

**LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
JANUARY 19, 2015**

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, 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. Township Engineer Ryan Rhode and Jeffrey Weidner, Emergency Management Coordinator/Fire Commissioner were absent. The meeting was called to order by Chairperson Scull at 7:02 p.m.

Jonas Kreitzer attended the meeting to discuss the trash complaints with the trash haulers. Since Mr. Kreitzer received the letter from the Township Solicitor, he has been in the Township on trash and recycling days making sure that there are no missed services and the containers are placed back on the curb. During the winter months, employee turnover is difficult. They are trying to keep the same employees. Despite these efforts, complaints continue at an unacceptable level. After a brief discussion, the Board decided to watch them month to month during the winter months rather than to levy a fine at this point in time.

The Minutes from the December 15, 2014 Regular Meeting, January 5, 2015 Re-Organization Meeting and January 13, 2015 Workshop Meeting were distributed for review prior to the meeting.

MOTION

A motion was made by Member Cheryl Johnson, seconded by Chairperson Deborah Scull to approve the minutes of December 15, 2014 regular meeting, January 5, 2015 Re-Organization Meeting and January 13, 2015 Workshop Meeting. The vote was unanimous and the motion carried.

Open to the Public:

Grande Construction submitted Escrow Release Request No.5 in the amount of \$78,164.65 for Green Valley Estates West. Based upon GVC's review of the applicant's request and the work completed to date, GVC recommends the release of \$73,868.25.

MOTION

Member Cheryl Johnson motioned to approve the Green Valley Estates West Escrow Release No. 5 in the amount of \$73,868.25. The motion was seconded by Chairperson Deborah Scull. Motion carried with Mr. Nevitt abstaining.

The Board asked for an update on Gaul Road. Mr. Barnett is waiting for the signs he ordered. The Board would like the road to be opened to local traffic only. Chief Deiterich suggested that Mr. Barnett inform his workers that the road will be opened and they need to be watchful of cars.

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Mr. Barnett asked for status on the Green Valley Phase 11 sewer issue. The second inspection report indicates two sags. Based on the video, it appears that the discharge elevation of the pipe in question is very slightly below the elevation of the 15-inch discharge pipe in MH-11A. The current condition does present a maintenance issue. Fats, oils and grease build-up in this line should be expected. This was evident in the line during the first inspection, prior to any cleaning. SDE suggested that the Township should consider cleaning the pipe in question from MH-97 towards NH-11A on an annual basis. SDE recommends that the Township take dedication of the sewer mains for Green Valley Estates Phase 11 with the stipulation that the developer place money in an escrow account to be used for future cleanings. Mr. Nevitt stated that there should be a reasonable way to assure that it's not going to cost the Township a lot of money to maintain this line in the future. Mr. Barnett will discuss this with Mr. Grande and will get back to the Board.

Tax Collectors Report:

She turned over \$7,427.67 for December and \$31,297.28 for January.

Treasurers Report:

Attached to the minutes is the Summary of the Revenues and Expenditures for the month of December 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 January 19, 2015:

MOTION

A motion was made by Chairperson Scull to accept and approve the bills for the month to be paid holding the check for M. R. Molusky subject to the problem being rectified with the water heater installation. Member Johnson seconded the motion. The vote was unanimous and the motion carried with Mr. Nevitt abstaining.

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Emergency Management Coordinator/Fire Commissioner's Report:

In the absence of Mr. Weidner, Mrs. Johnson gave the Fire Report for the month of December 2014. The Department responded to 64 calls; 10 of those were in Lower Heidelberg Township. There were an average of 8 personnel per incident. A total fire loss of \$2,000.00 for vehicle fire.

Planning Commission:

The Planning Commission met on January 12th and approved the December minutes. During the meeting the Board re-organized with Mr. Levan remaining Chairman, Mr. Nevitt being Vice-Chairman and Theresa Conners remains Recording Secretary. The Planning Commission continued the review of the 190 Evans Hill Road plan and recommends to the BOS conditional preliminary/final approval. There were no time extensions. They discussed the Southwest Berks Joint Planning Commission meeting which was held on December 17th regarding possible changes to the Zoning Ordinance with respect to transmission pipelines and mini cell towers. Workshop meeting is January 28th, 2015 at 7:00 pm.

Building/Zoning Report:

Glenn Kraft reviewed his report.

On January 6th, the Zoning Hearing Board unanimously approved a Zoning Variance filed by Carter and Sarah Reese seeking relief from Section 400.5 of the Zoning Ordinance to permit the construction of a single family residence on a lot in excess of the maximum lot size of 2 acres. During testimony it was stated that the proposed home and curtilage will not exceed 2 acres and the remaining portion of the lot will continue to be used for agricultural purposes.

SDE Consulting Report:

Pamela Stevens gave her report.

1. Leibman 190 Evans Hill Road second residence: The Planning Commission recommended Preliminary /Final Plan approval with conditions. One of the conditions is the approval of the planning module. SDE reviewed the Planning Module and recommends that the BOS approve the Resolution for the new residence on the property.

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MOTION

Mr. Nevitt motioned to approve Resolution 2015-06 for plan revision and new land development for Leonard and Kathleen Leibman identified as 150 Evans Hill Road Development in the form as presented. The motion was seconded by Mrs. Scull. The vote was unanimous and the motion carried.

2. Chapter 94 Reports for all 3 Tributaries: SDE requests that the BOS authorize SDE to prepare the reports for submission to Spring Township, RWMA and Sinking Spring Borough as these Tributary Reports are required by PA DEP.

MOTION

Motion was made by Vice-Chair Nevitt authorizing SDE to prepare and file all the necessary Chapter 94 Reports for 2014. Chairperson Scull seconded the motion. The vote was unanimous and the motion carried.

