

**Tulpehocken Township
Board of Supervisors
Meeting of December 8, 2014**

The Tulpehocken Township Board of Supervisors met on December 8, 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 Secretary/Treasurer and Chris Hartman, Township Solicitor.

Members of the audience included: Lloyd Schneck, Nelson Beidler, Harold Zimmerman and Lori Deck.

PUBLIC HEARING FOR PROPOSED ZONING ORDINANCE AMENDMENT

Attorney Hartman advised that a public hearing is needed for the Zoning Ordinance amendment proposed for adoption at tonight's meeting. He reported on the changes noted in the amendment. The Board inquired if the public had any comments regarding the proposed Zoning Ordinance amendment. Upon hearing none, the hearing was closed.

Supervisor Kramer made a motion to adopt Ordinance No. 2014-2. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

CALL TO ORDER

Chairman Gary Deck called the meeting to order at 7:05 P.M. He reported that the Board met prior to the Planning Commission meeting for an executive session on December 4, 2014 to discuss legal issues.

The meeting continued with the pledge to the American Flag.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the November 10, 2014 Board of Supervisors meeting and the November 20, 2014 Preliminary Budget Meeting. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission Recommendations to the Board

The Planning Commission is recommending approving the proposed Zoning Ordinance amendment as presented.

Solicitor Legal Discussions

Amendment to Zoning Ordinance

Matter addressed under Public Hearing for proposed Zoning Ordinance Amendment.

Authorize Solicitor to prepare and advertise two ordinances confirming the Township's participation in the Pennsylvania Health Trust (through PSATS) for life and disability insurance per the November 14, 2014 correspondence from PSATS

Attorney Hartman updated the Board on the trust that the Township participates in with PSATS, which includes an unemployment compensation trust and a health trust. PSATS is looking for the Township to adopt two ordinances to indicate being in compliance.

Supervisor Kramer made a motion to authorize the Solicitor to prepare and advertise two ordinances confirming the Township's participation in the Pennsylvania Health Trust (through PSATS) for life and disability insurance and unemployment compensation. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Discussion with regards to refunding any unused portion of the Zoning Hearing Board application fees and the possibility of increasing the application fee

Attorney Hartman advised the Board on what the Zoning Hearing Board application fee can and can't pay for. He noted that any unused fees only need to be returned if the request is made in writing by the applicant. The Board discussed increasing the application fee. Attorney Hartman advised that if the fee were to be increased that would need to be done at the reorganization meeting. The Board agreed that any refunds of unused fees would need to be requested by the applicant in writing.

Discussion with regards to amending Section 307.B.1 of the SALDO to provide a minimum of 24" instead of 48" as the separation between bottom of basin and limiting zone

Supervisor Deck inquired on the cost involved with regards to amending the Township's SALDO to coincide with the PA BMP Manual. Attorney Hartman advised that the cost involved would be approximately \$500 to \$1,000. Supervisor Deck commented on the Township's current budget status and suggested waiting until a later date to make the change. The other Board members agreed with Supervisor Deck's recommendation.

Update regarding Zimmerman Levy (365 Godfrey Street)

Attorney Hartman updated the Board on the status of the Zimmerman Levy. He noted that the Writ has expired and would need to be reissued for a cost of \$21.75. He recommended that the Township continue with the attempt to Levy and reissue the Writ. He inquired on the

Zimmerman's work place. Supervisor Feick advised that he believes Mr. Zimmerman works for First Aid and Safety Patrol in Lebanon, PA.

Supervisor Feick made a motion to authorize the Solicitor to continue with the attempt to Levy and reissue the Writ. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Discussion regarding waiver of sewer fees requests

Attorney Hartman updated the Board with regards to the Township Sewer Rules and Regulations. It was agreed that property owners need to pay for service for six months before being granted a waiver. The Board agreed to deny Mr. Alspaugh's request for a waiver of sewer fees.

Correspondence from Zoning Officer

The Zoning Officer addressed the Werni property (342 Godfrey Street); she reported that a copy of the Township's driveway ordinance and application have been sent to Mrs. Werni. They have been corresponding via telephone and the Zoning Officer is hopeful that the Township will receive the application soon.

The Zoning Officer addressed the Goroshko property (105 Teen Challenge Road); she reported that she has left a message inquiring on the status of the storage containers.

The Zoning Officer addressed the Heffner-Davidheiser property (574 Godfrey Street); she reported that a NOV was returned and suggested sending a letter by certificate of mailing. Attorney Hartman recommended posting the NOV on the garage door and to send a notice to the property owner.

