

**Tulpehocken Township
Board of Supervisors
Meeting of March 11, 2026**

The Tulpehocken Township Board of Supervisors met on March 11, 2026, 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; Kathy Judy, Township Secretary / Treasurer and Christopher Hartman, Township Solicitor.

Members of the audience included Dennis Judy, David Barto, Kevin Frantz, John H. & Diana Kintzer, John & Beth Schueller, Bill Dewart, John A. Kintzer, Robert Sattazahn, David Brooks, Matt & Jen Ransil, Susan Wolfe and Kyle Batz & Family.

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.

To correct a clerical error, *Supervisor Zimmerman made a motion to amend the agenda to include Public Comment - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

PUBLIC COMMENTS: John H. Kintzer spoke about Emergency Taxes, asked how much thought was put into the decision to implement them, the current Fire Company revenues, the number to calls to locations that are outside of the Township, concerns about these new tax dollars going to the Fire Companies, how they will use the funds, the Companies' bi-laws that allow for a lack of transparency and needed accountability for the Fire Companies' use of funds.

Kevin Frantz spoke about Emergency Taxes, asked about renters – how they are billed and if they have ambulance membership benefits; if the Township will continue to provide fuel to the Fire Companies and what those costs are; and needed accountability for use of the tax revenue funds.

David Barto spoke about Emergency Taxes, expressed concern about the burden it will have on older residents on fixed incomes, asked if anything was put out to notify residents prior to the tax being put in place, if there are guidelines for what the funds can be used for and if the emergency service providers will be required to report on funds annually. Mr. Barto also asked about how to request Township financial statements and about Myerstown mail delivery at his home in Mt. Aetna.

John A. Kintzer spoke about Emergency Taxes stating that the difference between the two Fire Companies' financial needs is due to problems with management, the Township's payment of Fire Company fleet insurance and fuel, the companies' responding to calls outside of Tulpehocken, whether or not meetings about the new taxes were advertised, and accountability for use of funds. Mr. Kintzer also questioned the raise in Supervisor compensation, referring to Ordinance 2025-1 enacted on February 12, 2025.

Kyle Batz shared that he supports the Emergency Taxes. He continued speaking about the proposed ordinances; property rights; creating rules and regulations that are not consistent and would set different standards for short term rentals that wouldn't apply to long term rental or owner occupied properties; and asked, with no existing widespread problem, the other ordinances in place and a Police Department and Officers available to address problems that may arise, what justifies creating additional regulations.

John Schueller spoke about rising taxes, the amount of money the Township spends in legal expenses, what has been spent on OOR appeals, the advice the Township receives from the Solicitors and his opinion that the Board should consider changing Solicitors.

EXECUTIVE SESSION: At 8:30 P.M. Chairman Deck called an Executive Session. At 8:40 P.M. the Board and Solicitor returned from Executive Session; litigation was discussed – No action taken.

PUBLIC HEARING: Chairman Deck announced the opening of the hearing to consider enactment of Ordinance 2026-1, to amend the Tulpehocken Township Zoning Ordinance of 2013 to allow for and provide rules and regulation for short-term rentals, as advertised.

Public Comment:

John Schueller spoke about a case from April 26, 2019, Slice of Life v. Hamilton Township Zoning Hearing Board, that went to the Supreme Court of Pennsylvania that ruled that purely transient, Airbnb type, rentals are not permitted in a residential zoning district. Interpretation of the decision and the importance of distinguishing both Single Family Dwellings and Short-Term Rentals separately in Zoning Ordinances was discussed.

Kyle Batz spoke about the inconsistencies and differences in regulations that the amendment would create. For example, larger families are common and can occupy single-family homes and rental properties, yet that same family, if it exceeds the number of occupants allowed overnight, would not be permitted to occupy a short-term rental.

Matt Ransil asked about item M on page 5 “no campers or trailers are permitted on site where short term rental is located”; interpretation, intent and the need for clarification of this item was discussed. He also asked about fees mentioned; it was explained that they would be set by separate resolution.

Chairman Deck made a motion to reject enactment of Ordinance 2026-1 and stated for the record that it is the Board’s intention going forward to administer the Township Zoning Ordinance to treat short-term rentals in the same way that single family dwellings are regulated - - seconded by Vice Chairman Feick and passed unanimously (3-0).

