

**Tulpehocken Township
Board of Supervisors
Meeting of September 9, 2015**

The Tulpehocken Township Board of Supervisors met on September 9, 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: Robert Sattazahn, Lloyd Schneck, Robert Schultz, Mr. & Mrs. Ron Snyder, Delores Hill, Jim Henke, Nelson Beidler, John Zimmerman and Geneva Aulenbach.

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

Mr. Sattazahn updated the Board with regards to the presentation by Penn Ag on Tuesday, September 8, 2015 at the Lancaster Farm & Home Center regarding HPAI (bird flu). He noted that he is concerned with the backyard poultry farmers. Chairman Deck noted that if there is an outbreak in this area that the residents would need to be notified as soon as possible.

APPROVAL OF MINUTES

Vice Chairman Kramer made a motion to approve the minutes from the August 12, 2015 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission

Mountain Meadows Phase 2 – Time expires September 10, 2015. Pioneer Management LLC, the applicant’s engineer, presented a time extension letter to the Township for a 180 day time extension. Since home sales remain slow, the developer is focusing their sales efforts in Phase 1 before Phase 2 at this point. Louie Hurst will plan to come to next month’s Planning Commission meeting to discuss the plan. Gary Deck 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 8, 2016. John Zimmerman seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the time extension for Mountain Meadows Phase 2 to March 8, 2016. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Camp Calvary – Time expires September 10, 2015. Camp Calvary presented a time extension letter to the Township for a 180 day time extension. Laverne Frey made a motion to recommend to the Board of Supervisors to accept the time extension letter for 180 days, giving a new date of March 24, 2016. John Zimmerman seconded the motion. All in favor, motion carried.

Supervisor Feick made a motion to grant the time extension for Camp Calvary to March 24, 2016. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Greble Road Tract – Time expires December 2, 2015. The applicant is requesting the following waivers:

- *Section 602.2. Greble Road Cartway Improvements. No improvements or earthwork is being considered for Lot #1 at this time. John Zimmerman made a motion to recommend to the Board of Supervisors to grant the waiver for Section 602.2. Gary Deck seconded the motion. All in favor, motion carried.*
- *Section 302. Requires submitting a preliminary plan for approval prior to submitting a final plan. They are requesting to submit the plan as a combined preliminary/final because the plan is minor in scope. Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver for Section 302. John Zimmerman seconded the motion. All in favor, motion carried.*
- *The applicant is requesting a Planning Waiver and Non-Building Declaration be signed by the Township. Laverne Frey made a motion to have the Planning Commission Chairman, Robert L. Sattazahn sign the Planning Waiver and Non-Building Declaration. John Zimmerman seconded the motion. All in favor, motion carried. The Board of Supervisors will also need to sign the form as well at their September meeting.*
- *As for Section 602.7 – Monuments and Markers. The Township Engineer stated that the applicant can establish the markers or post an escrow to cover the cost. The applicant did provide a probable construction cost opinion in the amount of \$2,310. The Township Solicitor will draft an agreement for the applicant to sign for this escrow.*

Gary Deck made a motion to recommend to the Board of Supervisors to grant conditional Preliminary/Final plan approval with the condition listed below.

- *The comments in the Ludgate Engineer review letter dated September 2, 2015.*

Laverne Frey seconded the motion. All in favor, motion carried.

Vice Chairman Kramer made a motion to grant the waiver for Section 602.2. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Supervisor Feick made a motion to grant the waiver for Section 302. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Vice Chairman Kramer made a motion to authorize the Board of Supervisors' Chairman to sign the Planning Waiver and Non-Building Declaration. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Attorney Hartman provided the applicant with a copy of the escrow agreement and noted that the Township would be looking for a cash escrow.

Supervisor Feick made a motion with regards to Section 602.7 to accept an escrow agreement in the amount of \$2,310. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

The Board discussed conditionally approving the plan subject to the applicant signing the escrow agreement and dropping off the money. Attorney Hartman inquired if the applicant needs to make any revisions to the plan. Mr. Henke advised on the changes that will need to be made. It was agreed that the applicant would make the changes and submit the plans and escrow agreement for the Planning Commission and Board of Supervisors October meetings.

