

**Tulpehocken Township  
Board of Supervisors  
Meeting of October 10, 2018**

The Tulpehocken Township Board of Supervisors met on October 10, 2018 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 Chad Hepler, Police Officer and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Harold Zimmerman, Jeff Zimmerman, John R. Bicksler, John T. Bicksler, Jake Derr, Virgil Martin, John and Judith Ziegler.

**CALL TO ORDER**

Chairman 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 12, 2018 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

*Supervisor Feick made a motion to approve the minutes from the September 24, 2018 Board of Supervisors 2019 Preliminary Budget meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously with Chairman Deck abstaining (2-0-1).*

**ADMINISTRATIVE ACTIONS**

**Planning Commission**

***TW Construction-New Barn: Time expires December 5, 2018. The applicant's engineer, Steve Bensinger was present to discuss the Township Engineer's review letter. A note must be added to the plan and the zoning permit outlining the requirements necessary to comply with the zoning ordinance as it relates to the home occupation use. The Township Solicitor presented a note to add to the plan. The applicant's engineer will add the following note to the plan: The entirety of the existing detached structure adjacent to the residential dwelling shall be utilized solely as an accessory structure to the residential dwelling for storage of items from or utilized as part of the residential use of the property. The existing detached structure shall not be utilized in any manner in relation to the operation of TW Construction or any successor or related business, including but not limited to, storage of materials or administration or management or parking of TW Construction vehicles. Utilization of the proposed barn for a home occupation use in an accessory structure for TW Construction shall be limited to a maximum of 1000 square feet of the barn and in accordance with the Tulpehocken Township Zoning Ordinance. At least 2,836 square feet of***

*the proposed barn shall be utilized solely for agricultural purposes. Any increase in the assigned square footage for TW Construction to an amount in excess of 1000 square feet in the proposed barn shall require a variance from the Tulpehocken Township Zoning Hearing Board. The Township Zoning Officer shall have the right to inspect the existing detached structured adjacent to the residential dwelling and the proposed barn at any time and from time to time to verify compliance with this note. A copy of the approved conservation plan shall be submitted to the Township. The Berks County Conservation states that any farm that comes in for a zoning permit, the Township cannot issue the zoning permit without a Conservation Plan. The applicant's engineer will address this comment. The holding tank location and permit will need to be coordinated with the Township SEO. A maintenance agreement will need to also be provided for pumping. They have contacted the Township SEO and are in the process of obtaining this permit. Section 303.1.I. All easements or right-of-way where provided for or owned by public services and any limitation on such easements or right-of-way. Easements shall either be shown or specifically described on the plan. The Township Solicitor would like to see the owner of the property provide a statement that they will maintain the right-of-way since they will be using the driveway the hardest. Section 303.B. The Township Engineer would like to see closure of the new lot noted. The applicant's engineer will address. Section 303.H. The location of all existing and proposed street monuments as required by Section 602.7. The Township Ordinance requires all corners to be set. There are three (3) pins and two (2) monuments on the plan. The Planning Commission is satisfied with the monuments that are depicted on the plan. The Township Solicitor reviewed the blanket easement note (note #49) and is satisfied with the note.*

*Section 602.7E. Markers. Metal markers are to be accurately placed at all lot corners. The applicant's engineer requested a verbal waiver request for this section. The waiver request is to allow two monuments and three pins to be set on the adjoined lot to the proposed barn. A written waiver request will be submitted to the Township prior to the Board of Supervisors meeting on October 10, 2018. Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver request for Section 602.7E. The motion was seconded by Scott Hetrick and approved unanimously.*

*Vice Chairman Kramer made a motion to grant the waiver request for Section 602.7E. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