Consider motion for enactment of Ordinance 2026-2 to provide regulations and enforcement measures for the licensing, inspection and maintenance of existing short-term rentals *Chairman Deck made a motion to reject enactment of the Ordinance 2026-2 and stated for the record that it is the Board’s intention going forward to administer the Township Zoning Ordinance to treat short term rentals in the same way that single family dwellings are regulated - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

Chairman Deck announced closing of the Public Hearing and the return to the regular meeting.

APPROVAL OF MINUTES: *Supervisor Zimmerman made a motion to approve the minutes from the February 11, 2026 Board of Supervisors Meeting - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

ADMINISTRATIVE ACTIONS:

Personnel: None.

Planning Commission Recommendations:

- 17 Airport Road, Galen Hoover Ag Operation – Considered and acted on were:
 - **Waiver request for Section 302** – The Board discussed the request. In accordance with the Planning Commission recommendation, *Vice Chairman Feick made a motion to approve the waiver of Section 302 for preliminary plan review and approval and allow the plans to go straight to final - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
 - **Waiver request for Sections 303.1.B** – The Board discussed the request. In accordance with the Planning Commission recommendation, *Supervisor Zimmerman made a motion to approve the waiver of section 303.1.B for entire tract and boundary line markings with the condition that the surveyor denote construction stakes on the plan - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - **Waiver requests for Sections 303.1.H, 602.7 and 501.2M.4.b** – The Board discussed the request. In accordance with the Planning Commission recommendation, *Supervisor Zimmerman made a motion to approve the waivers of sections 303.1.H, 602.7 for denoting all monuments and section 501.2M.4.b for metal markers at all lot corners, with the condition that a couple of pins and monuments be placed where work will be taking place and denote this on the plans - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - **Waiver request for Section 303.1.L** – The Board discussed the request. In accordance with the Planning Commission recommendations, *Supervisor Zimmerman made a motion to approve the waiver of Section 303.1.L for entire tract certificate of accuracy, with the condition that the surveyor will seal to the tract area where the work is being done and denote this on the plans - - seconded by Lester Feick and passed unanimously (3-0).*
 - **Waiver request for Section 202.2E** – The Board discussed the request. In accordance with the Planning Commission recommendation, *Supervisor Zimmerman made a motion to approve the waiver of Section 202.2E for vegetative screening, with the condition that the existing screening and vegetation between the proposed operation and neighboring properties is preserved and not removed - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - **Waiver request for Section 305.E** – The Board discussed the request. In accordance with the Planning Commission recommendations, *Supervisor Zimmerman made a motion to approve the waiver of Section 305.E for curve numbers and to accept the DEP numbers that are being used - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - **Conditional Plan Approval** – In accordance with the Planning Commission recommendation, *Supervisor Zimmerman made a motion to grant Plan approval once all of the requirements and conditions set in waiver request approvals and in the Township Engineer’s March 5, 2026 review letter are met and satisfied and a hold harmless note, for discharge onto the adjoining property owners, is added to the plan - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - **Time Extension** – A time extension letter from the applicant’s Engineer. *Supervisor Zimmerman made a motion to accept the time extension to June 29, 2026 - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

Land Development: None

Solicitor Legal Discussion:

- Update regarding Comcast Franchise Agreement and negotiating service to Gravel Pit and Midway Roads – The Solicitor reported that they have been negotiating with Comcast. Comcast advised that another provider applied for a grant to service one of the roads; if that goes through then they would be less inclined to serve the area. Comcast did indicate that they would be willing to survey the residents; if there is sufficient interest, they may be willing to consider extending service. Comcast is not willing to reduce the minimums from 30 to 20 residences per mile, but would be willing to reduce it to 25 per mile. And, the current franchise fee the Township collects is 2%, the allowance is up to 5%. After some discussion, the plan is to wait for Comcast to survey for interest before renewing the agreement with the reduced 25 per mile language and to keep the franchise fee at 2% upon renewal.
- Draft agreement for multi-day park rental request in 2026 - edits were discussed and will be reviewed again at the April meeting.
- Office of Open Records Appeals: In accordance with the Solicitor’s recommendations:
 - o *Supervisor Zimmerman made a motion to not appeal to the Commonwealth Court the decision of Judge Nevius - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - o *Supervisor Zimmerman made a motion to withdraw the appeal that has been filed in Berks County Court for the second OOR decision - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - o *Vice Chairman Feick made a motion to establish a procedure for the labeling of draft ordinances to indicate which version they are, what date they were prepared and that they include a broad watermark indicating Draft to avoid any misunderstanding of ordinances that are being considered but have not been enacted - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
- Data Centers – the Solicitor advised that there is a bill pending in the State House, that if enacted, would require the Center for Local Services to develop a model zoning ordinance for municipalities to use in regulating data center developments.

