regarding bus parking; the bus is not permitted to leave the roadway. Chairman Deck will advise Mrs. Nolt to apply for a Handicapped Parking Permit. It was noted that two (2) spaces would be needed. Mrs. Flaherty provided Chairman Deck with two (2) Handicapped Parking Permit applications to be given to Mrs. Nolt.

Vice Chairman Kramer commented with regards to a resident's request for the Township to install cattle crossing signs. He inquired as to who is responsible. Attorney Hartman advised that if the sign is in the Township R-O-W, then the Township should install the sign, but charge the party requesting the sign for material and labor.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$ 16,470.57
FNB Fredericksburg Holding Account	\$109,983.89
General Plus Account	\$178,787.16
State Aid Account	\$ 67.56
State Plus Account	\$ 37,808.01
Street Light Account	\$ 14,339.03

Payments of Bills for this October 14, 2015 meeting are:

General Account combined with the payroll account- Checks #16227to #16263 in the amount of \$67,251.39
Street Light Account – Check #344 in the amount of \$1,219.95
State Liquid Fuels Account –
Camp Calvary Land Dev. Escrow – Check #154 in the amount of \$31.00
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$68,502.34

Vice Chairman Kramer made a motion to approve the payments of the bills for this October 14, 2015 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

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

Sewer Operation Account – \$878.26
Balance in the Sewer Holding Account - \$107,125.72
Debt Service Account - \$403,175.80

Payments of Bills in the Sewer Operation Account for this October 14, 2015 meeting are:

Check #1638 to #1654 in the amount of \$17,047.92

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 10:35 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township