*The applicant needs to secure E&S and also an NPDES. They are still waiting for these approvals. Section 602.11 Landscaping Plan. There are eight (8) trees between the barn and the property behind the barn. They are also proposing a fence around the dumpster. The Planning Commission is satisfied with the landscaping that has been presented on the plan. The Township Engineer would like to see the calculations for all proposed swale and stormwater pipes. Also ensure that up to the 100 year flow can get into the basin. It appears that only the 25 year storm was utilized. All flows up to the 100 year flow must enter the basins. The truck traffic is primarily pickup trucks and an occasional feed truck for the family farm. The Township Engineer would like a template on the plan to show that the feed trucks can make the turn with the existing radius. The architectural plans were provided for review. The zoning application should denote what the actual storage is on the architectural plans. The same note on the plan regarding the use should be incorporated on the zoning permit application form. A new consolidated legal description has been provided for the Township Solicitor to review. The Township Solicitor is satisfied with the legal description presented. The Township should receive evidence of the consolidation deed and because they are existing lots, the consolidation deed could be recorded prior to the land*

*development plan being recorded. If this is done, it will eliminate the need to post the \$500 escrow to ensure that the deeds are consolidated.*

*Gary Deck made a motion to recommend to the Board of Supervisors to grant conditional preliminary/final plan approval with the following conditions. The motion was seconded by Ray Daub and approved unanimously.*

- *Conditions listed in the Ludgate Engineering letter dated October 4, 2018*
- *E & S approval. If E & S changes the layout significantly, then the plan would need to be reviewed again by the Planning Commission.*

*Supervisor Feick made a motion to grant Conditional Preliminary/Final Plan approval with the following conditions:*

- *Conditions listed in the Ludgate Engineering letter dated October 4, 2018.*
- *E & S approval. If E & S changes the layout significantly, then the plan would need to be reviewed again by the Planning Commission.*

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

*Scott Hetrick made a motion to recommend to the Board of Supervisors to grant the verbal 90 time extension request, which would extend the time to March 6, 2019. A written waiver request will be submitted to the Township prior to the Board of Supervisors meeting on October 10, 2018. The motion was seconded by Laverne Frey and approved unanimously.*

*Supervisor Feick made a motion to grant the 90 time extension request, which would extend the time to March 6, 2019. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

**John Bicksler Land Development Plan:** *The applicant's engineer, Brian Boyer from Boyer Engineering LLC was present along with John R. Bicksler. The basin is a little smaller than the original design due to the septic system for the chicken house restroom and the berm was raised approximately one foot. The basin does meet the two (2), five (5) and ten (10) year storm requirements, however the twenty-five (25) year storm requirements are not met. They are requesting a waiver to leave the basin the way that it is. The Conservation District has performed an inspection and is satisfied with the way the berm is and stated that they could start the paperwork for their notice of termination. The Township Solicitor stated that the Township has the authority to grant waivers as to the means of achieving the outcomes that are required by the Ordinance, however the Township doesn't have the authority to waive the outcomes that are required by the Ordinance. In this case, it goes beyond the means it goes to the outcomes required by the Ordinance. There is a requirement for rate by DEP (Department of Environmental Protection) as part of the Stormwater Plan. It requires over controlling the 25 and the 10 year storm. So it is a twenty-five (25) year post develop and ten (10) year pre-develop, that this plan cannot meet. The Township cannot waive the rate because if someone downstream is flooded in the future, that could become an issue. There is a possibility to waive another requirement in the Ordinance that is not rate driven. Model the rate that is driven into the ground, what is found on site and raise the spillway to show per the calculations that they are meeting the intent of the Ordinance. The applicant's engineer does believe that this can work. The only waiver needed then would be to not have the one foot freeboard for the spillway. The Township Solicitor stated that if a waiver is required, it is prudent to require the downstream property owner to sign an agreement accepting this waiver. Another option is to allow the spillway to have less than one feet*

*of freeboard. They would raise the emergency spillway nine (9) inches and leave about three (3) inches from the top berm. There would be a reduction below the ten (10) year storm and the requirements for the twenty-five (25) year storm would be met. It would be up to the top of the berm per calculations. The applicant's engineer would prefer to keep the spillway and keep the water directed to where it is currently going instead of going over the top of the berm and going wherever. There should be an easement per design and there should be revised easement agreements per the as built plan. This will need to be recorded.*

