

**Tulpehocken Township
Board of Supervisors
Meeting of September 11, 2019**

The Tulpehocken Township Board of Supervisors met on September 11, 2019 in the Township meeting room at 7 P.M. In attendance and voting were Supervisors: Chairman Gary Deck and Lester Feick, Supervisor; Vice Chairman Richard Kramer was not present. Also present were Kris Kerschner, Police Chief and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Robert Sattazahn, Harry Reinhold, Mr. & Mrs. Fulk and Geneva Aulenbach (Reading Eagle).

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, Followed by a moment of silence in honor of 911.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the August 14, 2019 Board of Supervisors meeting. The motion was seconded by Chairman Deck and passed unanimously (2-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Mountain Meadows Phase II: Time expires September 13, 2019. The Township Engineer emailed the developer, Louie Hurst to get an update to support the request for the time extension. Mr. Hurst's response was that they needed to regroup and find another builder last year. New construction was completed in April 2019 and the urgency for the sewer permitting was not as pressing. Mr. Hurst is looking to possibly have the pump station and force main designed to construct together. He stated that they are looking to submit the second phase the 1st quarter of 2020. The Township did renew the HOP permit with DEP. The Township still has a corrective action plan (CAP) with DEP for the Lancaster Avenue Pump Station. This limits the number of connections to this pump station to five per year. The Township Solicitor stated that the only circumstance where the Township may want consider no longer excepting time extensions for Phase II would be if the zoning would be changed in that area once another development would come in. However as long as the plan is consistence with the current zoning and comprehensive plan there really isn't a compelling reason to deny or reject the request for the time extension. John Zimmerman stated that there is a concern with the top coat of the macadam in the development. The Township should review the status of the existing financial security for the incomplete improvements and we have the right to ask him to refresh the escrow to match current

construction costs. It was discussed that the house for sale may be priced too high for our area and the style may not be as favorable to people in our area. Pioneer Management LLC, the applicant's engineer, presented a time extension letter to the Township for a 180 day time extension.

Robert Sattazahn made a motion to recommend to the Board of Supervisors to grant the time extension request for Mountain Meadows as a 180 day time extension to March 11, 2020. Seconded by Laverne Frey. Gary Deck and Scott Hetrick approved. John Zimmerman opposed. Motion passed (4-1).

Supervisor Feick made a motion to accept the time extension request for Mountain Meadows as a 180 day time extension to March 11, 2020. The motion was seconded by Chairman Deck and passed unanimously (2-0).

John Zimmerman made a motion to recommend to the Board of Supervisors to review the escrows for the incomplete infrastructure costs. Seconded by Laverne Frey and approved unanimously.

David G. Martin Farm Subdivision: This plan is located at 32 Bordner Road. This is a 253 acre property that will be divided into 2 subdivision lots and is located in the Effective Agricultural Preservation (EAP) zoning district. The one lot will be 172 acres and the other 80 acres. There will be 3 future broiler barns which were approved through Land Development in June 2019. Red Barn hasn't received a response from the state farm preservation board yet. A non-building waiver was submitted to DEP, no response to date.

Laverne Frey made a motion to recommend to the Board of Supervisors to grant conditional final plan approval with the conditions listed below. Seconded by John Zimmerman and approved unanimously.

- *Mack Engineering Inc. review letter dated September 5, 2019*
- *Verification there is approval of the subdivision through both the county and state farm preservation boards*
- *Bethel Township approval*
- *DEP approval of the non-building waiver*

Supervisor Feick made a motion to grant Conditional Final Plan approval with the conditions listed below.

- *Mack Engineering Inc. review letter dated September 5, 2019*
- *Verification there is approval of the subdivision through both the county and state farm preservation boards*
- *Bethel Township approval*
- *DEP approval of the non-building waiver*

The motion was seconded by Chairman Deck and passed unanimously (2-0).

