

LOWER HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
JULY 17, 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 Andrew Bellwoar, Township Engineer Ryan Rhode, Township Engineer Pamela Stevens (SDE), Police Chief Thomas Deiterich, Road Foreman Matthew Clay and Township Secretary/Treasurer Theresa Conners. Absent was Code Enforcement Officer Glenn Kraft.

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

Approval of Minutes

The minutes from the June 19, 2017 Regular Meeting and the July 12, 2017 Work Session were distributed for review prior to the meeting. Ms. Johnson corrected the minutes as presented for one sentence under public comment, which was deleted. **On Motion** by Ms. Scull, seconded by Mr. Keltz, to approve the minutes of the June 19, 2017 Regular Meeting with one change as noted, and the July 12, 2017 Work Session minutes as presented. Motion passed unanimously.

Open to the Public

Ms. Johnson asked for public comment.

Present were residents from the Legacy at Papermill development. David Young of Calming Trail addressed the Board regarding ownership of the on-site sewer pump station. Ms. Stevens clarified that the developer owns and operates the pump station; the only portion dedicated is the force main to Spring Township. The developer has not yet offered the pump station to the Township. The Homeowners Association will not be responsible for the maintenance or replacement of the sewer pump; upon dedication to the Township, the Township is solely responsible for maintenance and repairs of the system. Mr. Bellwoar noted that DEP would prefer the Township to be the responsible party, as Homeowner Associations do not have the relevant resources and experience. The developer's incentive to move forward with dedication is the relief from payment of taxes on the property and the ongoing maintenance.

Joe Trainor, Hill Terrace Drive, asked why Sweitzer Road was only paved to Wagner Road. Mr. Clay noted that the remainder of the road was not done at that time because of the new development going in on Sweitzer Road. Mr. Trainor noted that he has seen many drivers coming up State Hill Road who do not stop at the three-way stop at Evans Hill Road, usually in the evening.

Ms. Johnson asked if there was any additional public comment; there was none.

Treasurer's Report

Ms. Conners presented the Tax Collector's Report, the list of bills and the June Treasurer's Report for the Board's review. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to accept the Treasurer's Report for June and the bill list as presented. Motion passed unanimously.

Fire Commissioner's Report

Jared Renshaw presented the report for June. There were a total of 70 calls for the month of June, 4 of which were in Lower Heidelberg Township. Mr. Renshaw reported that the Western Berks Fire Department (WBFD) will be hosting a Town Hall meeting at the Township Building on September 28th at 7:00 p.m. Topics of discussion will include an overview of the department's founding in 2009, an overview of the department's assets and services provided, how the department is funded and current and future challenges. The public is encouraged to attend; WBFD is distributing flyers to inform the public. The event is also featured on the Township's website.

Planning Commission

There was no one present from the Planning Commission; Ms. Johnson noted that there was no meeting held in July.

Building/Zoning Report

In the absence of Mr. Kraft, Mr. Rhode presented the report. There were 17 permits issued during the past month for a total construction value of \$791,654 dollars. There were eleven property maintenance issues and two zoning matters. A Zoning Hearing Board hearing has been scheduled for July 25th for the property at 321 Daniel Street; the applicant is seeking a variance to allow a shed, which was previously installed without a permit, to remain on site. The shed is 200 square feet in size and is currently located 3 feet from both the rear and side property lines; actual setbacks for a building of this size are 10 feet from the side and 20 feet from the rear.

Kraft Engineering Report

Construction has started on the Papermill Estates development. The 2017 Street Work project is underway; Contract 1 for paving and reconstruction is about half way completed. Contract 2 for oil and chip is scheduled to begin in August. Mr. Rhode has prepared the 2018 Seasonal Requirements and the Solicitor's office has reviewed the requested Board approval to aid documents. **On Motion** by Ms. Johnson, seconded by Ms. Scull, to authorize Kraft Engineering to advertise the notice to bidders for the 2018 Seasonal Requirements. Motion passed unanimously.

Mr. Rhode reported that it has been a year since the Township awarded the Emergency Services Contract; this contract is primarily to handle sewer emergencies. The road crew generally handles storm sewer and roadway repairs. **On Motion** by Ms. Scull, seconded by Mr. Keltz, to authorize Kraft Engineering to contact contractors to obtain quotes for the Emergency Services Contract. Motion passed unanimously.