Vice Chairman Kramer made a motion to conditionally approve the plans as preliminary and final subject to the comments in the Ludgate Engineer review letter dated September 2, 2015 and receiving the escrow in the amount of \$2,310. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Solicitor Legal Discussions

Jeffrey Stoltz – Agricultural Security Application – Motion for acceptance and for authorization to advertise notice of the receipt of the application

Attorney Hartman advised the Board on the process with regards to accepting the application. At this time he is looking for the Board to authorize the first advertisement of the application. The next step would be for the application to be reviewed by the Planning Commission and the Agricultural Security Area Advisory Committee. Then there would be a second advertisement for a public hearing; then the Board could approve the application.

Chairman Deck questioned if the smaller parcel would qualify. Attorney Hartman advised that would be verified as the application is reviewed.

Chairman Deck made a motion to accept and authorize the advertisement notice of the receipt of the Agricultural Security Application for Jeffrey Stoltz. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Update regarding settlement for 28 Church Street

Attorney Hartman reported that the settlement for 28 Church Street took place on Thursday, September 3, 2015 and that the deed has been recorded.

Escrow Release

None.

Correspondence from Zoning Officer

The Zoning Officer addressed the Myers property (123B Godfrey Street); she reported that property cleanup has begun. She will contact the property owner's daughter to remind her that the cleanup needs to be completed.

The Zoning Officer addressed the Lanshe property (117 Godfrey Street); the property owner advised her that he wants to erect a fence and that he is working to clean up the property, but the process will be slow due to recently having surgery. He inquired with regards to being allowed to have the outdoor furnace and stated that he did receive building permits. She advised him to contact the Township to discuss the outdoor furnace and burning. Supervisor Feick and Mrs. Flaherty updated the Board with regards to discussions with the DEP representative. It was noted that the DEP representative has made several attempts to enter the property to inspect the outdoor furnace with no success. Her next step will be to send a certified letter.

The Zoning Officer addressed the Smith property (238 Godfrey Street). The property has been cleaned up, but the dumpster is still on the property. She will contact the property owner to see when the dumpster is scheduled to be removed.

The Zoning Officer addressed the Kennelly property (15 West Market Street). The property is mowed and in compliance.

The Zoning Officer addressed the Noll property (7668 Lancaster Avenue); there was no response to the NOV. She requested that the Township Secretary verify the mailing address and suggested resending the NOV by certified mail. The Board directed Mrs. Flaherty to verify the mailing address and update the Zoning Officer.

The Zoning Officer addressed the Werni property (342 Godfrey Street); no reply to correspondence sent. The Board discussed the structure being turned last March, 2015 and inquired on how to proceed. Attorney Hartman noted that the property owner needs to communicate with the Township. He suggested having the Zoning Officer send another letter giving the property owner a deadline of September 30, 2015 to respond to the Township advising when the driveway will be completed so that she is in compliance with the agreement.

The Zoning Officer addressed the Heffner-Davidheiser property (574 Godfrey Street); the property still needs to be clean from debris. She will contact the property owner's attorney again.

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

The Zoning Officer addressed the Goroshko property (105 Teen Challenge Road); she has been contacted by the property owner. He advised that he is planning on building a shed.

The Zoning Officer addressed the Martins property (174 Greble Road); she reported on discussions with the property owner and that she would contact her again to discuss the removal of the dead branches.

LAND DEVELOPMENT

Grass/weed situation regarding the empty lots (Mt. Meadows/Tri-Valley)

Chairman Deck commented with regards to the Township always having to call the property owner with regards to the grass/weed situation and what options the Township has. It was noted that the property owner should be attending the October Planning Commission meeting and that the matter would be addressed then.

STAFF REPORTS

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

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	3122	965
Gallons of Fuel	319.5	0
Hours Worked	475.75	60
Patrol Hours	315	92.75
Total Incidents	4	8
Total Complaints	16	9
Miscellaneous Calls for Service	34	6
Follow-up Investigations	2	1
Telephone Assignments	22	16
Comm/Residential Alarms	3	1
EMS/FIRE Advisories	10	8
Traffic Stops	41	7
Citations Issued	38	11
Non-Traffic Citations	0	0
Traffic Warnings	7	2
Warrants	0	0

Parking Tickets	0	0
Traffic Accidents	5	2
DUI Arrests	0	0
Misdemeanor/Felony	0	0
Security Checks	61	23
Police Assists	9	0
Motorists Assists	3	0
Court Appearances	1	1
School Hours	0	0

Chief Kerschner reported that during the month of August there were 185 calls received through Berks County 911 for police services.

