

**Tulpehocken Township
Board of Supervisors
Meeting of November 10, 2014**

The Tulpehocken Township Board of Supervisors met on November 10, 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 Michelle Mayfield, Township Solicitor.

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

CALL TO ORDER

Chairman Gary Deck called the meeting to order at 7:00 P.M. He reported that the Board met for an executive session on November 6, 2014 to discuss litigation matters. The Werni's have agreed to turn the garage and pay any legal/engineering fees incurred by the Township. The Township has agreed to waive the fine.

The meeting continued with the pledge to the American Flag.

PUBLIC COMMENTS

Mrs. Deck provided the Board with an email received from Pennsylvania State Tax Collector's Association, Inc. (PSTCA). She advised on a bill signed by Governor Corbett with regards to "The Tax Collector Reform Bill". She noted that due to her current status as a tax collector she will be grandfathered, but will need to get six (6) continuing education credits per year. She will keep the Board updated.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the October 13, 2014 Board of Supervisors meeting and the 2015 Preliminary Budget Meeting. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

ADMINISTRATIVE ACTIONS

Planning Commission Recommendations to the Board

Sketch Plan of Record for Robert Conner – The Planning Commission is recommending granting conditional plan approval with the following recommendations:

- The comments in the Ludgate Engineer review letter dated November 5, 2014.
- Address needs to be obtained for Lot 2. Township will address this condition. Lot 1 is addressed as 8 Godfrey Street.
- Monuments to be set at all four corners of Lot 2. The monuments need to be set before the plan is released for recording.
- Plans need signatures.

Supervisor Kramer made a motion to grant conditional plan approval based on the Planning Commission's recommendations. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Curvin Reiff Poultry Operations – The Planning Commission is recommending granting the following waivers:

- The waiver of Section 305.
- The waiver of Section 301.1.B with the condition that a boundary survey is done for the north side of the property line and five monuments are placed; one in the northwest corner, one in the southwest corner, another in the northeast corner and two additional monuments be placed along the north side boundary where the property line is on a 90 degree angle.
- The waiver of Section 303.1.L.
- The waiver of Section 307.B.1.a.

Supervisor Feick made a motion to grant the waivers based on the Planning Commission's recommendations. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Deck commented on Section 307.B.1.a with regards to the PA BMP Manual only requiring a minimum of 24 inches of separation between the bottom of the basin and the limiting zone and the Township's Ordinance requiring 48 inches. It was agreed to look into amending the Township Ordinance to coincide with the PA BMP Manual.

The Planning Commission also recommended granting preliminary/final plan approval with the following conditions:

- The comments in the Ludgate Engineer review letter dated November 5, 2014.
- Stormwater maintenance agreements.
- Financial agreements.
- Monumental placement and boundary survey is performed along the north side property line.

Supervisor Kramer made a motion to grant preliminary/final plan approval based on the Planning Commission's recommendations. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Solicitor Legal Discussions

Adopt Ordinance 2014-1 and Resolution 2014-13 (Traffic Ordinance/Handicap Parking)

Ms. Mayfield updated the Board with regards to Ordinance 2014-1 and Resolution 2014-13. Supervisor Kramer commented on signs at the intersection of Godfrey Street and Teen Challenge Road obstructing the view. The Board agreed to look into if the signs could be moved.

Supervisor Feick made a motion to adopt Ordinance 2014-1. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Supervisor Kramer made a motion to adopt Resolution 2014-13. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Review revised Zoning Ordinance with regards to the definition of accessory structures

Ms. Mayfield updated the Board and noted that the ordinance should be ready for consideration of adoption at the December meeting. She advised that copies have been forwarded to the Township's Planning Commission and the Berks County Planning Commission for their review/comment.

Sign Village Estates agreement for partial release of sewer easement

Ms. Mayfield updated the Board; she recommended that the Board approve and sign the easement release with it being sent thereafter by the Developer's attorney to PennDot for approval.

Supervisor Kramer made a motion to authorize approval and signature of the Village Estates agreement for a partial release of the sewer easement. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Correspondence from Zoning Officer

The Zoning Officer addressed the Heffner property (134 Stone Road); she reported that a nice guy letter was sent to clean up the property.

The Zoning Officer addressed the Heffner-Davidheiser property (574 Godfrey Street); she reported that a NOV was sent with regards to the vehicles parked outside.

The Zoning Officer addressed the 501 Bar & Grill property (7646 Lancaster Avenue); she reported that a letter was sent requesting entry.

The Zoning Officer addressed the Waltz property (181C Deck Road); she reported that a letter was sent notifying the property owner that outdoor recreation is not permitted on this property. Supervisor Deck commented on the shooting and there being no backstop. The Board discussed their safety concerns. Chief Kerschner commented on there being no ordinance with regards to shooting in that zoning district. Ms. Mayfield advised that she would look into the Township's concerns. The Board discussed the Pennsylvania Game Laws. It was suggested to contact the Game Warden. Ms. Mayfield noted that only the property owners can be shooting on the property and that what is currently happening is not a permitted use.

