

**Lower Heidelberg Township Board of Supervisors**  
**BOS Meeting Minutes - Regular Meeting**  
**June 15, 2020 Virtual Meeting**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting remotely through the Zoom Platform on the above date. The June monthly meeting was duly advertised to be held electronically through the Zoom application via telephone and the internet. Present were Chairman Michael Keltz, Vice-Chairwoman Deborah P. Scull, Member Cheryl Johnson, Township Solicitor Andy Bellwoar, Police Chief Thomas Deiterich, Township Engineer Ryan Rhode (KE), Zoning and Code Officer Andrew Kraft, Road Foreman Matt Clay, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Fire Commissioner Jared Renshaw and Emergency Management Coordinator Justin Schlottman. Guests attending David Kurtz, Robert Melson, Paul Prutzman, Bill Condie, Gregg Bogia, Eric Vorgity, Joe Margusity, and Attys. Dan Becker and Keith Mooney.

Chairman Keltz called the meeting to order at 7:01 p.m., and led the pledge to the flag. He asked everyone to then remain standing for a **Moment of Silence**: to honor the May 29, 2020 passing of Barbara Tait McGlenn. She and her husband were very generous of their time and charity donations to Berks County and through the years have faithfully donated to the Lower Heidelberg Police Department.

**Minutes: Mr. Keltz stated that there were no minutes to approve.**

**Public Comment – Open to Public:**

**Glen Ridge Estates First Amendment to the Pre-Plan Approval:** Mr. Bellwoar summarized the First Amendment that may be considered by the Board to permit the Developer to perform other construction activities which includes sanitary sewer gravity system, water main and shop drawings for the box culvert released due to the long lead time. Mr. Bellwoar continued his discussion that the Township is willing to consider the First Amendment, with indemnification language and an additional \$5,000 to cover the Township being reimbursed for the inspection services. The Draft Amendment was circulated and there were comments from the Developer's counsel regarding the one of the paragraphs requiring the escrowing of the improvements to be installed under this Amendment. The difficulty of financing of these improvements is the Developer's concern, and if these improvements are not escrowed what is the Township's liability. If the Developer walks away, as these improvements are underground, the Township would not complete the improvements. The Amendment was modified to require the escrowing of the improvements to be installed under this Amendment, and then once the Developer's Agreement is signed the engineers can recommend the release of the completed improvements. Mr. Mooney has requested that only 15% of the cost of the improvements in the Amendment be included in the Financial Security.

Ms. Stevens stated for the two Attorney's that the 15% does not cover all of the items that typically the sanitary sewer requires to be performed including various activities that are in separate line items. Mr. Becker stated that that it makes sense to keep these in the escrow, and he would defer to Mr. Mooney. Mr. Mooney stated that any items that are not completed, inspected and approved, would be included in the escrow at 100% of their amount. Mr. Mooney asked if 20% would cover the additional items. Ms. Stevens stated the percentage does not make sense especially if the items are broken out in the escrow.

Mr. Margusity stated he had no problem in escrowing the items that have not been completed including the mandrel testing. Mr. Margusity's issue is the financial side and the bonding company will not reduce their fee which is 1.75% of the amount of the bond. He would rather use the money to put back in the project, and he agrees that all of the items that are not completed should be included and he expects that Phase 1A paving will be completed by September. He also expects to begin Phase 1B right after he is done Phase 1A.

**Glen Ridge Estates First Amendment to the Pre-Plan Approval continued:** Mr. Margusity asked for clarification on the sewer testing, and Ms. Stevens stated that there are layers of the testing as the first set of tests are for flow certification and then before dedication there is another set of testing and televising as well as certifying the pump station. The items that are installed include the erosion control and basins and the gravity sewer up to the Pump Station. Berks Homes knows that a Certificate of Occupancy will not be issued until the Pump Station is certified.

Mr. Bellwoar asked for the Board of Supervisors input. Mr. Keltz wanted to know about the \$5,000 and Mr. Bellwoar clarified the \$5,000 is a cash escrow to cover the inspection costs if the Developer does not reimburse and this \$5,000 would be in addition to the \$10,000 already in the escrow account. Mr. Keltz is fine with this clarification. Mrs. Scull asked if the Township is protected well enough in the Agreement. Mr. Bellwoar stated that working with Ryan Rhode he feels comfortable that this Amendment will protect the Township. Mr. Rhode stated there will need to be a site meeting to make sure all are in agreement with what has been installed and inspected. He asked Mr. Margusity for a timeline.

