

**Tulpehocken Township  
Board of Supervisors  
Meeting of September 12, 2018**

The Tulpehocken Township Board of Supervisors met on September 12, 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 Michelle Mayfield, Solicitor, Kris Kerschner, Police Chief and Christy Flaherty, Township Secretary/Treasurer.

Members of the audience included: Harold Zimmerman, John R. Bicksler, Brian Boyer, Robert Sattazahn and Dolores Hill.

**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 August 8, 2018 Board of Supervisors meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

**ADMINISTRATIVE ACTIONS**

**Planning Commission**

***TW Construction-New Barn:*** *This is a 45 acre property is located at 31 Witman Road. The applicant has been in front of the Planning Commission in the past proposing the bank barn for commercial use as well as agricultural use. The developer has agreed to a small impact occupation use limiting the commercial use of the new structure to 1,000 square feet. The Township Solicitor will prepare this restriction to be part of the future deed to prevent any future owners from putting a business in this location. There is a \$500 escrow which is required to insure the recording of the consolidation of the deed. The plan still needs E & S and NPDES approval. The applicant's Engineer will address the issues in the Township Engineer's review letter dated September 5, 2018 and revise the plan for hopefully next month.*

*The applicant's Engineer submitted a waiver request for the following sections:*

- *Section 205.1. This section pertains to the requirement of submitting a preliminary plan for approval ahead of submitting a final plan.*
- *Section 307.B.1.a. This section pertains to the requirement of providing a minimum of 48 inch of separation between the bottom of the basin and the limiting zone. The PA BMP Manual only requires a minimum of 24 inches of separation.*

***John Zimmerman made a motion to recommend to the Board of Supervisors to grant the above waiver requests. Scott Hetrick seconded the motion. All in favor, motion carried.***

***There was discussion on whether the Township could amend the Tulpehocken Watershed Plan. The Township Engineer stated that the Township could discuss with the Conservation District to see if there could be an amendment to the section of the limiting zone since the Township is continuously granting waivers for this section 307.B1.a for various land development plans due to the distance of 24 inches from the basin bottom be permitted by the PA Stormwater BMP Manual. The holding tank location and permit will need to be coordinated with the Township Sewage Enforcement Officer. The easement for the driveway is listed in two deeds that the applicant's Engineer provided for the Township Solicitor and Township Engineer to review. Metes and bounds are listed in the deeds for the existing 10 foot right-of-way. The shared driveway needs to be documented.***

Chairman Deck advised that the Township's Stormwater Management Ordinance requires a minimum of 48 inches of separation; whereas the PA BMP Manual requires a minimum of 24 inches of separation. He suggested that at some point the Township revise the ordinance to only require a minimum of 24 inches of separation; should include with other revisions to save on costs. Attorney Mayfield advised on discussions with the Township Engineer and his recommendation to also simplify the process for individual lot development when requesting relief for plan submittal of stormwater to include a form to help the applicant do the calculations. The Board agreed both are good ideas.

***Supervisor Feick made a motion to grant a waiver request for the following sections.***

- ***Section 205.1. This section pertains to the requirement of submitting a preliminary plan for approval ahead of submitting a final plan.***
- ***Section 307.B.1.a. This section pertains to the requirement of providing a minimum of 48 inch of separation between the bottom of the basin and the limiting zone. The PA BMP Manual only requires a minimum of 24 inches of separation.***

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

***Lanita Plan: Ray Daub would like to discuss the retention basin for the Lanita Plan. The rain water comes through the bank and floods Mr. Daub's yard as he is the adjoining property owner. The Conservation District performed an inspection and it was noted that basin #2 is not infiltrating properly. Mr. Diller, the property owner has been cited for this issue. The Township Engineer wanted to be there when the berm and clay core was installed, and he wasn't notified at the time of installation. The clay core pictures that were shown, are believed to be from another job site, not the Lanita site. The Township Engineer stated that the problem needs to be fixed. The property owner needs to come up with a solution to correct this basin. They will need approval from the Conservation District and the Township Board of Supervisors. The Township is still holding an escrow for this plan. If the Board of Supervisors is not satisfied with the timeframe of the work that is done to correct this issue, the Board of Supervisors can authorize withdraw from the escrow account the Township has for this plan and fix the issue themselves. If the owner made the contractor a co-permittee, the contractor is responsible to fix the issues that arise. Steve Bensinger from Stackhouse Bensinger Inc. was present to discuss the TW Construction plan. His office designed the basin plan. He will relay the information that was discussed this evening to the property owners.***

