

**LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
MARCH 17, 2014**

The Lower Heidelberg Township Board of Supervisors held their regularly scheduled meeting on the above date. Those present were: Chairperson Deborah Scull, Vice-Chairman Neal Nevitt, Member Cheryl Johnson, Township Solicitor Andrew Bellwoar, Township Engineer Ryan Rhode, Systems Design Engineering Pamela Stevens, Codes Enforcement Officer Glenn Kraft, Chief W. Thomas Deiterich, Road Foreman Michael Boyson and other attendees, Secretary/Treasurer Diana L. Minnich. The meeting was called to order by Chairperson Scull at 7:06 p.m.

Chairperson Scull announced that the Board met in executive session regarding potential litigation.

The Minutes of the Meeting from the February 17, 2014 Regular Meeting and March 11, 2014 Workshop Meeting were distributed for review prior to the meeting.

MOTION

A motion was made by Vice-Chairman Neal Nevitt, seconded by Member Cheryl Johnson to approve the minutes of February 17, 2014 and March 11, 2014. The vote was unanimous and the motion carried.

Open to the Public:

Stefanie Wagner, teacher in Wilson High School, attended the meeting to discuss the change to the 5Kolorrunn scheduled for May 24, 2014 at 9:15 AM. The run route has changed. The proposed route will be mostly on Wilson School District Complex. However, the route will come out on Gaul Road towards Route 422 and turn around right pass the bridge, in order to get the mileage, then back on Faust Road and onto the school campus. The Chief requested the roads to be closed during the proposed time period and to send a request to the fire police for help.

MOTION

Member Cheryl Johnson moved to approve the 5Kolorrunn on May 24th, allowing the closure of Gaul and Faust Roads for the time period and make a request to the fire police for help. The motion was seconded by Chairperson Deborah Scull. The vote was unanimous and motion carried.

Fred Reigle, Grande's Attorney, attended the meeting to discuss the need for an additional 53 EDU's in connection with Green Valley West.

There is an easement agreement between Green Valley Country Club and Greth to allow the sewer lines to run through its property. Mr. Bellwoar stated that the agreement does not need to be amended, but the Township must keep an eye on it. SBM provided Grande's counsel with various forms of Development Agreement, Financial Security Agreement, Grinder Pump

Maintenance Agreement and Stormwater Maintenance and Management Agreement. The Planning Commission has recommended conditional preliminary plan approval.

MOTION

Vice-Chairman Neal Nevitt moved that the Township conditionally approve the preliminary plan application for the Green Valley Estates West Subdivision, subject to the conditions set forth in the form of decision presented by the Township Solicitor. Motion was seconded by Member Cheryl Johnson. The vote was unanimous and motion carried.

The next item for the Green Valley Estates West Subdivision is the application and agreement for the sewer treatment capacity and the provision of service. The application is for the 53 additional EDU's for the said development.

MOTION

Motion was made by Vice-Chairman Neal Nevitt to approve the signing of the application for 53 additional EDU's upon payment. Member Cheryl Johnson seconded the motion. The vote was unanimous and motion carried.

Virginia Bross's daughter-in-law passed away approximately 5 months ago in a car accident, with her birthday coming up in October, her family and friends would like to send a tribute to her in her memory. They would like permission to launch lanterns behind the Western Berks Fire Department on Brownsville Road. The Board doesn't have a problem with her request, however, this would have to be discussed with the Fire Board. Cheryl Johnson has a Fire Board meeting on March 18th, she will recommend Mrs. Bross's request to the Board.

Mark Feeg lives at 121 Timberlake Lane. He would like to plant arborvitae approximately 3-4 feet off the property line separating lots 22 and 23 for privacy and a windscreen. There is a 20' wide drainage easement centered on the property line between lots 22 and 23. Mr. Bellwoar will prepare a "Declaration of Easement Encroachment Agreement" for consideration. This agreement will state that the Township grants permission for Mr. Feeg to install plants and a fence within the Township easement provided that the plants are planted such that they will not interfere with the function and maintenance of the easement. Mr. Feeg agrees to remove any portion of the fence and/or plantings within the easement area in order for the Township, staff, professional consultants to maintain or repair the easement.

Grande Construction submitted the Planning Module Exemption for the Lot 9 Subdivision in Timberlake Subdivision for signatures. In addition, plan approval is needed.

MOTION

Chairperson Deborah Scull moved that the Township approve the Timberlake Lot 9 Subdivision application pursuant to the form of written decision and conditions presented by the Township Solicitor. Vice-Chairman Neal Nevitt seconded the motion. The vote was unanimous and motion carried.

MOTION

Motion was made by Member Cheryl Johnson authorizing the Chairperson to sign the Planning Module Exemption for Lot 9 Subdivision. Motion was seconded by Vice-Chairman Neal Nevitt. The vote was unanimous and motion carried.

