

**Tulpehocken Township
Board of Supervisors' Meeting
August 11, 2014**

The Tulpehocken Township Board of Supervisors met on August 11, 2014 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 Assistant Secretary/Treasurer and Michelle Mayfield, Township Solicitor.

Members of the audience included: Kevin Varner, Gerald Troutman, Albert Miller, John Sheaffer, Larry Diller, John Kintzer, Betty Parson, Harry Reinhold and Glenn Auker.

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. Kintzer, a Mt. Aetna resident advised that the Jake brake (Engine Brake Retarder) noise is unbearable and requested the Township to draft an ordinance prohibiting the use of them in the town. He provided the Supervisors with information from Representative Cox for their review. Mr. Diller agreed that the noise is a problem and recommended posting sign prohibiting the use in town. He noted that the Jake brake is a vital part of the trucks. Supervisor Deck advised that he would be in favor of the Township posting signs prohibiting the use of Jake brakes in the towns of Mt. Aetna and Rehrersburg. Supervisor Feick recommended that the Township look into what would be involved to draft an ordinance prohibiting the use of Jake brakes in the towns of Mt. Aetna and Rehrersburg. He noted that years ago there were signs posted on Wintersville Road. Mr. Kintzer thanked the Supervisors for their consideration on this matter. The Supervisors agreed to contact PennDOT to see what would be involved to legally post signs prohibiting engine brake retarders.

Supervisor Feick made a motion to authorize the Township Secretary to send correspondence to PennDOT with regards to prohibiting the use of engine brake retarders in the towns of Mt. Aetna and Rehrersburg and to authorize the Road Master to purchase the signs needed. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

The Supervisors agreed that the matter would be discussed further at the September meeting.

Mr. Kintzer commented with regards to the need for mowing at the Village Estates development. Supervisor Kramer reported that he has also been contacted. Mr. Sheaffer reported that the mowing would be addressed.

The Supervisors discussed sending out violations letters. Ms. Mayfield advised that a

violation notice is good for one year.

The Supervisors discussed who is responsible for mowing the grass in the right-of-ways. It was agreed that the Township is responsible for mowing the grass in the right-of-ways.

Mr. Troutman, a Mt. Aetna resident commented with regards to the overgrown bushes at the corner of Chestnut and Market Streets and it being a safety concern. The Supervisors discussed the bushes being located in the right-of-way and their removal. It was suggested to have the Township Solicitor send an official notice to the homeowner, advising that the bushes would need to be trimmed or removed.

Supervisor Feick made a motion to authorize the Township Solicitor to send an official notice to the homeowner. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Ms. Mayfield reported that she would prepare the notice tomorrow. She requested the Township Secretary to provide her with the homeowner's name and mailing address.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the July 14, 2014 Board of Supervisors meeting. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission Recommendations to the Board

Martin Farm Annexation – The Planning Commission recommended granting the request to re-affirm the plan. Ms. Mayfield updated the Board.

Supervisor Kramer made a motion to grant the request to re-affirm the plan. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Mervin & Julia Martin Poultry - The Planning Commission recommended granting the applicant's waiver requests to combined submission Preliminary/Final (Section 205.1), to grant the waiver requests for Section 310.B (Riser) and Section 311.E (Minimum Grade and Size) for Basins A & B and to grant conditional Preliminary/Final Plan approval with the following conditions:

- The conditions of the Ludgate Engineer's review letter dated August 7, 2014
- Monument Placement
- PennDOT permit
- Note on the plan stating to hold the Township harmless with regards to directing drainage onto the adjoining lot
- Maintenance and Stormwater Agreements

Supervisor Deck updated the Board with regards to the Planning Commission's recommendation.

Mr. Varner a representative for the applicant was present to answer any questions. He updated the Board with regards to the waiver requests for Section 310.B (Riser), Section 311.E (Minimum Grade and Size) and the monument placement.

