

**Tulpehocken Township  
Board of Supervisors  
Meeting of August 14, 2024**

The Tulpehocken Township Board of Supervisors met on August 14, 2024, in the Township meeting room at 7:00 P.M. In attendance and voting were Supervisors: Chairman Gary Deck, Vice Chairman Lester Feick and Harold Zimmerman. Also present were Bryan Dronick, Police Chief and Kathy Judy, Township Secretary / Treasurer.

Members of the audience included Burt Wessner, Jeremy Conner, Mike Najarian, Jay Horst, Heather Hanna and Robert Sattazahn.

**CALL TO ORDER:** Chairman Deck called the meeting to order at 7:00 P.M.  
The meeting continued with the pledge to the American Flag.

**PUBLIC COMMENTS:**

- Mike Najarian, of the Bethel-Tulpehocken Public Library Board, thanked the Board for the Township's donation for the purchase of the new Library sign. He shared that the staff are happy with it, they're able to change it easily, are advertising Library events and encourage the Board to let them know if there are any Township events they would like to have displayed. He also reported that since the re-opening, volume at the Library has increased.
- Heather Hanna introduced herself. Mrs. Hanna is currently running for election for State House Representative, District 5.

**APPROVAL OF MINUTES:**

- *Vice Chairman Feick made a motion to approve the minutes from the July 10, 2024 Board of Supervisors Meeting - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
- *Supervisor Zimmerman made a motion to approve the minutes from the July 17, 2024 Workshop Meeting - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

**ADMINISTRATIVE ACTIONS:**

**Personnel:** None.

**Planning Commission Recommendations:**

- Shank Door, 165 Greble Road – Time expires September 4, 2024. Diehm & Sons, the applicant's engineer, presented a 90 day time extension letter to the Township for a continuance until December 3, 2024. In accordance with the Planning Commission's recommendation, *Vice Chairman Feick made a motion to accept Diehm & Sons time extension to December 3, 2024 - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
- Rehlersburg Christian School, 61 Strausstown Road – Jay Horst with Earth & Sky Design LLC, the applicant's engineer, was present. Revised plans and waiver requests, submitted in response to the Township Engineer's April 26, 2024 review letter were reviewed at the August 1, 2024 Planning Commission Meeting. A time extension letter was also submitted. The Board of Supervisors reviewed, discussed and made motion on each as noted below:
  - o Section 206. Preliminary Plan Waiver Request. In accordance with the Planning Commission's recommendation, *Vice Chairman Feick made a motion to grant the*

- preliminary plan waiver request and allow it to go straight to a final plan.*
- Section 302.3F. Request for waiver or change of the 1"=800' scale requirement. The Board agrees that the proposed 1"=2,000' scale will more effectively show the site and the area's roadway system due to the rural nature of the location. In accordance with the Planning Commission's recommendation, *Supervisor Zimmerman made a motion to grant the waiver request, allowing the key map to be drawn to a scale of 1" (one inch) = 2,000' (two thousand feet) - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
  - Section 602.3 and 602.4. Curbing and Sidewalk Waiver Request. In accordance with the Planning Commission's recommendation, *Supervisor Zimmerman made a motion to grant the waiver request; curbing and sidewalk will not be required - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
  - Section 604.B. Request for waiver to reduce the freeboard height requirement by three inches. In accordance with the Planning Commission's recommendation, *Vice Chairman Feick made a motion to grant the waiver request allowing a nine-inch freeboard height with the condition that first a copy of a recorded Storm Water Easement Agreement with the neighboring property is provided to the Township - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
  - Section 501.2.C.1. Waiver of road width requirement. This is not a new street; it is an existing 23' wide PennDOT road that is 35' in the vicinity of the lot. In accordance with the Planning Commission's recommendation, *Supervisor Zimmerman made a motion to grant the waiver request, allowing for the road to remain as is - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
  - Section 602.12. Waiver of having to provide a buffer to meet 602.11 Landscaping Plan requirements. In accordance with the Planning Commission's recommendation, *Vice Chairman Feick made a motion to grant the waiver request with the condition that several evergreens be added between the maple trees already noted on the right side of the plan - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
  - *Time expires August 14, 2024. Earth & Sky Design, LLC, the applicant's engineer, presented a time extension letter to the Township for a continuance until the September 11, 2024 Board of Supervisors meeting. In accordance with the Planning Commission's recommendation, Supervisor Zimmerman made a motion to accept Earth & Sky Design's time extension to September 11, 2024 - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
  - *Supervisor Zimmerman made a motion to grant conditional plan approval once all of the waiver approval conditions, required agreements and compliance with all applicable Township regulations and ordinances are met and satisfied - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