Chief Kerschner updated the Board with regards to the MCT refresh in 2016 for a cost of \$4,634. The Township does participate in the MCT replacement fund and currently have a credit balance of \$2,993.05. The monthly fee will also increase from \$62.50 to \$65.50.

The Board discussed the Township Police Department providing police coverage for two (2) schools in the Tulpehocken School District. Superintendent Dr. Schultz updated the Board with regards to the Township providing police coverage in the two (2) schools. Attorney Hartman discussed all the parties involved with entering into an agreement with the School District and the legal requirements that will need to be addressed. Superintendent Schultz commented with regards to the School District’s Solicitor drafting the agreement. The District is looking for six (6) hours of coverage per week and is hoping that the hours will decrease over time. Chief Kerschner reported that the Department would use a separate call log for the schools. Superintendent Schultz advised that the District is hoping to review the agreement at their October or November meeting. Attorney Hartman reported that the municipalities (Penn, Jefferson and Tulpehocken Townships) involved would need to enact an ordinance. He discussed the timeline involved with regards to advertising and adopting the ordinance. He suggested having two (2) agreements – one (1) agreement/ordinance between the three (3) municipalities involved and one (1) agreement between the School District and Tulpehocken Township. The process will take two (2) to three (3) months. He discussed the verbiage with regards to the agreement between the municipalities. Superintendent Schultz noted that his primary concerns are with regards to issues on school property. Attorney Hartman inquired if the Board would like him to begin drafting the agreements. The Board agreed that they would like the School District to handle drafting the agreements; noting that would help to keep the Township’s costs down. Attorney Hartman advised that he would contact the School District’s Solicitor. Superintendent Schultz advised that he would also contact the School District’s Solicitor to update him on tonight’s discussion. It was noted that Attorney Hartman represents all three (3) of the municipalities involved. Chief Kerschner advised that Berks County 911 recommends keeping the system running all year. The hours being flexible was discussed. Attorney Hartman questioned if coverage would be needed for sporting and social events. Superintendent Schultz advised that would not be needed, unless there was an issue. Chief Kerschner commented on this being a learning experience for all parties involved. Mr. Zimmerman inquired with regards to the State Police patrolling. Superintendent Schultz advised

that those services have ended, but they still cover if needed. The Board discussed the agreement once in place and how calls to 911 would be handled. Chief Kerschner advised that the calls would be routed to the Township. The Supervisors agreed that having the Township Police Department covering the two (2) schools is a good idea and noted that the matter is now in the School District's court. It was agreed that the matter would move forward.

Chairman Deck noted that he feels that the community has a lot of respect for the Police Department.

Road Master's Report – Supervisor Feick read the August, 2015 report. The work consisted of sewer repairs/maintenance, meter reading, meeting with Leonard Martin (Mt. Aetna Estates), review plans for King chicken house, meet with Township Engineer re: Stouchsburg Road Project, highway/lawn mowing, equipment repairs/maintenance, pick up parts, remove/haul tree stumps, telephone calls/paperwork, post road closed signs, painting, and an emergency call regarding sewer issues.

The Board discussed the PennDot mowing contract. Chairman Deck inquired if it is worth the Township's time and what the costs are. Supervisor Feick advised that the funds received cover the expenses of the PennDot and Township mowing. He also noted that a PennDot representative stopped by and commented on what a good job the Township is doing.

Supervisor Feick updated the Board with regards to the Stouchsburg Road project and noted that the permits have been signed.

Supervisor Feick advised the Board on discussions with Kyle Batz (BCIU Transportation Department/Tulpehocken School District) with regards to installing the school's radio frequency in the Township's vehicles. He updated the Board on what would be involved and noted that in the past the Township did have access to the school's radio frequency. Both Supervisor Feick and Mr. Batz feel that having the two (2) parties able to communicate would be a good idea. Mr. Zimmerman commented with regards to being able to address snow maintenance issues. Supervisor Feick advised that would be part of it and that the service has worked in the past.