Mr. Margusity already has his bond and he would like to settle with Mr. Vorgity the week after July 4<sup>th</sup>. Mr. Bellwoar needs the date of the plans and also the final amount of the cost of the improvement. Mr. Margusity is waiting to hear from PA American if a separate bond is required or if the water improvement cost is to be included in the Township's bond. He will also post a temporary bond for the water if required. Mr. Rhode understands the water costs may be removed from the escrow if PA American wants a separate bond. Mr. Margusity will defer to Mr. Rhodes decision on what needs to be in the financial security and he and SDE have been on site inspecting the improvements, and releasing shop drawings. Mr. Rhode would evaluate what is installed and approved to establish the true escrow amount that is not in the ground and approved as well as the maintenance percentage, and it would be similar to a progress payment.

Mr. Bellwoar asked if the Supervisors are comfortable and all 3 Supervisors were comfortable but with the new language in the Amendment. Cheryl Mike and Debbi are OK if language is revised. Pamela to get revision date to all. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, agree to the Amendment to the Pre-Approval Agreement as presented by the Township Solicitor to be revised by the Solicitor to capture the conversation at this meeting. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

Glen Ridge Estates attendees thanked the Board. Mr. Bogia stated that the revised plans were delivered to the Township. Ms. Stevens has the sets of plans and several sets will be released to the engineers to assist in their inspections and will get the last revision date to Mr. Bellwoar.

Mr. Keltz asked if there were any more public comments, and there were none, so move onto the Reports.

**1. Tax Collector** – Mrs. Boyer was not present. Ms. Stevens announced that Mrs. Boyer collected a total of \$243,934.90 in May. The Township will post on the website the Board of Supervisors decision to extend the flat rate real estate taxes with no penalty for 2020 from June 30<sup>th</sup> to September 30<sup>th</sup> as she is still getting phone calls on the tax payments.

**2. Wernersville Public Library** – Ms. Stevens stated that the Library is still closed for foot traffic but they should have been open for curbside pick-up starting today. The Road Crew participated in Story-Time today and read 2 stories related to construction and construction vehicles.

**3. Fire Commissioner** - Fire Commissioner Jared Renshaw provided his Fire Department's May 2020 report. They are still operating under the COVID-19 dynamic staffing which starting at the end of March and also doing all of their training through Zoom. June 5<sup>th</sup> approximately 3:00 p.m. they responded to a car fire on Sensen and since the car was only a few feet from the home, the fire did extend to the home, but the home was saved with only exterior damage.

**4. Emergency Management Coordinator (EMC)** - The Emergency Management Coordinator Justin Schlottman was present to discuss COVID, COVID and more COVID. The Emergency Declaration was going to be stopped by the State, but he is recommending to keep ours going as there is a lot of chatter for a second wave of the virus in the fall. Colleges with sizes of 250 or more will be virtual. There will be various schedules, types of classes and students released home by the colleges and universities. Today Berks County had the lowest number of cases since March 29<sup>th</sup>. Ms. Stevens asked Mr. Schlottman about doing 30 days and revisiting the situation each month, and he agreed. Yesterday he was over in South Heidelberg Township with the tire fire, and he assisted, and he will have this incident in the report. The EMC's recommendation is to extend the Township's Declaration another 30 days. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, approve another thirty (30) day Emergency Declaration to July 25, 2020. Mr. Prutzman asked if it should expire along with the State's expiration. Ms. Stevens and Mr. Schlottman discussed to keep the local Emergency Declaration going as the Governor and the State Government are not in agreement, and the Federal Emergency should protect the Township, and this preserves the funding and the cooperative effort with the County DES. As there was no more public questions Ms. Stevens took the Roll Call: Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

**5. Ambulance** – The Executive Director Anthony Tucci was not present, and there was not a report.

Ms. Stevens had not heard from Mr. Tucci, and apologizes to the EMS people as last month's meeting he announced it was EMS week, but they could not celebrate their week due to the virus. Additionally she is hoping that the number of calls is back on the rise and we should see the increase in the call volume at next month's meeting. Ms. Stevens stated due to the Pandemic, the Board of Supervisors did not adopt a Resolution recognizing the week of May 17, 2020 as **EMS WEEK**, but would like to have the Board adopt a Resolution tonight memorializing their frontline service. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the adoption of the Resolution 2020-21 that recognizes the week of May 17, 2020 as EMS Week. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

**Planning Commission** – Ms. Stevens stated that the June 8, 2020 Planning Commission Meeting was cancelled as there was no planning business. There should be a July PC meeting as the engineer's for the Weaver Automotive Repair facility should be submitting plans for the consideration of the Planning Commission at their July 13, 2020 Meeting. Mr. Rhode asked if anything was submitted from Performance Toyota, and Ms. Stevens stated nothing yet had been submitted.