Supervisor Deck made a motion to grant the applicant's waiver requests to combined submission Preliminary/Final (Section 205.1). The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Feick made a motion to grant the applicant's waiver requests for Section 310.B (Riser) for Basins A & B. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Feick made a motion to grant the applicant's waiver requests for Section 311.E (Minimum Grade and Size) for Basins A & B. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Kramer made a motion to grant conditional Preliminary/Final plan approval based on the recommendations from the Planning Commission as follows:

- *The conditions of the Ludgate Engineer's review letter dated August 7, 2014*
- *Monument Placement*
- *PennDOT permit*
- *Note on the plan stating to hold the Township harmless with regards to directing drainage onto the adjoining lot*
- *Maintenance and Stormwater Agreements*

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

Village Estates - The Planning Commission recommended granting conditional Final plan approval with the following conditions:

- The conditions of the Ludgate Engineer's review letter dated July 3, 2014
- Maintenance and Stormwater Agreements

Supervisor Feick made a motion to grant conditional Final plan approval based on the recommendations from the Planning Commission as follows:

- *The conditions of the Ludgate Engineer's review letter dated July 3, 2014*
- *Maintenance and Stormwater Agreements*

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

Mr. Sheaffer inquired with regards to the property addresses and receiving a draft of the subdivision improvements agreement. The Township Secretary advised that she is working on assigning the property addresses. Ms. Mayfield reported that the draft of the subdivision improvements agreement should be mailed by the end of the month.

The Township Solicitor advised the Board that a motion ratifying the adoption of Resolution 2014-10 for the Village Estates DEP Sewage Facilities Planning Modules is needed. She noted that the planning modules have been submitted to the DEP.

Supervisor Kramer made a motion to ratify the adoption of Resolution 2014-10 for the Village Estates DEP Sewage Facilities Planning Modules. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Solicitor Legal Discussions

Zoning for Home Based Businesses

Ms. Mayfield updated the Board and advised them on the Township's options with regards to zoning for home based businesses. The Board was provided a memorandum from the Township Zoning Officer. Ms. Mayfield advised that she will speak with Mr. Hartman with regards to the agricultural section of the memorandum. Mr. Auker was also present for the discussions of this matter. The Board authorized Ms. Mayfield to prepare an amendment for consideration at the September meeting. Ms. Mayfield advised that the earliest the ordinance would be adopted would be October. Mr. Auker updated the Board on his status with regards to the property that he is interested in purchasing. Ms. Mayfield noted that to have a home based businesses, the business owner needs to live at the property. The Supervisors discussed the current ordinance for home based businesses. Mr. Auker inquired if there would be a square footage limit. Ms. Mayfield read the Township's current Zoning Ordinance for home based businesses.

Zoning Hearing Board Application

The Supervisors discussed the current Zoning Hearing Board application. Ms. Mayfield reported that the Township Solicitor for the Zoning Hearing Board contacted her office to inquire on the Township's current Zoning Hearing Board application and making changes to include more information. The Supervisors were provided applications from other local municipalities for their review. Ms. Mayfield advised that Ms. Dietrich, Esq. recommends revising the current application to be similar to the one used by Centre Township and that before the new application is approved, it should be reviewed by the Zoning Officer and the ZHB Solicitor for completeness. The Board discussed the ZHB Solicitor's recommendation and getting input from Ludgate Engineering. Ms. Mayfield advised that she will work with Ludgate.

Supervisor Kramer made a motion to authorize the Township's Zoning Officer and Township Solicitor to prepare a revised Zoning Hearing Board application for review at the next meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Ms. Mayfield reported that she would update the Zoning Officer on the Board's request.

Escrow Release

Mt. Aetna Mennonite School – Escrow Release #2

The Supervisors discussed the request for a partial escrow release for Mt. Aetna Mennonite School. Supervisor Deck read the memorandum received from Ludgate Engineering. Ms. Mayfield recommended that the Township verify that all legal and engineering bills have been paid before releasing the funds.

Supervisor Kramer made a motion to authorize the release of \$22,000.00 after the Township verifies that all legal and engineering bills to date have been paid. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Gerald Martin Poultry – Escrow Release #1

The Supervisors discussed the request for a partial escrow release for Gerald Martin. Supervisor Deck read the memorandum received from Ludgate Engineering. Ms. Mayfield recommended that the Township verify that all legal and engineering bills have been paid before releasing the funds.

Supervisor Feick made a motion to authorize the release of \$61,493.00 after the Township verifies that all legal and engineering bills to date have been paid. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

STAFF REPORTS

Police Report – Chief Kerschner read the July 2014 Police report as follows:

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	3591	1088
Gallons of Fuel	353	0
Hours of Work	477	60
Total Incidents	4	3
Complaints	9	11
Follow-up Investigations	3	0
Telephone Assignments	31	8
Comm/Residential to Alarms	0	2
EMS/Fire Advisory	16	6
Traffic Stops	26	16
Citations Issued	30	17
Non-traffic Citations	0	0
Traffic Warnings	1	0
Warrants	0	0
Parking Tickets	0	0
Traffic Accidents	7	1
DUI Arrests	0	0
Misdemeanor/Felony	0	0
Security Checks	59	16
Police Assists	16	0
Motorists Assists	2	0
Court Appearances	5	1
School Hours	0	0

Supervisor Kramer inquired on the number of security checks. Chief Kerschner advised that number includes such items as being at the bank for the daily ATM maintenance, being there for the evening closing of some of the local businesses and when residents go on vacation they can fill out a form notifying the Department and the officers will do a daily drive-by.