Supervisor Feick made a motion authorize the Zoning Officer to post the NOV on the garage door and to send a notice to the property owner. The motion was seconded by Supervisor Deck and passed unanimously with one member abstaining (2-0-1).

The Zoning Officer addressed the 501 Bar & Grill property (7646 Lancaster Avenue); she reported that an inspection had taken place on December 4, 2014. Supervisor Feick advised that he was also present for the inspection and updated the Board on the findings. It was agreed with regards to the apartment that the property owners should be charged an EDU for the apartment, pay a tapping fee and pay user fees starting in January 2015. The Supervisors noted that past usage fees would be waived as long as the property owners are cooperative, but if there are any issues the Township could seek past fees.

Supervisor Feick made a motion to proceed with the recommendation received from Ludgate Engineering with regards to the apartment and that the property owners should be charged an EDU for the apartment, pay a tapping fee and pay user fees starting in January 2015. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

The Zoning Officer addressed 134 Stone Road; she reported that the property has been cleaned up.

The Zoning Officer addressed the Waltz property (181C Deck Road); she reported that a letter was sent notifying the property owners that no one but themselves are permitted to discharge a fire arm on the property as the Zoning Ordinance restricts outdoor recreation containing loud noise.

STAFF REPORTS

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

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	2329	930
Gallons of Fuel	251	0
Hours of Work	383	60
Total Incidents	5	1
Complaints	11	7
Follow-up Investigations	0	0
Telephone Assignments	21	10
Comm/Residential to Alarms	2	1
EMS/Fire Advisory	7	6
Traffic Stops	26	13
Citations Issued	25	14
Non-traffic Citations	0	0
Traffic Warnings	3	0
Warrants	2	0
Parking Tickets	0	0
Traffic Accidents	3	3
DUI Arrests	0	0
Misdemeanor/Felony	0	0
Security Checks	48	12
Police Assists	6	0
Motorists Assists	1	1
Court Appearances	2	0
School Hours	0	0

Chief Kerschner updated the Board on the schedule for New Year’s Eve; two officers will be on duty from 7 P.M. – 3 A.M.

Road Master’s Report – Supervisor Feick read the November 2014 report. The work consisted of sewer maintenance, meter reading, checking roads for tree damage, driveway inspection, telephone calls/paperwork, equipment maintenance, grading for Bethel Township, Teen Challenge Road project, sewer issues, sign repair, work in shop, attend class in

Reading, road work in Mt. Aetna, met with Township Engineer re: Midway Road Bridge, highway mowing and snow event.

Supervisor Feick updated the Board on correspondence received from PennDot with regards to improving the intersection of Lancaster Avenue and Market Street in Mt. Aetna. He noted that PennDot will supply the material and that the Township will do the work. If the Board is okay with what PennDot is proposing nothing needs to be done. The Board agreed that they are okay with what is being proposed and to do nothing at this time.

Supervisor Feick updated the Board with regards to the issues with the spreader and the repair work done by Supervisor Kramer. Supervisor Deck suggested getting prices. It was agreed that once all quotes are received the Township would go with the best price. It was also noted that money from the Liquid Fuels Fund could be used for this purchase.

Supervisor Kramer made a motion to authorize the purchase of the spreader once all quotes are received. The motion was seconded by Supervisor Deck and passed unanimously (3-0).

The Supervisors discussed purchasing a pole trimmer for approximately \$527.96.

Supervisor Feick made a motion to authorize the purchase of a pole trimmer for approximately \$527.96. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Kramer commented with regards to purchasing a catwalk for on top of the dump truck. The Board discussed liability issues. Attorney Hartman suggested sending a photograph to the Township's insurance carrier to verify if the catwalk would be covered.

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

Supervisor Kramer inquired with regards to the fire companies being reimbursed for false alarms. Supervisors Feick advised that an ordinance would be needed. He and Chief Kerschner reported that false alarms in the Township are not excessive. Attorney Hartman advised that it would cost the Township a few hundred dollars to enact an ordinance with regards to false alarms. Supervisor Deck recommended holding off on drafting an ordinance. The Board commented on ways to increase revenues. They discussed the costs associated with 911, the Berks radio system, the radios for emergency services and the current budget situation. They also discussed overtime for all departments, road projects, the number of Police Officers and the possibility of enacting an EMS Tax. Mrs. Deck reported on discussions she has had with the public with regards to enacting an EMS Tax. The Board discussed ways to reduce Township expenses and the cost associated with the pagers for the sewer plants. Supervisor Deck reported that the Board is looking for input from the public.

