

LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
January 16, 2017

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

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

Open to the Public

Bonnie Page of Western Berks Ambulance presented the 2016 Annual Report. WBA responded to 361 calls in Lower Heidelberg Township, with the busiest response time at 1:00 p.m. WBA participated in 89 NARCAN revivals for drug overdoses; of those, five were in Lower Heidelberg Township.

Tosco Pizza Restaurant – Transfer of Liquor License

Thomas Harlan, attorney, was present on behalf of Tosco Pizza Restaurant. He explained that Tosco has applied for a liquor license to be transferred from AMG&S at 401 East Penn Avenue in Robesonia to the Tosco Pizza Restaurant at 6889 West Penn Avenue in Lower Heidelberg Township. Pennsylvania law requires that a hearing be held for the purpose of allowing individuals who reside within the Township to make comments or recommendations regarding the transfer of the liquor license to the receiving municipality. Tosco's existing hours of operation cease at 10:00 p.m., and there is no intent to extend the hours. The license would allow beer and wine to be served to compliment the Italian cuisine. The restaurant has been in operation for five years. There is no anticipated increase in parking; there would be a weekly delivery of beer to be delivered to the back of the restaurant. Mr. Harlan introduced Franco Tosco, manager and principal owner, to answer any questions from the Board or the public.

Ms. Johnson called for comments from the consultants and staff. Mr. Rhode said the liquor license has no effect on any Land Development issues. Chief Deiterich asked for clarification on the closing time; Mr. Franco said 10:30 p.m. at the latest. Mr. Harlan noted that the hearing has been advertised, and proof of advertising has been included in the packet. A draft resolution has been prepared and presented for the Board's review and approval.

Mr. Mahoney noted that the Board must convene a hearing before the Liquor Control Board (LCB) will consider the transfer of the license. Mr. Harlan said the hearing is not yet scheduled with the LCB as he is waiting for the outcome of tonight's hearing. Mr. Mahoney noted that tonight's hearing was advertised twice and that the Board would hear any comments or questions from the public. He has reviewed the prepared resolution and it is in proper order. Mr. Mahoney asked that if the owner would have any intent to change the hours of operation beyond the specified closing of 10:30 p.m. that the owner would let the Police Chief know in advance. A member of the public asked from where the license was being transferred; Mr. Franco responded from Heidelberg Township to Lower Heidelberg Township. Ms. Johnson called for additional public comment; there was none.

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On Motion by Ms. Scull, seconded by Ms. Johnson to approve Resolution 2017-04, to transfer a restaurant liquor license from Heidelberg Township to Lower Heidelberg Township, as duly advertised in the reading eagle on December 30 and January 7, having heard commentary from the public. Motion passed unanimously.

Palm Road Bridge

David Randler, Chairman of the Heidelberg Township Board of Supervisors, approached the Board to discuss concerns relating to the Palm Road Bridge, in particular the January 3, 2017 correspondence from the Lower Heidelberg Board to Heidelberg Township. Mr. Randler conceded that there has been some concern about the condition of the bridge. Discussions have been ongoing since 2013 with Neal Nevitt, former supervisor and road master. Heidelberg received the bridge inspection report on December 3, 2015 and an email from Mr. Nevitt on December 21, 2015 where he stated that he (Mr. Nevitt) would be back in touch with Heidelberg Township after further discussion with the Lower Heidelberg board.

Mr. Randler noted that in previous budget years of 2014, 2015 and 2016 the Heidelberg board budgeted \$30,000 dollars for bridge repairs; but they were waiting for the Lower Heidelberg engineer to provide a cost estimate for the repairs. At one point Heidelberg proposed a 30/70 split; Lower Heidelberg came back with a 50/50 split, which was later changed to a 60/40 split. No formal agreement was ever reached. The January 3rd letter references a report from Mackin Engineering, but it was not included with the letter. For budget year 2017, the \$30,000 repair budget was re-allocated to the Big Spring Road Bridge, which is in need of major repairs.