***John Zimmerman made a motion to recommend to the Board of Supervisors to take the necessary action to have the retention basin issues resolved and have it work properly. This includes a letter to be drafted by the Township Engineer stating the issues and the procedures to resolve those issues. Scott Hetrick seconded the motion. Ray Daub abstained from voting due to be the adjoining property owner. All other Board Members voted in favor, motion carried.***

***See correspondence dated September 11<sup>th</sup> from Township Engineer.***

Chairman Deck commented on the photos submitted possibly not being the site; he requested Chief Kerschner to research the photos to verify if they are of the site. Chief Kerschner reported that he would discuss the matter with Mr. Daub and the Township Engineer.

Attorney Mayfield updated the Board on the Township Engineer's recommendations. He suggest that the applicant be required to continue progress in a timely manner, weather dependent with a required update to the Township Engineer prior to the Supervisor's November meeting allowing him to report to the Township with an update. It was noted that the applicant needs to agree to the recommendation.

The Board discussed how the basin not working properly is affecting an adjoining property.

*Chairman Deck made a motion requiring the applicant to do improvements in a timely manner, weather permitting; would like an update for the November meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***John Bicksler Land Development Plan: The Township Engineer stated that there could potentially be an issue with the existing stormwater basin for the John Bicksler Land Development Plan. The Township Engineer recommends that there be a recorded easement so that future property owners for either property involved would understand their responsibility. Mr. Bicksler does not want to alter the existing basin that is currently constructed. The approved design was supposed to be a little higher to hold back the 100 year storm. The applicant kept the existing berm and the 100 year storm may go over the top more frequently than originally approved. The Planning Commission does not understand why the berm was not updated to what the plan stated. There were issues with runoff in the past prior to Mr. Bicksler even owning the property. Other land development plans are told to make their basins or ponds bigger to manage the extra stormwater runoff, this plan should not be any different. The applicant has asked for relief, the Township does not have to grant the relief from the Stormwater Ordinance. The Township Engineer stated that he would like to know how much of the ordinance requirements are being negated by requesting this waiver. The Township Engineer could perform a thorough inspection and calculations to address the concerns. The applicant's engineer, Boyer Engineering LLC submitted a written request and in the waiver request, it does not cite a reason why the diminished requirement should be accepted. The letter does not state a reason or problem as to why they would not adhere to the discharge requirements of the ordinance. It is a waiver request from Section 302 of the Stormwater Ordinance. This refers to the stormwater peak rate runoff. This would allow an increase in peak rate discharge for the 25 year storm event in the B1 Stormwater District. All smaller storm discharge rate reductions are met. The adjoining property owner, T. John Bicksler, has agreed to accept increased stormwater discharge associated with this waiver request. The property owner assumes all liabilities that may arise due to increased flow through the adjoining property.***

*Laverne Frey made a motion to recommend to the Board of Supervisors to deny the waiver request for Section 302 due to the lack of information which was provided. Ray Daub seconded the motion. All in favor, motion carried.*

*John Zimmerman made a motion to recommend to the Board of Supervisors to have the Township Engineer review what was done and what wasn't done based on the final plan approval. There should be a diligent attempt to have the particular existing construction inspected to see if it complies with the approved recorded plan. This is whether the Township does or does not receive correspondence as to the reason for the waiver request. Laverne Frey seconded the motion. All in favor, motion carried.*

*The Township Engineer advised that he has reached out to the applicants' engineer and is waiting to hear back; he recommends not taking any action at this time.*

Mr. Boyer updated the Board; he provided correspondence dated September 12, 2018. He reported on the work done, discussed the reasons for the waiver request and advised that the basin hasn't overflowed this year.

