

Lower Heidelberg Township Board of Supervisors
BOS Action Agenda – Virtual Meeting - Regular Meeting
August 17, 2020

The Lower Heidelberg Township Board of Supervisors held their monthly meeting remotely through the Zoom Platform on the above date. The August 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 John Mahoney, Police Chief Thomas Deiterich, Township Engineer Ryan Rhode (KE), Zoning and Code Officer Andrew Kraft, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Tax Collector Sharon Boyer, she was present but unable to speak during the Zoom Meeting, and Emergency Management Coordinator Justin Schlottman. Guests attending David Kurtz, Robert Melson, Paul Prutzman, Craig Jones, Craig Bonenberger, Brian Weaver, Deana Reedy, Attorney Mark Merolla, Mike Roberts and Tom Jauch.

Chairman Keltz called the meeting to order at 7:01 p.m., and led the pledge to the flag.

1. Approval of Minutes: The minutes from the July 20, 2020 were circulated to the Supervisors prior to the meeting. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the minutes for the July 20, 2020 meeting as presented. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

Public Comment – Deana Reedy attended the Board meeting and presented a Power Point. Her Attorney Mark Morella gave a brief outline that the Reedy family is contemplating on the property adjacent to the Berks Western Telecom Property. The Power Point presentation is an Outline for the Wilderness Outpost with a Village-Like Setting and the main building would be a quick service restaurant. Mrs. Reedy discussed that each smaller building having their own unique use including a coffee shop, a Juice Bar Healthy eatery, an ice cream, and vintage shop. There are no local places for the Blue Marsh Visitors and this project is for the Reedy Family to own and operate. The project will create jobs, and keep business locally. They understand there are numbers of steps and the restaurant would have a liquor license. Looking for the Board of Supervisors input and questions that they may have. Mr. Keltz asked as to how many buildings and Mrs. Reedy said there would be several but do not have the number yet. Large Lodge style building with the central location with 2 smaller lodges on the side. The large lodge would be the restaurant. The coffee shop would have a drive through, small health eatery, small vintage shop and small ice cream parlor. Modern feel but homey feel as well and is in a very early stage of concept. Mrs. Scull asked what was the Zoning District and Mr. Kraft answered that it is R-1 Rural Residential and commercial uses are not permitted. Mr. Merolla said there is approximately 5 acres in total. Mr. Kraft stated that variance relief is significant and the zoning items could be identified in a Sketch Plan. Mr. Rhode discussed that the driveway permitting may be very difficult and they should consider the Penn DOT pre-scoping application to see if the driveway can be located in this section of Brownsville Road. Mrs. Scull asked if the neighbors have been contacted. Mrs. Reedy said they had not and the Liquor License and Zoning by Law they will need to contact the property owners as required. She will be owning the property and currently owns the little house. She wanted a feel from the Board if this Concept was of interest. Mrs. Johnson stated she is in support and did they also consider extending the Zoning to include their property as the current Berks Western Telecom is a non-conforming use. Mr. Kraft discussed that the first issue is to review the zoning relief. Mr. Merolla stated there are 2 paths, one that can change the map and the second is the specific the zoning relief for the use. Mr. Merolla requests that the Planning Commission, Zoning Officers, and Attorney to weigh in as specific relief could be considered spot zoning.

Deana Reedy Presentation continued: The applicants would need to prove a hardship and the neighbors may oppose way down the road. Mrs. Scull asked the Chief's opinion on the traffic. Chief asked the hours of operation and Mrs. Reedy said since it is a family restaurant the hours would not be late and this would be a Family Destination and not a Bar. Mrs. Reedy would like to keep it conservative and the hours are yet to be determined. Mrs. Reedy asked if she should be talking to the neighbors. Atty. Mahoney said the process would be a posting on the property and possibly the newspaper and then these neighbors would make the process extremely difficult, and only this one location would be available for this use, so they should probably contact them now. Mr. Merolla said he will discuss with Mrs. Reedy. Mrs. Scull discussed that the Food Truck people were interested in doing something so Mr. Kraft is suggesting that you talk to the neighbors sooner than later. Mr. Merolla said the Board is the first to hear. Mrs. Scull said she is not for or against as she does not have enough information to make a decision. Mr. Merolla said they are here tonight so there are no rumors. Mr. Keltz agreed with Mrs. Scull as there is not enough information to make an informed decision, and he is also concerned about the neighbors. Mrs. Reedy would like to do the full sketch. Mr. Keltz asked if there were any more questions or concerns and there were none.