Ms. Scull noted that she believes the discussion of the repairs has been going on since 2010; Mr. Rhode noted that cost estimates had previously been obtained, and were given to Mr. Nevitt. Ms. Scull said that Lower Heidelberg's main concern is safety. For that reason, the Board has decided to temporarily close the road. Nothing can be done in the way of a repair at the current time because of the weather. Mr. Rhode said that it is his understanding that Mackin's latest report is being finalized; Ms. Scull assured Mr. Randler that she will provide a copy to Heidelberg Township as soon as the final report is available. Mr. Mahoney noted that both municipalities need to take timely action to correct the deficiencies; in the absence of a cost-sharing agreement the most expeditious course of action is to close the bridge before someone gets hurt. He has advised the Lower Heidelberg board on the proper actions needed to close the bridge, including the use of proper signage and providing an alternate route. If at all possible, signage should go up advising of the upcoming closing to give the public time to adjust to the change. If it comes about that the cost to repair the bridge is prohibitive, the road could be permanently vacated. Legal proceedings could be started to allow the court to decide who shares the cost of the repairs and at what percentage for each party. If there are insufficient funds to do the repairs at this time, then the bridge needs to be taken out of service.

Mr. Randler noted that Heidelberg Township is in agreement that the bridge should be closed. He suggested that the traffic could be detoured to Big Spring Road. Mr. Rhode noted that earlier Mr. Randler stated that repairs were to be done to the Big Spring Road Bridge; Mr. Randler said that could be an issue depending on the extent of the repairs proposed for the Big Spring Road Bridge.

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The Chief noted that on the Lower Heidelberg Township side of the bridge there is a school bus pick up at the Wolfskill Farm; the School District will need to be informed of the closing. Ms. Scull said that signs will be placed stating the bridge will be closed at the end of the month, and put detour signs on Big Spring Road. Mr. Clay requested that Mr. Randler advise Lower Heidelberg as to when they will begin working on the Big Spring Road Bridge. Ms. Scull noted that the lines of communication need to remain open between the two municipalities. Mr. Mahoney noted that barricades will be placed on both sides of the bridge. Ms. Scull said the barricades will need to be something more permanent than plastic barricades in order to prevent drivers from getting out of their cars and moving the barriers. Mr. Clay suggested concrete blocks. Mr. Mahoney noted that the comments of Mr. Randler were consistent with his discussions with the Heidelberg Township Solicitor, who was present at the meeting as well. Mr. Mahoney clarified that the letter issued to Heidelberg did not indicate that Heidelberg had not responded to prior requests for a response, only that an agreement had not been reached on sharing the costs of repairs to the bridge.

Mr. Mahoney will correspond to the Heidelberg Solicitor to confirm the statement of Mr. Randler of behalf of the Heidelberg Board that Heidelberg Township has consented to the placement of signs and barricades on its road on the Heidelberg side of the bridge.

Approval of Minutes

The minutes from the December 19, 2016 Regular Meeting and the January 3, 2017 Organization Meeting were distributed for review prior to the meeting. **On Motion** by Mr. Keltz, seconded by Ms. Scull, to approve the minutes of the December 19, 2016 Regular Meeting and the January 3, 2017 Organization Meeting as presented. Motion passed unanimously.

Treasurer's Report

Ms. Johnson noted that there was no Treasurer's Report due to the absence of the Secretary. Frank Gabell inquired as to the status of the Tax Collector's Audit for 2015; Ms. Johnson said it was still not completed. Mr. Gabell inquired as to the status of the Tax Collector Monthly Reports; Ms. Johnson said sometimes they are submitted in a timely manner, and sometimes not.

Subdivision and Land Development

There were no SALDO items for review.

Fire Commissioner's Report

Jared Renshaw presented the monthly activity report for December. The Home Fire Preparedness Program will continue in 2017 with Lower Heidelberg Township and Wernersville Borough residents receiving smoke alarms in June. The entire program, covering all four municipalities, will result in 500 smoke alarms being installed. Seven members of the department participated in the promotional testing process, with a 100 question written test, a panel interview and the running of a model incident.

