

**Tulpehocken Township
Board of Supervisors
Meeting of October 12, 2016**

The Tulpehocken Township Board of Supervisors met on October 12, 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 and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Gerald Troutman, Shirley Derr, Dennis Royer, Linda Umbenhauer, Anthony Wenger, Ray Daub, Geneva Aulenbach, Larry Dean Martin, Gene Umbenhauer, Lloyd Schneck, Nelson Beidler, John Bicksler, Rick Klopp, Troy Lape, John Kintzer, Gladys Kintzer and Harold Zimmerman.

CALL TO ORDER

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

The meeting continued with the pledge to the American Flag.

PUBLIC COMMENTS

Mrs. Umbenhauer inquired as to why Mrs. Pearl Schaeffer is being charged \$25 to renew her handicapped parking permit. Chairman Deck advised that the policy was established by the Township per the recommendation of the Solicitor; he offered to pay the fee himself. The initial application fee is \$75 with an annual renewal fee of \$25. Mr. Kintzer commented with regards to when he was a Supervisor and a similar experience with another resident where Vice Chairman Kramer and himself painted the space. The Board reported that the handicapped signs are needed if the space will be enforced. Mrs. Flaherty advised that the Schaeffer's originally completed the application for a handicapped parking space in November, 2014 and paid the \$75 fee; there have been no additional charges since. Mr. Royer suggested that the Township waive the fee. Supervisor Feick advised the public with regards to what is involved with installing a legal handicapped parking space. Chairman Deck advised that if the Township waives the renewal fee for one party they need to waive it for everyone. The Board agreed that the permits need to be renewed yearly.

Chairman Deck made a motion to waive the \$25 renewal fee for Mrs. Schaeffer's handicapped parking permit for 2017. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

The Board requested Mrs. Flaherty to send correspondence to Mrs. Schaeffer advising her that the fee has been waived, but a renewal application will need to be completed. Mrs. Flaherty provided Mrs. Umbenhauer with an application for Mrs. Schaeffer to complete.

Mr. Wenger commented with regards to two (2) potholes on Wintersville Road and inquired as to when they would be repaired; noting that he did mention the potholes to Vice Chairman Kramer. Supervisor Feick reported on his plans with regards to repairing the roadway.

Mr. Daub commented with regards to hedges needing to be trimmed at the intersection of Horse Alley and West Hunsicker Lane; noting that they are obstructing the view. Chairman Deck advised that if the hedges are in the right-of-way the Township has the right to trim them. Supervisor Feick reported that he would look into the matter. Chairman Deck suggested mentioning trimming hedges, bushes and trees in

the next newsletter.

Mr. Kintzer commented with regards to an article in the Reading Eagle on October 4, 2016 regarding the Township's budget meeting on October 3, 2016 and statements made by Supervisor Feick with regards to supporting the local fire companies. He is not happy with the comments made by Supervisor Feick and noted that the taxpayers are not getting a free ride. Supervisor Feick reported on the number of fundraising letters mailed and the number of responses received back. The Board discussed the possibility of the Township having to enact a Fire Tax. Mrs. Kintzer commented with regards to the Rehrersburg Fire Company having issues; noting that the Mt. Aetna Fire Company is not having any problems. Supervisor Feick advised that the Rehrersburg Fire Company is not having a financial problem; the problem is with regards to getting the volunteers to help out with fundraising activities. Mr. Kintzer inquired on the number of fire calls received by Rehrersburg Fire Company last year. Supervisor Feick advised that he did not have that information in front of him at this time and couldn't answer that question. Mr. Kintzer stated that he is very upset about Supervisor Feick's comments; noting that the Township is paying for the Fire Companies automobile and worker's compensation insurance and the fuel used. Chairman Deck stated that Supervisor Feick's comments were with regards to getting volunteers help with fundraising events; he commented that down the road there may need to be paid fire fighters. Supervisor Feick invited Mr. Kintzer to help with any volunteer events. Ms. Derr commented with regards to the Mt. Aetna Fire Company and their financial status.

