

**LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
SEPTEMBER 15, 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 Mike Crotty, Township Engineer Ryan Rhode, Systems Design Engineering Pamela Stevens, Codes Enforcement Officer Andrew Kraft, Road Foreman Michael Boyson and other attendees, Secretary/Treasurer Diana L. Minnich. Chief W. Thomas Deiterich was absent. The meeting was called to order by Chairperson Scull at 7:00 p.m.

The Minutes of the Meeting from the August 18, 2014 Regular Meeting and September 9, 2014 Workshop Meeting were distributed for review prior to the meeting.

**MOTION**

A motion was made by Member Cheryl Johnson, seconded by Vice-Chairman Neal Nevitt to approve the minutes of August 18, 2014 and September 9, 2014 Workshop. The vote was unanimous and the motion carried.

Open to the Public:

Bonnie Page, Director of Western Berks Ambulance, introduced herself and explained to the Board that she will be attending the BOS meeting quarterly and will submit a full report to the Board.

Mr. Vorgity originally signed with Spring Township which agreed to reserve sewage capacity for Glen Gery in exchange for Glen Gery paying a reservation charge of 25% of the full cost of the capacity. The capacity was only be reserved for 5 years until 2017. Glen Gery is requesting an extension for 2 years until 2019.

**MOTION**

Vice-Chairman Nevitt motioned that the Township authorize for signature the First Amendment to the Sanitary Sewer Reservation Agreement between the Township, Spring Township and Glen Gery, in the form presented by the Township Solicitor. The motion was seconded by Member Johnson. The vote was unanimous and the motion carried.

In addition, Glen Gery requested an additional 1 year extension of the time period in which it must submit final plans. Per the SALDO, final plans must be submitted within 1 year of the date of preliminary plan approval. Currently, Glen Gery has 5 years from the date of final plan approval to complete road work on Wagner & Sweitzer Roads, the Board may want to consider reducing that time period to 4 years with the approval so that the roads are constructed within the time period initially anticipated with the decision and agreements between the parties.

## **MOTION**

Motion was made by Mr. Nevitt, seconded by Mrs. Johnson that the Township approve the request by Glen Gery for a 12 month extension for final plan submission under SALDO Section 320, on the conditions that: 1) the road improvements required by the approval be completed the earlier of 4 years after final plan approval or prior to the issuance of the 46<sup>th</sup> permit for the development; and 2) all relevant agreements be revised to reflect the same (including the settlement agreement and agreement and addendum agreement concerning waivers. The vote was unanimous and the motion carried.

Mr. Barnett submitted 2 sets of the as-built drawings and the legal descriptions of Green Valley Estates Phase 11. In addition, Mr. Barnett submitted the video and the sanitary sewer report to Pamela Stevens. Also submitted was an escrow release which he reviewed with Mr. Rhode. There are residents in Green Valley Estates Phase 11 requesting to have the street lights turned on.

Mr. Barnett asked what the status was on the decision of the rec fees for Green Valley West Phase 1. The Board denied Grande's request to be allowed to pay the rec fees per lot at the time of applying for a building permit.

Before the Board for consideration is the revised Settlement Agreement and Release for the Cacoosing Crossing North.

## **MOTION**

Chairperson Deborah Scull motioned to approve the fully approved fully signed revised Settlement Agreement for Cacoosing Crossing North in the form as presented. The motion was seconded by Member Cheryl Johnson. Motion carried with Mr. Nevitt abstaining.

The next item for consideration is the Preliminary Subdivision and Land Development Application for the Cacoosing Crossing North. Planning Commission recommends approval subject to the conditions stated in the decision.

## **MOTION**

Mrs. Scull motioned to approve the Preliminary Plan Application for the Cacoosing Crossing North Subdivision presented to the written decision in the form presented by the Township Solicitor. The motion was seconded by Mrs. Johnson. Motion carried with Mr. Nevitt abstaining.

### **Tax Collectors Report:**

The Tax Collector will turn over \$16,527.56

### **Treasurers Report:**

Attached to the minutes is the Summary of the Revenues and Expenditures for the month of August 2014.

## **MOTION**

A motion was made by Chairperson Deborah Scull, seconded by Vice-Chairman Neal Nevitt 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 September 15, 2014:**

## **MOTION**

A motion was made by Chairperson Deborah Scull and seconded by Member Cheryl Johnson to accept and approve the bills for the month to be paid. Motion carried with Mr. Nevitt abstaining.