*The applicant's engineer requested a verbal waiver request for Section 304.B. Spillway Freeboard. The waiver request is to allow the spillway to have less than one (1) foot of freeboard. The existing spillway is proposed to be filled in to meet the required stormwater reduction for the twenty-five (25) year post-developed to the ten (10) year pre-developed rate. A spillway that is approximately three (3) inches deep is being proposed to remain. This will allow a location for larger storms to flow in a determined location and to meet the required rate reductions without having to disturb and revegetate the berm. A written waiver request will be submitted to the Township prior to the Board of Supervisors meeting on October 10, 2018. Scott Hetrick made a motion to recommend to the Board of Supervisors to grant the waiver request for Section 304.B. And to be sure that sealed stormwater calculations are provided and that a modified easement agreement is to be recorded with both John T. Bicksler and John R. Bicksler. The motion was seconded by Ray Daub and approved unanimously.*

*Supervisor Feick made a motion to grant the waiver of Section 304.B. Spillway Freeboard, to be sure that sealed stormwater calculations are provided and that a modified easement agreement is to be recorded with both John T. Bicksler and John R. Bicksler. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

The Township Solicitor will draft the agreement.

Mr. Bicksler inquired as to when his escrow would be released. Mrs. Flaherty advised that he would have to submit the request to the Township in writing and that the Township Engineer determines how much escrow can be released. Chairman Deck noted that the NOT would also be needed.

### **Solicitor Legal Discussions**

*None.*

### **Escrow Release**

***Meadow Springs Meetinghouse (16 Stouchsburg Road) – Final Escrow Release – The Engineer is recommending a full release in the amount of \$2,045.67 (amount includes interest)***

*Vice Chairman Kramer made a motion to authorize the final escrow release for the Meadow Springs Meetinghouse in the amount of \$2,045.67. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

**Correspondence from Zoning Officer**  
**September**

The Zoning Officer addressed the Stiely property (176 Deck Road); correspondence has been sent to the property owner.

**Land Development**

*None.*

**STAFF REPORTS**

**Police Report** – Officer Hepler read the September, 2018 Police report as follows:

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	2559	633
GALLONS OF FUEL	226	0
HOURS WORKED	381	60
PATROL HOURS	278	42.5
TULPEHOCKEN AREA SCHOOL DIST. HOURS	25	0
TOTAL INCIDENTS	7	2
TOTAL COMPLAINTS	12	10
MISCELLANEOUS CALLS FOR SERVICE	14	5
FOLLOW-UP INVEST	0	1
TELEPHONE ASSIGNMENTS	20	7
COMM/RESIDENTIAL ALARMS	4	0
EMS/FIRE ADVISORIES	22	6
TRAFFIC STOPS	17	3
CITATIONS ISSUED	16	3
NON-TRAFFIC CITATIONS	0	0
TRAFFIC WARNINGS	2	0
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	3	0
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	2	0
SECURITY CHECKS	50	34
POLICE ASSISTS	15	0
MOTORISTS ASSISTS	0	0
COURT APPEARANCES	2	0
SCHOOL HOURS	0	0

Officer Hepler reported that during the month of September there were 189 calls received through Berks County 911 for police.

**Road Master's Report** – Supervisor Feick read the September, 2018 report. The work consisted of checking on flooded areas, picking up signs/cones, meter reading, check pump stations, grease blowers, highway mowing, lawn mowing, check on road complaints, check a driveway permit, haul fuel for dozer, telephone calls, sewer maintenance, equipment repairs/maintenance, sewer inspection, paperwork, tree trimming on Deck and West Four Point Roads, telephone calls to Teen Challenge, work in shop, put equipment away, paperwork for West Four Point Road project, sign maintenance, work at recreation field, install signs on Salem Road, work on Host Church Road project, sewer call out, meet w/ paving contractor on Host Church Road, meet with Township Engineer at chicken house site, sewer issues/alarms, p/u parts/equipment, work on West Four Point Road and Witman Road projects, help install beams in the salt shed, clean pump station and check for leaks in sewer lines.

Supervisor Feick advised that the International dump truck needs maintenance, a cable is hanging up. He will take to Kutz for repair.