Mr. Rhode noted that Great Valley Consultants (GVC) is still overseeing the MS4 program. GVC's office is currently preparing materials for the 2018 MS4 Permit Renewal. One of the components of the permit renewal is a Pollutant Reduction Plan (PRP). As the Township's storm sewer system discharges to several streams that are currently impaired by sediment, the Township is subject to the PRP requirements.

Lower Heidelberg Township Board of Supervisors
Regular Meeting July 17, 2017
Page Three

A PRP must be prepared and submitted to DEP no later than September 16, 2017. The PRP must be advertised for public comment no less than 45 days prior to the September 16th deadline, and the Township must provide for no less than 30 days for the public comment. The Township must accept comments regarding the PRP at a public hearing. Mr. Rhode recommends that the PRP be advertised for public comment no later than August 1st; discussion of the PRP can be placed on the agenda for the August board meeting. **On Motion** by Ms. Scull, seconded by Mr. Keltz, to authorize GVC to advertise the PRP and hold the public hearing at the August meeting of the Board of Supervisors. Motion passed unanimously. Mr. Rhode will have Steve Hoffman from GVC contact Mr. Bellwoar regarding the hearing at the public meeting.

Systems Design Engineering Report

Ms. Stevens confirmed that full payment has been made for the building permits for lots at Cacoosing Crossing North, which the developer is now calling Green Valley North. The Westerly Tract will be reviewed at the next Planning Commission meeting. SDE received an email from DEP requesting an update for the Knollwood/Faust area. SDE will summarize what the Township has accomplished to date and will include the water tests and maps; Ms. Stevens will review the correspondence to be sent to DEP with the Board before issuing.

Recreation Board Report

Ms. Scull reported that the Township will be participating in National Night Out on August 1st. Residents are encouraged to participate by keeping porch lights on; the Timberlake Neighborhood Watch has been notified. Plans continue for the 175th Anniversary celebration; volunteers are still needed.

Police Report

Chief Deiterich reported that for the month of June there were 1,745 service hours, with 316 total calls answered. Of those, five were criminal complaints and two were motor vehicle accidents.

Road Foreman's Report

Mr. Clay presented the monthly activity report. Storm boxes have been replaced on Wooldtown and Gaul Roads. Storm damage clean-up was done. Black top has been completed for Evans Hill Road, Hill Terrace and Bittner Avenue. The crew worked on the air conditioning unit for the Township building. Mr. Clay attended a trailer safety class offered by the State Police in Oley and found it very worthwhile. Hains Mill Road will be closed intermittently starting on July 18th for repairs and two sections of Gaul Road will also be worked on. Oil and chip is scheduled to begin in August. A meeting was held with PennDOT Local Technical Assistance Program (LTAP) regarding Connecticut Avenue and further research will be done on assessing the average speed of drivers.

Resident David Young asked when the Papermill Road Bridge will be fixed. Mr. Clay said that with the permit requirements and the cost, it will most likely be next year. Mr. Rhode noted that Rettew Associates has obtained the permit and are in the process of finalizing the design.

Lower Heidelberg Township Board of Supervisors
Regular Meeting July 17, 2017
Page Four

A resident questioned the use of oil and chip on the roads. Mr. Clay noted that roads that are less than five years old are starting to crack; oil and chip is a good tool to maintain the roads and keep them from further cracking.

Secretary's Report

Ms. Conners reported that the Board received the latest interest rate study for the Police Pension Plan as performed by the Township's actuarial firm. The Board has been advised that the actuarial assumption for the interest rate should be lowered by .25% to the rate of 7%. By lowering the interest rate, it is anticipated that the Township's Minimum Municipal Obligation (MMO) will increase by \$17,000 for 2018. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, that the Township lower the actuarial assumption for the Police Pension Plan from 7.25% to 7.00%. This motion to be re-evaluated every two years to arrive at the target percentage of 6.5% return. Motion passed unanimously.

Solicitor's Report

Mr. Bellwoar reported that the Township has received an offer for pre-design services for a possible building addition for the police department. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to engage Kautter and Kelly Architects to perform the pre-design services related to the potential police facilities expansion, in the amount of \$13,800 dollars plus reimbursable expenses, as set forth in their proposal dated April 5, 2017.