The seconded item Grande's representative discussed was Timberlake – Lot 68. The new plan submission is shifting a lot line within the Timberlake Development. The portion of the property containing the pond will be transferred from one property owner to another. The pond appears to serve stormwater management purposes for the lot from which it is being transferred. SBM recommends that a stormwater management and maintenance agreement be executed to spell out the lot owners' respective responsibilities. Grande is requesting a waiver from the SALDO sidewalk requirement (Section 653).

MOTION

Motion was made by Vice-Chairman Nevitt that the Township grants the applicant's waiver request from Subdivision and Land Development Ordinance Section 653 (sidewalks) with respect to the Timberlake Lot 68 application. Motion was seconded by Member Johnson. The vote was unanimous and motion carried.

Green Valley Estates Phase 11: GVC received an Escrow Release Request Number 10 for Green Valley Estates Phase 11 in the amount of \$21,856.80. The release includes funds associated with Erosion and Sedimentation Controls, Sidewalk and Driveway Aprons. Based upon GVC review, the work request is complete and acceptable.

MOTION

Vice-Chairman Neal Nevitt motioned to approve the Green Valley Estates Phase 11 Escrow Release No. 10 in the amount of \$21,856.80. The motion was seconded by Chairperson Deborah Scull. The vote was unanimous and the motion carried.

Green Valley Estates Phase 12: GVC received an Escrow Release Request No. 7 for the Green Valley Estates Phase 12 in the amount of \$40,356.00. The release includes funds associated with sidewalk installation and parks & recreation improvements. Based upon GVC review, the work requested is complete with the exception of the vertical standards for the tennis court nets and the nets itself. The difference is for the missing items.

MOTION

Motion was made by Vice-Chairman Nevitt, seconded by Member Johnson to authorize the Green Valley Estates Phase 12 Escrow release request no. 7 in the amount of \$40,075.84. The vote was unanimous and the motion carried.

Tax Collectors Report:

The Tax Collector turned over \$3,557.61.

Treasurers Report:

Attached to the minutes is the Summary of the Revenues and Expenditures for the month of February 2014. There was a math error on the Treasurer's Statement in the State Aid Fund which will be revised and submitted next month.

MOTION

A motion was made by Chairperson Deborah Scull, seconded by Member Cheryl Johnson to accept the Tax Collectors Report and the Treasurer's Report. The Report from the Tax Collector must be submitted in DCED format correctly and accompanied with the correct reports from the County and BCIU. When the Tax Collector prints out her computer reports the printouts should not be altered or handwritten on after receipt from the County or BCIU this is not acceptable and is **subject to Audit**. The vote was unanimous and the motion carried.

Bills for the month of February 17, 2014:

MOTION

A motion was made by Vice-Chairman Neal Nevitt and seconded by Chairperson Deborah Scull to accept and approve the bills for the month to be paid. The vote was unanimous and the motion carried.

Emergency Management Coordinator/Fire Commissioner's Report:

Fire Commissioner Jeffrey Weidner could not attend the meeting. Therefore, Member Cheryl Johnson gave the Fire Report for the month of February 2014. The Department responded to 85 calls. There was \$2,150,000.00 fire loss in Lower Heidelberg Township. There was an average of 7 people per incident.

Planning Commission:

The Planning Commission met on March 10th. There were 5 projects before the Board being Lot 9 Timberlake, Lot 68 Timberlake annexation, Cacoosing Crossing North, Green Valley West and Glen Gery residue parcel. The Board will meet on March 26, 2014 for the workshop.

Building/Zoning Report:

Glenn Kraft reviewed his report.

Advanced Urgent Care had a tractor-trailer trailer parked on the stone parking lot adjacent to the Stereo Barn building at 4631 Penn Avenue. The trailer has signage affixed to both sides and lights installed along the top edge to illuminate the signs at night. The Township did not receive

a Zoning permit application for the trailer sign, therefore, the trailer is in violation of the Zoning Ordinance. A Notice of Violation was faxed, mailed and mailed certified to the owner of the Advanced Urgent Care business informing him of the violations. Advanced Urgent Care filed an appeal to the Township Zoning Hearing Board. The hearing was scheduled for April 8th, however, Mark Yoder received a letter requesting the hearing to be scheduled at a later date due to the business owner being not available at that time.

Mr. Bellwoar asked the Board if he should prepare a letter to the ZHB from the BOS regarding the violations of the Township Ordinances. Glenn Kraft suggested that it would be appropriate that counsel attend the hearing. The Board requested counsel to attend.

The Township received an application for a Zoning Variance pertaining to the Geesaman Tract on Gaul Road. The applicant is seeking to construct 54 townhouses on this tract, which has less land area than the required 10 acre minimum in the R-3 Zoning District. The hearing is scheduled with the ZHB for Tuesday April 22nd at 8:00 pm.