The Zoning Officer addressed the Goroshko property (105 Teen Challenge Road); she suggested giving the property owner until December 12th to remove the storage containers. The Board agreed to wait as per the Zoning Officer's recommendation.

The Zoning Officer addressed 5162 Route 419; she reported that progress has been made, but there is still more to be done.

The Zoning Officer addressed 5 Magdalena Street with regards to mowing; she reported that the complaint is considered addressed for now.

Escrow Release

Forry Tract – Escrow Release #1

The Supervisors discussed the request for a partial escrow release for the Forry Tract. Supervisor Deck read the memorandum received from Ludgate Engineering dated November 10, 2014.

Supervisor Feick made a motion to authorize the release of \$66,189.00. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Rufus Martin Tract – Escrow Release #1

The Supervisors discussed the request for a partial escrow release for the Rufus Martin Tract. Supervisor Deck read the memorandum received from Ludgate Engineering dated November 10, 2014.

Supervisor Kramer made a motion to authorize the release of \$72,699.00. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

STAFF REPORTS

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

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	2923	977
Gallons of Fuel	281.5	0
Hours of Work	450.5	60
Total Incidents	5	0
Complaints	19	8
Follow-up Investigations	1	1
Telephone Assignments	23	15
Comm/Residential to Alarms	0	0
EMS/Fire Advisory	6	5
Traffic Stops	22	5
Citations Issued	24	4
Non-traffic Citations	1	0
Traffic Warnings	2	1
Warrants	0	0
Parking Tickets	0	0

Traffic Accidents	5	2
DUI Arrests	0	0
Misdemeanor/Felony	0	0
Security Checks	80	25
Police Assists	15	0
Motorists Assists	2	1
Court Appearances	3	0
School Hours	0	0

Chief Kerschner updated the Board on a request from a local Constable to purchase a police car cage. He noted that the Township has several that are no longer being used. The Board agreed to sell the cage for \$50. Chief Kerschner advised that he would take photos of the cages and let the Constable choose the one she wants.

Road Master’s Report – Supervisor Feick read the October 2014 report. The work consisted of alley work, cutting down bushes, telephone calls/paperwork, a sewer call, meeting with Mt. Aetna Village Estates, sewer maintenance, meter reading, equipment maintenance, sign maintenance, work at sewer garage/plant, Teen Challenge Road project, work in shop, an alarm call, road maintenance, building maintenance, and helping Bethel haul millings.

Supervisor Deck commented with regards to the email received from the Berks County Public Works Association dated October 22, 2014 advising on the use of cell phones for CDL drivers. The Board discussed the use of blue tooth and requested the Township Secretary research what is available. Supervisor Feick suggested that Township drivers use their radios more.

Supervisor Feick reported that he is hoping to spread millings on an alley in Mt. Aetna soon.

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

SEWER OPERATIONS

Judgments and Delinquent Sewer Accounts

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

Ms. Mayfield updated the Board with regards to the Manegold property (28 Church Street); the property is scheduled for sheriff sale on Friday, December 5th. The Board discussed the Township’s interest in the property. Ms. Mayfield commented on the Township recouping their costs involved with the property; she noted that if the Township owns the property it would need to be put out for bid to sell. The Supervisors discussed prior contact from a party who expressed interest in the property.

Ms. Mayfield reported that with regards to the Zimmerman's (365 Godfrey Street), their registered vehicles were levied. The matter is now in the Sheriff's hands for sheriff sale of the vehicles.

Waiver Request

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

The Supervisors discussed the request received from David R. Alspaugh regarding 7647 Lancaster Avenue and how the matter should be handled for properties that are for sale due to the possibility of someone using the facilities. They discussed charging half price and agreed that the rules and regulations governing wastewater services needs to be reviewed. The Board agreed to take action at the December meeting once the Solicitor has reviewed the matter further.

2. Larry Diller – 7634 Lancaster Avenue – Requesting waiver of sewer user fees

The Supervisors discussed the request received from Larry Diller regarding 7634 Lancaster Avenue. The Board agreed to bill the property for one (1) EDU until the property is occupied, then the matter will be revisited. The Board instructed Mrs. Flaherty to have the Sewer Service Secretary send Mr. Diller correspondence advising him of the change.

UNFINISHED BUSINESS

Engine Brake Retarder – Prohibiting use in the towns of Mt. Aetna and Rehrersburg

The Township received correspondence from PennDot denying the request to enact a Brake Retarder Prohibition Policy on Rt. 501, through the town of Mt. Aetna and on Rt. 4008, through the town of Rehrersburg. The Township does not qualify. A copy of the letter was forwarded to Mr. Kintzer.

NEW BUSINESS

Appoint primary and alternate delegate to represent the municipality on the new TCC Executive Committee – Lori Deck (Primary) and Jayne Seifrit (Alternate)

Mrs. Deck updated the Board with regards to the request.

Supervisors Feick made a motion to authorize Resolution 2014-14 to appoint Lori Deck as the primary and Jayne Seifrit as the alternate delegates to represent the municipality on the new TCC Executive Committee. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Appointment of CPA Auditor – We need to advertise no later than December 4, 2014 for the appointment of the Township CPA Auditor and their applicable fees for Fiscal Year 2014 Annual Audit. The fee for Reinsel Kuntz Leshner to perform the audit is \$10,000.00.