**Witman Road Project** – *the grant from the Berks County Conservation District was for \$27,808.05, the Township already received \$13,904 and the cost of the project was \$22,714.65. The invoices have been submitted to Dean Drunkenmiller for his review/approval.*

**Four Point Road Project** – *the grant from the Berks County Conservation District was for \$99,845.70, the Township already received \$49,923 and the cost of the project was \$101,160.98. The invoices have been submitted to Dean Drunkenmiller for his review/approval.*

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

## **SEWER OPERATIONS**

### ***Judgements and Delinquent Sewer Accounts***

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

**Discuss Properties with three (3) units (proper permitting was not obtained) – 7696 Lancaster Avenue & 584 Godfrey Street – Refer to email from Sewer Secretary dated October 10<sup>th</sup>; discussion between Secretary, Zoning Officer and Solicitor – If correspondence is sent to the property owner stating that the building is only a two (2) unit; who should sign the letter, the Secretary or Zoning Officer? By the property owner signing the letter; they're agreeing to have the Zoning Officer inspect/verify the number of units on the premise.**

The Board discussed the two (2) properties and agreed that the letter should be signed by a member of the Board.

*Chairman Deck made a motion to proceed with sending a letter/agreement to the property owners stating that they agree that the dwelling will remain two (2) units and that the Township Zoning Officer can perform an inspection. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

## **UNFINISHED BUSINESS**

***Update on various renovation projects at the Township building – the repairs to the salt shed have been completed***

Supervisor Feick reported that the remaining projects are on hold until the weather changes (fair weather projects).

***Weidner Bridge/Salem Road Update – All of the signs have been installed; need to compile costs and submit reimbursement request to the County***

Mrs. Flaherty advised she needs to compile the costs and submit the reimbursement request to the County. Supervisor Feick reported that Officer Dronick has already issued the first fine.

## **NEW BUSINESS**

*None.*

## **CORRESPONDENCE**

***Request from Jefferson Township for Fire Police coverage for Tulpehocken School District Homecoming events scheduled for Friday, October 5<sup>th</sup> from 4-10 P.M. – Need to ratify the motion due to approval being granted between meetings***

*Vice Chairman Kramer made a motion to ratify the authorization for Fire Police coverage for the Tulpehocken School District Homecoming events scheduled for Friday, October 5<sup>th</sup> from 4-10 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

***Request from the Borough of Robesonia for Fire Police coverage for the Halloween Parade scheduled for Sunday, November 4<sup>th</sup> at 3 P.M.***

*Vice Chairman Kramer made a motion to authorize Fire Police coverage for the Halloween Parade scheduled for Sunday, November 4<sup>th</sup> at 3 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

***Request from the Borough of Myerstown for Fire Police coverage for the Holiday Parade scheduled for Saturday, November 24<sup>th</sup>, with a rain date of Sunday, November 25<sup>th</sup>***

*Supervisor Feick made a motion to authorize Fire Police coverage for the Holiday Parade scheduled for Saturday, November 24<sup>th</sup>, with a rain date of Sunday, November 25<sup>th</sup>. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

***Request from the Berks County Agricultural Land Preservation Board for a donation. This is a new program***

The Board discussed the request and agreed to donate \$1,000 in 2018.

*Chairman Deck made a motion to donate \$1,000 to the Berks County Agricultural Land Preservation Board. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

***Animal Rescue League Agreement and Fees – The League will now be charging a baseline annual fee of \$1,500. There will also be additional fees ranging from \$40 to \$100 per animal depending on the type of service provided. ARL has stated that a municipality can opt out of these services, but they advise that they will not provide services to our residents. The Township contributed \$500 in 2013, \$750 in 2014, \$500 in 2015, 2016 and 2017, and \$750 in 2018***

The Board discussed the agreement and possible cost to the Township and agreed to opt out of the program.

