

## **May 11, 2009 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 the regular monthly meeting were Ron Whitmoyer, Dale Swope, John Kintzer, Kathy Boltz, Lester Feick, Chris Hartman, and other interested persons.

The meeting continued with the pledge to the American Flag.

### **Public Hearing on Receipt of Agriculture Security Area Application**

As required, a public hearing on the applications received for Ag Security was called to order. The Township had received three applications one parcel totaling 76.75 acres owned by Marlin and Arlene Hurst, one parcel totaling 102.31 acres owned by Gerald and Doreen Martin, and one parcel totaling 75.51 acres owned by Doris and Levi Zimmerman. Dale Swope commented that the Ag Security Area Advisory Committee had met on April 22, 2009 and all three applications had been approved. With no further comments from the Board or the public, the hearing was closed by Chairman Whitmoyer, and the regular meeting was continued.

### **Public Comments**

Resident, Gerald Derr commented that Mill Street in Mt. Aetna is designated and posted as a one way street and is concerned there has been several occasions when the signs are ignored and traffic is traveling in the wrong directions and creates a safety hazard for pulling out onto route 501. Mr. Derr stated that the light is out on the stop sign at the square in Mt. Aetna, and that a resident near by the intersection had a BBQ and someone hit the sign. There are pot holes in the alley at the post office in Mt Aetna that need to be filled. Mr. Derr asked the Board if there is any report from the Zoning Officer showing how many permits had been issued for each month and what they had been issued for. The Board commented that the current Zoning Officer does not issue such a report at this time.

Resident Jake Derr commented that the placements of some mailboxes, for delivery, in Mt. Aetna are unsafe. Mr. Derr asked the Board why the gullies along his property on Market Street are not black topped like the other properties along Market Street. The Board replied that prior to the erosion problem this was a maintained yard and when work is to be done in the future along Market Street they will correct the problem.

Resident Gerald Umbenhauer commented that he has a problem with how an issue was handled with a complaint from his neighbor Herman Hower. Mr. Hower had report Mr. Umbenhauer for not applying for a building permit to make renovation to his garage; Mr. Umbenhauer was under the impression that a building permit was not required. Dale Swope recommended for future projects before doing any work, check with the building code inspector if a permit is needed. John Kintzer commented that the Township should have a policy for filling complaints. The Board agreed that the Township will accept no complaints unless filed in writing at the Township building and then they will be submitted to the Board for review.

### **Approval of Minutes**

Dale Swope made a motion to approve the minutes from the April 13, 2009 meeting. John Kintzer second the motion, upon a roll call vote all three Board Members cast a yes vote.

## ADMINISTRATIVE ACTIONS

### Planning Commission Recommendations to the Board

**Camp Calvary** – Planning Commission made a recommendation to the Board of Supervisors to grant a waiver of sections 205 and 206, so the project can be processed according to Final Plan processing procedures, with a condition to improve the driveway along New Schaefferstown Road. John Kintzer made a motion to grant a waiver of section 205 and 206 with the condition that the driveway is widened a minimum of 50 feet. Motion was second by Dale Swope; upon a roll call vote all three Board Members cast a yes vote.

### Solicitor Legal Discussions

**Ag Security Area Application** - Township Solicitor commented that the property located at 23 Little Swatara Church Road had changed ownership and we do have two applications on file, one with the previous owner, Marlin and Arlene Hurst and one with the new owner Eugene and Mary Sensenig, for recording purposes. Dale Swope made a motion to approve and adopt all three of the properties to be added to the Ag Security Area of Tulpehocken Township. Motion second by John Kintzer, upon a roll call vote all three Board members cast a yes vote. The Board signed the Certificate of approval and adoption of the properties to the Ag Security Area.

**Rossini III** – Township Solicitor commented that the applicant would like to keep the plan moving and has an outstanding issue of stormwater. The applicant is seeking guidance from the Board of Supervisors on how to handle the stormwater improvements. The swale is constructed on lots 1 and 2, and there is a follow up issue with one of the driveways that could possibly have an erosion problem and that this should be noted on the plan to relieve the Township of any future responsibility to the erosion.

Applicant is requesting the Board to allow the stormwater improvements to be posted at time of issuing permits to avoid tying up money being posted until house is sold. The Board had discussed the concerns they had with making an exception for this request. After much discussion, the Board agreed to table the issue and would like to talk to the Township Engineer and get his recommendation on this request. Township Solicitor commented that the issue needs to be resolved, the plan is ready for final approval, the issue was tabled until Board of Supervisors check with Township Engineer.

## STAFF REPORTS

**Police Report** – Chief Kerschner read the April 2009 Police report as follows:

Activity	Tulpehocken Twp.	Strausstown Borough	Marion Twp.
Miles Patrolled	3213	153	1207
Gallons of Fuel	297	0	0
Hours of Work	504	20	60
Total Incidents	11	2	4
Complaints	2	1	0
Follow-up Investigations	5	0	3
Telephone Assignments	13	0	8
Comm/Residential to Alarms	0	1	1

EMS/Fire Advisory	10	0	7
Traffic Stops	81	10	23
Citations Issued	71	10	22
Non-traffic Citations	2	0	2
Traffic Warnings	12	1	4
Parking Tickets	0	0	0
Traffic Accidents	3	1	2
DUI Arrests	0	0	0
Misdemeanor/Felony	0	0	0
Security Checks	114	60	32
School Details	0	0	0
Police Assists	2	0	0
Motorists Assists	2	0	0
Court Appearances	7	0	0
School Hours	0	0	0

**Road Master's Report** – Lester Feick reported work for the month of April 2009 consisted of road patching, hauling of stone and shale, stock pile stone, remove trees on Stone Road, and sewer maintenance.

