

**LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
SEPTEMBER 21, 2015**

The Lower Heidelberg Township Board of Supervisors held their regularly scheduled meeting at the Township Building, 720 Brownsville Road, on the above date. Present were Chairwoman Deborah Scull, Vice-Chairman Neal Nevitt, Member Cheryl Johnson, Township Solicitor Andrew Bellwoar, Township Engineers Pamela Steven (SDE) and Ryan Rhode (GVC), Code Enforcement Officer Glenn Kraft, Police Chief W. Thomas Deiterich, Road Foreman Michael Boyson and Secretary/Treasurer Theresa Connors.

The meeting was called to order by Chairwoman Scull at 7:00 p.m. Ms. Scull led the pledge to the flag.

The minutes from the August 17, 2015 Regular Meeting, the August 31, 2015 Special Meeting, and the September 15, 2015 Work Session Meeting were distributed for review prior to the meeting. **On Motion** by Ms. Johnson, seconded by Mr. Nevitt, to approve the minutes of August 17, 2015; August 31, 2015 and September 15, 2015 as presented. Motion passed unanimously.

Hearing – Proposed Zoning Ordinance Amendment

Ms. Scull closed the regular meeting and opened the hearing. Mr. Bellwoar explained that a draft Zoning Ordinance has been distributed and reviewed. Before the Board can vote on the amendment, it must be advertised and a hearing must be held to entertain public comment. The draft amendments involve pipelines, the repeal of the Industrial Overlay District and mini-cell towers. Mr. Bellwoar confirmed that the ordinance has been duly advertised. South Heidelberg has already approved the amendment and Wernersville will approve it at their next meeting. Ms. Scull asked for public comment. There was no public comment. **On Motion** by Ms. Scull, seconded by Ms. Johnson, to close the hearing.

On Motion by Ms. Scull, seconded by Mr. Nevitt, to approve Ordinance Number 336 in the form as advertised. Motion passed unanimously.

Open to the Public

Ms. Scull asked if there was any public comment. James Adams approached the Board; Mr. Adams commented on the honesty and integrity of the Township staff. There was no further public comment.

Sub-Division / Land Development

Westerly Tract Preliminary/Final Plan – Steve Bensinger was present for the applicant. Mr. Bensinger displayed the plan set for the Board's review. The property is located along Evans Hill Road, Faust Road and Riegel Road; the plan proposes an annexation lot of 70.4 acres from land owned by Carter and Sarah Reese, to be annexed to the adjoining land of Forrest and Barbara Stricker. Mr. Bensinger explained that the plan was reviewed by the Planning Commission who approved the following requested waivers: Section 409(u) requirement for complete delineation of protected areas as the land will continue as an agricultural use; Section 308 requirement for a Preliminary Plan submission; Section 652 requirement for curbs and Section 653 requirement for sidewalks.

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On Motion by Mr. Nevitt, seconded by Ms. Scull, to approve the Westerly Tract Preliminary/Final Plan pursuant to the conditions and written decision presented by the Township Solicitor, to include the waivers from Sections 409 u, Section 308, Section 652 and Section 653. Motion passed unanimously.

Legacy at the Paper Mill Phase 2 Final Plan – Applicant Mark Powell was present. Mr. Powell explained that the Planning Commission has reviewed the plan, and he is ready to move ahead with the developers' agreement and financial security agreement. Mr. Bellwoar noted that the full final plans were previously approved by the Township, and the applicant subsequently revised the plans to create phases. There are no substantive changes on the submitted plans from the approved Final Plan. Ms. Scull noted that in reviewing the Inter-municipal Agreement, it states that the Township can take dedication of the pump station. If the Township is not taking dedication of anything else, why would it take dedication of the pump station? Ms. Stevens said that the applicant has not yet discussed the dedication; it is a separate issue. The language indicates that it would be just the pump station offered for dedication; it does not mention the sewer lines or anything else. Mr. Nevitt remarked that the issue needs more research, but that approval of the final plan does not grant acceptance of the pump station. Ms. Stevens noted that the Solicitor's office is still researching the Inter-municipal Agreement, and will bring their findings to the Board. **On Motion** by Mr. Nevitt, seconded by Ms. Johnson, to approve the Legacy at the Paper Mill Phase 2 Final Plan, pursuant to the conditions and written decision presented by the Township Solicitor. Motion passed unanimously.