Great Valley Consultants Report:

Township Engineer Ryan Rhode presented his report to the Board of Supervisors.

In his report he addresses the following items:

1. Paper Mill Road Bridge: Spring Township authorized the expenditure of funds for the design of the bridge repairs. According to PennDOT, the next bridge inspection will take place in April. All parties agreed to the design of the bridge repairs shall wait until the inspection is completed.
2. 3324 Harwood Lane – Sinkhole: Mike Boyson received a complaint regarding a sinkhole near the driveway cut at 3324 Harwood Lane in the Rosewood Development. GVC, Mike Boyson and Pamela visited the site on March 11, 2014. Based upon their observation, it appears that this will require an emergency repair by a 3rd party contractor. The area in question is in direct conflict with the existing sewer main and such repair will require input from SDE for any work around the sanitary sewer.

SDE Consulting Report:

Pamela Stevens gave her report.

1. Legacy at the Papermill: There are several items remaining that the developer must address prior to the Township accepting dedication of the pump station. The escrow for the pump station line item will hold a balance of \$25,000.00 until the outstanding items are addressed. During the fire at the multi-family unit under construction, the pump station sustained some damage to the exterior covers of the generator and pump station.

One permit was issued for 8 Calming Trail. The Township Solicitors are pursuing resolving the billing for the Legacy singles and apartments per the Agreement. Glenn Kraft will look into the Township Rental Ordinance to try to resolve the sewer billing issue.

Recreation Board:

Chairperson Deborah Scull gave her report. The Board is continuing to work on the Easter Egg Hunt and the Earth Day celebrations. The kitchen area in the basement has been painted.

Chief of Police Report:

Chief Deiterich gave his report for the month. The Police had 251 calls during the month of February. There are several bicycles in the basement. Chief contacted neighboring police departments, they put them on a municipal bid site that doesn't cost anything.

Chief Deiterich commended Officer Jordan Smith, Spring Township and Penn State during the fire at the Legacy at the Papermill job well done.

Road Foreman Report:

Road Foreman Mike Boyson gave his report for the month of February. The Road Crew did pothole patching on several roads. There were several snow and/or icy events.

Mike Boyson thanked the Police Department for their assistance with traffic control during tree removal and snow removal from the storm drains.

Mike also thanked all the secretarial staff for their help during the trying month of February.

Secretary's Report:

The Township received a Polling Place Agreement for approval between County of Berks Board of Elections and the Township for the use of the Township Building as a polling location.

MOTION

Chairperson Deborah Scull motioned to approve and authorize the Chairperson to sign the Polling Place Agreement with forgoing payment with a request for the Certificate of Insurance. Vice-Chairman Neal Nevitt seconded the motion. The vote was unanimous and the motion carried.

The next item for approval is a resolution that will allow destroying old records in the basement.

MOTION

Chairperson Deborah Scull motioned to adopt Resolution No. 2014-08 that will allow for destruction of certain municipal records as attached to the Resolution. Member Cheryl Johnson seconded the motion. The vote was unanimous and the motion carried.

The Township received a letter from the Western Berks Fire Department thanking the road crew for their assistance at the multiple alarm fire at 113 Legacy Blvd.

Joseph Duda, Actuary, prepared the Police Pension form PC-201C and the Non-Uniform Pension PC-203A form to file with the Auditor's General.

MOTION

Motion was made by Vice-Chairman Neal Nevitt, seconded by Chairperson Deborah Scull authorize the Secretary to sign the actuary form PC-201C Police Pension and PC-203A Non-Uniform Pension as prepared. The vote was unanimous and the motion carried.

Solicitor's Report:

1. Greth – Cacoosing Crossing - North: Submitted to the Township is the pending land use appeal affects the NPDES application submitted by Greth. It is required by DEP to get the Township to fill out a Municipal Land Use Letter.

MOTION

Vice-Chairman Nevitt moved that the Township approve the Municipal Land Use Letter for the Cacoosing Crossing North project in the form as provided by the Township Engineer. The motion was seconded by Member Johnson. The vote was unanimous and the motion carried.

Seconded issue for Cacoosing Crossing North is that the Planning Commission recommends approval for the request from SALDO Section 521 in regards to the lot depth to width ratio for Lots 1 and 6.

MOTION

Motion was made by Member Cheryl Johnson, seconded by Vice-Chairperson Deborah Scull that the Township approve the waivers from Township Subdivision and Land Development Ordinance Section 521(d) related to the lot depth to width ratio of Lots 1 and 6 within the Development. The vote was unanimous and the motion carried.

Greth submitted an MPC extension request for consideration.