Escrow Release:

- Nancy Smeltzer, Shoestring Industries: In accordance with the Township Engineer’s recommendation, *Vice Chairman Feick made a motion to approve full release of the Letter of Credit once reimbursement of Township Engineer fees is received - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*

Zoning & Correspondence from Zoning Officer:

- Correspondence from Zoning Officer / February Update
- 44 Rehrersburg Rd – the previous hauler withdrew and is no longer in operation. *Supervisor Zimmerman made a motion authorize obtaining new quotes for cleanup of the property - - seconded by to Vice Chairman Feick and passed unanimously (3-0).*
- Review Zoning Appeal Application for 36 Host Road, The Board discussed this application for a special exception to Section 1055.2 to convert use of the non-residential structure(s) from the current non-conforming use to another non-conforming use of the warehouse and office spaces for shipping and receiving of shoes. After discussing the application, the Board agreed not to make a recommendation - - No action taken.

Recreation:

- Lions Park: Other maintenance & operation repairs and purchases.
- Mrs. Judy was instructed to order the seasonal portable toilet to be placed early to mid-April.

STAFF REPORTS:

Police Report – Chief Dronick read the February, 2026 Police report as follows:

	<u>Tulpehocken</u>	<u>Marion</u>
MILES PATROLLED	1651	545
GALLONS OF FUEL	135	
HOURS WORKED	394	60
PATROL HOURS	170.75	32
TULPEHOCKEN AREA SCHOOL DIST.	38.75	
TOTAL INCIDENTS	4	0
TOTAL COMPLAINTS	5	1
MISCELLANEOUS CALLS FOR SERVICE	66	3
FOLLOW-UP INVEST	3	0
TELEPHONE ASSIGNMENTS	8	5
COMM/RESIDENTIAL ALARMS	1	0
EMS/FIRE ADVISORIES	25	12
TRAFFIC STOPS	18	12
CITATIONS ISSUED	21	17
NON-TRAFFIC CITATIONS	4	1
TRAFFIC WARNINGS	0	0
WARRANTS	0	0
PARKING TICKETS	0	0
TRAFFIC ACCIDENTS	2	1
DUI ARRESTS	1	0
MISDEMEANOR/FELONY	5	0
SECURITY CHECKS	7	1
POLICE ASSISTS	6	0
MOTORISTS ASSISTS	5	1
COURT APPEARANCES	2	0
SCHOOL (TRAINING) HOURS	0	

Chief Dronick reported that during the month February there were 119 calls received through Berks County 911; noting that eighteen (18) were for Teen Challenge.

- Axon Body Camera Service – Chief Dronick updated the Board on the renewal of the service. The five-year renewal can be paid as a lump sum of \$22,474.50 or it can be paid annually over the five-years (\$3,400 in 2026 and \$4,768.63 per year in 2027, 2028, 2029 and 2030). *Supervisor Zimmerman approved the renewal and the \$3,400 payment for 2026 - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
- Meeting with Marion and Heidelberg Townships regarding police coverage – Alden on 6th is a housing development in Marion Township. It’s been asked that Tulpehocken Police cover the approximately fifteen houses in the development that are situated over the Marion Township line and lie in Heidelberg Township. In order to do so, a new agreement for police services that includes Heidelberg Township, is necessary. Marion Township is going to be asked to reimburse Tulpehocken for legal expenses incurred related to this matter. *Vice Chairman Feick made a motion to authorize the Solicitor to attend the meeting - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
- National Night Out – Chief Dronick advised that National Night Out will be on Tuesday, August 4th from 5:00 P.M. – 8:00 P.M. and will be in Mt. Aetna this year.

Road Master's Report: Vice Chairman Feick read the February, 2026 report. The work consisted of snow events, hauling snow, sewer issues, reading meters, working on trucks, cleaning trucks and mixing anti-skid and salt.