Chairman Deck advised that the Notice of Termination (NOT) is out of Township's control.

Attorney Mayfield reported on the Township Engineer's concerns and recommendations. He recommended for the matter to go back before the Planning Commission and that the BOS take no action at this time.

Attorney Mayfield also inquired if the easement for the relative's property has been completed.

Attorney Mayfield advised that if the waiver is granted that it is recommended for the as-built plan to be recorded.

Mr. Boyer advised that he is working to get the NOT.

The Board agreed to not take any action tonight; they would like the Planning Commission to review the matter again. They did agree that the basin does seem to be working.

### **Solicitor Legal Discussions**

*None.*

### **Escrow Release**

*Motion to release Brian & Eileen Weaver \$500 escrow for the annexation at 59 Witman Road – new deed has been recorded*

*Supervisor Feick made a motion authorize the release of Brian & Eileen Weaver's \$500 escrow for the annexation at 59 Witman Road. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

**Correspondence from Zoning Officer**  
**August**

None.

The Board discussed a complaint received recently with regards to a property on Deck Road; it was believe that the property has been mowed. Chief Kerschner will verify if the site has been mowed.

**Land Development**

None.

**STAFF REPORTS**

**Police Report** – Chief Kerschner read the August, 2018 Police report as follows:

ACTIVITY	TULPEHOCKEN TWP	MARION TWP
MILES PATROLLED	3028	653
GALLONS OF FUEL	278.1	0
HOURS WORKED	448	60
PATROL HOURS	338	38.75
TULPEHOCKEN AREA SCHOOL DIST. HOURS	6.5	0
TOTAL INCIDENTS	6	0
TOTAL COMPLAINTS	14	5
MISCELLANEOUS CALLS FOR SERVICE	30	9
FOLLOW-UP INVEST	1	1
TELEPHONE ASSIGNMENTS	17	14
COMM/RESIDENTIAL ALARMS	3	1
EMS/FIRE ADVISORIES	15	7
TRAFFIC STOPS	33	7
CITATIONS ISSUED	34	7
NON-TRAFFIC CITATIONS	1	1
TRAFFIC WARNINGS	3	0
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	2	2
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	0	0
SECURITY CHECKS	56	36
POLICE ASSISTS	8	0
MOTORISTS ASSISTS	1	0
COURT APPEARANCES	1	0
SCHOOL HOURS	0	0

Chief Kerschner reported that during the month of August there were 182 calls received through Berks County 911 for police. He advised that the Tulpehocken Area School District has agreed to

the rate increase. He reported that there were two (2) vehicles stolen in the Township, one (1) has been recovered and that a reported was filed for a missing person from Teen Challenge. He updated the Board with regards the recent arrests within the Township. The Board thanked the Officers for their hard work.

**Road Master's Report** – Supervisor Feick read the August, 2018 report. The work consisted of meter reading, sewer maintenance, West Four Point Road project, telephone calls, sewer call out, Witman Road project, Stone Road patching, work in shop, sign maintenance, check roads, stock pile stone, check pump stations, clean roads off, Salem Road project, mow lawns, highway mowing, help Bethel Township w/ line painting, repair a driveway and deal with rain event (check roads for flooding, put up barricades, close roads and clean up).

Supervisor Feick advised that the loader repairs have been completed and is ready for p/u.

Vice Chairman Kramer reported that the coupler has been installed on the bypass pump.

Supervisor Feick advised the Board that the Honda 3" trash pump has died and he would like to replace it with a 4" pump. The cost of the new pump is approximately \$2,100. He proposed that the Township/Sewer pay half and the Keystone Fire Company would pay the other half

*Chairman Deck made a motion to authorize the purchase of a Honda 4" trash pump for approximately \$2,100; the costs would be split between the Township/Sewer and the Keystone Fire Company. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

The Board discussed areas within the Township that the gutters need to be cleaned.