### **Emergency Management Coordinator/Fire Commissioner's Report:**

Fire Commissioner Jeffrey Weidner gave the Fire Report for the month of August 2014. The Department responded to 59 calls. There was an average of 9 Fire Fighters per incident. There was a property loss of \$26,000.00 in Sinking Spring Borough and \$100,000.00 in South Heidelberg. No one from the Fire Board tried to contact Mr. Weidner to discuss issues.

### **Planning Commission:**

The Planning Commission met on September 8<sup>th</sup> and approved the August minutes. There were no plans for review for the month. The Board discussed the proposed weed ordinance and the transmission pipeline ordinance.

### **Building/Zoning Report:**

Glenn Kraft reviewed his report.

An application has been filed by Georgine Zdravecki seeking a Variance and a Special Exception relief to facilitate construction of a 50 townhouse community on the currently 9.046 acre tract along Gaul Road. The Hearing is scheduled for Tuesday September 16<sup>th</sup> at 7:00 p.m. at the Township Building but the applicant requested a continuance. Since the hearing had already been advertised, the ZHB will convene the Hearing on September 16<sup>th</sup> and then continue it on the new date to be announced that night.

### **Great Valley Consultants Report:**

Ryan Rhode, Township Engineer gave his report.

The following items were addressed:

1. Legacy at the Papermill: GVC contacted the developer several times regarding a roadway repair within Paper Mill Road. The repair is necessary due to a storm sewer line that was installed across the road as part of the subject project. Mr. Rhode requested the Board to authorize the Township's Solicitor's office to issue a letter to the developer in an attempt to move this issue forward prior to the winter season. The Board authorized the solicitor to prepare the letter.
2. 2014 Street Work: All of the remaining work has been completed by Reading Materials, Inc. GVC finalized Payment Request No. 2 which strictly consists of the release of the remaining project retainage. In addition to Payment Request No. 2, GVC prepared Change Order No. 2 which reflects a reduction in the contract price due to a shoulder backup quantity which was not used. Change Order No. 2 reflects a reduction in the contract value of \$1,050.00, which decreases the overall cost to \$362,193.02. GVC recommends approval of Change Order No. 2 in the amount outlined prior to considering approval of Payment Application No. 2 in the amount of \$18,109.65.

#### **MOTION**

Vice-Chairman Neal Nevitt motioned to approve Change Order No. 2 to reflect a reduction in the contract value of \$1050.00. The motion was seconded by Chairperson Deborah Scull. The vote was unanimous and the motion carried.

#### **MOTION**

Motion was made by Mr. Nevitt, seconded by Mrs. Johnson to approve payment to Reading Materials, Inc. in the amount of \$18,109.65 which is final payment for the 2014 Street Work. The vote was unanimous and the motion carried.

3. Knollwood Drive – Inlet: GVC received the payment application for the work associated with the inlet repair submitted by Landis C. Deck & Sons. All of the work has been satisfactorily completed. GVC recommends authorize payment in the full and final amount of \$3,330.00 to Landis C. Deck & Sons.

#### **MOTION**

Chairperson Scull moved to authorize payment of \$3,330.00 to Landis C. Deck & Sons for the completion of the Knollwood Drive Inlet repair. Member Johnson seconded the motion. The vote was unanimous and the motion carried.

4. 2015 Seasonal Requirements: The bid documents for the 2015 Seasonal Requirements have been finalized and advertised in accordance with the Board's authorization. The bid opening is Monday, October 6, 2014 at 9:00 AM.
5. 2014 Line Painting: The Township typically contracts with a line painter to have the longitudinal lines throughout the Township painted. Mr. Boyson is currently compiling a list of roads which should be painted.

6. PPL Utility Pole: The Township received a request from PPL Utility Corporation regarding an installation of an electric pole on the Township's property, outside of the existing Brownsville Road Right-of-Way. Mr. Nevitt would like to discuss with PPL the possibility of running a 3 phase line to the Township Building.

### **SDE Consulting Report:**

Pamela Stevens gave her report.