**Solicitor Legal Discussion:**

- Village Estates agreements, dedication of pump station and outstanding bills – The Board reviewed a draft; *Supervisor Zimmerman made a motion to authorize the Solicitor to send the letter to Mount Aetna Village, Inc. regarding outstanding items required from them before the Township can take dedication of the Pump Station at 3 Chloe Drive - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

**Escrow Release:** None

**Correspondence from Zoning Officer:**

- **June Update:** The Zoning Officer Reported that:
  - o 30 Little Swatara Church Road (Landis property) – the County has sent a Notice of Violation. She spoke with the attorney for the applicant, they need to satisfy the County easement issue before any permits may be obtained from the Township. They will need Zoning Hearing for a wedding venue if the County permits an easement for such activity. Waiting for feedback from the Attorney and the County before they can address our concerns.
  - o 44 Rehrersburg Road (Gerera / Santiago property) – no additional information was received. Junk still remains and cars are reduced to just the ones they use, but we only have valid registration and inspection documentation on one car. The Township Solicitor is filing an injunction.
  - o 21 Rehrersburg Road (Michael Kline property) – the property was posted with the Police and Zoning Officer on August 5, 2024, once we got authority from the property owner to enter the site.
  - o 4 Chloe Drive (Clifton property) – permits were obtained for swimming pool; violation closed.
  - o 34 Little Swatara Church Road (Schwalm property) – permits were obtained. Owner confirmed with Ag Preservation Board that they are okay. Violation closed.
  - o 2 Bordner Road (Schaeffer property) – she spoke with the applicant; he applied for a Zoning permit. He needs building and possible sewer for existing building and what he wants to do in the future. We are working through the requirements he needs; but he has applied for permits as requested in the Notice of Violation.
  
- 19 Ketterman Hill Road – The Board received a report from DEP for a site visit they made to investigate rubbish at this property; they referred the matter to the Township and closed their investigation. With no formal complaint received, no action is being taken at this time.
  
- Backyard Chicken application – The Zoning Officer provided an example of a Zoning Permit for Backyard Chickens for the Board’s consideration.

**Land Development:** None

**Recreation:**

- Lions Park: Maintenance and operation repairs and purchases:
- Chairman Deck reported that the minor repairs and painting of the roofs is done.
  - o Update regarding refinishing the Lions Den Floor – A quote for the rental and material costs and the credentials of the person that volunteered to do the work has been requested. The Board is also going to obtain a quote from an outside contractor for the job. The Board discussed checking the condition of the floor and possibly including the costs to refinish it in the 2025 budget. This will be revisited at a later meeting.
  - o Park Sign – One quote was received from Horst Signs. Brown Signs has been asked to provide a quote as well; we are waiting to receive that. This will be revisited.
- Vice Chairman Feick reported that the water at the park tested okay for bacteria. The ultraviolet light may not be needed, but a softener is necessary.
- DCED Grant update – the application is currently under review at DCED.

**STAFF REPORTS:**

**Police Report** – Chief Dronick read the July, 2024 Police report as follows:

	<b><u>Tulpehocken</u></b>	<b><u>Marion</u></b>
MILES PATROLLED	2030	980
GALLONS OF FUEL	254	
HOURS WORKED	508	60
PATROL HOURS	253.25	49.5
TULPEHOCKEN AREA SCHOOL DIST. HOURS	0	
TOTAL INCIDENTS	14	0
TOTAL COMPLAINTS	2	0
MISCELLANEOUS CALLS FOR SERVICE	7	3
FOLLOW-UP INVEST	7	3
TELEPHONE ASSIGNMENTS	20	5
COMM/RESIDENTIAL ALARMS	2	0
EMS/FIRE ADVISORIES	16	8
TRAFFIC STOPS	63	37
CITATIONS ISSUED	59	58
NON-TRAFFIC CITATIONS	0	0
TRAFFIC WARNINGS	15	6
WARRANTS	0	1
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	2	3
DUI ARRESTS	0	0
MISDEMEANOR/FELONY	2	0
SECURITY CHECKS	1	1
POLICE ASSISTS	13	0
MOTORISTS ASSISTS	3	1
COURT APPEARANCES	1	2
SCHOOL (TRAINING) HOURS	0	

Chief Dronick reported that during the month of July there were 204 calls received through Berks County 911; noting that twelve (12) were for Teen Challenge.