The original conservation easement only allowed one additional house. As part of the subdivision process, the applicant will need to identify which of the two lots the house would go on. The preservation boards are looking for tillable ground to go with each lot. They don't want to see waste land on one and good ground all on the other lot. They want to see that there is enough tillable ground on each lot that they are economically viable for an independent agricultural operation.

Stephanie Fulk was present to discuss proposed hemp greenhouses to possibly be located at 14 Wintersville Road. This parcel is 5.02 acres and she would be leasing the land from the current property owners, Anthony and Nancy Wenger. She is proposing four 30 x 96 foot freestanding greenhouses. This does exceed the definition of Land Development. Ms. Fulk would be cultivating seedlings from other plants selling the starter plants to the local farmers for them to plant later and harvest the crop. This would be just as a wholesale business to sell to farmers in Berks County and surrounding counties for approximately six weeks out of the year. The Township Solicitor stated that if a waiver of land development is granted and the project looks to expand in the future, the applicant would need to present a new plan to the Planning Commission and a new request for a waiver of land development would be needed at that time. The greenhouses will be placed in a 2 acre field. The greenhouses maybe considered temporary structures. The posts will be concreted into the ground. The structures could possibly be exempt from building requirements. Ms. Fulk and her sister will primarily be doing this business. She is looking to hire approximately ten employees just during the six week period when farmers come to purchase and also two months prior to selling time. Due to having employees, she may be required to provide ADA accessibility. There is an existing dirt driveway and she plans on having it remain dirt at this time. Parking will be minimal. Sanitary will be handled by use of a portal toilet. She plans on drilling a well for this project. The Township Solicitor stated that the Township should require a copy of the applicant's state hemp permit to verify that she has been approved for this. This is to verify that we are not authorizing something that is not permitted by the state. She will need to apply for the hemp permit sometime this fall. Land development typically deals with accessibility, utilities, water and also sanitary. It is an agricultural operation, therefore landscaping would be exempt. The project would need to comply with Stormwater unless there is proof that the buildings are exempt from Stormwater based upon the use. The applicant was planning on raising the greenhouses up with fill to avoid rain runoff. She would need to apply for an E&S permit through the conservation district. Another option would be to have stone as a top layer and not have earth disturbance. An E&S permit would then no longer be required. When the zoning application is completed, the applicant should let the Township know how she plans to proceed. The parking area will need to be shown on the application as well. Wherever the office is, the path should be gravel from the parking area to the office should be three feet in width and a hard compacted surface. Ms. Fulk will need to provide a lease agreement with the property owner that states the owners give her consent to conduct this project.

Ms. Fulk has presented a written request for a waiver of land development. Gary Deck made a motion to recommend to the Board of Supervisors to grant a waiver of land development provided that she provides proof of the state permit being obtained. Seconded by John Zimmerman and approved unanimously.

It was advised that Ms. Fulk apply for a zoning permit for the greenhouses, not specifying they are for hemp. The Township will not issue a zoning permit without the applicant providing proof of the permit from the state. Then when she gets the state permit, reapply for the zoning permit to allow the hemp on the property. If the Supervisors approve the waiver of land development, a zoning permit could be submitted to the Township and the parking area, shed and anything going on the property will need to be shown. Ms. Fulk is hoping to have the business up and running by December. The Planning Commission Secretary will reach out to the building and code official to verify what is required for building and ADA compliance.

Supervisor Feick made a motion to grant a waiver of land development provided that Mrs. Fulk provides the Township proof of the state permit once obtained. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Mrs. Flaherty noted that the Building Inspector has advised that no Building Permit will be required.

Chairman Deck recommended that Mrs. Fulk contact the Township Engineer to discuss E&S and stormwater.