Mr. Kintzer commented with regards to 4 Deck Road (Bashore) and it not being hooked into the public sewer system. He commented on sewer waivers and a conversation with Vice Chairman Kramer discussing the property being hooked to sewer. Vice Chairman Kramer stated that he never said the property was hooked to the system. Supervisor Feick reported property is not connected to the public sewer system and on his inspections of the property. Chairman Deck reported on past meetings where the matter was discussed and noted that according to the July, 2016 minutes the matter is closed. Mrs. Flaherty pulled the sewer file for the property for the Board to review. The Board discussed a past agreement made with Mr. Bashore and a prior Supervisor. It was noted that for the Township to conduct a legal inspection a search warrant would be required. Mr. Kintzer suggested that the property be inspected by the Township's SEO and that if a septic tank is found that the property owner be fined; he inquired if there are any legal issues since the property owner has not met the conditions in the original agreement. He also questioned if the Township can charge the property owner something. It was noted that the property owner did pay a tapping fee. Mr. Kintzer reported that he would like an answer from the Township's Solicitor; noting that he feels there is still a septic tank and that it was never pumped or demolished. Chairman Deck reported that the Board would like the opportunity to look into the matter further and would hope to have an update at the next meeting; he discussed presenting the matter to the attorney and researching the Township's legal standpoint; noting that the matter was discussed at the May sewer workshop and then again at the July BOS meeting in 2016. It was noted that no one is living in the trailer.

Ms. Derr commented with regards to the Township not flying the American flag due to the rope being damaged. The Board discussed the rope constantly breaking and requested Mrs. Flaherty to contact the local flag company located off of Rt. 222, to inquire on types of ropes. Mr. Zimmerman suggested using some type of cable.

Mr. Kintzer commented on the condition of Stouchburg Road. Supervisor Feick reported that the Township is also unhappy with the completed project and is negotiating a resolution with EJB Paving & Materials either to deduct 25% off the invoice or to redo the job. The Board discussed what would be involved to repair the road.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the September 14, 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: Time expires November 2, 2016. The applicant and his Engineer were present to discuss the plan. The applicant does have the NPDES permit from the Conservation District.

The Township Solicitor reviewed the proposed Drainage Agreement on page 1 #32 of the plan. It states the following: The landowner, its successors or assigns, shall indemnify the Township, its employees and designated representatives against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the Township for the construction, presences, existence or maintenance of the BMPS by the landowner, its successors or assigns. In the event a claim is asserted against the Township, its agents or employees, the Township shall promptly notify the landowner, its successors and assigns, and the shall defend, at their own expense any suit based on such claim. If any judgment or claims against the Township, its agents or employees shall be allowed, the landowner, its successors and assigns shall pay all costs and expenses in connection therewith. The Township Solicitor is satisfied with the language noted.

Section 301.E. Where a development site is transverse by watercourse drainage easement shall be provided conforming to the line of such watercourses. The Township Solicitor will draft a drainage agreement for the neighboring property owner, the applicant's son to sign and be recorded.

The Township Solicitor will also draft a shared driveway access agreement for the applicant and the neighboring property owner (applicant's son) to sign and be recorded. This is for shared maintenance for both property owners to be accountable.

The fire marshals are satisfied with the creek or pond being used for fire access if needed. The applicant still needs the PennDot permit prior to the recording of the plans. A zoning permit will not be issued by the Township until the plans are recorded. The applicant's engineer has submitted the cost estimate to the Township Engineer for review. Once the escrow is posted, the applicant can begin moving dirt for grating purposes.

