

**Tulpehocken Township
Board of Supervisors' Meeting
October 13, 2014**

The Tulpehocken Township Board of Supervisors met on October 13, 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, Larry Dean Martin, John Sheaffer and Gregg Bogia.

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. Schneck inquired on the status of the handicapped parking ordinance. Ms. Mayfield updated the Board and advised that she had a draft of the ordinance for their review tonight.

Mr. Schneck commented with regards to the new home being built along Godfrey Street and inquired if sidewalks would be required; he advised that prior to the construction, there was a sidewalk. He noted that there are concerns due to children walking in that area. The Board discussed Mr. Schneck's concerns, but noted that the Township does not have a sidewalk ordinance. The Board agreed they would like to see a sidewalk installed. Supervisor Feick advised that he would discuss the Township's concerns with the developer. The Board agreed that they would look into drafting a sidewalk ordinance.

APPROVAL OF MINUTES

Supervisor Feick made a motion to approve the minutes from the September 8, 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

Dieffenbach Chips - The Planning Commission is recommending to grant the waiver request for SALDO Section 202, waiver of land development with the condition that the applicant enters an agreement and selects Option 1 or Option 2 in the Ludgate review letter dated October 1, 2014. Both options would require the following:

- \$25,000 bond posted with the Township. This would be to make sure that the existing absorption area is adequate for the new on-lot septic system.
- The Township SEO determines that there is a suitable backup area for a new absorption area through on-site testing.
- No certificate of use and occupancy will be issued for the proposed new building until either the easement is secured or a new septic system is installed and permitted.
- The Applicant and Township Solicitor develop an agreement.

Supervisor Feick made a motion to grant the waiver request for SALDO Section 2, waiver of land development with the condition that the applicant enters an agreement and selects Option 1 or Option 2 in the Ludgate review letter dated October 1, 2014. The motion was seconded by Supervisor Deck and passed unanimously (3-0).

Solicitor Legal Discussions

Release of sewer easement for Village Estates

The Board discussed the release of sewer easement for the Village Estates. Ms. Mayfield and Supervisor Feick updated the other Supervisors. Ms. Mayfield reported that representatives for the Village Estates development were here tonight to answer any questions that the Board may have; she also provided the Supervisors with a proposed agreement drafted by the developer's attorney. Mr. Bogia advised the Board on what is needed in order to comply with PennDOT.

Supervisor Feick made a motion to grant the release of the sewer easement for the Village Estates upon the Solicitor's approval of the agreement. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Ms. Mayfield will email the Township a final copy of the agreement for signatures.

Amendment to the Home Based Businesses Ordinance

Ms. Mayfield updated the Board and provided them with a draft ordinance for their review. The Board discussed the new ordinance with regards to new poultry barns and nutrient management plans; it was noted that the State requires nutrient management plans. It was agreed to allow all agriculture uses in the Rural Residential Zoning District and to remove Section 3 from the proposed ordinance. Ms. Mayfield advised that the Board needs to give thirty days' notice to the Berks County Planning Commission and the Township's Planning Commission allowing them time to review the ordinance; she reported that she would clean up the proposed ordinance to show the changes discussed tonight. It was agreed to advertise the new ordinance for the December meeting.

Supervisor Deck made a motion to authorize the Ordinance to be advertised for adoption at the December meeting. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Ms. Mayfield updated the Board on the Zoning Officer's concerns with regards to Pods. She questioned if the Township wants to allow accessory structures in front yards. The Board

discussed revising the ordinance. They also discussed the Zoning Ordinance with regards to trailers and mobile homes. Ms. Mayfield reported that mobile homes are not permitted in the Village Center Zoning District; she suggested revising the definition of accessory structures to not allow temporary structures or anything on wheels in a front yard for a set time period of six months. She will revise the ordinance and forward an updated version to the Board for their review prior to the next meeting; if the Board has no issues she will send a copy to the Berks County Planning Commission for their review.

Ms. Mayfield reported that the Zoning Officer received a telephone call with a request to live in a travel trailer on a relative's property. The Zoning Officer advised the caller that would not be an allowed use, travel trailers can't be used as a permanent residence. The Zoning Ordinance defines travel trailers as temporary houses for transit uses; the Zoning Officer is recommending revising the Zoning Ordinance to define dwelling to exclude travel trailers, campers or mobile homes. The Board agreed to the Zoning Officer's recommendation. Ms. Mayfield will update the Zoning Ordinance to reflect that change.

Ms. Mayfield reported that Ludgate Engineers is requesting authorization to put the Township's SALDO and Zoning Ordinances on their website. The Board agreed that they are okay with that.