SEWER OPERATIONS

Judgments and Delinquent Sewer Accounts

The Supervisors discussed sewer operations with regards to judgments and delinquent accounts and agreed to continue as is.

Attorney Hartman advised the Board that the Township now owns 28 Church Street (formerly the Manegold Property). The Board inquired on the cost for liability insurance and requested the Secretary to look into it. The Board discussed the demolition of the trailer that is currently on the site. Attorney Hartman suggested that the Township offer the property for sale as is with conditions. Supervisor Kramer commented with regards to blight properties bringing down the value of other properties. Attorney Hartman commented on advertising the property for public auction; he also noted that the taxes will need to be paid. Mr. Zimmerman requested permission to enter the property. The Board agreed they would grant Mr. Zimmerman's request. The Board discussed mowing the property. Attorney Hartman advised that the Township owns the property now and they can mow. The Board discussed cleaning up the site. Mr. Schneck and Mr. Zimmerman offered to help with the cleanup. Attorney Hartman recommended that the Township have volunteers sign a release form. The Board discussed what could be put on the lot. Attorney Hartman advised that the existing mobile home could be replaced with another if done within one year. The Board discussed having the property appraised.

501 Bar & Grill – 7646 Lancaster Avenue – Correspondence from Ludgate Engineering

See discussion under correspondence from Zoning Officer.

Waiver Request

1. David R. Alspaugh – 7647 Lancaster Avenue – Requesting waiver of sewer user fees

The Supervisors denied the request received from David R. Alspaugh regarding 7647 Lancaster Avenue. See discussion under Solicitor's report.

2. Troy Lash – 465A Godfrey Street – Requesting waiver of sewer user fees

The Supervisors discussed the request received from Troy Lash regarding 465A Godfrey Street. The Board agreed to grant the waiver.

Supervisor Feick made a motion to grant the request to waive sewer user fees. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

The Board discussed all the properties in the Township that have been granted a waiver of sewer user fees.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion with regards to enacting an Emergency Service Tax of \$52 per year

Attorney Hartman updated the Board on what would be involved with regards to enacting a Local Services Tax. He suggested giving authorization to begin the drafting process. He also reported on various taxes that can be enacted by a second class township.

Supervisor Feick made a motion to authorize the Solicitor to begin drafting an ordinance for a Local Services Tax (LST) of \$52. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

2015 Meeting Dates – Motion to advertise meeting dates

The Supervisors discussed next year's meeting dates. Supervisor Feick commented on Attorney Hartman's schedule and his not being able to commit to the second Monday of the month. Attorney Hartman advised that he would be available the second Wednesday of the month. The Board agreed to only advertise the January meetings for 2015 for the Board of Supervisors, Planning Commission, Recreation Board and Auditors; the 2015 Board of Supervisors meeting dates would be finalized at the reorganization.

CORRESPONDENCE

Berks Conservancy is asking for a contribution; the Township contributed \$50.00 in 2012 and \$100.00 in 2013

The Board discussed the past contributions and agreed to contribute \$100.00 in 2014.

Supervisor Kramer made a motion to authorize the Township to contribute \$100.00 to the Berks Conservancy in 2014. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Correspondence from PSATS dated November 12, 2014, with regards to offering Life and Short-term Disability Insurance

The Supervisors discussed the correspondence from PSATS dated November 12, 2014 with regards to offering life and short-term disability insurance. Supervisor Deck commented with regards to employees paying for these services at their own will and noted that the Township would not pay for the services.

Correspondence from Edward Albert (Tulpehocken School Board) requesting to meet with the Supervisors and Police Chief on January 13, 2015 at 7 P.M.

The Supervisors discussed the correspondence received from Mr. Albert. It was agreed that Supervisor Feick, Supervisor Kramer and Chief Kerschner would attend the meeting.

Proposal from Hartman Shurr Valeriano – 2015 billing rates will remain the same as 2014 rates

The Board was provided with a proposal from Hartman Shurr Valeriano for their review. A decision will be made at the 2015 Reorganization.

Proposal from Ludgate Engineering Corporation – 2015 billing rates will remain the same as 2014 rates

The Board was provided with a proposal from Ludgate Engineering Corporation for their review. A decision will be made at the 2015 Reorganization.