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The 2017 Line Officers have been appointed. The Fire Department will be hosting several seminars and training sessions in 2017. Western Berks Fire is working closely with Spring Township and Wyomissing Fire Departments to implement the process of Standardizing Fireground Operating Procedures.

Planning Commission

Ms. Johnson noted that the Planning Commission did not meet in January.

Building/Zoning Report

Mr. Kraft reported that 16 permits were issued in December for a total construction value of \$451,723 dollars. Their office handled four property maintenance issues. Mr. Kraft note that there is a Zoning Hearing Board meeting scheduled for January 31st at 7:00 p.m. at the Township Building. The applicant, Stabon Management, is requesting a special exception to change the apartment building at 3240 State Hill Road from three units to four units. This would be an expansion of a non-conforming use. A variance is also being asked to expand the paved area of the property, specifically a second driveway along a state highway, and additional off street parking spaces. This is an intricate application; they will take an existing attached garage and convert it into a fourth apartment. Mr. Kraft inquired as to whether the Board had decided on whether they wished to take a position on this matter; the Board did not wish to take a position on the application.

Great Valley Consultants Report

Mr. Rhode asked for a short executive session to discuss the Glen Ridge Estates plan. Mr. Rhode reported that an update has been received from RETTEW Engineering regarding the Paper Mill Road Bridge design. They have completed the additional field investigation, and are working on the final bridge plans. They are determining how the superstructure replacement will impact the work that was previously completed for the GP-11 Permit. Finalization of the bridge details should take place within the month, at which point RETTEW will resubmit the plan to PHMC and complete the preparation of the GP-11.

Mr. Rhode noted that he will get in touch with Mackin Engineering to let them know the Township is moving toward the closing of the Palm Road Bridge. He will also set up a time to go over all of the most recent bridge inspection reports. The Emergency Services Contracts are in place and contact phone numbers have been distributed to office staff. A meeting should be scheduled between GVC, Mr. Clay and Ms. Scull to begin the scheduling of the 2017 Street Work Projects.

Systems Design Engineering Report

Ms. Stevens reported that the quarterly bill to the City of Reading was prepared, and asked that the Township Secretary make sure the check was remitted. A memo has been received from Grande regarding the sewer capacity issue for Green Valley West; Ms. Stevens will go over this with Mr. Bellwoar. The property owner for the parcel at 3240 State Hill Road, which is the property mentioned for the upcoming Zoning Hearing, has contacted Ms. Stevens. The property owner inquired about public sewer for the parcel and she did provide the tapping fee schedule.

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The sewage for the property is not a Zoning Hearing matter, but she is concerned that this may be overlooked. The existing on-lot disposal system could be damaged during the paving of the property. A fourth apartment may not added to the system without the SEO testing the system. She is awaiting an application form from the property owner for the sewage permit.

Recreation Board Report

Ms. Scull reported that the Recreation Board will be hosting several events: the Ladies Only Adult Movie Night on Saturday, February 25th, which is a BYOB event; the Annual Easter Egg Hunt on Saturday, April 8th at 2:00 p.m. at St. John Hains Picnic Grove; the Family Movie Night on Saturday, May 6th which will feature a Star Wars theme; the Reading Phils game on Sunday, June 25th; residents should mark their calendars. Phil's tickets will require a \$5 dollar deposit per ticket; tickets are going fast. Planning continues for the 175th Anniversary Celebration to be held on Saturday, September 9, 2017 at the Green Valley Country Club; the planning committee meets on the first Saturday morning of the month at the Township Building at 9:00 a.m., although this is subject to change as not all members can attend on Saturdays. The committee has hired a drone contractor who will take pictures of all the developments to add to the history book. They are also planning on having aerial photos taken the day of the event, culminating in an aerial group shot of everyone attending the event that day. Updates on meeting times can be found at the Township website.