MOTION

On the motion of Chairperson Scull that the Township approve the MPC review period extension for the Cacoosing Crossing North project to June 16, 2014. Vice-Chairman Nevitt seconded the motion. The vote was unanimous and the motion carried.

2. Eways - Papermill Estates: An MPC extension request was submitted.

MOTION

Vice-Chairman Neal Nevitt moved that the Township approve the MPC review period extension for the Eways – Papermill Estates project to June 16, 2014. The motion was seconded by Chairperson Deborah Scull. The vote was unanimous and the motion carried.

3. Green Valley Dental Systems: The applicant submitted an MPC extension request plans.

MOTION

On the motion of Member Cheryl Johnson, seconded by Vice-Chairman Neal Nevitt that the Township approve the MPC review period extension for the Green Valley Dental project to June 16, 2014. The vote was unanimous and the motion carried.

4. Glen Gery/Residue Parcel Subdivision: The applicant submitted a waiver request from SALDO Sections 652 (curbs) and 653 (sidewalks).

MOTION

Motion was made by Chairperson Scull that the Township grant the Applicant's waiver requests from Subdivision and Land Development Ordinance Section 652 (Curbing) and Section 653 (sidewalks) with respect to the Glen Ridge Residue Parcel application. The motion was seconded by Member Johnson. The vote was unanimous and the motion carried.

5. eLock Contract: The Board discussed issues with the contract with eLock. Mr. Bellwoar will contact eLock to try to get a contract acceptable to both parties.

MOTION

Member Cheryl Johnson motioned to agree to contract with eLock for cameras as proposed subject to an agreement acceptable in form to the Solicitor. Chairperson Deborah Scull seconded the motion. The vote was unanimous and the motion carried.

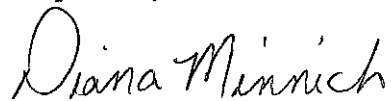
6. Kreitzer Trash Hauling Issues: SBM sent out a letter addressing all of the complaints. There was no response from Kreitzer to date. However, the complaints are slowing down.
7. Hickory Farms Mobile Home Park: The owner submitted a letter regarding the sewer billing. The water lines in the park have been leaking and they are requesting the Township to bill them according to the real usage of water which is between 3,000-3,500 gallons of water a day. SDE will write them a letter explaining that Robesonia Wernersville Municipal Authority bills the Township based on water readings at the park, therefore, RWMA will have to make the decision on the billing request.

Open to the Public:

Chairperson Scull asked if there were any public comments.

There being no further business a motion to adjourn was made by Vice-Chairman Neal Nevitt and seconded by Chairperson Deborah Scull. The meeting adjourned at 8:23 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Diana Minnich". The signature is written in black ink and is positioned above the printed name and title.

Diana Minnich
Secretary/Treasurer

FEBRUARY 2014 TREASURER'S STATEMENT

GENERAL FUND									AMBULANCE FUND	
Beginning Bal	\$825,331.69								Beginning Bal	\$25,987.80
Revenue	59746.57								Revenue	0.00
Expenditures	158363.23								Transfers	0.00
P/R Transfers	111000.00								Interest	3.99
Interfund Transfers	71927.84								Ending Bal	\$25,991.79
Electronic debits	715.03									
Banking Fees	41.15									
Interest	123.61									
Ending Bal	\$687,010.30									
STREET LIGHT FUND									SEWER FUND	
Beginning Bal	\$67,430.48								Beginning Bal	\$848,517.71
Revenue	0.00								Revenue	82299.61
Transfers	7634.74								Transfers	34009.96
Interest	10.01								Bank Fees	35.00
Ending Bal	\$59,805.75								Interest	135.44
									Ending Bal	\$896,907.80
FIRE PROTECTION									TRASH AND RECYCLING FUND	
Beginning Bal	\$15,575.75								Beginning Bal	\$76,701.18
Revenue	0.00								Revenue	0.00
Transfers	0.00								Transfers	23816.25
Interest	1.19								Interest	10.72
Ending Bal	\$15,576.94								Ending Bal	\$52,895.65

		FEBRUARY 2014 TREASURER'S STATEMENT			
FIRE HYDRANT FUND					
Beginning Bal	\$27,622.78				
Revenue	0.00				
Transfers	6466.89				
Interest	3.49				
Ending Bal	\$21,159.38				
DEBT SERVICE FUND					
Beginning Bal	\$191,562.93				
Revenue	0.00				
Transfers	0.00				
Interest	29.39				
Ending Bal	\$191,592.32				
RECREATION FUND					
Beginning Bal	\$10,046.98				
Revenue	0.00				
Transfers	0.00				
Interest	0.77				
Ending Bal	\$10,047.75				
STATE AID FUND					
Beginning Bal	\$6,031.59				
Revenue	0.00				
Expenditures	40439.66				
Interest	8.43				
Ending Bal	\$19,879.36				