Agreement between Marion and Tulpehocken Townships for police services. The current agreement period expires December 31, 2024. The Board requested previous agreements and rate information be compiled and discussed further in September.

Burt Wessner, the Township’s EMA Coordinator, reported that on Monday, August 12, 2024 there was an accident in Mt. Aetna that created a pretty significant event with some cars burning, damage to a structure and some subsequent runoff and soil damage. He reported that I-78 Truck Service handled everything that was service related as far as spills with what the tractor trailer was holding as well as diesel fuel runoff. Keystone Emergency Spill was contacted to handle storm water issues as well as soil reclamation in a yard at the scene. He understands that Vice Chairman Feick is working on some paving issues for damage to the blacktop. The spill was mitigated, there were no other water ways that were affected.

**Road Master's Report:** Vice Chairman Feick read the July, 2024 report. The work consisted of highway mowing, water testing at the park, sewer maintenance, paperwork, phone calls, working on the road project, working on equipment, helping the Zoning Officer, addressed a couple of complaints received, met with the Township Engineer at Shank Door site, hauled stone, traffic control, cleanup of some trees, lawn mowing, went for cold patch and met with Triangle Communications.

- **Road Project:** Vice Chairman Feick reported that he is ready for the road project; all that needs done before the paving is some edging.

- **Equipment Repairs and Purchases**

Vice Chairman Feick updated the Board about the Township's radio repeater. Since meeting with Triangle Communication, they have put up a new repeater on their tower in Pine Grove. So far it is working locally; he still needs to test it out at Stone Road to see if there's reception in outlying areas.

Vice Chairman Feick reported that the chain saw is broken. It was taken to Eblings, but cannot be repaired. *Supervisor Zimmerman made a motion to approve purchase of a new chainsaw - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

Chairman Deck stated that in 2022, a Board member had resigned. Shortly after that a company the Chairman works for had gotten the bid for the annual road project. The project was advertised and put out to bid. With only two Supervisors on the Board at the time, he felt he needed to vote. It was discussed at that bid opening meeting and the Chairman did vote to accept the low bid and award the project. Upon audit it was suggested that he should not have voted and PennDOT called for the Township to reimburse the Liquid Fuels account for the cost of the project. The Chairman shared that in the past he had abstained and that in the thirteen years that he has served on the Board he thinks his company has only gotten the bid three times. He is an employee with the company, not an owner. He has no involvement in the bidding process and receives no monetary benefit from awards. The Solicitor, being of the opinion that he was right to vote since there were only two Supervisors at the time, did reach out to the Auditor General and the Auditor General has revised his report. At this point we are waiting to see if PennDOT will consider the AG's revised report, reverse their decision and hopefully reverse the demand for the funds to be reimbursed. The Chairman explained he wanted to be transparent and have the matter part of the recorded minutes.

**Fire Chiefs' Report** – Vice Chairman Feick reviewed activity for the Keystone Fire Company and read the report for the Rescue Fire Company for July, 2024. Notably, there were two reportable structure fires; a house in Rehrersburg (a \$359,000 loss) and a barn fire (a \$213,000 loss).

**SEWER OPERATIONS:**

- **Judgements and Delinquent Sewer Accounts:**

- o 21 East Market Street – The judgement was transferred on 8/7/2024. *Supervisor Zimmerman made a motion to authorize execution of the judgement seconded by Vice Chairman Feick and passed unanimously (3-0).*
- o 2 West Mill Street – a payment was received – no action at this time.