3. RWMA Meeting Minutes: According to the meeting minutes of RWMA dated November 25, 2014, the RWMA WWTP will be upgrading in the future and funding options were being discussed. Ms. Stevens will try to gather more information regarding the upgrade.

Recreation Board:

Chairperson Deborah Scull gave her report. The Board is beginning to work on the Easter Egg Hunt.

Chief of Police Report:

Chief Deiterich gave the police report. The Police had 259 calls for service during the month of December.

Road Foreman Report:

Mr. Boyson reported that pothole patching and tree limb removal was done. Equipment maintenance/repairs included replacing hydraulic spinner motor on a salt spreader, replaced the front PTO and hydraulic hose on the 1995 dump truck.

Mr. Boyson received a quote from The American Road Machinery Company for a new leaf collector in the amount of \$57,307.28.

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MOTION

Mr. Nevitt moved authorizing to purchase the leaf collector from The American Road Machinery Company pursuant to their quote in the amount of \$57,307.28 subject to terms acceptable to the Township Solicitor. Mrs. Scull seconded the motion. The vote was unanimous and the motion carried.

Secretary's Report:

Nothing to report.

Solicitor's Report:

1. Firearm Regulations: In reviewing the LHT regulations for the Cacoosing Meadows Recreation Area, the Township Code contains language to prohibit the possession of firearms within the park. New legislation has been enacted to more stringently limit the ability of Townships to regulate/prohibit firearm possession. Under the newly-revised Uniform Firearms Act, municipalities are not allowed to regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried for purposes not prohibited by the Commonwealth. SBM prepared a revised ordinance to be considered.

MOTION

Mrs. Scull motioned, seconded by Mrs. Johnson that the Township advertise the Cacoosing Meadows Park Regulation ordinance amendment in the form as advertised. Motion passed unanimously.

2. PSATS/No Smoking/On-Lot Sewage Management: Three ordinance provisions are ready for approval: an ordinance authorizing a revision to the PSATS Unemployment Comp Group agreement; ordinance provisions banning smoking on Township properties except designated areas; and ordinance provisions amending the Township's On-Lot Septic Management Ordinance.

MOTION

Mr. Nevitt moved that the Township adopt the PSATS UC Group Trust Ordinance in the form as presented by the Township Solicitor. The motion was seconded by Mrs. Johnson. Motion passed unanimously.

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MOTION

On the motion of Vice-Chairman Nevitt, seconded by Member Johnson that the Township adopt the no smoking and on-lot sewer ordinance revisions in the form as presented by the Township Solicitor. The vote was unanimous and the motion carried.

3. Timberlake Phase 1 – Snow Plowing Issues: This issue was tabled until the February meeting.
4. Wood – Right of Way Tree Trimming: A revised draft Resolution was provided for consideration.

MOTION

Motion was made by Vice-Chairman Neal Nevitt that the township approve Resolution 2015-05 establishing a wood trimming and disposition policy. The motion was seconded by Chairperson Deborah Scull. The vote was unanimous and the motion carried.

5. Leibman Development: Revised plans have been submitted. The Planning Commission has provided its positive recommendation for the plans subject to the conditions referenced in the draft decision. Leibman's representative submitted a revised conservation easement to accommodate the development for approval by the Berks County Conservancy.

MOTION

Mrs. Johnson moved that the Township approve the preliminary/final land development application for the Leibman property pursuant to the conditions set forth in the form of decision provided by the Township Solicitor. Mr. Nevitt seconded the motion. The vote was unanimous and the motion carried.

6. McGlenn Plan Revision: The approval for the McGlenn plan revisions was granted in May 2014 subject to McGlenn submitting various easement agreement to be executed by the landowners and recorded with the County. McGlenn has now done so in satisfaction of the plan conditions.

MOTION

Motion was made by Cheryl Johnson that the Township approve the release of the McGlenn Plans for recording pursuant to the approval granted May 19, 2014. Neal Nevitt seconded the motion. The vote was unanimous and the motion carried.

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Berks County Recorder of Deeds will not record the plan past 90 days of approval.

MOTION

Member Johnson moved authorizing the BOS to resign the McGlinn Plans for recording. The motion was seconded by Vice-Chairman Nevitt. The vote was unanimous and the motion carried.

7. 41 Pacific Avenue – Lien: SBM provided the requisite notice to the property owner and the lien may now be filed.

MOTION

Motion was made by Vice-Chairman Neal Nevitt, seconded by Member Cheryl Johnson to authorize the Solicitor to file a municipal lien on property located at 41 Pacific Ave in the amount of \$2,177.51 plus reasonable attorney fees and court filing fees for costs incurred in the abatement of code violations affecting the public health. The vote was unanimous and the motion carried.

8. Collection Policy: A draft of the revised collection policy and form collection letters were circulated for review and consideration.

MOTION

Vice-Chairman Neal Nevitt moved that the Township approve Resolution No. 2015-07 regarding the debt collection policies and procedures for the Township in the form prepared by the Township Solicitor. Member Cheryl Johnson seconded the motion. The vote was unanimous and the motion carried.

Cheryl Johnson mentioned that there appears to be a letter that was mailed out to the residents regarding fund raising. The residents are paying for their membership through the property taxes for Western Berks Ambulance. The Ambulance Associations are not to be sending them to the residents of the Municipalities that are members. There are no obligations to the residents to participate in the fund raising because the Township residents are already members.

Open to the Public:

Mr. Frank Gabell had a question about the purchase of the new leaf collector.

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There being no further business a motion to adjourn was made by Mr. Nevitt and seconded by Mrs. Johnson. The meeting adjourned at 8:08 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.

Diana Minnich

Secretary/Treasurer