Chairman Deck commented that he felt the crew did a super job on the West Four Point Road project; noting that it looks great. He also inquired on the total cost of the project. Mrs. Flaherty reported that she is still waiting for a few bills to come in and will provide the project costs once she has all of the information.

**Fire Chiefs' Report** – Supervisor Feick read the monthly reports for the Keystone Fire Company and the Rescue Fire Company. He also advised that the Keystone Fire Company received a Federal Grant.

## **SEWER OPERATIONS**

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

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

The Board discussed the high water flows. Supervisor Feick advised that he found a broken lateral; he still needs to notify the property owner. He also believes that Teen Challenge is having issues that are contributing to the high flows.

Chairman Deck inquired if there have been any updates with regards to the Lancaster Avenue Pump Station. The Board discussed the HOP, DEP and the Township Engineer.

## UNFINISHED BUSINESS

### *Update on various renovation projects at the Township building*

- a. Quote for stairs received from High Builders*
- b. Quote for glass installation, stairs and salt shed received from Jeffrey Lutz*

It was noted that the Township did reach out to three (3) contractors for quotes, but only two (2) contractors' submitted quotes.

The Board reviewed the quotes received.

High Builders submitted a quote of \$5,500 to install stairs to access the attic in the Township Building.

Jeffrey Lutz submitted the following quotes:

- \$3,475 to install stairs to access the attic in the Township Building
- \$4,050 to repair the salt shed and install vinyl siding
- \$3,900 to repair the salt shed and install steel siding
- \$1,250 to replace the existing glass with bullet proof glass in the Township Office vestibule

The Board discussed the quotes received and agreed to accept Mr. Lutz's proposals for the installation of stairs, repair the salt shed and install vinyl siding and to replace the glass in the vestibule.

Mrs. Flaherty express concerns with regards to the replacement of the glass in the vestibule and suggested waiting to make any decisions until after speaking with the other Township Secretaries.

Chief Kerschner suggested that once the glass is being installed, the locks on the doors should be switched.

Mrs. Flaherty suggested that if there is enough of the bullet proof glass left, that the Board may want to consider switching the glass in the Police Office vestibule too.

*Chairman Deck made a motion to accept Mr. Lutz proposals as follows:*

- \$3,475 to install stairs to access the attic in the Township Building*
- \$4,050 to repair the salt shed and install vinyl siding*
- \$1,250 to replace the existing glass with bullet proof glass in the Township Office vestibule*

*The motion was seconded by Supervisor Feick and passed unanimously with Vice Chairman Kramer abstaining (2-0-1).*

Supervisor Feick noted that he would like the contractor to start with the salt shed first.

## NEW BUSINESS

*None.*

## **CORRESPONDENCE**

***2018 Berks County Convention will be held on Thursday, October 18, 2018, 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.

***Second Municipal Breakfast will be held on Friday, September 28, 2018, from 8 A.M. to 10 A.M. at the Friendship Fire Company (Birdsboro, PA) – Does the Board wish to attend?***

The Board discussed the invitation and agreed that no one would be attending.

***Request of remaining funds from Zoning Hearing for Anthony Horst (22 Summer Mountain Road) – balance of unused funds is \$505.85***

*Supervisor Feick made a motion to refund unused fees in the amount of \$505.85 to Mr. Horst. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***Request from Hamburg Borough Police Department for Fire Police coverage for the annual King Frost Parade to be held on Saturday, October 27<sup>th</sup> (rain date - Saturday, November 3<sup>rd</sup>***

*Supervisor Feick made a motion to authorize Fire Police coverage for the annual King Frost Parade scheduled for Saturday, October 27<sup>th</sup>, with a rain date of Saturday, November 3<sup>rd</sup>. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

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

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

*Chairman Deck made a motion authorizing Vice Chairman Kramer to sign the ballot. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