1. Green Valley Dental: The Module Exemption was approved.
2. Glen Gery Minor Subdivision: SDE forwarded the Planning Module Package to PA DEP on June 24, 2014. PA DEP approved the Module Component 2 package in a letter dated August 26, 2014.
3. Cacoosing Crossing North Subdivision: PA DEP approved the Module Exemption.
4. Sewer Billing: SDE prepared a Draft Contract Document for the Televising, Grouting and Repair Project and requests that the BOS authorize SDE to advertise and to have bids opened on Thursday, October 16th, for the Board to then consider at their October 20<sup>th</sup> BOS meeting.

### **MOTION**

Vice-Chair Nevitt approved authorizing SDE to advertise the televising, grouting and repair project. Member Johnson seconded the motion. The vote was unanimous and the motion carried.

5. SEO Activities: SDE contacted the 3 remaining property owners for the Faust/Knollwood sanitary sewer extension. The SEO scheduled 2 of the properties for inspection.
6. Heffner Estates Planning Modules: The Planning Module package was submitted to the Township. The PC signed their Component 4A and the BOS could consider approving the Resolution and authorizing the Secretary to sign the Resolution and complete the other forms for submission to PA DEP.

### **MOTION**

Vice-Chair Nevitt motioned to approve Resolution No. 2014-16 authorizing the Township Secretary to sign the sewer Planning Modules for the Heffner Estates Project. The motion was seconded by Chair Scull. The vote was unanimous and the motion carried.

### **Recreation Board:**

Chairperson Deborah Scull gave her report. The Recreation Board participated in the South Heidelberg parade. The Township received calls from residents registering to participate in the first Township hosted Community Yard Sale on October 4<sup>th</sup>. The Community Shred Event is on October 18<sup>th</sup>. The Township movie night is scheduled for November 7<sup>th</sup> to be held in the

Township Community Room. The Board is gathering information to rent or lease a synthetic ice skating rink for a trial basis for 1 year. Another possible project is building a dog park next year for residents.

**Chief of Police Report:**

Member Cheryl Johnson gave the police report in Chief Deiterich absence. The Police had 518 calls for service during the month of August.

**Road Foreman Report:**

Mr. Boyson reported that pothole patching and tree limb removal was done. Weed cutting and brush removal along roads is ongoing. Equipment repairs included state inspections, repair to the rear strobe lights separated on the 2011 & 2012 Ford F350 pickups. Building generator training was done.

**Secretary's Report:**

First item to address was the resolution for the disposition of non-permanent public records to be taken to the Community Shred Event. A discussion took place regarding shredding sewer checks that is received for payment and are scanned to the bank for deposit. The Bank recommends keeping the checks for 90 days and then destroy them. However, Mike Crotty suggested putting a provision in the resolution allowing the shredding of personal checks on an ongoing basis.

**MOTION**

Chairperson Deborah Scull motioned to adopt Resolution No. 2014-14 that will allow for destruction of certain municipal records as attached to the Resolution subject to the provision that on an ongoing basis the cleared and cashed checks for the sewer accounts be subject to destruction. Member Cheryl Johnson seconded the motion. The vote was unanimous and the motion carried.

The next resolution for consideration is authorizing a community yard sale for the sale of Township personal property.

**MOTION**

Chairperson Scull moved, seconded by Member Johnson to adopt Resolution No. 2014-15 authorizing a Community Yard Sale for the sale of Township personal property. The vote was unanimous and the motion carried.

The Township received the Police and Non-Uniform Pension Plans 2015 MMO for consideration.

**MOTION**

Motion was made by Mrs. Scull, seconded by Mr. Nevitt that the Township adopt Resolution 2014-13 to recognize the funding requirements set forth in the September 12, 2014 Duda

Actuarial Report for the Township Police and Non-Uniform Pension Plans. The vote was unanimous and the motion carried.

Discussion took place regarding Trick or Treat night in the Township.

### **MOTION**

Member Johnson motioned Trick or Treat night will be October 31<sup>st</sup> between 6:00 – 9:00 and a curfew will be in place from October 25 through November 2 after 9:00 pm for those under 18 years old. Vice-Chairman Nevitt seconded the motion. The vote was unanimous and the motion carried.

The Township received the Municipal Agreement for Provision of Ambulance Service for adoption. Bonnie Page informed the Board that they use the 2010 census numbers for the number of households.

### **MOTION**

Motion was made by Vice-Chair Neal Nevitt to approve the Municipal Agreement for Provision of Ambulance Service with Western Berks Ambulance for the calendar year of 2015. Member Cheryl Johnson seconded the motion. The vote was unanimous and the motion carried.