**6. Building/Zoning** – Mr. Andrew Kraft stated that Kraft Code Services issued 26 permits for a construction total value of over \$500,000.00. Currently there are 7 open property maintenance cases and 1 was closed, 9 open zoning cases with 5 closed, and due to the virus, the rental inspections are on hold. They did some inspections before the shutdown. He knows that half of the zoning cases are the decks on Regina Drive, and does the Board want to discuss it now or wait until the matter comes up in the Agenda. Mrs. Johnson asked if the real estate agent advised the homeowners about the easement. Mr. Kraft stated that Grande built several of the decks that are in violation. Mr. Kraft stated that Mr. Cepeda coordinated right away with Kirk Barnett who surveyed the easement area and located the underground pipe.

**7. Engineers** – Mr. Rhode Township Engineer of Kraft Engineering presented his Report. The County Planning Commission letter raised a point of concern about the Glen Ridge Estates and there should be No Parking along Sweitzer Road. The latest revisions to the plans does show the **No Parking along Sweitzer**. Ms. Stevens stated that since the No Parking is by Ordinance, it is worthwhile to look at the whole length of Sweitzer Road. Chief Deiterich discussed since the road is fairly narrow, the whole length was not necessary, but should be posted in the sections where the road widening is proposed. Mr. Rhode stated that in the section of the road where the widening is proposed to provide the acceleration and deceleration lanes makes sense to post No Parking in these areas.

**8. Green Valley Estates West Lot 95 – 12 Regina Deck Post Easement Encroachment:** Mr. Kraft discussed the survey plan that Kirk Barnett of Grande at Lots 95 and 95 and the plan shows the easement, pipe, catch basins and the proposed deck. The new raised deck design is with a 5ft cantilever, and the posts would not be in the easement but the raised deck would be in the air space of the easement. Mr. Kraft and Mr. Rhode met onsite. Mr. Rhode stated on the approved plan, the easement is very close to the homes, so the swale, pipe, and the catch basins are very close to the home. There is also a protected easement area for steep slopes along the rear of the yards which further restricts the use of their rear yard. Mr. Kraft stated that the existing easement is not accurate since the pipe, swale and catch basins are not centered in the existing easement. The actual easement if centered would be farther away from the home. Mr. Bellwoar clarified that if there is an existing easement recorded then this easement still gives the Township the right to the easement. Mr. Rhode stated that Grande is willing to work with the Township. There would be an as-built plan required for this development. Mr. Bellwoar asked about the easement restriction. Mr. Kraft stated that there is a Note restriction on the Green Valley Estates West plans, and in Zoning Ordinance are restrictions for easements including fences. Mr. Kraft suggests that the easement is revised. Mr. Bellwoar would then have the Developer get approval from the affected property owners, and would then amend the deed with the corrected easement which would also extinguish the existing easement. The revised Easement Agreement would be recorded, and there should be signatures from the Homeowner, Township and Developer to sign off. Mr. Kraft stated that Grande has 4 other affected properties, and Mr. Bellwoar requested that Mr. Kraft should check the wording in the Ordinance. Mr. Kraft asked if he could move the deck permit along and Mr. Bellwoar would like to look at the Easement Encroachment Agreement. Board input needed per Mr. Bellwoar, and they give permission for the cantilever portion of the deck to be in the easement. Mrs. Scull is fine with the cantilever portion being in the easement. Mrs. Johnson is also fine as the posts are not in the easement. Cantilever portion of the deck to exist in the new easement document **On Motion** by Mrs. Johnson, seconded by Mrs. Scull approve the Easement Encroachment and Mr. Bellwoar to revise the language accordingly and the document will be recorded. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously. Mr. Condie thanked the Board.

**Recreation Board** – Mrs. Scull stated that all Minor League Baseball is cancelled for this year, so the Fighting Phillies game is cancelled. She will pick a date early in the 2021 for the annual Fighting Phillies game. The Easter Egg Hunt was cancelled so we will hold onto the Easter candy and hand it out at the Christmas Party.

**9. Police Chief** - The Police Chief presented his May Report and there were 2,131 hours of service, 316 incidents, 6 criminal incidents, and 5 motor vehicle accidents. People are driving behind police cruisers and trying to antagonize the Police Officers, and it is happening daily, and is concerning that it is here in Lower Heidelberg. He has advised his Department to not engage and come back into the Office.

**New Chevy Tahoe and Riot Helmets:** Ms. Stevens stated that the Board should ratify their decision to approve of the Chief of Police to move forward with the fit-out of the new Police Vehicle and the purchase of Riot Helmets with both of these expenses being reimbursed to the General Fund from the Police Savings Fund which has sufficient money to v=cover these 2 expenses. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, approve the ratification of the two expenses for the Police Department, specifically, the fit-out of the new Tahoe and the purchase of riot helmets with these expenses being reimbursed to the General Fund through the Police Savings Account. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

Ms. Stevens discussed that Officer Sellers has decided to postpone the 2020 National Night Out until the First Tuesday of August in 2021. He will be reaching out to all of the donors and asking if they want a refund on their donation.