## **OTHER BUSINESS**

***Assigning a name to the private lane off of Rt. 419; suggestions included Robin James Lane & Leed Lane. Emergency Services would prefer using Leed Lane***

*Supervisor Feick made a motion to use Leed Lane as the official name of the private lane located off of Route 419. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

***2019 Minimum Municipal Obligation for Police Pension Plan – MMO for 2019 was prepared on 2018 wage figures, the Township obligation will be \$16,285.00. Need a motion to accept the MMO in the amount of \$16,285.00 and authorize the MMO to be sent to PMRS***

The Secretary had prepared the MMO for 2019 based on 2018 wage figures with the Township obligation to be \$16,285.00 for 2019. 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 \$16,285.00 for 2019 and authorized the MMO to be sent to PMRS. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

**Need a motion to ratify the readdressing of the following properties:**

- PIN #86440000406640 as 4 Meadowlark Lane
- PIN #86440000405962 as 7692 Lancaster Avenue
- PIN #86440000414293 as 7696 Lancaster Avenue
- PIN #86440000414449 as 7698 Lancaster Avenue

Supervisor Feick made a motion to ratify the readdressing of the following properties.

- PIN #86440000406640 as 4 Meadowlark Lane
- PIN #86440000405962 as 7692 Lancaster Avenue
- PIN #86440000414293 as 7696 Lancaster Avenue
- PIN #86440000414449 as 7698 Lancaster Avenue

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

**Zoning Hearing fees – Motion to adopt Resolution 2018-9; 2018 Fee Schedule**

Attorney Mayfield and Mrs. Flaherty reported on the proposed changes. Attorney Mayfield recommended removing the wording regarding the refund; noting that per the MPC applicants can still make the request.

Supervisor Feick made a motion to adopt **Resolution 2018-9; 2018 Fee Schedule**. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).

**Preliminary Budget meeting is scheduled for Monday, September 24<sup>th</sup>**

Chairman Deck advised that he will not be at the meeting.

**Trick or Treat Night for 2018 – Halloween falls on a Wednesday this year – Bethel is considering having it on Wednesday, October 31<sup>st</sup> from 6 – 8 P.M.**

Vice Chairman Kramer made a motion to hold Trick or Treat Night on Wednesday, October 31<sup>st</sup> from 6 – 8 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Vice Chairman Kramer made a motion to advertise the event with Bethel Township. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

**Elections will now be held at the Tulpehocken Area School District Administration Building (27 Rehersburg Road)**

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

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

General Account	\$120,295.20
First Citizens General Holding Account	\$ 4,665.37

General Plus Account	\$252,697.32
State Aid Account	\$ 83.92
State Plus Account	\$308,431.73
Street Light Account	\$ 17,465.46

Payments of Bills for this September 12, 2018 meeting are:

- General Account combined with the payroll account – Checks #18575 to #18614 in the amount of \$103,926.94
- Street Light Account – Check #378 in the amount of \$1,198.98
- State Liquid Fuels Account – Check #199 in the amount of \$58,535.63
- Recreation Fund – Check #102 in the amount of \$650.00
- Camp Calvary Land Dev. Escrow –
- Camp Calvary Inspection Escrow –
- Village Estates Improvements Inspection Escrow –
- Stormwater Inspection Escrow –
- Total Expenses for this meeting – \$164,311.55

*Supervisor Feick made a motion to approve the payments of the bills for this September 12, 2018 meeting. The motion was seconded by Vice Chairman Kramer and passed unanimously (3-0).*

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

- Sewer Operation Account – \$631.67
- Balance in the Sewer Holding Account - \$118,027.79
- Debt Service Account - \$411,152.89

Payments of Bills in the Sewer Operation Account for this September 12, 2018 meeting are:  
Check #2188 to #2204 in the amount of \$19,278.55

*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 9:00 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).*

Respectfully Submitted,  
*Christy Flaherty*  
Secretary, Tulpehocken Township