

**LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**JULY 18, 2016**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting at the Township Building, 720 Brownsville Road, on the above date. Present were Vice-Chairwoman Cheryl Johnson, Member Michael Keltz, Township Solicitor John Mahoney, Township Engineer Ryan Rhode (GVC), Township Engineer Pamela Stevens (SDE), Code Enforcement Officer Andrew Kraft, Road Foreman Matthew Clay, and Secretary/Treasurer Theresa Conners. Absent were Chairwoman Deborah Scull and Police Chief Thomas Deiterich.

The meeting was called to order by Vice-Chairwoman Johnson at 7:00 p.m. Ms. Johnson asked for a moment of silence for the shooting victims in Louisiana and Texas and then led the pledge to the flag.

The minutes from the June 20, 2016 Regular Meeting, and the July 12, 2016 Work Session Meeting were distributed for review prior to the meeting. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to approve the minutes of the June 20, 2016 Regular Meeting and the July, 2016 Work Session Meeting as presented. Motion passed unanimously.

**Open to the Public**

Ms. Johnson asked if there was any public comment. Ms. Krista Hauseman presented a brochure she created detailing Colony Collapse Disorder and how the Township can help the bees. The use of pesticides and insecticides should be limited; bee gardens should be planted to encourage safe habitats for the bees. These could be located on either private property or perhaps on Township property sometime in the future.

Mark and Allison Wallace of the 4200 block of Hill Terrace Drive addressed the board regarding the shooting that occurred in their neighborhood over the weekend. Mr. Wallace reported that there was a gathering of 150-200 people in the house next door to his; the majority of the partygoers appeared to be minors. The home is vacant and he is concerned that the minors were able to gain access to the property. He acknowledged that the police and the zoning officer are aware of the situation and he supports their efforts. Mr. Kraft noted that the owner of the property resides in Greece; the previous property manager was not responsive to communication from the Township, but there is now a new property manager who has been in contact with Kraft Codes. She has acknowledged the letters of violation from the Township and Mr. Kraft anticipates her support with securing the property. Ms. Wallace noted that the situation has gotten progressively worse, and it has been extremely stressful for the neighbors.

Thomas Klostik, of 115 States Avenue, discussed an issue with water from a neighboring property that he reports has been diverted to flow to his yard; he believes that the neighbor's sump pump is directing the water to his yard. Mr. Rhode addressed Mr. Klostik and noted that he did come out to the property to assess the situation. He believes the water is running from the neighbor's roof; the Township does not have language in the stormwater ordinance to address this issue. Mr. Kraft noted that a single instance does not constitute a public nuisance.

**Lower Heidelberg Township Board of Supervisors  
Regular Meeting July 18, 2016  
Page Two**

Mr. Klostik expressed his dissatisfaction with the handling of his complaint from Kraft Codes; Ms. Johnson reminded Mr. Klostik that he was previously told he could appeal Mr. Kraft's decision to the Zoning Hearing Board. Mr. Mahoney reported that in a previous case in Pennsylvania the judge concluded that a Township has no control over the flow of water from one property to another. Unless there is an actual code violation the Township cannot take any action.

**Tax Collector's Report**

Ms. Conners reported that Tax Collector Sandra Davis turned over \$139,040 dollars for the month of June and collected 193 bills; the Tax Collector handed in her report earlier in the day and did not file by the 10<sup>th</sup> of the month as required. Ms. Johnson noted that if residents are having issues not being able to reach the tax collector on the phone, or not getting their paid receipt in a timely manner they should call the Township office and inform the staff.

**Treasurer's Report**

Ms. Conners presented the May Treasurer's report for the Board's review.

**Approval of Bills**

Ms. Conners presented the bill list for the Board's review. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to approve the Treasurer's report and the bill list as presented. Motion passed unanimously.

**Subdivision and Land Development**

**Green Valley Estates West Phase 2 Escrow Release** – Mr. Rhode presented Escrow Release No. 4 for Green Valley Estates West Phase 2 from Grande Construction. **On Motion** by Mr. Keltz, seconded by Ms. Johnson, to approve Escrow Release No. 4 for Green Valley Estates West Phase 2 in the amount of \$382,292.22 dollars. Motion passed unanimously.

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

Mr. Renshaw presented the June activity report. There were 75 total calls in June; 8 of those were in Lower Heidelberg, with an average turnout of 9 responders per call. The Fire Department has partnered with the Red Cross to provide home smoke detectors; this is a grant funded program. Personnel from the Fire Company and volunteers will be installing detectors on selected streets in South Heidelberg Township on September 17<sup>th</sup>; they will be installing on selected streets in Sinking Spring Borough on October 8<sup>th</sup>. Next year they will do Lower Heidelberg Township and Wernersville Borough, and they plan to make this an annual project. In conjunction with this program there will be a fundraising event at Five Guys Burgers in Sinking Spring on Tuesday, August 30<sup>th</sup> from 5 to 9 p.m.; Mr. Renshaw encourages everyone to stop by. Twenty percent of that evening's sales will benefit the Fire Company; the money will be earmarked for the purchase of more smoke detectors. Next month Lt. Jason Stein will be filling in for Mr. Renshaw.