Boyer Engineering LLC submitted the following waiver request:

- *Section 303.1.B. This section requires the total tract boundary lines of the area being subdivided or developed be determined by accurate survey in the field. The applicant is requesting a waiver of this section to not require a boundary survey for the entire property. The right of way along Route 501 has been determined and a monument has been set. The development site is limited to a small portion of the property and not near property lines. Ray Daub made a motion to recommend to the Board of Supervisors to grant the waiver request for Section 303.1.B. Scott Hetrick seconded the motion. All in favor, motion carried.*

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

John Zimmerman made a motion to recommend to the Board of Supervisors to grant conditional preliminary final plan approval with the following conditions. Ray Daub seconded the motion. All in favor, motion carried.

- ***The conditions listed in the Ludgate Engineering letter dated October 6, 2016.***
- ***A shared driveway access agreement which will be drafted by the Township Solicitor.***

Vice Chairman Kramer made a motion to grant Conditional Preliminary Final Plan approval with the following conditions.

- *The conditions listed in the Ludgate Engineering letter dated October 6, 2016.*
- *A shared driveway access agreement which will be drafted by the Township Solicitor.*

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

Robert Sattazahn received information in the mail on the DCNR recreation and conservation grants program. It was discussed that maybe the Township could apply for a planning grant since we are not sure at this time what we are looking to do with our recreational area. John Zimmerman made a motion to have the Planning Commission Secretary send the information to the Recreation Board to see there would be an interest in going to the workshop. Scott Hetrick seconded the motion. All in favor, motion carried. The letter stated that the Planning Commission would like for the Recreation Board Members to review the enclosed grant information. They were asked to respond to the Township Office by Tuesday, October 11 if there would be an interest in attending the grant workshop. The Board of Supervisors meeting will be held on Wednesday, October 12 and the grant information will be discussed then.

The Board discussed the Rehrersburg Lions Club Park. Chairman Deck suggested that the Township and Lions Club work together to develop the park. Mr. Beidler commented on the alley that ran through what is currently Larry Dean Martin's property no longer existing. The Board could not recall the alley. Chairman Deck suggested that the Township research the road that Mr. Beidler is referring to. Mr. Klopp updated the Board with regards to a meeting he and some other representatives from the Recreation Board attended last year with regards to grants and what would be required when applying. The Board discussed Mt. Meadows Phase 2 with regards to the recreation space (6 acres) donated to the Township. They also discussed who owns the tennis courts in Rehrersburg. Mr. Beidler stated that the land is owned by the Lions Club, the tennis courts were built by the Township; then the Township turned the courts over to the Lions Club. The Board discussed getting fill dirt for the lot that was donated to the Township by Larry Dean Martin. The Board agreed that the Township should work with the Lions Clubs in both Rehrersburg and Mt. Aetna to develop the existing parks. Chairman Deck requested Mr. Beidler to talk with the Lions Club to see if they would be agreeable to working with the Township; noting that the Township would also discuss the matter with the Solicitor. He also suggested that the Township allocate more money to the Recreation Fund when preparing the budget. The Board discussed development in the Township and a Park & Recreation Fee and agreed that only developers are required to give money or land. Mr. Klopp commented on the condition of the tennis courts in Rehrersburg and the possibility of converting them to a basketball court. The members from the Recreation Board advised that at this time they will pass on attending the program currently being offered by the DCNR.

Solicitor Legal Discussions

None.

Escrow Release

Larry Dean Martin Poultry Operation (7 Cherry Hill Road) – Partial Release – The Engineer is recommending a release of \$5,250

Supervisor Feick made a motion to authorize Larry Dean Martin's request for a partial escrow release in the amount of \$5,250. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Correspondence from Zoning Officer

September update

The Zoning Officer addressed the Riehl property (7673 Lancaster Avenue) – Rat infestation -received a report from Orkin. A copy has been sent to the township. There has been no activity at the site for over 3 weeks. They have installed feeder boxes around the perimeter of the house. The rental unit adjoining this unit was completed cleaned up (previous tenant left lots of trash, debris, etc. on porch and in an adjoining room). They currently have rat traps installed in every room and the basements. None of these traps were sprung. The owner had also sealed any openings to the outside he noticed. Orkin does not see any evidence the rodents are "nesting" in the house but rather likely came from the adjoining apartment which was a mess. They have notified all interested parties they have been unable to move back in up until today, so all potential tenants are aware. The owner, the pest control expert and the property manager were all on site today. Orkin will continue to do preventative care at this site but is confident this property is clear of rodents. **Violation is dismissed and property is considered in compliance.**