Update regarding the Zoning Hearing Board Application

Ms. Mayfield reported that the new Zoning Hearing Board application was prepared by the Zoning Officer and has been reviewed by herself and the Zoning Hearing Board solicitor and is now ready to be adopted by the Board.

Supervisor Feick made a motion to adopt the new Zoning Hearing Board application. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Update regarding Traffic Ordinance

Ms. Mayfield updated the Board on the proposed resolution to the Traffic Ordinance; she provided them with a copy for their review.

Supervisor Kramer made a motion to advertise the resolution for adoption at the November meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

It was agreed that Mrs. Flaherty would draft the handicapped parking permit.

Yenser (265 Greble Road) – Deed in Lieu of Dedication

Ms. Mayfield updated the Board; it was noted that an easement was not needed.

Correspondence from Zoning Officer

The Zoning Officer addressed the Frey property (121 Godfrey Street); she noted that she has not heard anything back from the letter she submitted with regards to weeds on the property. She recommended sending a Notice of Violation (NOV).

Supervisor Feick made a motion to authorize the Zoning Office to send a NOV. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

The Zoning Office addressed 27A Parkside Inn with regards to the weeds. The property is bank owned. She has reached out to the bank and would recommend sending a NOV prior to the November meeting if she hasn't heard back from them. Supervisor Feick reported that the weeds have been addressed.

The Zoning Officer addressed 5 Magdalena Street with regards to mowing. She will contact the mortgage contracting company and recommended sending a NOV prior to the November meeting if she hasn't heard back from them.

Supervisor Kramer made a motion to authorize the Zoning Office to send a NOV if necessary. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

The Zoning Officer addressed 574 Godfrey Street with regards to the vehicles parked outside of the garage. She suggested sending a NOV.

Supervisor Feick made a motion to authorize the Zoning Office to send a NOV if necessary. The motion was seconded by Supervisor Deck and passed unanimously with Supervisor Kramer abstaining (2-0-1).

The Zoning Officer addressed 501 Bar & Grill with regards to the sewer and someone living above the bar. The Board discussed billing the owner for an extra EDU. Ms. Mayfield reported that the apartment may not be permitted under the Township's Zoning Ordinance and suggested attempting to enter and having the Zoning Officer confirm if the apartment is a legal use. Chief Kerschner suggested speaking with the Sewer Secretary. Ms. Mayfield suggested that the Township send Consent to Search form and that once that is done the Zoning Officer would be able to confirm if the apartment is a legal use.

The Zoning Officer addressed the Alspaugh property (Pizza Shop) with regards to the apartment. Ms. Mayfield reported that she is working with the Zoning Officer to determine if the apartment is a legal use.

STAFF REPORTS

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

Activity	Tulpehocken Twp.	Marion Twp.
Miles Patrolled	2937	961
Gallons of Fuel	311.5	0
Hours of Work	448	60
Total Incidents	4	6
Complaints	7	4
Follow-up Investigations	0	0

Telephone Assignments	22	8
Comm/Residential to Alarms	1	2
EMS/Fire Advisory	3	2
Traffic Stops	27	5
Citations Issued	27	4
Non-traffic Citations	0	0
Traffic Warnings	3	0
Warrants	0	0
Parking Tickets	2	0
Traffic Accidents	3	2
DUI Arrests	0	0
Misdemeanor/Felony	0	0
Security Checks	72	23
Police Assists	6	0
Motorists Assists	1	2
Court Appearances	2	0
School Hours	0	0

Chief Kerschner provided the Supervisors with a quote from Brown Signs to have the Tahoe striped for \$745.00 and noted that an anonymous donor would like to cover the costs.

Supervisor Feick made a motion to authorize Chief Kerschner to have Brown Signs stripe the Tahoe for \$745.00, the costs would be reimbursed by an anonymous donor. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Road Master’s Report – Supervisor Feick read the September 2014 report. The work consisted of telephone calls, a meeting regarding the Teen Challenge Road project, meter reading, equipment maintenance, trimming weeds and brush, building maintenance, meeting with the Township Engineer, paperwork for radio system, sewer maintenance, sign maintenance, building maintenance, the Teen Challenge Road project and highway/lawn mowing.

Supervisor Deck inquired with regards to the Teen Challenge Road project and sealing the edge of the roadway. Supervisor Feick advised that the edge of the roadway would be sealed and that the project will start tomorrow. He has made arrangement with the School District with regards to the buses and the road being closed. He has also advised Teen Challenge that the road will be closed.

Supervisor Feick reported that he had to order a new tire for the backhoe. Supervisor Deck commented on the tires matching and advised that he would prefer that two tires be replaced at a time.