Request from Brian McFeaters to be considered for the position of Township Sewage Enforcement Office for 2015

The Supervisors were provided with correspondence for review. A decision will be made at the 2015 Reorganization.

Fisher Municipal Consulting, LLC – offering services

The Supervisors were provided with correspondence for review. A decision will be made at the 2015 Reorganization.

Portnoff Law Associates, Ltd – offering services

The Supervisors were provided with correspondence for review. A decision will be made at the 2015 Reorganization.

Barbacane, Thornton & Company LLP – offering services

The Supervisors were provided with correspondence for review. A decision will be made at the 2015 Reorganization.

SSM Group, Inc. – offering services

The Supervisors were provided with correspondence for review. A decision will be made at the 2015 Reorganization.

Kraft Code Services LLC – offering services

The Supervisors were provided with correspondence for review. A decision will be made at the 2015 Reorganization.

Proposal from Allerton-Bell, P.C. – agreed to match current Solicitor's rates

The Board was provided with a proposal from Allerton-Bell, PC for their review. A decision will be made at the 2015 Reorganization.

OTHER BUSINESS

Board Vacancies for 2015

- a. Zoning Hearing Board – Harold Zimmerman's term ends; he would like to continue – new term would be January, 2015 – December, 2017***
- b. Planning Commission – Robert Sattazahn's term ends; he would like to continue – new term would be January, 2015 – December, 2018***

- c. ***Recreation Board – Troy Lape’s term ends; he would like to continue – new term would be January, 2015 – December, 2019. There is also another vacant position on this Board.***

Vacant positions need to be filled at the reorganization meeting to be held on January 5, 2015

Attorney Hartman advised that a resolution would be needed for the Zoning Hearing Board appointment.

Request for a key to the Township Building – The Recreation Board is requesting a new key for access to the Township building

Mrs. Flaherty advised the Board that the Recreation Board is requesting a new key for the Township building; their current key no longer unlocks the building. The Supervisors discussed alternatives for the Recreation Board to gain access to the building; it was suggested to have them sign out a key. The key would need to be picked up during office hours and could be returned via the mail slot.

Mrs. Flaherty also reported that the Township has no more spare keys and inquired if keys should be made. The Board agreed that no more keys should be made at this time.

Mrs. Flaherty inquired if the Township should request Mrs. Boltz to return her key. The Board agreed that Mrs. Flaherty should request Mrs. Boltz to return her key.

Discuss hands free cell phone devices for CDL drivers

Mrs. Flaherty reported on the options available with regards to hands free cell phone devices. The Board discussed if the new law applies to the Township. Mrs. Deck suggested contacting Mr. Wheeler from PSATS to discuss the matter. Mrs. Flaherty reported that she would look into the matter further and update the Board. The Board discussed using the Township radios more.

Remove Kathy Boltz and add Christy Flaherty to PCI Life Insurance Policy

The Board discussed removing Mrs. Boltz and adding Mrs. Flaherty to the PCI life insurance policy. Mrs. Flaherty reported that the monthly fee is \$6.40.

Supervisor Kramer made a motion to remove Mrs. Boltz from the PCI life insurance policy. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Supervisor Kramer made a motion to add Mrs. Flaherty to the PCI life insurance policy. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$ 7,313.67
FNB Fredericksburg Holding Account	\$ 6,050.99
General Plus Account	\$198,756.66
State Aid Account	\$181.34
State Plus Account	\$136,156.40
Street Light Account	\$10,062.19

Payments of Bills for this December 8, 2014 meeting are:

- General Account combined with the payroll account- Checks #15581 to #15614 in the amount of \$20,745.02
- Street Light Account – Checks #332 & #333 in the amount of \$1,077.41
- 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 – \$21,822.43

Supervisor Kramer made a motion to approve the payments of the bills for this December 8, 2014 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Sewer Accounts balances for the end of November 2014 are as follows:

- Sewer Operation Account – \$1,474.06
- Balance in the Sewer Holding Account - \$118,948.13
- Debt Service Account - \$403,045.06

Payments of Bills in the Sewer Operation Account for this December 8, 2014 meeting are:
Check #1513 to #1525 in the amount of \$81,926.61

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

ADJOURNMENT OF MEETING

Supervisor Kramer made a motion to adjourn the meeting at 9:56 P.M. The motion was seconded by Supervisor Deck and passed unanimously (3-0).

Respectfully Submitted,
Christy Flaherty
Secretary, Tulpehocken Township