Ms. Stevens stated that a new Policy was prepared by the Township Solicitor for the Police Department, specifically, an **Anti-Bias Policy**. The Board of Supervisors can adopt the Policy by Resolution. **On Motion** by Mrs. Johnson, seconded by Mr. Keltz, approve the adoption of the Resolution 2020-22 whereby adopting the Anti-Bias Policy 20-048 for the Police Department. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

Chief Deiterich thanked the Board and advised them that the riot helmets may take 4 weeks for delivery as so many other Departments are ordering them as well. The Board thanked the Chief and wanted to pass on their thanks to the Officers in the Department.

**10. Road Foreman – Mr. Clay,** the Road Foreman, presented his Report. In May they did some cold patching, especially the older roads. They mowed the Township roads but the primary mower needs to get repaired. They responded to storm damage with high winds and the one day there were 9 to 11 trees down. They did replace some street signs, and repainted Vascar lines, curve signs on Paper Mill Rd., added “Slows” on Fairwood to Atlantic, and on also on Pacific. With the high wind, the Road crew office windows leaked again. Story Time went well and at least 6 children attended but they lost the Library signal part way through so the second book did not get read.

Ms. Stevens requested that the video be played to show the attendees the operation of the paver box. Ms. Stevens stated that the Road Crew had constructed a paving box to allow them to better place asphalt in shoulder areas which has saved time, money and increased their safety. They submitted their paving box design to the LTAP **Build a Better Mouse Trap competition**. Their paver box won them **First Place** in this year’s State-wide competition. Their entry will also be entered into the National competition. Ms. Stevens and Mr. Clay discussed the PSATS award and that the award may be in 2021.

Ms. Stevens discussed the **Wooltown Road Bridge** over Hospital Creek has been inspected and it was determined that the posting needs to be reduced from 26 tons to 24 tons and from 30 tons combined to 29 tons combined. Letter from the Inspector is in the Board’s packet. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the reposting of Wooltown Road Bridge over Hospital Creek as recommended by the Bridge Inspection Consultant. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously. Chief Deiterich discussed the notification of the Fire Commissioner as he believes the Ladder Truck weighs more than the reduced posting, and the Fire Department may need an emergency waiver. Ms. Stevens would notify the Fire Commissioner. Mr. Bellwoar asked up to what weight would be included in the waiver.

Mr. Rhode stated that the previous inspector advised the Fire Department to drive in the center of the bridge as the exterior fascia beams are the weak part of the bridge. Ms. Stevens requested if there are other Fire Department vehicles that are over the weight and he thinks possibly the tanker. Mr. Rhode and Ms. Stevens will research for the July meeting.

Ms. Stevens stated that the **Berks County Purchasing Council** is requesting if we would like to participate in the Highway Salt contract and need our response before June 19, 2020. The tonnage cost will still remain at \$62.00 per ton from Eastern and either delivered or picked up. She recommends we participate in the joint bid and request 400 tons for the 2020/2021 season. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, to authorize the Township to enter into the joint cooperative bid for Road Salt from Eastern Salt as a seasonal item and in the amount of 400 tons at \$62.00 per ton. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

**Seasonal Items Advertise for Bidding:** Ms. Stevens requested that the Board consider making a motion to authorize Advertising of the Seasonal Bids for Road Salt, Diesel Fuel, Heating Oil, Propane and a separate one for Pavement Markings, and to bring the Proposals and Bids in the for consideration at the July 20, 2020 Regular BOS Meeting. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, to advertise for the 2020 Seasonal Items. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

#### **Manager/Secretary/Treasurer/Sewer Engineer**

**Cell Tower update** – Ms. Stevens stated that the construction schedule was submitted by P3 Towers and if all goes well, the cell tower should be completed before the end of August.

**11. 2019 Audit:** Ms. Stevens stated that the 2019 Audit was completed by Herbein and was a clean Audit with no findings and is ready for the Board to “accept” the 2019 Audit. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, accept the 2019 Audit as completed by Herbein, approve to advertise the Audit Notice in the Reading Eagle, and make available to the public the relevant Herbein documents. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

**12. and 13. Bill List and Treasurers Report:** Ms. Stevens noted that the bill lists are since the May Board Meeting and the Treasurer Reports. Account. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the Bill Lists and the Treasurer’s Report, and to file the Report for Audit. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

**Solicitor** - The Solicitor stated that all of his items were covered and he has nothing else to report.

Mr. Keltz requested if anyone has any Old Business, New Business, and Public Comment, and there were no comments on any of these.

Mr. Keltz made a **Motion to Adjourn** and Mrs. Johnson, seconded the motion to adjourn at 8:26 pm.

Respectfully prepared,  
Pamela J. Stevens  
Manager/Secretary/Treasurer

Approved: 7/20/2020