Revisions of the Berks County Comprehensive Plan 2030 Draft Update: The Township Solicitor stated that it is the guide for the county government for land use planning for the next ten years. The county was split up into different areas. Typically rural conservation areas have steeper slopes with environmental restrictions. In Berks County there is a lot of rural conservation land that is being farmed in economically viable way. So there are a lot of successful farming operations in Berks County that are on rural conservation land. The opinion of the Township Solicitor is that the County is unfairly discriminating against people who are property owners in the rural conservation (RC) district to discourage them from preserving their farms. This is another effort to reduce the property owner's right to preserve farmland in Berks County. Areas have already been designated as future growth areas typically around interstate highway interchanges and now they are adding another major action with the RC district across the County. The County will not borrow money for farmland preservation again with the current elected officials. They consider farmland preservation a bad idea in terms of economic development. Robert Sattazahn stated that he would like to attend the Berks County Planning Commission Open House meeting for the draft revised Plan on September 17, 2019 from 6 pm-7:30 pm.

John Zimmerman made a motion to recommend to the Board of Supervisors to comment to the County that they over extended their authority to change the aspect of the RC district to almost eliminate the possibility for the property owner to get into farm preservation. Seconded by Scott Hetrick and approved unanimously.

The Supervisors discussed the Planning Commission's recommendation and were in agreement.

Supervisor Feick made a motion to send correspondence to the County advising that the Township feels that the County has over extended their authority to change the aspect of the RC District to almost eliminate the possibility for property owner to get into farm preservation. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Recreation Fee: The Township Solicitor stated that there is no way to impose a tax just for recreation. An option would be to allocate a portion of the existing revenue the Township is getting currently. For example the per capita tax, the Township could allocate the revenue that is currently received to recreation space. The per capita tax fee is at the maximum to charge per the Township Solicitor. The Township Solicitor stated that other counties set referendums years ago to set an earned income tax just for farm preservation but that can also be used for recreation. The Township could charge an earned income tax; however a referendum would be needed and approved by the taxpayers to impose an earned income tax just for recreation purposes. The Township Engineer stated that the Township could collect donations/contributions from industries within the Township. It would be a one-time fee to collect from processing plants such as Bell & Evans, Freebird etc. The processing plants do care how the public views their impact on the

community. Gary Deck stated Bethel Township collects a percentage from permits to allocate towards recreation fees. He also stated that Tulpehocken Township is one of the only Townships in Berks County that do not contribute funds to recreation space. A concern mentioned was that we have the planning grant to help obtain a grant, however when that time comes, the Township will still need to match the funds of the grant. The Township Solicitor stated that the Township could use land that someone gives the Township as a way to match the funds. Gary Deck mentioned the Rehlersburg Lions Club. The Lions Club would like to lease the land to the Township. The Township Solicitor stated that his concern is liability as for the Township being responsible if someone would end up getting hurt on the equipment and not being the owner. The Lions Club property is 3.31 acres and the Township lot beside the Lions Club property is 1.52 acres. The deed for the Township lot has been recorded with the County. The Township could approach Larry Dean Martin regarding the purchase of his lot next to the Township lot on Lions Park Drive. It has been said that recreation space acreage would be more favorable if it exceeds 5 acres. The Township Solicitor stated that liability insurance is needed whether the Township leases or would own the Lions Club. The Township needs to make sure that it is covered.

The Board discussed ways to fund recreation space and what the Township has already spent with regards to recreation. Chairman Deck read a memorandum from the Township Solicitor dated September 11, 2019 regarding taxation options for recreation. Chairman Deck stated that he feels strongly about providing recreation space for the Township residents. Supervisor Feick commented that if the Township is going to provide recreation space, they will need to come up with funding. He suggested that the Township could consider enacting a \$52/per year tax (Local Services Tax); noting that money could be used towards emergency services, which would free up Township funds for other uses. The Board discussed the possibility of increasing the real estate tax as a way to generate funding; currently the mileage is 1.6 mills. If the real estate tax was raised to two (2) mills that would generate an extra \$40 for a property assessed at \$100,000. Any new taxes or changes to existing taxes would have to be completed in time to submit to the County's Treasurer's office to get on next year's tax bill. They also discussed the future of the Rehlersburg Lions Club if the Township doesn't step in to help, plans for the lot the Township owns off of Lions Park Drive, the recreation space or money being donated to the Township from Louie Hurst the developer of Mountain Meadows and the possibility of purchasing land along Lions Park Drive from Mr. Martin. It was agreed that the matter of funding recreation, the creation of a Local Services Tax and the possibility of increasing the Real Estate Tax would be discussed further at the upcoming budget meeting.