Chief Kerschner reported on repairs needing to be made to the new cruiser and the Tahoe. He provided the Supervisors with a quote from Jim Glass' Body Shop for \$460.40 to repair the Tahoe and a verbal quote of \$100.00 to repair the bumper on the new cruiser.

Supervisor Kramer made a motion to have the repairs made to the Tahoe and new cruiser. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Chief Kerschner advised that Mr. & Mrs. Diller are here tonight to discuss the possibility of housing the Police Department in the old Expressions building. Mr. Diller advised that he has purchased the building and is looking to rent some of the space. He reported on discussions with the prior Township Secretary with regards to the possibility of the Township renting the space to house the Police Department and on his future plans for the space. Ms. Mayfield questioned if that use would be permitted in that Zoning District. Supervisor Deck noted that there would be many questions; one example would be who would pay for the renovation. Ms. Mayfield commented on security concerns for the Police Department. The Supervisors agreed to discuss the matter further at a later date. Ms. Mayfield suggested that the matter be discussed at an executive session. The Board thanked Mr. Diller for his offer.

Discuss Meeting Dates to Review the Police Bargaining Agreement

The Supervisors discussed scheduling a meeting date to review the Police Bargaining Agreement. The Board agreed to meet on Monday, September 15, 2014 at 6 P.M. It was agreed that the Township Secretary should also be present at the meeting. Ms. Mayfield inquired if she should be present for the meeting. The Board agreed that they did not feel that would be necessary. Ms. Mayfield suggested that the Board also have an executive session prior to the September 8, 2014 meeting at 6 P.M., to discuss some of the issues that may come up at the meeting on September 15th.

Road Master's Report – Supervisor Feick read the July 2014 report. The work consisted of sewer maintenance/break downs, road maintenance/paving, meter reading, equipment maintenance, sign maintenance, highway/lawn mowing, tree cutting/removal, weed spraying/landscaping, traffic control, shoulder/gutter work and attending a meeting with PennDOT regarding the Teen Challenge Road project.

The Supervisors discussed the Teen Challenge Road project. Supervisor Deck requested a copy of the bid specs for the Teen Challenge Road project.

The Supervisors discussed the work being done by PennDOT on Rt. 419.

The Supervisors discussed the status of the bridge work being done on Rehrersburg Road. It was believed that the project is being delayed due to work needing to be done by Met-Ed.

Supervisor Deck requested the Board be provided with what has been paid this year to date to Reber & Zerbe.

Supervisor Feick reported that a new tire was purchased for the service truck due to running over a damaged sign post. Mr. Reinhold will remove the damaged sign post.

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

SEWER OPERATIONS

Supervisor Feick updated the Board on maintenance work that needs or will need to be done at the sewer plants.

Supervisor Deck suggested that the Board hold a workshop this winter to discuss sewer maintenance.

Larry Dean Martin – Return of Tapping Fee

Ms. Mayfield recommended that this matter be table until the Deeds of Dedication are signed.

Mervin & Joanne Zimmerman – 354 Godfrey Street – Discuss executing personal property for sheriff sale – Judgment amount \$5,963.24

Ms. Mayfield updated the Board and recommended that the Township pursue sheriff sale.

Supervisor Feick made a motion to pursue sheriff sale against Mervin & Joanne Zimmerman. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

UNFINISHED BUSINESS

Review report from PROAC Corporation regarding the air quality survey

The Supervisors discussed the report received from PROAC Corporation. Supervisor Deck suggested that the Township look into renting rugs for in front of the exterior doors and locker room. Supervisor Feick advised that he would look into Supervisor Deck's suggestion.

Building Maintenance – Replace floor & ceiling tiles

The Supervisors discussed the Township building with regards to replacing the flooring and ceiling tile. It was agreed that the replacement would take place over the upcoming winter.

Supervisor Kramer reported that he has started painting the Township's exterior doors.

Update on Community Shredding Event – Saturday October 18th

Supervisor Deck advised the Board that the fee to participate in the Community Shredding Event is \$31.27. The Township Secretary inquired if the Board would like to advertise this event in the Merchandise. It was agreed that the Township would advertise the event and post the flyer at the Township building and in various businesses throughout the Township. It was noted that businesses are not welcome.