The appointment of the Township's CPA auditor needs to be advertised 30 days prior to the Reorganization Meeting along with their applicable fees that will be charged. Audit fee for Reinsel Kuntz Leshner will be \$10,000.00. Ms. Mayfield will be responsible for advertising.

Supervisor Feick made a motion to authorize advertisement of the Resolution to appoint Reinsel Kuntz Leshner as the CPA auditor. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Reorganization 2015 – Reorganization Meeting is scheduled for Monday, January 5, 2015. We need to set the time and advertise the meeting. Last year's meeting was at 6 P.M.

Supervisor Kramer made a motion to set the 2015 Reorganization Meeting for Monday, January 5, 2015 at 6 P.M. with the regular Board Meeting to follow and to authorize the advertisement for the meetings. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Discussion regarding preliminary budget meeting being on a separate night from the regular monthly Supervisors' meeting

The Board agreed in the future to have the preliminary budget meeting on a separate night from the regular monthly Supervisors' meeting. Dates for 2015 would be discussed at the December meeting.

Discussion regarding correspondence received from various parties interested in offering accounting, zoning or solicitor services to the Township – some information was given to the Board at the October meeting, but it was requested to have the discussion at the 2015 Reorganization. The review process should probably be started prior to the reorganization.

The Supervisors agreed that the information should be presented at the December meeting for review and that any voting would take place at the reorganization meeting in January. Ms. Mayfield advised that her firm would submit a proposal.

CORRESPONDENCE

Berks County Solid Waste Authority is asking for a contribution; the Township contributed \$100.00 in 2012 and \$250.00 in 2013

The Board discussed the past contributions and agreed to contribute \$250.00 in 2014.

Supervisor Feick made a motion to authorize the Township to contribute \$250.00 to the Berks County Solid Waste Authority in 2014. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

OTHER BUSINESS

Mrs. Deck reported that the Tax Collector needs to be notified by the Township when a trailer is going to be removed; she noted that there is a form that she needs to fill out to be forwarded to the County.

The Board discussed the trailer park and the Township having an ordinance that requires new mobile homes to have a block foundation. Ms. Mayfield reported that per the UCC manufactured homes do not require block foundations. She will look into the definition of mobile home.

181C Deck Road (Waltz property) – Target shooting on property, matter was discussed at the April 2014 meeting. An email was sent to the Zoning Officer on October 27th to check on the status. Following is the discussion that took place at the April 2014 meeting: William and Betty Gracely attended the meeting to notify the Board that there is excessive target shooting on weekends during the daytime that last all day long at their neighbors property located at 181C Deck Road. Another neighbor James Reese also attended the meeting to notify the Board of the same problem. The Solicitor recommended having the Zoning Officer look into this issue. The Board agreed to authorize the Zoning Officer to investigate the target shooting.

This matter was discussed under Correspondence from Zoning Officer.

Residents burning in Rehrersburg – 465 Godfrey Street and 26 Maria Street – Should Zoning Officer send out correspondence?

Chief Kerschner reported that he has spoken with both property owners regarding the Township's burning ordinance. The Supervisors agreed that no letter is needed at this time.

Trash Service – When calling to cancel service with Waste Management, they agreed to match Allied Waste's price and not to charge a fee for the lock bar. The Board needs to rescind the motion to approve Allied Waste and continue to use Waste Management for the Township's trash service provider.

Supervisor Feick made a motion to rescind the motion to approve Allied Waste and continue to use Waste Management for the Township's trash service provider. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

The Board agreed that trash service should be price shopped yearly.

The Board discussed the possibility of increasing the Zoning Hearing Board application fee. Ms. Mayfield reported that she would research if a refund of the unused fees is required.

The Board briefly discussed the expenses/revenues in reference to the budget and having another meeting to review the proposed 2015 Budget. It was agreed to meet again on Thursday, November 20th at 6 P.M. The Board also noted that a special meeting would need to be scheduled to adopt the 2015 Budget. It was agreed to meet on Monday, December 15th at 7 A.M.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$20,327.19
FNB Fredericksburg Holding Account	\$23,004.47
General Plus Account	\$198,756.66
State Aid Account	\$181.34
State Plus Account	\$136,156.40
Street Light Account	\$11,120.82

Payments of Bills for this November 10, 2014 meeting are:

General Account combined with the payroll account- Checks #15521 to #15555 in the amount of \$30,710.07
Street Light Account – Check #331 in the amount of \$1,058.74
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 – \$31,768.81

Supervisor Feick made a motion to approve the payments of the bills for this November 10, 2014 meeting. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

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

Sewer Operation Account – \$681.69
Balance in the Sewer Holding Account - \$113,068.35
Debt Service Account - \$403,045.06

Payments of Bills in the Sewer Operation Account for this November 10, 2014 meeting are:
Check #1495 to #1512 in the amount of \$13,207.67

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 9:55 P.M. The motion was seconded by Supervisor Deck and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township