Chairman Deck inquired with regards to the top soil on the Lions Club property and who would be responsible for spreading it. Supervisor Feick advised that per Harvey Zimmerman; the Lions Club will handle. Chairman Deck suggested checking into.

Mr. Zimmerman commented with regards to traffic/parking issues at the square in Mt. Aetna. Supervisor Feick advised that the matter is on his project list.

Chairman Deck commented with regards to extending the no parking areas within the Township. He also inquired with regards to the traffic on Greenville Road. Mr. & Mrs. Snyder advised that the scrap yard installed new signs and that there seems to be less traffic.

Supervisor Feick reported that he is also planning to have some line painting done; it's just a matter of scheduling the project with Bethel Township.

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.

Mervin & Joanne Zimmerman (354 Godfrey Street)

Attorney Hartman reported that the Sheriff Sale of personal property is scheduled for September 22, 2015. The Board discussed the items that were levied. Attorney Hartman commented on the need to confirm that the levied items are still on the property. Chief Kerschner advised that he would speak with the Sheriff tomorrow. The Board discussed how to get additional items levied. Chairman Deck questioned who owns the property with the barn on it. Attorney Hartman noted that the Township has not started the process with regards to a real estate Sheriff Sale.

Herbert Webber (235 Godfrey Street)

Vice Chairman advised the Board that the property had been purchased by an attorney representing the bank. Attorney Hartman advised that the Township should get their money once the property sells.

Sewer Waiver Requests

None.

Sewer Issues

The Board discussed the Mt. Aetna Sewer Plant with regards to spikes. Mr. Zimmerman suggested checking the indicator. Supervisor Feick noted that the indicator gets calibrated every year and that it could be calibrated again. He reported that the spiking issues started in May and that there is grit in the system. He updated the Board on his investigation. He would like to install meters at the pump stations (one (1) per year). The cost of the meter is approximately \$3,800. Chairman Deck agreed it is a good idea to install the meter. The Board discussed prior issues at the Teen Challenge Pump Station.

Chairman Deck made a motion to authorize the installation of a flow meter at the Market Street Pump Station. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Mr. Zimmerman question if the grit is appearing every day. Supervisor Feick advised yes. The Board discussed Lanita Trucking with regards to what they haul. Supervisor Feick discussed voltage issues at the Market Street Pump Station. Attorney Hartman inquired if the grit could

have gotten in the system over the winter and is just taking a long time to move through the system or if there is a possible leak. Supervisor Feick advised that he has checked several manholes. The Board discussed videoing the lines. Vice Chairman Kramer commented on using a test meter for the spiking. Chairman Deck inquired if the Township has a sniffer. Supervisor Feick advised that the Township does have a sniffer and would also use a fan to be on the safe side.

UNFINISHED BUSINESS

Building Maintenance – Replacement of flooring and ceiling tiles

Mrs. Flaherty reported that she should have quotes to present at the October meeting. Vice Chairman Kramer suggested getting a quote for tile and carpet for the full job and a breakdown of the areas. It was noted that the replacement of the ceiling tiles would be done by the Public Works Department.

NEW BUSINESS

Citizen's Complaint received from Ms. Wenger with regards to the Township mowing across from 14 Wintersville Road

The Board discussed the complaint. Attorney Hartman commented that the property addressed in the complaint does not belong to the party making the complaint, therefore she has no legal right and that the Township has the right to maintain the Right-Of-Way. The Township Secretary was authorized to send correspondence advising Ms. Wenger not to plant in the R-O-W and that the Township needs to maintain the ROW (16 ft. from the center of the roadway).

CORRESPONDENCE

2015 Berks County Convention will be held on Thursday, October 15, 2015, from 5 P.M. to 9:30 P.M. at the Oley Fair Centre, 26 Jefferson Street, Oley, PA

All three (3) Supervisors agreed that they would attend the convention.

Fire Police coverage request from the Borough of Robesonia for the Halloween Parade scheduled for Sunday, November 1, 2015

Supervisor Feick made a motion to authorize the participation of the Fire Police for the Halloween Parade scheduled for Sunday, November 1, 2015. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

OTHER BUSINESS

Update regarding the Township Newsletter

Mrs. Flaherty reported that the Township Newsletter went out in the mail on Friday, August 28,

2015.