Supervisor Kramer made a motion to authorize the purchase of two tires for the backhoe. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Supervisor Feick updated the Board with regards to road issues on Stouchsburg Road, east of Mt. Aetna Village by fire dam and on discussions with the Township Engineer regarding a GP11 Permit. He is requesting the Board to make a motion to authorize the Township Engineer to start the GP11 Permit process.

Supervisor Kramer made a motion to authorize the Township Engineer to begin the GP11 Permit process. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Fire Chiefs Report – Supervisor Feick read the monthly reports for Keystone Fire Company and Rescue Fire Company. He also noted that the new radio switch is scheduled for November 5, 2014.

SEWER OPERATIONS

Larry Dean Martin – Return of Tapping Fee

The Supervisors discussed the return of Mr. Martin's tapping fee. Ms. Mayfield suggested that the return be contingent on the Board passing the resolutions accepting the deeds of dedication.

Supervisor Deck made a motion to authorize the return of Larry Dean Martin's tapping fee contingent on the passing of the resolutions accepting the Deed of Dedication for Lot 3. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Supervisor Deck made a motion to authorize signing of the Stormwater and Land Development Improvement and Maintenance Agreement and Stormwater Maintenance Agreement for Larry Dean and Lisa Kay Martin. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Discuss Select Environmental Solutions Contract

The Supervisors were provided a copy of the current contract with Select Environmental Solutions which expires on October 31, 2014. The Supervisors discussed renewing the contract. The new contract would be for the next three years with an annual escalator of 5% per year.

Supervisor Kramer made a motion to renew the contract with Select Environmental Solutions for the next three years. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

The Supervisors noted that Mrs. Claman should update the 2015 budget to reflect the costs associated with the new contract.

The Supervisors agreed that Mrs. Claman should contact Select Environmental Solutions requesting a copy of the new contract.

The Supervisor also discussed the need to start price shopping for alternative providers in the spring of 2017.

Delinquent Accounts

The Supervisors discussed the delinquent sewer accounts.

Supervisor Deck recommended having a sewer workshop in the next few months.

UNFINISHED BUSINESS

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

Mrs. Flaherty advised the Board that she had received an email from the Department of Transportation with regards to the brake retarder prohibition request. The email requested the Township to send correspondence agreeing that the Township would be responsible for purchasing, erecting and maintaining the signs if the request was granted and for a more precise description of the limits of the zones that the Township is proposing to enact the prohibitions. Correspondence was sent to PennDOT on September 23, 2014.

Larry Dean Martin Poultry – Two Resolutions that the Board needs to approve prior to accepting the Deeds of Dedication (Lot 3), Stormwater and Land Development Improvement and Maintenance Agreements for signing

Ms. Mayfield inquired on the name being considered for the public park. Mr. Schneck suggested the park name incorporate the word Keystone. Supervisor Deck suggested letting the Recreation Board approve the park name. It was agreed that for now the park would be referred to as Rehrersburg Public Park. Ms. Mayfield advised that the Township needs to approve two resolutions, one to adopt Lot 2 and one to adopt Lot 3.

Supervisor Feick made a motion approve Resolution 2014-11 to adopt Lot 2. The motion was seconded by Supervisor Deck and passed unanimously (3-0).

Supervisor Kramer made a motion to approve Resolution 2014-12 to adopt Lot 3. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

The Supervisors authorized Mrs. Flaherty to contact the Recreation Board with regards to the Township acquiring the park property and advised them that they should start to meet and to contact the Township's insurance company to advise them on the recent land acquisition.

The Supervisors advised Mr. Martin not to farm Lot 2, but noted that he can continue to farm Lot 3 at this time. Ms. Mayfield reported that when notifying the insurance company with regards to adding Lot 3, advise them that no agreement is needed; but there could be a small dollar lease.

Mr. Martin thanked the Supervisors.

Supervisor Kramer made a motion to authorize the approval of the Stormwater and Land Development Improvement and Maintenance Agreements. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Mervin Martin Poultry Operations Project – Stormwater and Land Development Improvement and Maintenance Agreements

The Supervisors discussed the agreements. Mrs. Flaherty noted that the Township has not received the Letter of Credit to date. Ms. Mayfield advised that the motion should be conditional upon receipt of the Letter of Credit.