Green Valley Estates West Phase 2 Final Plan – James McCarthy presented for the applicant. He explained that the plan was reviewed by the Planning Commission and approved with the conditions of the SSM review letter of September 9, 2015. The Preliminary Plan approval in January of 2014 was for both Phase 1 and Phase 2. The plan as presented is for Phase 2 final approval. Conditions of approval were discussed; Mr. McCarthy said the only outstanding item is a letter to be sent from the Board to Sinking Spring Municipal to authorize Mr. Grande to purchase the needed 53 EDU's for the development, and that there is sufficient capacity in Lower Heidelberg's lines to support the 43 EDU's as noted in the Planning Module. Mr. Bellwoar noted that the conditions of approval as outlined in the decision include any comments from the SSM review letter, and Ms. Stevens' comments are part of that review letter, so the matter is covered. **On Motion** by Ms. Johnson, seconded by Ms. Scull, to approve the Green Valley Estates West Phase 2 Final Plan pursuant to the conditions and written decision presented by the Township Solicitor; and further to authorize the Chair to sign the sewer Planning Module. Motion passed with Ms. Johnson and Ms. Scull voting yes, and Mr. Nevitt abstaining.

Time Extension Paper Mill Estates – **On Motion** by Ms. Scull, seconded by Mr. Nevitt, to approve the extension request for the Paper Mill Estates project, until December 21, 2015. Motion passed unanimously.

Tax Collector's Report

Ms. Conners reported that Sandra Davis turned over \$9933.31 dollars.

Treasurer's Report

Ms. Scull explained that the presentation of the Treasurer's Report will be delayed until the next meeting, when both the July and August reports will be available. This is due to the change in staff in the office, and the new software package. **On Motion** by Ms. Johnson, seconded by Ms. Scull, to accept the Tax Collector's Report. The Report from the Tax Collector must be submitted in correct DCED format 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**. Motion passed unanimously.

Approval of Bills

On Motion by Ms. Johnson, seconded by Mr. Nevitt, to approve the bill list as presented. Motion passed unanimously.

New Business

Ms. Scull noted that she and Ms. Conners will be meeting with a representative from Municipay, which is a credit card processing company. The use of their service would enable residents to pay their sewer bills online, and would also allow anyone paying for a township service at the office to use a charge card. There will be no fees assessed to the Township; any fees are assessed to the customer. After the presentation from Municipay, Ms. Scull will contact their references for feedback from current users.

Mr. Kirk Barnett approached the Board to inquire about Escrow Release No. 1 for Cacoosing Crossing North. Ms. Scull said that would be addressed in Mr. Rhode's report.

Emergency Management Coordinator/Fire Commissioner's Report

Jared Renshaw presented the August Fire Commissioner's Report. He noted that there were 59 calls, 8 of which were in Lower Heidelberg Township, with an average turnout of 7 persons per incident. The company has recently applied for a grant of \$13,800 dollars for six new EAD's and there is no match required for the grant. The budget process has been started. Berks County Emergency Services requires the Township to approve someone to make changes to the run cards; this was previously Jeff Weidner. **On Motion** by Ms. Johnson, seconded by Mr. Nevitt, to appoint Jared Renshaw as the EMS contact person for Lower Heidelberg Township. Motion passed unanimously. Ms. Scull suggested that if the Fire Company would like to submit an article for the fall newsletter, it should be emailed to Ms. Conners.

Planning Commission

Mr. Levan reported on the Planning Commission's activities. The Commission recently approved three projects: the Westerly Tract, the Legacy at Paper Mill Phase 2 and Green Valley Estates West Phase 2. The Commission also approved the time extension request for Paper Mill Estates. There is a tentative work session meeting scheduled for September 30, 2015.

Building/Zoning Report

Mr. Kraft reported that there were 12 permits issued in August for a total construction value of \$1,248,862.50 dollars. His office investigated two new property issues. Mr. Kraft reviewed the two Zoning Hearing Board applications received. The hearing for 6790 Penn Avenue will be held on September 22nd and the hearing for 994 Brownsville Road will be held on October 6th. Mr. Kraft will attend both hearings.

Great Valley Consultants Report

Mr. Rhode presented Escrow Release requests for the Board's review.

On Motion by Mr. Nevitt, seconded by Ms. Johnson, to approve Escrow Release No. 8 for Timberlake Phase 1 in the amount of \$125,428.39; motion passed unanimously.