- **357 Godfrey Street** – The property owner has paid the outstanding balance plus \$71.50 for July. They have asked if, since the fire was on July 1<sup>st</sup>, the Board would consider making July 1<sup>st</sup> the effective date of the partial waiver/discount it had previously approved. *Supervisor Zimmerman made a motion to make the approved discount effective July 1, 2024 - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
- Supervisor Zimmerman asked if they can request a total suspension of fees until repairs are complete. The Board discussed and agreed that they can request a total waiver if they disconnect, adding that Vice Chairman Feick would need to inspect and confirm that the system has been disconnected and is capped.

Vice Chairman Feick reported that an impeller is loose again on one of the pumps. C.W. Sales has been contacted.

### **UNFINISHED BUSINESS:**

- **Emergency services tax** – A Public Workshop was held on July 17, 2024 to discuss an Emergency Services tax to help fund Fire and EMSs in the Township. The Township Solicitor has sent an advisory opinion letter to the State Ethics Board regarding Supervisors voting on a Fire Tax; we are awaiting their response.

As discussed at the July 17<sup>th</sup> Workshop, *Supervisor Zimmerman made a motion to ratify authorization to advertise a second Public Workshop to be held at 6:30 P.M. on Wednesday, August 21, 2024 at 27 Rehrersburg Rd. in the School District Office Boardroom - - seconded by Vice Chairman Feick and passed unanimously (3-0).* In addition to the advertisement, notices have also been posted at locations throughout the Township and on available signs in the Township.

- **Township Phone System** – The Board discussed the phone system quotes that were presented. No action at this time. Can be removed from agenda and may be revisited at a later date.
- 2023 Fiscal Year Audit – We are waiting for a note revision and two minor corrections. No action at this time.

### **NEW BUSINESS:**

### **CORRESPONDENCE:**

- A request was received from the Borough of Womelsdorf for Fire Police assistance at the annual POW/MIA Ride for Freedom on Sunday, August 25, 2024 at 10:00 A.M. *Supervisor Zimmerman made a motion to approve providing Fire Police assistance for the event - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
- Email from BCIU for the Joint Purchasing Board fuel bid for 2025-2026. If interested in participating, information must be submitted by September 3, 2024. The Board asked for more information including what the current rates are with the County fuel bid compared to what we currently pay under the BCIU fuel bid, the amount of fuel we use, whether or not we can still participate in the County fuel bid, and what upgrading to new, larger tanks would cost.

### **OTHER BUSINESS:** None

**TRAINING AND OTHER INVITATIONS:**

- The Berks County Public Works Association meeting and Trade Show is on Thursday, October 3, 2024. Registration to attend is due by September 20, 2024. No action taken.

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

There was a brief discussion about the approaching deadline to obligate ARPA funds and what must be done before year end to meet the U.S. Treasury’s requirements.

Account Balances for the end of July, 2024 were as follows:

General Account	\$ 9,404.54
1 <sup>st</sup> Citizens General Holding Acct	\$ 243,839.76
General Prime Account	\$ 427,603.80
State Aid Account	\$ 242,878.89
Street Light Account	\$ 31,295.32
Recreation Fund	\$ 117,452.06
Payroll Account	\$ 17,102.89
American Rescue Plan Account	\$ 133,982.89

Payments of Bills for this August 14, 2024 meeting are:

- General Account – Checks #22195-22232 in the amount of \$34,858.50
- Street Light Account – Check #507 in the amount of \$1,870.93
- Recreation Fund – Checks #173-178 in the amount of \$13,595.98
- Total Expenses for this August 14, 2024 Meeting are \$50,325.41

*Vice Chairman Feick made a motion to approve the payments of the bills for this August 14, 2024 meeting - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*

Sewer Accounts balances for the end of July, 2024 were as follows:

- Sewer Operation Class Account – \$ 2,779,86
- Sewer Operation Prime Account - \$109,337.18
- Balance in the Sewer Holding Account - \$60,885.96
- Debt Service Account - \$473,111.31

Payments of Bills in the Sewer Operation Account for this August 14, 2024 meeting are:

- Check #3245 to 3258 in the amount of \$22,007.25

*Supervisor Zimmerman made a motion to approve the payments of the sewer bills for this August 14, 2024 meeting - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

**EXECUTIVE SESSION (if needed):**

**ADJOURNMENT OF MEETING:** *Vice Chairman Feick made a motion to adjourn the meeting at 8:59 P.M. - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*

Respectfully Submitted,

Kathy Judy, Secretary  
Tulpehocken Township