### **Solicitor's Report:**

1. Advanced Urgent Care Zoning Enforcement: Dr. Nik, Advanced Urgent Care and his counsel offered to settle the pending enforcement action. Since the court costs will be higher than initially estimated, they requested to pay \$3,000 instead of \$3,250 to the Township. They will also be required to plead guilty to the citations and drop its land use appeal.

### **MOTION**

Member Cheryl Johnson moved that the Township approve the Settlement Agreement and Release for the Advanced Urgent Care enforcement action, in the form as presented by the Township Solicitor. Motion was seconded by Chairperson Deborah Scull. The vote was unanimous and the motion carried.

2. Eways – Papermill Estates: Submitted on behalf of the Eways – Papermill Estates was a 90 day extension request.

### **MOTION**

Mr. Nevitt moved to approve the MPC review extension for the Eways – Papermill Estates project until December 15, 2014. Mrs. Johnson seconded the motion. The vote was unanimous and the motion carried.

3. Green Valley Dental Systems: The applicant submitted a 90 day extension for the Board's consideration.

## MOTION

Mrs. Scull moved that the Township approve the MPC review extension for the Green Valley Dental project until December 15, 2014. The motion was seconded by Mr. Nevitt. The vote was unanimous and the motion carried.

4. Heffner Estates: The Applicant's engineer submitted a 90 days MPC extension request.

## MOTION

Motion was made by Member Cheryl Johnson, seconded by Chair Deborah Scull that the Township approve the MPC review extension for the Heffner Estates project until January 10, 2015. The vote was unanimous and the motion carried.

5. Legacy at the Paper Mill/Phase I – II: SBM prepared and circulated a draft Ordinance to formally establish the City of Reading Sewer District on the Legacy tract. The ordinance also sets forth the billing rates, which are subject to change in the future by resolution.

## MOTION

Vice-Chair Nevitt moved that the Township authorize for advertisement an Ordinance 2014-331 establishing the City of Reading Sewer District, limited to the Legacy at the Paper Mill property, in the form as presented by the Township Solicitor. Motion was seconded by Member Johnson. The vote was unanimous and the motion carried.

6. Personnel Manual: This issue was tabled until the October meeting.
7. Sewer Liens: The property located at 4312 Hill Terrace Drive is scheduled for Sherriff Sale. SBM prepared a municipal lien in the amount of \$1,411.99 plus attorney fees and court filing costs. The Township previously filed a lien in 2012 for \$2,087.79. Both liens were for unpaid sewer fees.

## MOTION

Mrs. Scull moved to direct the Solicitor to file a municipal lien in the amount of \$1,411.99 plus attorney fees and costs for unpaid sewer fees on real property located at 4312 Hill Terrace Drive. The motion was seconded by Mr. Nevitt. The vote was unanimous and the motion carried.

8. 15 Sabrina Lane: The Township received notice that Ms. Emerich has filed for bankruptcy. She presently has an outstanding sewer balance of \$1,878.35. While the personal liability for this debt will be discharged by the bankruptcy, the Township may still attach a lien to the real property at 15 Sabrina Lane.



## **MOTION**

Member Cheryl Johnson moved to direct the Solicitor to file a municipal lien in the amount of \$1,878.35 for unpaid sewer fees on real property located at 15 Sabrina Lane. The motion was seconded by Chair Deborah Scull. The vote was unanimous and the motion carried.

9. Radio and User Agreement: A Radio and User Agreement was circulated for consideration for adoption.

## **MOTION**

Vice-Chairman Nevitt motioned to approve the ratification of the Radio and User Management Agreement with the County of Berks. Member Cheryl Johnson seconded the motion. The vote was unanimous and the motion carried.


### **Open to the Public:**

Jim Adams from 341 Saddlebrook Drive attended the meeting to discuss the trees the Road Crew cut along the roads. The Road Crew does leave some along the road. He would like to take some of the wood that is behind the buildings at the Township property. However, there is potential liability having public on the Township property should they get hurt. The Board must adopt a policy regarding the wood.

The Board will have an executive session to discuss personnel issues.

There being no further business a motion to adjourn was made by Mrs. Scull and seconded by Mr. Nevitt. The meeting adjourned at 8:23 pm.

Respectfully Submitted,



Diana Minnich  
Secretary/Treasurer