Mr. Rhode noted that Mr. Greth has asked for the Township to consider accepting dedication of the roads. Mr. Nevitt questioned whether there would be enough time to add the newly accepted roads on the State Liquid Fuels list; Mr. Rhode said it would be possible. Chief Deiterich mentioned that there are no speed limit signs on Baywood Avenue. Mr. Bellwoar noted a motion has been prepared if the Board would like to move forward with the acceptance with the punch list items. Ms. Stevens mentioned that there is no bill of sale yet prepared for the Sanitary Sewer System. Mr. Nevitt suggested this item be deferred to the October meeting.

On Motion by Ms. Johnson, seconded by Ms. Scull, to approve Escrow Release No. 1 for Cacoosing Crossing North Phase 1 in the amount of \$148,349.99. Motion passed with Ms. Johnson and Ms. Scull voting yes, and Mr. Nevitt abstaining.

Mr. Rhode noted the completion of the work done on the Gaul Road Bridge. The contractor's invoice has been reviewed and is in accordance with the contract. **On Motion** by Mr. Nevitt, seconded by Ms. Johnson, to approve payment of the invoice from Beth's Barricades for the work done on the Gaul Road Bridge in the amount of \$28,500.00 dollars. Motion passed unanimously.

The 2015 Street Work was rebid and the low bidder was Landis C Deck of the H&K Group. The base bid is \$92,502.25 dollars, with an Alternate Bid No. 1 of \$99,117.25 dollars and an Alternate Bid No. 2 of \$154,364.25 dollars. Alternate No. 1 includes overlay patching of Sportsman Road and Alternate Bid No. 2 includes paving of Wooltown Road. Mr. Rhode recommends that the Township approve the Base bid with Alternate No. 1 for Sportsman Road, and defer Alternate No. 2 till next year. **On Motion** by Mr. Nevitt, seconded by Ms. Scull, to issue a Notice of Intent to Award to H&K Group in the amount of \$99,117.25 dollars, for the Base Bid with Alternate No. 1 for the 2015 Street Work Contract, subject to the successful bidder's satisfaction of all conditions precedent to the award of the contract. Motion passed unanimously.

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Mr. Rhode noted that the low bidders for the 2016 Seasonal Requirements were Automotive Services for fuel and Oceanport for salt. **On Motion** by Ms. Scull, seconded by Ms. Johnson, to issue a Notice of Intent to Award to Automotive Services, in the amount of \$36,894.50 dollars, for the award of the 2016 fuel contract, subject to the successful bidder's satisfaction of all conditions precedent to the award of the contract. **On Motion** by Ms. Scull, seconded by Mr. Nevitt to issue a Notice of Intent to Award to Oceanport LLC, in the amount of \$124,640.00 dollars, for the award of the 2016 bulk highway salt contract, subject to the successful bidder's satisfaction of all conditions precedent to the award of the contract.

Mr. Rhode reported that he has received an email from a resident at 319 Kentucky Avenue regarding drainage issues. The complaint was discussed and Mr. Nevitt said he would follow up with the homeowner.

Systems Design Engineering Report

Ms. Stevens said that the majority of her issues had been addressed during the subdivision and land development reviews this evening. She is still waiting for the report from the contractor for Stitzer Avenue. As for Erich Street, there are issues there and she would like to discuss them in detail with Mr. Nevitt and come up with an action plan. Ms. Stevens requested a copy of the test results from the Green Valley meter; Ms. Conners will provide what the office has received.

Recreation Board Report

Ms. Scull announced that there will be a "Ladies Night" movie on November 14th. This event will be free to Township residents and snacks will be provided. This will be a BYOB event. The Rec Board will host a Santa Party on December 12th; there will be crafts for the kids and homemade Christmas cookies. Each family will have the opportunity to have their picture taken inside a giant snow globe which will be set up in the meeting room. The Rec Board will also sponsor a Christmas decorating contest for homes, with gift card prizes for first, second and third place. Long term plans include a Fall Festival for 2016. Mr. Nevitt noted that he is on record as opposing the BYOB for the Ladies Night.