Solicitor Legal Discussions

None.

Escrow Release

John Bicksler Poultry Operation – Final Release – The Engineer is recommending releasing the remainder of the escrow account. The current balance in the escrow account is \$3,530.45, which includes interest

Supervisor Feick made a motion to authorize the final release of Mr. Bicksler's escrow account in the amount of \$3,530.45, which includes interest. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Correspondence from Zoning Officer

August Update

The Zoning Officer addressed the Oberholtzer property (598 Godfrey Street) with regards to rubbish/debris. The property appears to be cleaned up; held citations for now.

The Zoning Officer addressed the Weyandt/Mauser property (231 Godfrey Street) with regards to rubbish/debris and mowing. Property has been mowed. Property owner can't assess the rear of property until litigation with tenant is settled. Property owner is aware that citations were submitted.

The Zoning Officer addressed the Zimmerman property (354A Godfrey Street) with regards to vehicles. The DJ has not heard from the property owners on their pleas; assume that a warrant will be issued if the vehicles are not removed.

The Zoning Officer addressed the Werni property (342 Godfrey Street) with regards to property owner violating the zoning ordinance by not obtaining a permit; do not have a good telephone number, can send a letter.

The Board authorized the Zoning Officer to send a letter to Ms. Werni.

Land Development

Hope Mennonite Church Annexation – Motion to reaffirm and authorize the Board to sign the plan; conditional approval was granted at the April meeting

Supervisor Feick made a motion to reaffirm and authorize the Board to sign the plan for the Hope Mennonite Church Annexation. The motion was seconded by Chairman Deck and passed unanimously (2-0).

STAFF REPORTS

Police Report – Chief Kerschner read the August, 2019 Police report as follows:

| ACTIVITY | TULPEHOCKEN TWP | MARION TWP |
|-------------------------------------|--------------------|---------------|
| MILES PATROLLED | 2599 | 645 |
| GALLONS OF FUEL | 240 | 0 |
| HOURS WORKED | 437 | 60 |
| PATROL HOURS | 320.75 | 40.5 |
| TULPEHOCKEN AREA SCHOOL DIST. HOURS | 13.75 | 0 |
| TOTAL INCIDENTS | 5 | 2 |
| TOTAL COMPLAINTS | 10 | 2 |
| MISCELLANEOUS CALLS FOR SERVICE | 30 | 5 |
| FOLLOW-UP INVEST | 0 | 0 |
| TELEPHONE ASSIGNMENTS | 33 | 6 |
| COMM/RESIDENTIAL ALARMS | 2 | 0 |
| EMS/FIRE ADVISORIES | 23 | 9 |

| | | |
|-------------------------|----|----|
| TRAFFIC STOPS | 20 | 9 |
| CITATIONS ISSUED | 21 | 7 |
| NON-TRAFFIC CITATIONS | 0 | 0 |
| TRAFFIC WARNINGS | 3 | 1 |
| WARRANTS | 0 | 0 |
| PARKING TICKETS | 0 | 0 |
| TRAFFIC ACCIDENTS | 1 | 0 |
| DUI ARRESTS | 0 | 0 |
| MISDEMEANOR/FELONY | 0 | 0 |
| SECURITY CHECKS | 60 | 42 |
| POLICE ASSISTS | 10 | 0 |
| MOTORISTS ASSISTS | 3 | 1 |
| COURT APPEARANCES | 1 | 0 |
| SCHOOL (TRAINING) HOURS | 0 | 0 |

Chief Kerschner reported that during the month of August there were 187 calls received through Berks County 911. The Board discussed the number of calls received with regards to Teen Challenge, how that is affecting the Township and tracking the time spent dealing with their calls. Chief Kerschner advised that he is hoping to meet with Teen Challenge CEO Kris McFadden sometime in the next month; he will let the Board know the meeting date once there is one. He also noted that National Night Out went well; next year the event will be held in Mt. Aetna.