Police Report

Chief Deiterich reported that for the month of December there were 1,950 service hours and 172 calls were answered. Of those, 12 were criminal complaints and 13 were motor vehicle accidents. Chief Deiterich requested approval to purchase the new police vehicle at this time from New Holland; he spoke with Ms. Conners regarding the funding for the purchase. New Holland has the car on lot and he would receive it within 2 -3 weeks as opposed to waiting for an order which could take months. On Motion by Ms. Johnson, seconded by Ms. Scull, to approve the ordering of a 2017 SUV Ford Interceptor Police vehicle from New Holland in the amount of \$28,753 dollars. Motion passed unanimously.

Road Foreman's Report

Mr. Clay reported that during the last month the crew handled five storms with 52 hours of service. Four vehicles were in for inspection. The new truck is at EM Kutz and is having accessories added. The skid loader should be arriving in about 2 weeks, with the attachments to do blacktopping and milling. The crew started cold patching. Trees were trimmed on Riegel Road and Wooltown Road will be next on the schedule. Tyler Balthaser passed his written CDL test. The crew attended two training classes; one was for salt management and they learned how to calibrate the discharge rate on the spreaders. The calibration had not been done previously; this should help the Township save money on salt.

Secretary's Report

Due to the absence of Ms. Conners, there was no Secretary's Report.

Solicitor's Report

Mr. Mahoney noted that the Solicitor's office presented a draft amendment addressing properties with rear yard/reverse lot line; this will address properties that are either corner lots or lots with streets on both front and rear yards. The Planning Commission is scheduled to review the draft amendment at their next regular meeting.

Mr. Mahoney reported that the Commonwealth has increased bidding thresholds for 2017. Contracts and purchases below \$10,700 dollars require no formal bidding process. Contracts and purchases between \$10,700 and \$19,699 dollars require a minimum of three phone or written quotes. Contracts and purchases greater than \$19,700 dollars require a formal, advertised bid process.

His office continues to work with Kraft Code Services on the Madera property and the Hill Terrace Drive rental property. The Solicitor's office continues to advise the Board on some possible actions that can be taken with respect to the ongoing situation with the Tax Collector. A default judgement was entered on the Rosario property, and they hope to get the property on the Sheriff Sale list for April 7, 2017. Liens have been entered against six other property owners who are delinquent on their bills. The Yeye bankruptcy petition has been dismissed; the Solicitor's office will be sending a 30-day of petition prior to filing the lien.

Personnel

There were no Personnel issues.

Old Business

There was no Old Business.

New Business

Ms. Scull reported that letters have been received from three residents requesting an exemption from the On Lot Disposal System ordinance requirements. Scott and Kathleen Steffy of 871 North Church Road report that their excavator came out to put on the riser, but could not do it as it would compromise the strength of the lid and could cause a collapse. David and Susan Wurst of 727 Brownsville Road have a cesspool and they have the same issue; any excavation could result in a collapse. Ms. Stevens noted that the Township understands and can accept the outdated system, but the homeowner still needs to pump the cesspool. Ms. Stevens will check with the SEO to see if he is communicating this to the residents. The last letter is from Sharon and James Bova of 530 Heffner Road, who are requesting an exemption from pumping at this time as there are only two residents on the property. Their next scheduled pump is June of 2020. Ms. Stevens suggested tabling the waivers tonight until she can speak with Mr. McCaffrey.

Ms. Scull reported that the Police Department has received a donation from a resident as a thank you for the fine job done by the department. Ms. Conners will send a thank you on behalf of the police.

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Ms. Johnson reminded the Board of Mr. Rhode's request for an executive session.

Public Comment

Ms. Johnson asked if there was any public comment. Mr. Gianotti said his son owns a lot on Norman Street; he asked if his son is going to build a house there, would he just come in and get a permit application. Ms. Johnson suggested he come to the Township Building to see Andrew Kraft, Building Officer on any Monday, Wednesday or Friday from noon to 2:00 p.m. and he can assist him with the permit application. Mr. Kraft said it would be helpful for the applicant to bring along a sketch of what he is proposing.

Adjournment to Executive Session

On Motion by Mr. Keltz, seconded by Ms. Scull, to adjourn at 7:58 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Conners, Township Secretary/Treasurer

Approved: February 20, 2017