The Zoning Officer addressed the Noll property (7668 Lancaster Avenue). **Property continues to be cleaned up - trucks were there when I was removing some stuff.**

The Zoning Officer addressed the Davidheiser property (574 Godfrey Street). **Citation has been signed and filed.**

The Zoning Officer addressed the Zimmerman property (354A Godfrey Street). **NOV's expired. I have not been contacted by the property owner, I suggest citations be filed.**

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

The Zoning Officer addressed the Meyers property (123B Godfrey Street). **NOV was returned, resent late last week.**

The Zoning Officer addressed the Lanshe property (117 Godfrey Street). **This property is much better than original state. While there are a few things I think the owner could do to "tidy", but unfortunately this site may never be completely "clutter" free. I suggest we see if there are any additional complaints again this neighbor are filed.**

Mrs. Flaherty reported that there have been no new complaints. The Board agreed to get options from the Township Solicitor with regards to how to handle the matter of clean up on this property.

Citizen's Complaint regarding Mt. Meadows Development – **trailer was moved last month to the cul-de-sac. I noticed it is marked on the asphalt at the end of the unfinished cul-de-sac (dead end). As**

the zoning officer, I am okay with this placement as long as the Twp. doesn't have any concerns about it being parked on the unfinished street.

The Board agreed they had no issues with this matter.

The Zoning Officer addressed the Kennelly property (15 West Market Street). Weeds - **only a few of the weeds are over the maximum size permitted. I haven't heard back from the friendly letter I resent. The property was mowed last month before the meeting so no NOV was previously sent, it has not since been mowed. As this is an ongoing issue, I suggest an NOV be sent.**

The Board agreed to table this matter until next month; waiting to see the results from the Sheriff Sale that was scheduled for October 7, 2016.

The Zoning Officer addressed the Fackler property (5180 Route 419). **Camper slide outs were out when I went passed the site. Have the police witnessed any evening activity, lights, electric etc?**

Mrs. Flaherty and Chief Kerschner updated the Board and agreed that the Police would continue to watch the property.

The Zoning Officer addressed the Kline property (226 Godfrey Street). **I sent a nice guy letter requesting the weeds/grass be cut especially along Godfrey Street, as this is the highest, as well as requested the wood piles be combined and covered, etc.**

Chairman Deck inquired as to what the costs are to send a nice guy letter and an NOV. Mrs. Flaherty noted that the Zoning Officer's bills are not broken out to show that information. He requested for the Zoning Officer provide a cost estimate.

Land Development

None.

STAFF REPORTS

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

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	2741	899
GALLONS OF FUEL	287.5	0
HOURS WORKED	438	60
PATROL HOURS	312	58
TULPEHOCKEN AREA SCHOOL DIST. HOURS	31.5	0
TOTAL INCIDENTS	3	0
TOTAL COMPLAINTS	14	19
MISCELLANEOUS CALLS FOR SERVICE	58	4
FOLLOW-UP INVEST	0	0
TELEPHONE ASSIGNMENTS	17	16
COMM/RESIDENTIAL ALARMS	2	2
EMS/FIRE ADVISORIES	10	6
TRAFFIC STOPS	21	3

CITATIONS ISSUED	21	3
NON-TRAFFIC CITATIONS	1	0
TRAFFIC WARNINGS	3	0
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	3	1
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	1	2
SECURITY CHECKS	52	9
POLICE ASSISTS	16	0
MOTORISTS ASSISTS	3	1
COURT APPEARANCES	2	1
SCHOOL HOURS	8	0

Chief Kerschner reported that during the month of September there were 143 calls received through Berks County 911 for police services. He advised that he would be participating in the Kid Card Program on October 14th at Bethel Elementary School and on October 22nd at Penn Bernville School. He noted that the new handguns have not been received yet and stated that once they are received the Police will complete the required gun qualifying training.