#### UNFINISHED BUSINESS

**Partial Ag Security** – Dale Swope made motion to approve Resolution 2009-7 to allow Upper Tulpehocken Township to accept the entire Fry property into the Upper Tulpehocken Township Ag Security Area. John Kintzer second the motion, upon a roll call vote all three Board Members cast a yes vote.

**Sewage Enforcement Officer Fee Schedule** – Ludgate Engineering had submitted a draft copy of the Sewage Enforcement Officer Fee Schedule. John Kintzer made a motion to approve the fee schedule from Ludgate Engineering, Dale Swope second the Motion. Upon a roll call vote, Dale and John cast a yes vote, and Ron did not cast a vote.

**Mobile Home Ordinance** – Dale Swope made a motion to adopt Ordinance 2009-1 to amend Ordinance 1974-3. John Kintzer second the motion, upon a roll call vote, all three Board Members cast a yes vote.

**Mill Street, Mt Aetna** – The Board discussed the Township Engineers recommendation of allowing Mill Street, in Mt. Aetna to be changed to two-way between Chestnut Street and Horse Alley and to install flexible delineators in one lane of Mill Street just past the intersection with Horse Alley to further discourage motorists from entering into the one way street going the incorrect direction and entering onto route 501. Dale Swope made a motion to have the Township Solicitor prepare an ordinance to change the traffic between Chestnut Street and Horse Alley from one way to a two direction section. John Kintzer second the motion, upon a roll call vote all three Board Members cast a yes vote. Township Solicitor will advertise the ordinance to be enacted at the June meeting.

**Mt Aetna Square** – The Board discussed the correspondence prepared by the Township Engineer, to be submitted to Penn Dot for review. The Board agreed on the concept being proposed for review and that it should be submitted to Penn Dot for review comments.

#### NEW BUSINESS

**Gypsy Moth Spry Program 2010** – Dale Swope made a motion to send John Kintzer to the Gypsy Moth Program. John Kintzer second the motion, upon a roll call vote all three Board Members cast a yes vote.

**Free and Clear Tax Sale** – The Township received notice of a free and clear tax sale for 121 Godfrey Street, Rehrersburg. The Township currently holds a fire escrow account for this property. The Board directed the Township Solicitor to do a title search for property to check for other liens and to contact the owner to enter into an agreement to turn over the fire escrow to cover the delinquent sewer charges. John Kintzer made a motion to direct Township Solicitor to contact the property owner and attempt to release the escrow, if no agreements then pursue the tax claim sale. Motion second by Dale Swope, upon a roll call vote all three Board Members cast a yes vote.

**Truck Purchase** – The Chevy dump truck is broken for the second time in a year and is a costly expense for the Township, and is a burden due to the age of the truck and parts are difficult to find to make the repairs. The Board discussed the three prices they had gotten for a new dump truck. All three Board members discussed and agreed that there is a need for a new truck, and to fund it through a lease program, paying the down payment from the Liquid Fuels account and make the yearly lease payments from the Liquid Fuels account. Dale Swope made a motion to approve the purchase of a Mac Truck pending financing. John Kintzer second the motion, upon a roll call vote all three Board Members cast a yes vote.

**EDU Flow Calculations** – The Sanitary Sewer Engineer had brought to the Board attention that the Township has three different figures being utilized for EDU's at the present time in the Township. DEP approve the Act 537 plan at 265 gallons per EDU. John Kintzer made a motion to continue to use 265 gallons per EDU. Dale Swope second the motion, upon a roll call vote, all three Board Members cast a yes vote.

## **CORRESPONDENCE**

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

Account Balances for the end of April 2009 were as follows:

General Account	24,706.32
FNB Fredericksburg Holding Account	58,268.61
General Plus Account	197,400.47
State Aid Account	713.10
State Plus Account	220,383.70
Street Light Account	10,522.14

Payments of Bills for this May 11, 2009 meeting are:

General Account combined with the payroll account- Checks #11130 to #11162 in the amount of \$36,391.35

Street Light Account – Check #264 in the amount of \$1,008.92

State Liquid Fuels Account – Check #136 in the amount of \$1967.70

Total Expenses for this meeting – \$39,367.97

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

Sewer Accounts  
Sewer Operation Account – \$13,605.22  
Balance in the Sewer Holding Account - \$53,866.93  
Debt Service Account - \$509,595.50

Payments of Bills in the Sewer Operation Account for this May 11, 2009 meeting are:  
Check # 547 to # 5465 in the amount of \$12,716.70

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

**ADJOURNMENT OF MEETING**

At 9:23 p.m. Dale Swope made a motion to adjourn that was second by John Kintzer. Upon a roll call vote, all three Board members cast a yes vote on the motion, meeting adjourned.

Respectfully Submitted,

*Kathy Boltz*

Secretary, Tulpehocken Township