2. Tax Collector - Mrs. Boyer was present, but unable to speak during the Zoom Meeting due to technical difficulties. Ms. Stevens announced that Mrs. Boyer collected \$83,314.32 as reflected in her July Report, and in an e-mail to Ms. Stevens she posted that there were 126 unpaid bills and people are still not aware of flat rate extension, and the total collected for the whole month of July was \$105,688.80. She also wanted to let us know that the percentage difference between last year and this year is about 1% less collected. She believes this is due to the extension of the flat rate but overall this revenue stream was not significantly affected by the pandemic.

Ms. Stevens stated that the **Berks EIT** notified her that there would be a refund split with Berks EIT and the Township due to the request from a Lower Heidelberg Resident to refund the Resident the Berks EIT Taxes paid in 2018 and 2019 as the State where the Resident worked is the governing EIT entity and not the State where the Resident lives. Atty. Mahoney did clarify that the Berks EIT is probably correct, but he will be glad to review and get back to Ms. Stevens tomorrow.

3. Library - Mrs. Scull stated that the Library is open to residents up to 25 people in the Library at a time, and 15 minutes browsing. The returned books, DVD's, and magazines are items that must quarantine for 3 days and are returned in a different locations. In the Library Report, Library staff have been and will be delivering to people's homes, craft packs and these were delivered to Friday's Child and Spring Rose, and Teen Book Boxes were delivered to South Mountain YMCA.

4. Fire Commissioner – Mrs. Johnson summarized there were 8 incidents in Lower Heidelberg Township per the Department's July 2020 report. At Station 4 there are people loitering and gathering and the Chief does not want a fence as Ganly's uses the area around the Station for parking. The Chief would prefer access to the rear of the building, and the barricade and the downspout would need to be relocated then the Police could patrol around the back and the side towards the intersection.

5. Emergency Management Coordinator (EMC) - The Emergency Management Coordinator Justin Schlottman was present to discuss his report, and there are of course still addressing COVID issues; he mentioned the National Incident Management System survey was mailed out as it is due in October.

EMC Continued: He was reviewing the damage forms and documenting the flooding event. He will have photos and damage information from the Flooding events that occurred in early August in his August Report. Ms. Stevens asked the Board if the Emergency Declaration that was extended until the Supervisors vote to end the Declaration stay in place? Board to discuss if remains in place. Mr. Keltz and Mrs. Scull both agreed to stay in force. Mrs. Johnson is over the emergency issue.

6. Ambulance - Ambulance Director Mr. Tucci was not present.

Planning Commission - The August 10, 2020 Planning Commission Meeting was not held as there was no planning business.

7. Land Development Plan at 6841 Penn Avenue: Craig Bonenberger was present from McCarthy Engineering along with Mr. Weaver and is requesting the Board's consideration of the Conditional Preliminary/Final Plan Approval as the Waivers were granted at the July Board Meeting. Mr. Rhode stated that the Cost Estimate for the financial security and the Berks County Conservation District approval are the only outstanding items of significance for the Plan, and they are included in his review letter. Mr. Mahoney outlined the motion for the Board. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, grant the conditional approval of the Preliminary/Final Land Development Plan for the 6841 Penn Avenue Land Development Plan for the Automobile Repair Facility and in accordance with the Plan Approval Decision, and the Township Engineer's review letter including the Escrow Estimate and the Conservation District approval. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

8. Building/Zoning - Mr. Andrew Kraft stated that Kraft Code Services issued 32 permits for a construction total value of over \$1,300,000.00. Currently there are 5 open property maintenance cases, and one has an appeal which is shifted to next month's Board Meeting, and there are 6 open zoning cases. Inspection on 4200 Hill Terrace was done for verification that the trailers were disconnected from the public sewer. The trees overhanging on Penn Avenue are a concern from the Chief as the signal heads and the emergency pre-emption devices are blocked by the tree branches. Kraft Codes sent a letter to request removal/trimming of the trees and a tree company responded and began the trimming. The property owners for 41 Pacific were granted dimensional relief and 57 Virginia was also granted dimensional relief from the Zoning Hearing Board. The Zoning Hearing for the Legacy at the Paper Mill is scheduled for August 25th at 6:00 for their requested zoning relief. The proposed Car Wash Zoning Hearing is scheduled for September 15th at 6:00 p.m. Mrs. Johnson asked about the status of the clearing of the lot across from Mrs. Volpe, and Mr. Kraft has not heard anything on that property. The sight distance at Intersection of Steely and N. Church is really poor due to small trees planted in the sight line on the property at 290 Steely and Kraft Codes will investigate and Notice of violations will be issued.