- 2026 Road Project – Vice Chairman Feick would like to finish Cherry Hill Road paving and replace pipe on Deck Road. Chairman Deck added that if not in 2026, maybe in 2027, a large oil and chip program will be needed in order to preserve some roadways until they can be asphalted. After some discussion, it was agreed to table the matter until April.
- Street Sweeping was discussed. The rate is \$160/hour and will be scheduled for some time in April.
- PennDOT 2026 Bridge Inspection, Midway Road Bridge – Vice Chairman Feick reported that there is a meeting next week to go over some issues with the bridge.
- Hiring – Vice Chairman Feick received a referral for summer help for mowing and other work. After some discussion about first going over safe operation of equipment and trailer loading, *Vice Chairman Feick made a motion to hire Mark Forry, Jr. as a Part-Time employee at the non-CDL Road Crew hourly wage - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
- Equipment Repairs and purchases
 - Vice Chairman Feick reported that there is crack in the windshield of the Payloader. It was agreed to replace the windshield after checking to see if there is coverage for it under the insurance policy first.
 - There are repairs needed on the Backhoe with an estimated cost of \$5,000 – *Vice Chairman Feick made a motion to approve the repair of the Backhoe - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*

Fire Chiefs' Report – Vice Chairman Feick reviewed activity for the Keystone Fire Company and read the report for the Rescue Fire Company for February, 2026.

Vice Chairman Feick reported that Burt Wessner has submitted a letter of resigning from his position as the Township Emergency Management Coordinator.

SEWER OPERATIONS:

- Judgements and Delinquent Sewer Account
- Sewer Service equipment repairs and purchases:

Vice Chairman Feick updated the Board that the two pumps for the Market Street pump station have been ordered from Slaymaker. He also reported that the part came for the portable bi-pass pump.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER BUSINESS:

- 2025 Fiscal Year Audit: After reviewing the draft financial statements and Representation letter
 - *Vice Chairman Feick made a motion to approve the 2025 Financial Statements - - seconded by Supervisor Zimmerman and passed unanimously (3-0).*
 - *Supervisor Zimmerman made a motion authorizing the Chairman and Secretary/Treasurer to sign the Representation Letter and send it to the CPA - - seconded by Vice Chairman Feick and passed unanimously (3-0).*
 - *Supervisor Zimmerman made a motion authorizing advertisement of the Public Notice once the Audit has been finalized - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

- Police Pension 2021-2024 Audit Report has been received – For the record, no action needed.

TRAINING AND OTHER INVITATIONS:

- Berks County Public Works Association – registration for 04/15/26 meeting is due by 3/31/26. *Supervisor Zimmerman made a motion to approve Roadmaster to attend - - seconded by Chairman Deck and passed unanimously (3-0).*

FINANCIAL REPORT AND APPROVAL FOR PAYMENT OF BILLS:

Account Balances for the end of February, 2026 were as follows:

General Fund Checking	\$ 12,880.42	Recreation Fund	\$ 147,743.94
General Fund Holding	\$ 22,234.24	State LF Account	\$ 125,992.02
General Prime Account	\$ 458,726.94	Street Light Account	\$ 13,058.19
Payroll Account	\$ 35,999.54		

Payments of Bills for this March 11, 2026 meeting are:

- General Account – Checks #22979-23018 in the amount of \$120,192.63
- Street Light Account – Check #539 in the amount of \$2,031.38
- Recreation Fund – Checks #234-237 in the amount of \$9,497.48
- Total Expenses for this March 11, 2026 meeting are \$131,721.49

Supervisor Zimmerman made a motion to approve the payments of the bills for this March 11, 2026 meeting - - seconded by Vice Chairman Feick and passed unanimously (3-0).

Sewer Accounts balances for the end of February, 2026 were as follows:

Sewer Operation Class Acct.	\$ 7,910.05	Sewer Holding Acct.	\$ 80,925.17
Sewer Operation Prime Acct.	\$ 102,169.57	Debt Service Acct.	\$ 507,546.72

Payments of Bills in the Sewer Operation Account for this March 11, 2026 meeting are:

- Checks #3535 to 3549 in the amount of \$ 42,576.00

Vice Chairman Feick made a motion to approve the payments of the sewer bills for this March 11, 2026 meeting - - seconded by Supervisor Zimmerman and passed unanimously (3-0).

ADJOURNMENT OF MEETING: *Supervisor Zimmerman made a motion to adjourn the meeting at 10:42 P.M. - - seconded by Vice Chairman Feick and passed unanimously (3-0).*

Respectfully Submitted,

Kathy Judy, Secretary
Tulpehocken Township