Road Master's Report – Supervisor Feick read the September, 2016 report. The work consisted of telephone calls, highway mowing, paperwork, look over new mower, equipment maintenance, cut up tree, meter reading, sewer maintenance, go for parts, work with 911 on street addressing, went to motor shop, sign maintenance, went for new tags for dump truck, attend sewer meeting in Leesport, went to EJB for cold patch, work in shop, check out new road, go for parts, work on Godfrey Street pump station, work on flag pole at Township building, brush cutting, met with John Bicksler, check roads for pot holes, went to Daub Welding, pot hole patching, traffic control for patching, mow lawn, meet with Charlie Paris regarding Stouchburg Road, address sight distance complaint, sewer paperwork, attend Berks Public Works meeting, check pump station for high water, check on road complaint and work on Host Road.

Fire Chiefs' Report – Supervisor Feick read the monthly reports for the Keystone Fire Company and the Rescue Fire Company. He also requested the Board to affirm the addition of Fire Police.

Chairman Deck made a motion to affirm Alan Bashore, Laverne Frey, Harry Reinhold, Matthew Nolt, Merlin Zimmerman and Crystal Myer as Fire Police. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

SEWER OPERATIONS

Judgments and Delinquent Sewer Accounts

The Supervisors discussed sewer operations with regards to judgments and delinquent accounts. Chairman Deck requested clarification from the Sewer Secretary with regards to the comments next to 598 Godfrey Street and what they mean.

Partial Sewer Waiver Requests

None.

Review/Approve Private Sanitary Sewer Grinder Pump Operation and Maintenance Declaration

The Board stated that the agreement drawn up by the Solicitor was too formal and included unnecessary information and agreed that they would like to use page 16 of the Sewer Rules and Regulations (***Resolution 2006-4***) instead. It was agreed that the page should have a line added for the property owner’s signature and date.

*Supervisor Feick made a motion to use page 16 of the Sewer Rules and Regulations (**Resolution 2006-4**) as the formal agreement. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

None.

OTHER BUSINESS

Mrs. Flaherty is scheduled to attend two (2) federally required CDL Training courses – fee to attend is \$35 per course

Vice Chairman Kramer made a motion to authorize Mrs. Flaherty to attend two (2) federally required CDL training courses. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$106,518.29
First Citizens General Holding Account	\$ 4,434.67
General Plus Account	\$179,192.12
State Aid Account	\$ 92.88
State Plus Account	\$231,609.39
Street Light Account	\$ 14,630.30

Payments of Bills for this October 12, 2016 meeting are:

- General Account combined with the payroll account – Checks #16999 to #17026 in the amount of \$56,168.58
- Street Light Account – Check #355 in the amount of \$1,130.09
- State Liquid Fuels Account – Check #190 in the amount of \$104,727.00
- Camp Calvary Land Dev. Escrow –
- Camp Calvary Inspection Escrow –
- Village Estates Improvements Inspection Escrow –
- Stormwater Inspection Escrow –
- Total Expenses for this meeting – \$162,025.67

Vice Chairman Kramer made a motion to approve the payments of the bills for this October 12, 2016 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

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

Sewer Operation Account – \$551.13
Balance in the Sewer Holding Account - \$72,590.89
Debt Service Account - \$404,450.36

Payments of Bills in the Sewer Operation Account for this October 12, 2016 meeting are:
Check #1824 to #1836 in the amount of \$11,492.36

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

ADJOURNMENT OF MEETING

Vice Chairman Kramer made a motion to adjourn the meeting at 9:10 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township