Mr. Schneck commented with regards to mailboxes needing to be placed in the ROW. The Board advised that if a mailbox is located in the ROW and is hit, that it is the property owner's responsibility to replace the mailbox, not the Township's.

Supervisor Kramer noted that when the next newsletter is done, he would like something written about the importance of keeping water off of the roadway.

Update regarding the Township's CDL roster

Mrs. Flaherty advised that she has spoken with Mr. Kintzer and that he has been removed from the roster.

Preliminary Budget meeting

Chairman Deck reminded everyone present that the Township is holding the Preliminary Budget meeting on Monday, September 21, 2015 at 6 P.M.

Trick or Treat Night for 2015 – Halloween falls on a Saturday this year

Vice Chairman Kramer made a motion to hold Trick or Treat Night for 2015 on Saturday, October 31st between the hours of 6:00 to 8:00 P.M. The motion was seconded by Chairman Deck and passed unanimously (3-0).

Does the Township want to participate in the Community Shredding Event – October 24, 2015

Vice Chairman Kramer made a motion to authorize the Township's participation in the Community Shredding Event scheduled for October 24, 2015. The fee to participate is \$31.27. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

A notice for the event will be posted in the front window of the Township Building.

Chairman Deck inquired if there is a way to tract how many residents from the Township use the service and what is the total amount shredded. Mrs. Flaherty will contact Mr. Seaman to see if he has that information.

Update regarding Quick Books and DacEasy

Mrs. Flaherty advised that she would have an update at the October meeting.

2016 Minimum Municipal Obligation for Police Pension Plan – MMO for 2016 was prepared on 2015 wage figures, the Township obligation will be \$19,804.00. A motion to accept the MMO in the amount of \$19,804.00 for 2016 and authorize the MMO to be sent to PMRS

The Secretary had prepared the MMO for 2016 based on 2015 wage figures with the Township obligation to be \$19,804.00 for 2016. 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.

Vice Chairman Kramer made a motion to accept the MMO in the amount of \$19,804.00 for 2016 and authorized the MMO to be sent to PMRS. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

PMRS Seminar – October 2 – 3, 2015 – Indiana, PA

The Board agreed that at this time they had no interest in attending the seminar.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

Sewer Operation Account – \$11,393.40
Balance in the Sewer Holding Account - \$84,342.87
Debt Service Account - \$403,110.64

Payments of Bills in the Sewer Operation Account for this September 9, 2015 meeting are:
Check #1627 to #1636 in the amount of \$10,436.98

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).

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

General Account	\$ 60,507.85
FNB Fredericksburg Holding Account	\$ 35,267.37
General Plus Account	\$178,787.16
State Aid Account	\$ 68.02
State Plus Account	\$155,912.01
Street Light Account	\$ 15,559.54

Payments of Bills for this September 9, 2015 meeting are:

General Account combined with the payroll account- Checks #16166 to #16192 in the amount of \$21,193.48
Street Light Account – Check #343 in the amount of \$1,220.87
State Liquid Fuels Account – Check #189 in the amount of \$118,104.48
Camp Calvary Land Dev. Escrow –
Camp Calvary Inspection Escrow –
Village Estates Improvements Inspection Escrow –
Stormwater Inspection Escrow –
Total Expenses for this meeting – \$140,518.83

Vice Chairman Kramer made a motion to approve the payments of the General Account and Street Light Account bills for this September 9, 2015 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Vice Chairman Kramer made a motion to approve the payments of the State Liquid Fuels Account bills for this September 9, 2015 meeting. The motion was seconded by Supervisor Feick and passed unanimously with Chairman Deck abstaining (2-0-1).

Vice Chairman Kramer made a motion to ratify the repair of the copier for a cost of \$519.75. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Vice Chairman Kramer made a motion to ratify the cost of \$354.74 for copies for the Township newsletter. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

ADJOURNMENT OF MEETING

Prior to adjourning the meeting the Supervisors met in an executive session to discuss personnel matters.

Supervisor Feick made a motion to adjourn the meeting at 9:36P.M. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township