**Planning Commission**

Michael Levan, Chairman of the Planning Commission, reported on the July meeting. The Planning Commission reviewed one plan in July for the Paper Mill Estates Project. No action was taken at the meeting as the applicant will be continuing to work on the plan based on the preliminary review of the commission. The roadway width was discussed, in particular as it relates to emergency response vehicles. The applicant will obtain input from the Fire Marshal. There were no time extensions submitted. The next Planning Commission workshop is scheduled for July 27<sup>th</sup>.

**Building/Zoning Report**

Mr. Kraft reported that 17 permits were issued in June for a total construction value of \$655,326 dollars. Their office handled five property maintenance issues, three of which have been resolved. The Township is taking care of the property on Sweetwater Lane that has been abandoned and will track the man hours to file a lien to recover the costs. There was a Zoning Hearing Board for a shed at 222 Ruth Avenue which was granted for hardship. As mentioned earlier in public comment, the properties at 4217 and 4219 Hill Terrace Drive are now under new management and hopefully the Township will be able to work with the new company on the issues there.

**Great Valley Consultants Report**

Mr. Rhode reported that his office has received a written request for a waiver of land development from the Western Berks Water Authority to permit the construction of a building addition to accommodate dewatering equipment. The request has been reviewed and there are no issues with granting the waiver. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to grant the waiver of land development request submitted by Western Berks Water Authority, subject to the applicant obtaining all requisite Township permits and Stormwater facility approvals. Motion passed unanimously.

Mr. Rhode reported that the 2017 Seasonal Requirements were prepared and advertised; bids were opened on June 27<sup>th</sup>. **On Motion** by Mr. Keltz, seconded by Ms. Johnson, to issue a Notice of Intent to Award to the apparent lowest and responsible bidder, Automotive Services Reladyne, in the amount of \$37,049 dollars for the Alternate bid with 89 Octane, for the award of the 2017 fuel contract, subject to the successful bidder's satisfaction of all conditions precedent to the award of the contract. Motion passed unanimously. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to issue a Notice of Intent to Award to the apparent lowest and responsible bidder, Eastern Salt Company, in the amount of \$58,000 dollars for the award of the 2017 bulk highway salt contract, subject to the successful bidder's satisfaction of all conditions precedent to the award of the contract. Motion passed unanimously.

Mr. Rhode noted that A-1 Traffic Control Products did paint the crosswalks for the 2016 Line Painting, but had not done the long line painting yet as he asked them to hold off till the paving was done on Gaul Road. The base and binder have now been completed on Gaul Road so he will contact them to finish the long line painting. Gaul Road is now open to local traffic. The culvert replacement has now been completed by Construction Masters, but Mr. Rhode has not yet received the invoice.

**Lower Heidelberg Township Board of Supervisors  
Regular Meeting July 18, 2016  
Page Four**

The 2016 Street Work has been advertised and the bids are scheduled to be opened on August 1<sup>st</sup>. Bid results will be circulated to the Board with the intent of having the project ready to award before the August board meeting.

**Systems Design Engineering Report**

Ms. Stevens reported that she has met with Township staff regarding the Gaul Road Townhome project and has concluded that the Township can accommodate the 28 units at a total of 6,636 gallons per day in its purchased reserve capacity. A draft letter has been prepared outlining the conditions and the Township fees required. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to authorize SDE to send the capacity letter to the applicant. Motion passed unanimously.

Ms. Stevens asked that the required resolution outlining fees for commercial sewer permits be addressed at the August work session and approved at the next Board of Supervisors meeting.

Ms. Stevens presented a request for payment from Wexcon for the sewer laterals on Erich Street. The invoice amount is \$18,090.00 dollars, an increase of \$840.00 dollars, due to conflicts encountered during the lateral replacements. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to approve the payment request from Wexcon Inc. in the amount of \$18,090.00 dollars for the sewer lateral replacements on Erich Street; and to notify the contractor by letter of the approval of the invoice and that the one year guarantee period will start on July 18, 2016 and expire on July 18, 2017. Motion passed unanimously.

**Recreation Board Report**

Ms. Conners reported on behalf of Ms. Scull. The fence has been installed; the contractor needs to add the separator for the two sections and finish the main gate. Plans for the Fall Festival continue, with activities being planned for Saturday, October 1<sup>st</sup> at St. John Hain's Church picnic grove. Volunteers are needed to help make this a successful event. Ms. Johnson reminded the public that the Lower Heidelberg Night at the Fightin' Phils is scheduled for Sunday, July 24<sup>th</sup>.

**Police Report**

There was no report due to the absence of the Chief.