*Supervisor Feick made a motion to opt out of the services provided by the Animal Rescue League. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

## **OTHER BUSINESS**

***Assigning a name to the private lane off of Camp Swatara Road; suggestions included Creek Lane, Deer Lane, Fox Lane, Oak Lane, Sadie Lane & Sugar Lane. Emergency Services would prefer using either Sadie or Sugar Lane.***

*Supervisor Feick made a motion to use Sadie Lane as the official name of the private lane located off of Camp Swatara Road. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Reminder – The Board is scheduled to attend the 2018 Berks County Convention on Thursday, October 18, 2018, from 5 P.M. to 9:30 P.M. at the Oley Fair Centre, 26 Jefferson Street, Oley, PA***

***Motion to advertise the 2019 Budget presentation meeting on November 14<sup>th</sup> at 5 P.M.***

*Supervisor Feick made a motion to authorize the advertisement of the 2019 Budget presentation meeting on Wednesday, November 14<sup>th</sup> at 5 P.M. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Motion to authorize an advertisement that the Recreation Grant Study Committee will meet on October 24<sup>th</sup> instead of October 17<sup>th</sup>***

*Vice Chairman Kramer made a motion to authorize the advertisement that the Recreation Grant Study Committee will be meeting on Wednesday, October 24<sup>th</sup> instead of Wednesday, October 17<sup>th</sup> at 7 P.M. The motion was seconded by Chairman Deck and passed unanimously (3-0).*

***Discuss the office being closed on Monday, December 24<sup>th</sup> and Monday, December 31<sup>st</sup>***

It was noted that these two (2) days would not be paid holidays; staff could use a vacation day.

*Vice Chairman Kramer made a motion authorizing the Township office to be closed on Monday, December 24<sup>th</sup> and Monday, December 31<sup>st</sup>. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*



***Would the Board like to enter into an Intergovernmental Agreement with Upper Tulpehocken Township? Upper Tulpehocken Township's Solicitor would draft the agreement and ordinance; our only expenses would be advertising and adopting the ordinance and cost to have Township Solicitor review***

The Board discussed the request and agreed they would like to see a draft of the agreement. Mrs. Flaherty will contact the Upper Tulpehocken Township Secretary to request a copy of the agreement. The Board agreed to discuss the request further at their November meeting.

Mrs. Flaherty advised that she has received a telephone call from a gentleman who lives on Strausstown Road with regards to his address location being incorrect on Google Maps; she has reached out to Google with no success. Chairman Deck suggested that the gentleman pin his location on the mapping app and text/email that to his clients. Mrs. Flaherty advised that she would contact him and advise him of the suggestion.

Mr. Martin inquired on his escrow release request. Mrs. Flaherty advised that she did forward a copy of his request to the Township Engineer. Supervisor Feick reported that a recent inspection showed water flow in the pipe. Mrs. Flaherty recommended that Mr. Martin contact the Township Engineer to discuss the matter further. The Board discussed the need for further inspections.

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

Account Balances for the end of September, 2018 were as follows:

General Account	\$ 25,166.17
First Citizens General Holding Account	\$105,098.98
General Plus Account	\$252,697.32
State Aid Account	\$ 84.04
State Plus Account	\$249,896.10
Street Light Account	\$ 16,375.27

Payments of Bills for this October 10, 2018 meeting are:

General Account combined with the payroll account – Checks #18627 to #18657 in the amount of \$65,660.03
Street Light Account – Check #379 in the amount of \$1,204.45
State Liquid Fuels Account –
Recreation Fund –
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$66,864.48

*Vice Chairman Kramer made a motion to approve the payments of the bills for this October 10, 2018 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Sewer Accounts balances for the end of September, 2018 were as follows:

Sewer Operation Account – \$358.30  
Balance in the Sewer Holding Account - \$140,451.45  
Debt Service Account - \$413,114.71

Payments of Bills in the Sewer Operation Account for this October 10, 2018 meeting are:

Check #2205 to #2222 in the amount of \$20,037.90

*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).*

### **EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS**

The Board agreed to increase the Township Secretary/Treasurer's hours to twenty-eight (28) per week if needed.

### **ADJOURNMENT OF MEETING**

*Vice Chairman Kramer made a motion to adjourn the meeting at 8:37 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Respectfully Submitted,

*Christy Flaherty*

Secretary, Tulpehocken Township