Supervisor Feick made a motion to authorize the approval of the Stormwater and Land Development Improvement and Maintenance Agreement conditional upon receipt of the Letter of Credit. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Sign Police Contract for years 2015, 2016 & 2017

Supervisor Kramer made a motion to authorize the signing of the Police Contract for years 2015, 2016 & 2017. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

NEW BUSINESS

PSATS Trustees Insurance and Retirement Services – Requested Action for Health/Life/Disability Trust Participants – Adoption of Resolution for Amendment

Ms. Mayfield updated the Board with regards to what the resolution in tales; she recommended that the Board approve the resolution. If the resolution for amendment is then approved by PSATS, the Township will receive an ordinance to pass. The Supervisors inquired on what type of benefits are provided and requested Mrs. Flaherty to contact PSATS to verify how the Township is involved.

Supervisor Kramer made a motion to authorize the adoption of Resolution for Amendment. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

CORRESPONDENCE

Fire Police coverage request from the Borough of Myerstown for the Holiday Parade, scheduled for Saturday, November 29, 2014

Supervisor Feick made a motion to authorize the participation of the fire police for the Holiday Parade, scheduled for Saturday, November 29, 2014. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

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

It was agreed that this request should be discussed at the Board's reorganization meeting in January, 2015.

Request from Denise Klopp for the Township to see if there is anything that they could do to help bring Comcast services to Midway Road

Mrs. Flaherty updated the Board on her discussions with Comcast representative Liz Sterner. She advised that she would follow up with Ms. Sterner in a few weeks and report back to the Board. The Board suggested that the residents start a petition. Mrs. Flaherty reported that she would contact Ms. Klopp to advise her on the Board's suggestion.

Crime Alert Berks County is asking for a contribution; the Township contributed \$100.00 in 2012 and \$150.00 in 2013

The Board discussed the past contributions and agreed to contribute \$150.00 in 2014.

Supervisor Feick made a motion to authorize the Township to contribute \$150.00 to the Berks County Crime Alert in 2014. The motion was seconded by Supervisor Kramer and passed unanimously (3-0).

Fisher Municipal Consulting, LLC – offering services

It was agreed that this request should be discussed at the Board's reorganization meeting in January, 2015.

Portnoff Law Associates, Ltd – offering services

It was agreed that this request should be discussed at the Board's reorganization meeting in January, 2015.

OTHER BUSINESS

Trash Service Quotes

The Supervisors were provided quotes from several trash service providers in the area.

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

The Board requested Mrs. Flaherty to verify how long the price is locked in and suggested that the service be price shopped yearly.

Lorieanne Werni, 342 Godfrey Street – update with regards to violation and the outcome from the Zoning Hearing Board meeting on October 7, 2014

The Board discussed the Werni's zoning violation. It was noted that the Zoning Hearing Board rejected the appeal. Ms. Mayfield reported that the applicant has thirty day to appeal the decision. Supervisor Deck reported that the Planning Commission recommends denial.

Ms. Mayfield advised on discussions with the Zoning Hearing Board Solicitor and the defendant's attorney. She reported that the applicant needs to present something to the Township for review. The Board discussed the Township's liability with regards to where the garage is currently located and entering/exiting onto the Jacob Street. The Board agreed that they want to work with the applicant; they also discussed what the fine should be. Ms. Mayfield recommended sending a letter advising the applicant that they have until November 1st to submit a plan to the Zoning Officer for review.

Supervisor Kramer made a motion to authorize the Township Solicitor to send a letter to the applicant and copy her attorney. The motion was seconded by Supervisor Deck and passed unanimously (3-0).

Ms. Mayfield noted that if the plan is not filed by November 1, 2014, the Board will proceed with prosecution of the Complaint at the November 7, 2014 hearing.

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS

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

General Account	\$52,217.30
FNB Fredericksburg Holding Account	\$51,962.57
General Plus Account	\$198,756.66
State Aid Account	\$181.34
State Plus Account	\$136,156.40
Street Light Account	\$12,179.26

Supervisor Kramer made a motion to approve the payments of the bills for this October 13, 2014 meeting. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Payments of Bills for this October 13, 2014 meeting are:

- General Account combined with the payroll account- Checks #15468 to #15501 in the amount of \$78,044.96
- Street Light Account – Check #330 in the amount of \$1,058.05
- 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 – \$79,103.01

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

- Sewer Operation Account – \$837.51
- Balance in the Sewer Holding Account - \$84,101.87
- Debt Service Account - \$403,045.06

Payments of Bills in the Sewer Operation Account for this October 13, 2014 meeting are:

- Check #1478 to #1494 in the amount of \$16,655.89

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

ADJOURNMENT OF MEETING

Supervisor Kramer made a motion to adjourn the meeting at 10:33 P.M. The motion was seconded by Supervisor Feick and passed unanimously (3-0).

Respectfully Submitted,

Christy Flaherty

Secretary, Tulpehocken Township