**Road Foreman's Report**

Mr. Clay reported on the public works activity for June. The road crew has been mowing on Sweetwater Lane. The road crew helped out the Scouts who are working on the dog park agility equipment by picking up the supplies. The road crew performed cold patch and is getting ready for crack sealing. Storm drains have been opened and the crew is working on replacing storm drains on Wagner Road. A possible sink hole was investigated in Green Valley at 85 Virginia Avenue. It has been filled with stone and has not re-opened at this point.

**Secretary's Report**

Ms. Conners presented a resolution to approve the shredding of non-permanent Township records. This batch of records includes sewer billing records from 2007-2009, expired bid records from 1980-2001 and multiple duplicate plan sets. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to approve Resolution 2016-14 authorizing the destruction of non-permanent records per the State Records Retention Schedule. Motion passed unanimously.

There is a proposed electric line which will impact three parcels in Lower Heidelberg Township. Our local elected representatives and neighboring Sinking Spring Borough are protesting the line and would like the Township's support; the Board does not have any particular concern. The Township will attempt to inform our three residents of the intended project; the letter from PPL does state that the plans are subject to change.

**Solicitor's Report**

Mr. Mahoney noted that as of today, South Heidelberg Township states that they are holding off on moving forward with the hearings for the amendments to the Joint Zoning Ordinance, so no action is required at this time. The Solicitor's office is working with Kraft Codes on the confirmation of maintenance obligations with the Autumn Ridge Homeowner's Association. The Solicitor's office has responded to a title company processing a property transfer in the Green Valley Heights subdivision.

Mr. Mahoney reported that the new property manager for 4217 Hill Terrace Drive has contacted his office regarding the property and that she will take all necessary action to arrange for rental registrations and inspections, and to secure the property. The Papermill Estates subdivision will need to be acted on by September 22, 2016. The applicant was seen by the Planning Commission and expects to revise their plans accordingly. There are no other outstanding subdivision items as of this date.

The Solicitor's office has corresponded with the tax collector regarding failure to respond in a timely manner. There was a bond hearing held on July 12<sup>th</sup>; the Solicitor's office continues to work with the Bond Counsel and the Financial Planner to finalize the process.

There is an unpaid sewer bill for Julio and Berkis Rosario of 36 Sabrina Street. The property owners filed for bankruptcy in 2011, and that was discharged in 2012. There are previous liens that remain unsatisfied for \$2,856.90 from May of 2012 and \$4,276.84 from February 2016. To proceed with enforcing the liens, a motion is required. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to authorize the Solicitor to initiate collection proceedings in accordance with the Municipal Claims and Tax Liens Law in the Court of Common Pleas of Berks County with regard to Municipal Lien 12-14507 and Municipal Lien 16-1912 on the property located at 36 Sabrina Street. Motion passed unanimously.

**Lower Heidelberg Township Board of Supervisors**  
**Regular Meeting July 18, 2016**  
**Page Six**

Mr. Mahoney reported that the Township received Notice of a Petition for Bankruptcy filed by Byron and Diana Minnich of 456 North Church Road. The Township is afforded the right to file a Proof of Claim in an effort to have the bankruptcy estate satisfy the unpaid sewer bill. **On Motion** by Mr. Keltz, seconded by Ms. Johnson, to authorize the Solicitor to file a Proof of Claim in the United States District Court for the Eastern District of Pennsylvania Bankruptcy, docket no. 16-13233, in the amount of \$368.58 for unpaid sewer fees at 456 North Church Road. Motion passed unanimously.

**Old Business**

Ms. Stevens noted that another bill has been received from Dyna-Teck for the Rosewood Hills pumping station generator. Select Environmental has expressed a preference to have this work handled by Slaymaker, as they have had difficulties working with Dyna-Teck. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to authorize Slaymaker for services needed for the Rosewood Hills pumping station generator and to discontinue services with Dyna-Teck. Motion passed unanimously. Clair Horst of Select Environmental will evaluate the need for both a battery and the heater.

**New Business**

There was no new business.

**Public Comment**

Ms. Johnson asked for any public comment. Barbara Brenner asked Ms. Stevens if the development where the trees were taken down was the Gaul Road Townhome project. Ms. Stevens confirmed that it was, but that is not a sewer issue, but rather a zoning issue. Frank Gabell questioned the figures used in the bond presentation for the total savings to be realized by the refinancing of the existing debt through the new bond issue; Ms. Connors referred Mr. Gabell to Mr. Schlesinger from the PFM group. A resident asked if the Township ever recouped any of the expense of maintaining the property at 41 Pacific Avenue; Ms. Connors noted that services for the property mowing were invoiced and have been paid.

**Adjournment**

**On Motion** by Ms. Johnson, seconded by Mr. Keltz, to adjourn at 8:20 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Connors, Township Secretary/Treasurer

Approved: August 15, 2016