Police Report

Chief Deiterich reported that there were 1,432 service hours in August, with 512 service calls; of those, 28 were criminal offenses. There have been a lot of vehicle break-ins. The Chief reminded residents to always lock their cars, and close their garage doors. If suspicious activity is noted, residents should call 911 immediately so that an officer can be dispatched quickly. Chief Deiterich requested an executive session after the regular meeting to discuss a personnel issue.

Road Foreman's Report

Mr. Boyson reported that there were 13 roads worked on in August. The road crew assisted with barricade installation on the Gaul Road Bridge. Weed and brush mowing was done along shoulders.

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Mr. Boyson reviewed the PennDOT Winter Maintenance Contract. There is an error on the appendix listing the roads plowed and their mileage. On the contract, State Hill Road is listed as running to Van Reed Road for maintenance by Lower Heidelberg. This is incorrect; the crews plow to the bridge and then turn around at Reedy Road. Mr. Bellwoar said the Board can still approve the contract with the mention of the amendment needed to appendix A.

Secretary's Report

Ms. Conners reported that the Annual MMO report is due. The figures have been provided by Duda Actuarial Consulting. The amount listed on the MMO report will be the figure used for funding the Pension Plans for 2016, and will be included in the 2016 budget. Ms. Conners presented Resolution 2015-20 approving the funding requirement. Frank Gabell, Township Auditor, asked if the plan was current. Mr. Nevitt said that whatever is required by the MMO is what the Township pays in to the plans. **On Motion** by Ms. Scull, seconded by Mr. Nevitt, to adopt Resolution 2015-20, accepting the actuarial funding figures provided by Duda Actuarial Consulting for the Police and Non-Uniformed Pension Plans for 2016. Motion passed unanimously.

Mr. Nevitt reminded the Board to set the hours for Trick or Treat night. The hours for the curfew will be set the same as last year; running from 9:00 p.m. to 6:00 a.m. for those 17 and under. **On Motion** by Ms. Scull, seconded by Mr. Nevitt, to hold Trick or Treat Night on October 31st and to maintain the same hours for the curfew as last year. Motion passed unanimously.

Solicitor's Report

Mr. Bellwoar presented an Ordinance amendment dealing with the revised weight limits on bridges. The ordinance amendment was duly advertised. The amendment will increase the limit according to the analysis conducted by the Township Engineer and PennDOT. **On Motion** by Ms. Scull, seconded by Mr. Nevitt, to adopt Ordinance No. 337 to revise the Township bridge weight limit restrictions. Motion passed unanimously.

Mr. Bellwoar asked if the Board would require his presence at either of the upcoming Zoning Hearing Board hearings; the Board responded that they would not.

Mr. Bellwoar presented a Deck Encroachment agreement for 5 Boardwalk in Green Valley Estates. The existing deck falls over the easement, and in order to replace their deck, the residents must sign and record the encroachment agreement. **On Motion** by Ms. Johnson, seconded by Mr. Nevitt, to approve the execution of the Williams Deck Encroachment Agreement in the form as presented by the Township Solicitor. Motion passed unanimously.

The Trash Collection Bid has been revised, and specifications have been circulated. **On Motion** by Ms. Scull, seconded by Ms. Johnson, to authorize the advertisement of the Notice to solicit bids for the collection of municipal trash, recycling and leaf waste in the form as presented by the Solicitor. Motion passed unanimously. Eric Brown from the solicitor's office will arrange the pre-bid meeting.

PennDOT Winter Services Agreement

On Motion by Mr. Nevitt, seconded by Ms. Scull, to approve the PennDOT Winter Services Agreement, subject to the revision suggested by Road Foreman Boyson, changing State Hill Road to end at the Township line. Motion passed unanimously.

Ms. Scull requested that the meeting break for an executive session for personnel issues.

Public Comment

Ms. Scull asked if there was any further public comment. There was none.

Recess

The Board recessed to executive session at 8:15 p.m.

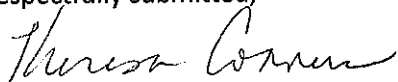
Reconvene

The Board returned from the executive session at 9:05 p.m. Chairwoman Scull reconvened the meeting. **On Motion** by Ms. Scull, seconded by Ms. Johnson, to contact Herbein & Company, Township Auditors, to inquire about an investigative audit for the years 2014 and 2015. Motion passed unanimously.

Adjournment

On Motion by Ms. Johnson, seconded by Ms. Scull, to adjourn at 9:07 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Conners, Township Secretary/Treasurer

Approved: October 19, 2015