Road Master's Report – Supervisor Feick read the August, 2019 report. The work consisted of working on Witman Road, telephone calls, took grader to Zimmerman's, lawn mowing, hauling stone, meter reading, sewer maintenance, equipment repairs/maintenance, work in shop, work on Host Church Road, fuel pump/tank issues, sweep stone on Host Church, Parkside Inn and Stone Roads, cut trees, remove barricades from roadways, work at Rehrersburg Sewer Plant, work on Greble Road, highway mowing, help Upper Tulpehocken Township with pipe project, fire extinguisher maintenance, trimming at sewer plants and pump stations, check on complaints, remove branches from roadways, clean up bushes in Mt. Aetna, meet w/PennDOT Rep., building repairs/maintenance, pipe work on Deck Road, clean up shop and flagging for highway mowing.

Spur Road Project update – the Berks County Conservation District has requested the project be delayed

The Board discussed the request from the Berks County Conservation District to delay the Spur Road Project until after July 1, 2019. Supervisor Feick reported that Mr. Drunkenmiller advised that an extension would be provided and that the Township could submit an amendment requesting reimbursement for the cost difference. Chairman Deck advised that he would update the representatives from H&K regarding the delay. Supervisor Feick advised on some work that he plans to do on the roadway until then.

Greble Road Bridge

Supervisor Feick reported that he has no update from the BCCD at this time. He advised that the Township Engineer has begun conducting the studies needed for the project.

The Board discussed the reduction in the State Gas Tax revenue, funds are being diverted.

Supervisor Feick advised that he will not be at the November meeting due to attending training.

The Board discussed purchasing dump trucks from Jackson Township in Lebanon County. One is a 2004 7500 International single axel with plow and spreader for \$35,000. The other is a 2008 7500 International single axel with plow and spreader for \$45,000.

Chairman Deck made a motion to purchase the 2004 7500 International single axel dump truck with plow and spreader for \$35,000 and the 2008 7500 International single axel dump truck with plow and spreader for \$45,000 from Jackson Township, Lebanon County upon availability. The motion was seconded by Supervisor Feick and passed unanimously (2-0).

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.

Mrs. Flaherty updated the Board with regards to a resident requesting to place a travel trailer to live in on his property while he worked on the home. The Sewer Secretary noted that the sewer account is delinquent for that parcel. The property owner was notified that he needed to bring the account current prior to the Board acting on his request. The Police Department is aware of the request and will be monitoring the property to ensure that no one is living in a travel trailer.

UNFINISHED BUSINESS

Recreation Space – Discuss leasing the Lions Club grounds and ways to generate funding dedicated to recreation space

See funding discussion under Administrative Action – Planning Commission – Recreation Fee.

Mrs. Flaherty advised that she did contact the Township's Insurance Broker with regards to the Township insuring the property. The representative felt that the yearly premium would increase slightly, but advised that since the Township would be leasing the property she wanted to do more research and would provide documentation.

The Board discussed leasing the property and making sure the Township is protected. They also discussed what would happen if the Rehrersburg Lion Club were to disband and Mr. Klopp's statement at their August 14, 2019 meeting that the land would be donated to the Township. It was agreed that if the Township were to invest funds into the property, there would need to be a guarantee if the club dismantles.

Supervisor Feick advised that he would like to see their utility bills for the last two (2) years to calculate the expenses. Chairman Deck also suggested requesting two (2) years of revenue from the rental of the building and pavilion. It was agreed that Mrs. Flaherty should send a formal request to Mr. Klopp requesting the information.

NEW BUSINESS

Review Berks County Comprehensive Plan 2030 Draft Update

See discussion under Administrative Action – Planning Commission – Revisions of the Berks County Comprehensive Plan 2030 Draft Update.

