

## **December 8, 2008 Board of Supervisors Meeting**

Chairman Whitmoyer called the regular meeting of the Township Board of Supervisors to order at 7:00 p.m. in the Tulpehocken Township Municipal Building. Those attending were Ron Whitmoyer, Dale Swope, John Kintzer, Judy Bashore, Lester Feick, Liz Magovern and other interested persons.

The meeting continued with the pledge to the American Flag.

### **Agricultural Security Area Public Hearing**

Chairman Whitmoyer opened the hearing for comments on the three applications that had been received to be included in the Tulpehocken Township Agricultural Security Area. The applicants are as follows:

Chris Maillie at 151-A Deck Road, Womelsdorf - 36.21 acres

Michael & Linda Forry at 7 Strausstown Road, Bethel - 46.62 acres

Lawrence & Donna Arnold, 38 Four Points Road - 51.53 acres

Dale Swope reported the Ag Security Area Advisory Committee recommended approval of all three applications. There were no other comments from the public. Chairman Whitmoyer adjourned the hearing at 7:05 p.m. and continued with the regular meeting.

### **Public Comments**

There were no comments from those attending the meeting.

### **Approval of Minutes from November 5, 2008 Budget Meeting and the November 10, 2008 Board Meeting**

Copies of the minutes from these two meetings had been given to the Board members in advance for their review. Dale Swope made a motion to approve the minutes from the November 5, 2008 Budget meeting and the November 10, 2008 Board meeting as written, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

## **ADMINISTRATIVE ACTIONS**

### **2009 Budgets for Township Accounts and Sewer Service Accounts**

**Tax Levy Resolution** – A resolution fixing the tax rate for the year 2009 as follows:

**Real Estate Tax Levy** – to would remain at 1.6 mills or 16 cents for each one hundred dollars of assessed valuation.

**Act 511 Per Capita Tax Levy** – to remain at the rate of \$5.00 payable of all residents 18 years of age or older.

**Act 511 Real Estate Transfer Tax Levy** – to remain at the rate of one half percent.

**Act 511 Earned Income Tax Levy** – to remain at the ratio of one half percent.

**Tax Rate for Street Light usage in the Villages of Rehrersburg and Mt. Aetna** – to remain at the rate of 50 cents per front foot of property that is serviced by the coverage of a street light.

**Appointment of a Delinquent Tax Collector** – The Board appoints the elected tax collector as the delinquent tax collector for any delinquent taxes.

Dale Swope made a motion to adopt the Tax Levy Resolution for 2009, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Resolution 2008-7**

**2009 Budget Certification** - The proposed 2009 Budget had been advertised as available for public inspection on November 7, 2008 after having been reviewed and preliminarily approved by the Board on November 5, 2008. The 2009 Budget for all Township Accounts, except the Sewer Service, proposes Revenues of \$822,742 and Expenditures of \$826,260. John Kintzer made a motion to adopt the proposed Budget for 2009 as prepared, motion seconded by Dale Swope. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Resolution 2008-8**

**2009 Sewer Service Budget** – Expected Revenues for 2009 for all public sewer funds amount to \$301,389 and expected expenses amount to \$299,600. The monthly user fee for 2009 will remain at \$60.00. After review by the Board, Dale Swope made a motion that was seconded by John Kintzer to adopt the proposed 2009 budget for the sewer service. Upon a roll-call vote, all three Board members agreed on the motion. **Resolution 2008-9**

**Action on Proposed Agricultural Security Area Applications** – A public hearing has been held at the beginning of the meeting, with no comments from the public. Favorable comments recommending approval of the three applications had been received from the Berks County Planning Commission, the Tulpehocken Township Planning Commission, and the Ag Security Area Advisory Committee. John Kintzer then made a motion to approve the applications of Chris Maillie for 36.21 acres, Michael & Linda Forry for 46.62 acres, and Lawrence & Donna Arnold for 51.53 acres, a total of 134.36 acres. The motion was seconded by Dale Swope. Upon a roll-call vote, yes votes were cast by all three Board members. **Resolution 2008-10**

**Resolution Adopting Open Records Officer** – As required by the new regulations, the resolution appoints Kathy Boltz to the office of Open Records Officer for Tulpehocken Township to fulfill the duties of the Open Records Officer as set forth in the Pennsylvania Right To Know Law. Dale Swope made a motion to adopt the Resolution as written, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Resolution 2008-11**