Mr. Bellwoar reported that the Southwestern Berks Regional Planning Commission has recommended approval of a draft medical marijuana Zoning Ordinance amendment. South Heidelberg Township would like to incorporate two revisions to the proposed draft Zoning Ordinance amendment regarding medical marijuana growing facilities. The first revision changes the maximum gross floor area to be limited to 60,000 square feet, instead of 20,000 square feet for a growing facility. The second revision would conditionally allow the growing facility in a modular unit, provided it is on a temporary basis not to exceed 9 months and the PA Department of Health has approved the modular unit. In addition to the medical marijuana provisions, the Regional Planning Commission recommended approval of South Heidelberg Township's amendment to repeal the overlay district enacted several years ago, and to rezone the parcel from R-3 to A-1 Agricultural Preservation. **On Motion** by Ms. Scull, seconded by Mr. Keltz, to authorize the advertisement of the draft Medical Marijuana Zoning Ordinance Amendment and the amendment to repeal the MD/VC Zoning District in South Heidelberg Township and to rezone certain parcels from R-3 to A-1, for a hearing to be held on August 21, 2017 at 7:00 p.m. Motion passed unanimously.

Mr. Bellwoar noted that a Memorandum of Understanding regarding the killed-in-service benefit has been prepared and provided to the Police Association; this will eliminate the current killed-in-service survivor benefit to conform to PA Act 51 of 2009. **On Motion** by Ms. Johnson, seconded by Mr. Keltz, to approve the Memorandum of Understanding with the Police Association in the form presented, and further, to authorize the Board Chair to execute said Memorandum of Understanding. Motion passed unanimously. Mr. Bellwoar noted that with the proposed change to the killed-in-service benefit, the Pension Plan Ordinance will need to be amended. **On Motion** by Mr. Keltz, seconded by Ms. Scull, to authorize the Township Solicitor to advertise the Pension Plan Ordinance amendment in the form presented, upon receipt of an actuarial cost study. Motion passed unanimously.

Lower Heidelberg Township Board of Supervisors
Regular Meeting July 17, 2017
Page Five

Mr. Bellwoar reported that the Berks County Planning Commission is in the process of updating the current County Comprehensive Plan and is soliciting input from municipal officials and residents.

Personnel

There were no Personnel issues.

Old Business

There was no old business.

New Business

Keith Roberts, Entech Engineering, addressed the Board on behalf of the Community Evangelical Church (CEC). The church has a previously approved Land Development plan, which was approved five years ago. The approved additions to the site were never started. CEC recently submitted an application for a building permit, at which time it was determined that the building permit plan did not match the approved development plan. The development plan has now been amended to split the project into two phases and to meet the plan as submitted with the building permit. The plan will be reviewed at the August Planning Commission meeting. Mr. Roberts showed the Board a phasing plan, with the intent to build out only phase one at this time. Mr. Rhode noted that the question is with the phasing of the improvements and which improvements will be in phase one. Phase one should stand on its own, and the plan should clearly indicate the improvements for each phase.

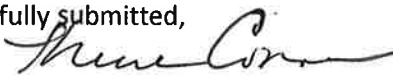
Public Comment

Ms. Johnson asked if there was any additional public comment. Robert Melson, Baywood Avenue, thanked the road crew for their quick response to the issue of the stop sign runners in Timberlake. Neighbors have noticed a reduction in the number of incidents since the installation of the blinking lights. Tom Jauch asked if the proposed medical marijuana ordinance amendment is passed, will it cover Lower Heidelberg in addition to South Heidelberg; Mr. Bellwoar said the proposed growing facilities are designated for General Commercial, and if the municipality has a General Commercial District, medical marijuana growing would be an allowed use. Mr. Jauch said he was concerned about break-ins; Chief Deiterich noted that he met with Chief Whitmoyer and that Chief Whitmoyer has assured him that the proposed building and operation methods are very secure. Frank Gabell asked if the proposed medical marijuana ordinance covers dispensing facilities; Mr. Bellwoar noted that it does.

Adjournment

On Motion by Ms. Scull, seconded by Ms. Johnson, to adjourn at 8:00 p.m. Motion passed unanimously.

Respectfully submitted,


Theresa Conners, Township Secretary/Treasurer

Approved: August 21, 2017