CORRESPONDENCE

2019 Berks County Convention will be held on Thursday, October 17th from 5 P.M. to 9:30 P.M. at the Oley Fair Centre, 26 Jefferson Street, Oley, PA – Does the Board wish to attend

The board agreed that they would attend.

Municipal Breakfast will be held on Friday, September 27th from 8 A.M. to 10 A.M. at the Mt. Pleasant Fire Company (Bernville, PA) – Does the Board wish to attend?

Chairman Deck advised that he would try to attend. Supervisor Feick stated that due to a prior commitment he is unable to attend.

Commonwealth Code Inspection Service has started Property Maintenance and Rental Inspection Programs – Would the Board be interested in either?

The Board agreed they had no interest at this time.

Request from Hamburg Borough Police Department for Fire Police coverage for the annual King Frost Parade to be held on Saturday, October 26th (rain date - Saturday, November 2nd)

Supervisor Feick made a motion to authorize Fire Police coverage for the annual King Frost Parade scheduled for Saturday, October 26th, with a rain date of Saturday, November 2nd. The motion was seconded by Chairman Deck and passed unanimously (2-0).

PennDOT Regional Innovation Day will be held on Thursday, November 14th at the PA Farm Show Complex – Would the Board like to attend?

The Board agreed they had no interest at this time.

OTHER BUSINESS

2020 Minimum Municipal Obligation for Police Pension Plan – MMO for 2020 was prepared on 2019 wage figures, the Township obligation will be \$16,839.00. Need a motion to accept the MMO in the amount of \$16,839.00 and authorize the MMO to be sent to PMRS

The Secretary had prepared the MMO for 2020 based on 2019 wage figures with the Township obligation to be \$16,839.00 for 2020. Funding received through State Aid should cover most or the entire amount due. The MMO must be presented to the Supervisors by the end of September and then turned over to the PMRS.

Supervisor Feick made a motion to accept the MMO in the amount of \$16,839.00 for 2020 and authorized the MMO to be sent to PMRS. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Preliminary Budget meeting is scheduled for Monday, September 23rd at 6 P.M.

No action required.

Trick or Treat Night for 2019 – Halloween falls on a Thursday this year – Bethel is considering having it on Thursday, October 31st from 6 – 8 P.M.

Supervisor Feick made a motion to hold Trick or Treat Night on Thursday, October 31st from 6 – 8 P.M. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Supervisor Feick made a motion to advertise the event with Bethel Township. The motion was seconded by Chairman Deck and passed unanimously (2-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

Account Balances for the end of August, 2019 were as follows:

| | |
|--|--------------|
| General Account | \$169,408.08 |
| First Citizens General Holding Account | \$ 14,954.23 |
| General Prime Account | \$258,868.17 |
| State Aid Account | \$ 21.54 |
| State Prime Account | \$ 26,940.67 |
| Street Light Account | \$ 19,342.69 |
| Recreation Planning Escrow Account | \$ 41,890.50 |

Payments of Bills for this September 11, 2019 meeting are:

General Account combined with the payroll account – Checks #19346 to #19375 in the amount of \$19,786.40
Street Light Account – Check #390 in the amount of \$1,182.89
State Liquid Fuels Account –
Recreation Fund –
Recreation Planning Escrow – Check #106 in the amount of \$1,851.08
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$22,820.37

Supervisor Feick made a motion to approve the payments of the bills for this September 11, 2019 meeting. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Sewer Accounts balances for the end of August, 2019 were as follows:

Sewer Operation Account – \$804.97
Balance in the Sewer Holding Account - \$146,944.94

Debt Service Account - \$421,976.35

Payments of Bills in the Sewer Operation Account for this September 11, 2019 meeting are:
Check #2376 to #2387 in the amount of \$10,287.51

Supervisor Feick made a motion to approve payment of the sewer bills. The motion was seconded by Chairman Deck and passed unanimously (2-0).

ADJOURNMENT OF MEETING

Supervisor Feick made a motion to adjourn the meeting at 8:23 P.M. The motion was seconded by Chairman Deck and passed unanimously (2-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township