**Open Records Policy** – The resolution has been prepared to adopt an open records policy for the Township, providing for posting of the regulations, policies and procedures in the Township, effective January 1, 2009. After review of the resolution, John Kintzer made a motion to adopt the resolution for the open record policy, motion seconded by Dale Swope. Upon a roll-call vote, all three Board members agreed on the motion. **Resolution 2008-12**

**Planning Commission Recommendations to the Board on Plans**

**E&E Self Storage** – A time extension until June 20, 2009 was requested by the applicants engineer for review and approval of the project. The Planning Commission recommended accepting the extension. The Supervisors realize this plan has been in the process for quite a long time, and are uneasy with another extension of time. Dale Swope then made a motion to accept this extension until **June 30, 2009**, and this would be the last extension accepted as the plan should be completed by that time. John Kintzer seconded the motion. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Rossini Farm III Subdivision** – The Planning Commission had recommended accepting the GPS contours for the residue lots which are different than the contours required and shown for the proposed lots. John Kintzer thought the Planning Commission had agreed to accept the U.S. Geological Survey contours for the residue lots. John then made a motion to accept the US Geological survey contours, motion seconded by Dale Swope. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Conner Subdivision –**

**Planning Module Submission** – The Supervisors reviewed the information supplied with the module submission, and felt they needed more information on the 85% capacity as mentioned in the Brinjac review letter. John Kintzer made a motion to table the submission until more information on the Act 537 Plan was received, motion seconded by Dale Swope. Upon a roll-call vote, all three members cast a yes vote on the motion.

The Board reviewed other recommendations by the Planning Commission with regards to the street widths, the installation of sidewalks, the stormwater management of the individual lots, and the cul-de-sac on Street E. After review and discussion on the recommendations by the Planning Commission, John Kintzer made a motion to agree with the Planning Commission recommendations, but the Supervisors would not take any formal action on the plan. Dale Swope seconded the motion. All three Board members cast a yes vote on the motion.

The Board did discuss the time extension request, with Dale Swope making a motion to accept the time extension until February 10, 2009, motion seconded by John Kintzer. Upon a roll-call vote, all three members cast a yes vote on the motion.

**Ordinance Amendments** – The Planning Commission recommended the ordinances be revised to reflect what the Township wants in future developments, as some sections contradict others. The Board agreed to set up workshop sessions sometime at the end of January or the beginning of February of 2009 for the Supervisors, the Planning Commission, the engineer and the solicitor.

**Police Department Contract for 2009-20011** – The Police and the Supervisors had previously met and discussed the differences. The final version had been approved and signed by the Police officers. John Kintzer made a motion to approve the Contract as written, motion seconded by Dale Swope. Upon a roll-call vote, all three Board members cast a yes vote on the motion. Dale Swope also made a motion to hire Bryan Dronick as a full time officer effective January 1, 2009, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Appointment of Secretarial Positions** – Chairman Whitmoyer stated Kathy Boltz had agreed to serve as Secretary Treasurer upon the resignation of Judy Bashore. John Kintzer made a motion to appoint Kathy Boltz as Secretary-Treasurer pending bond approval, motion seconded by Dale Swope. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

The Board had conducted interviews with several of the 18 applicants for the Secretary-Treasurer position. With the appointment of Kathy Boltz to that position, Dale Swope made a motion to hire Heather Claman for approximately 20 hours per week replacing Kathy as Sewer Service secretary and Planning Commission secretary, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

**Solicitor Legal Discussions**

Liz Magovern reported she did not have any further legal issues for discussion.

**STAFF REPORTS**

**Police Report** – for the month of November 2008 was read by Dale Swope as follows:

Activity	Tulpehocken Twp.	Strausstown Borough	Marion Twp.
Miles Patrolled	2394	130	827
Gallons of Fuel	224	0	0
Hours of Work	395	20	60

Total Incidents	6	0	5
Complaints	12	2	3
Follow-up Investigations	4	3	0
Telephone Assignments	13	0	1
Respond to Alarms	1	0	0
EMS/Fire Advisory	10	1	4
Traffic Stops	48	6	20
Citations Issued	48	6	17
Non-traffic Citations	0	0	2
Traffic Warnings	6	1	5
Parking Tickets	6	0	0
Traffic Accidents	3	0	2
DUI Arrests	0	0	0
Misdemeanor/Felony	0	1	1
Police Assists	3	0	0
Motorists Assists	4	0	0
Court Appearances	6	1	0
School Hours	0	0	0
Security Checks	67	12	28
School Details	1	0	0

Chairman Whitmoyer commended the Police on the work done with the local robbery incidents.