Supervisor Feick made a motion to authorize the approval to advertise the Community Shredding Event to be held on Saturday, October 18, 2014 in the Merchandise. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Larry Dean Martin Poultry Plan – Two Resolutions that the Board needs to accept the Deeds of Dedication

Per the recommendation from Ms. Mayfield this matter was table.

Yenser Condemnation

Ms. Mayfield updated the Board with regards to the Yenser condemnation; she noted that it is not worth the expense to the Township to proceed with the condemnation. Supervisor Feick reported that the work has already been completed and what was done. Ms. Mayfield reported that she would keep the Board updated.

NEW BUSINESS

Discussion regarding Engine Brake Retarder

This matter was discussed under Public Comment.

Winter Municipal Supplemental Agreement with PennDOT

Supervisor Feick updated the Board with regards to the Winter Municipal Supplement Agreement with PennDOT.

Supervisor Feick made a motion to accept the Winter Municipal Supplement Agreement with PennDOT. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Approval of Land Development Improvement and Maintenance Agreement and Stormwater Maintenance Agreement for Eric and Adrienne Balthaser

The Supervisors discussed the agreements for Eric and Adrienne Balthaser.

Supervisor Feick made a motion to authorize signing of the Land Development Improvement and Maintenance Agreement and Stormwater Maintenance Agreement for Eric and Adrienne Balthaser. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Deck inquired as to why the employees' timecards are not kept with the payroll. Supervisor Feick reported that in the past there was not room in the file cabinet. It was noted that there is room now. Supervisor Deck advised the Township Secretary to ask the Police Secretary to keep the timecards in the payroll filing cabinet.

OTHER BUSINESS

The Supervisors discussed the Township's ordinance with regards to burning. Some residents complained of people burning on Sunday or after dark.

CORRESPONDENCE

Fire Police Coverage Request – Strausstown Lions Club – Annual Antique Auto Show

Ms. Mayfield suggested that the authorization be conditional upon receiving the request from the Municipality.

Supervisor Feick made a motion to authorize the participation of the fire police for the Annual Antique Auto Show, scheduled for September 7, 2014, conditional upon receiving the request from the Municipality. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Fire Police Coverage Request – Borough of Womelsdorf – 21st Annual Ride for Freedom

Supervisor Kramer made a motion to authorize the participation of the fire police for the 21st Annual Ride for Freedom, scheduled for August 24, 2014. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Fire Police Coverage Request – Western Berks Fire Police & Borough of Wernersville – Centennial Parade

Supervisor Kramer made a motion to authorize the participation of the fire police for the Centennial Parade, scheduled for September 13, 2014 with a rain date of September 20, 2014. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Fire Police Coverage Request – Robeson Township Police Department – Fall Festival

Supervisor Feick made a motion to authorize the participation of the fire police for the Fall Festival, scheduled for September 5, 2014 thru September 7, 2014. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

Account Balances for the end of July 2014 were as follows:

General Account	\$69,548.41
FNB Fredericksburg Holding Account	\$5,343.72
General Plus Account	\$198,745.11

State Aid Account	\$181.34
State Plus Account	\$136,148.49
Street Light Account	\$15,184.08

Supervisor Feick made a motion to approve the payments of the bills for this August 11, 2014 meeting. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Payments of Bills for this August 11, 2014 meeting are:

- General Account combined with the payroll account- Checks #15336 to #15368 in the amount of \$28,148.68
- Street Light Account – Check #329 in the amount of \$1,054.60
- State Liquid Fuels Account –
- Camp Calvary Land Dev. Escrow –
- Camp Calvary Inspection Escrow –
- Village Estates Improvements Inspection Escrow –
- Stormwater Inspection Escrow –
- Total Expenses for this meeting – \$29,203.28

Sewer Accounts balances for the end of August 11, 2014 are as follows:

- Sewer Operation Account – \$945.58
- Balance in the Sewer Holding Account - \$73,326.07
- Debt Service Account - \$403,021.64

Payments of Bills in the Sewer Operation Account for this August 11, 2014 meeting are:
 Check #1456 to #1467 in the amount of \$8,704.31.

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

The Supervisors discussed the date used for the account balances on the Sewer Financial Report and agreed that it should be the end of the month. Mrs. Flaherty was instructed to ask the Sewer Secretary to use the end of the month for the report.

ADJOURNMENT OF MEETING

Supervisor Kramer made a motion to adjourn the meeting at 9:16 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,
Christy Flaherty
 Secretary, Tulpehocken Township