**Road Master's Report** – Lester Feick reported work for the month of November consisted of mostly work on the pipe replacement jobs on Woleber Road and Teen Challenge Road, got the equipment ready for snow removal, stock piled antiskid, equipment repairs, sewer work and shop work.

#### **UNFINISHED BUSINESS**

**Update on FEMA Trailer** – A check had been received for \$6500 as had been previously discussed, and the Supervisors will check at the Harrisburg warehouse about spending the remaining \$1500 credit. If that cannot be done within the 90 day period allowed, a refund may be issued for the unused credit.

#### **NEW BUSINESS**

**Emergency Services Billing** - Dale Swope reported he had attended a meeting with Lester Feick and Dave Strause presented by the Emergency Service Billing Corp. The agency collects for fire emergency services billing, having a 60% collection rate. The Township would need to adopt an ordinance allowing the collections, but the neighboring Townships where the Fire Companies may serve also would need to adopt an ordinance in order for the collection process to be effective. Each fire company would need to work with other attending companies for submission of bills. Dave Strause stated most accidents are for non-township residents, and this program is designed to re-coop some of the costs from outside persons. Without involving any type of tax, this is one option to get reimbursement for some of the costs. It is hard to raise funds for the fire companies though fund drives and other functions to cover the costs. After discussion, the Board asked the solicitor to review the sample ordinance that had been presented, and get back with her comments.

**Santiago-Rivera Judgment** – The courts entered a judgment of \$8000 plus court costs, but nothing has been paid. The Solicitor suggested filing a certification in county court, and placing a lien against the property. Dale Swope made a motion to certify the judgment in the Court of

Common Pleas, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

### **CORRESPONDENCE**

Nothing further was discussed at that time.

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

Account Balances for the end of November 2008 were as follows:

General Account	136947.48
FNB Fredericksburg Holding Account	125.35
General Plus Account	195719.84
State Aid Account	22434.93
State Plus Account	109994.00
Street Light Account	12238.36

Payments of Bills for this December 8, 2008 meeting are:

General Account combined with the payroll account- Checks **#10723 to #10779** in the amount of **\$52042.86**

Street Light Account – Check **#259** in the amount of **\$1,011.48**

State Liquid Fuels Account – Check **#127 to 133** in the amount of **\$36347.40**

**Total Expenses for this meeting – \$89401.74**

A motion was made by Dale Swope to approve payment of all bills except #10771 to Swope's Garage, motion seconded by John Kintzer. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

John Kintzer then made a motion to approve payment of check #10771 payable to Swope's Garage, motion seconded by Ron Whitmoyer. Upon a roll-call vote, yes votes were cast by John Kintzer and Ron Whitmoyer. Dale Swope abstained from voting.

#### **Sewer Accounts**

Sewer Operation Account – **\$1214.09**

Balance in the Sewer Holding Account - **\$563.28**

Debt Service Account - **\$505207.07**

Payments of Bills in the Sewer Operation Account for this December 8, 2008 meeting are: **Checks #466 to #481 in the amount of \$89676.65.**

John Kintzer made a motion to approve payment of the sewer bills, motion seconded by Dale Swope. Upon a roll-call vote, all three Board members cast a yes vote on the motion.

At 8:30 p.m., Chairman Whitmoyer called an executive session to discuss personnel issues. The executive session concluded at 8:50 p.m.

The date of **December 23, 2008 at 3:00 p.m.** was set for the final 2008 meeting, which would be advertised.

### **ADJOURNMENT OF MEETING**

At 8:55 p.m. John Kintzer made a motion to adjourn that was seconded by Dale Swope. Upon a roll call vote, all three Board members cast a yes vote on the motion, meeting adjourned.

Respectfully Submitted,

*Judy A. Bashore*

Secretary, Tulpehocken Township