9. Engineers - Mr. Rhode discussed his report. He is working on Glen Ridge Townhouse Phase escrow estimate. Phase 1A work is still on-going on Sweitzer Road and he will be meeting with the Contractor to discuss the Sweitzer Road Restoration. On the Green Valley Estates West stormwater complaints, he and Andrew will be preparing a list of issues with possible solutions, and some of the work may involve Grande and potentially include yard drains, and regrading between yards. The Regina Drive new stormwater easement for the encroachments is still in process. Legacy at the Paper Mill Dam removal Road Opening permit was received for the access road and he will not process the Permit until all of the Legacy people and attorneys are satisfied.

Glen Ridge Estates Sweitzer Road: Mrs. Scull had a call concerning the rough riding on the temporary restoration on Sweitzer Road and Mr. Rhode will be meeting with the Developers Contractor to address the rough conditions, as well as the elevations of the manholes, and to answer the Contractor and Developer questions on the restoration. Mr. Rhode continued that for certain the binder course will be placed this year, and the widening on Sweitzer on the development side will also happen this year. There are a few options on paving timing and Ryan will have a dialogue with the Contractor, but ultimately there will be a full width final wearing course on Sweitzer for both lanes, and any necessary base repair and manhole adjustments with paving. Ms. Stevens asked for clarification on the timing of the Sweitzer Road restoration to discuss with Systems Design as it relates to the sewer manholes.

10. Recreation Board - Park and Recreation Report/Updates. No Updates

11. Police Chief - The Police Chief Deiterich presented his July Report and there were 2,479.25 hours of service, 331 calls, 8 criminal incidents, and 2 motor vehicle accidents. Empire passed away on July 31st and very sad news as he was our first K-9 and meant so very much to Corp. Lawless and the Department.

12. CODY Renewal: Chief asked for the renewal Reporting System that the Police Department utilizes is up for the annual renewal Oct 2020 to Sept 2021 – check dates. . The renewal fee is \$3,695.99. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, approve the CODY Systems renewal in the annual amount of \$3,695.99 for the Police Departments reporting procedure. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

13. Police SOP's Resolution 2020-23 Chief requested to adopt the new Policies that were prepared by the Township Solicitor for the Police Department, specifically, 20-002 Non-Lethal Force, 20-003 Deadly Force, 20-019 Evidence, 20-049 Rules of Conduct and 20-050 Code of Discipline. The Board of Supervisors can adopt the Policies by Resolution. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the adoption of the Resolution 2020-23 whereby adopting the five (5) Policies 20-002 Non-Lethal Force, 20-003 Deadly Force, 20-019 Evidence, 20-049 Rules of Conduct and 20-050 Code of Discipline for the Police Department. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

14. Parking Restrictions and Fines Amendment: Chief asked authorization to start the process to revise the Parking Restriction Ordinance and amend the amounts of the fines to align with the Motor Vehicle Code and to add additional language to clarify parking against traffic and parking in a posted fire lane. Have the Manager and Solicitor draft an amendment to the Ordinance and begin the Ordinance adoption process. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, authorize the Manager and the Chief of Police to amend the restrictions for parking to align with the Motor Vehicle Code and to amend language for clarity purposes. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

15. New Police Hires: The Supervisors are considering that the two new hires Officer Steven Caltagirone and Officer Ryan Rhoads be promoted to the following classifications, pay rates and at the starting date as supported by the Chief of Police: At the May Board Meeting, the Board approved of the Officers moving up to Level 2 with the intention of promoting them to Level 3 starting September 1, 2020 at the hourly rate of \$40.03.

15. New Police Hires continued: On Motion by Mr. Keltz, seconded by Mrs. Scull, move to promote the two new hires Officer Steven Caltagirone and Officer Ryan Rhoads from Probationary Level 2 Patrol Officer to the following as supported by the Chief of Police: Starting September 1, 2020 the Officers will be promoted to Probationary Level 3 Patrol Officer Second Class at an hourly rate of \$40.03. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Abstain. Motion passed with 2 Yes votes.

16. Road Foreman - The Road Foreman, Matt Clay was present, and gave his Report. The 2009 F550 and the 1997 Bucket Truck are in the shop getting front end alignments, they continued to repair storm box tops by pulling off the tops and re-pouring the concrete to fix the side walls and adjustment bricks on E. Charles, E. College and Stitzer, and in Saddlebrook actually re-pouring certain boxes. They are in the process of repairing the sink holes reported at 81 Virginia and 301 Firethorn, and will monitor. They continued mowing the Township Roads again as the weeds are growing so fast, and the State Roads should be close to doing Cycle 2. They continued to fix the 1997 Dump Truck bed by cutting out the bad spots and re-welding and repairing the bad areas of the bed, and Tyler Balthaser painted the entire bed. The New Freightliner Tandem Dump Truck was delivered this month.

Manager/Secretary/Treasurer/Sewer Engineer

17. MS4 Annual Permit: Since the annual Report is due by September 30, 2020, Ms. Stevens requested permission to submit the Report if the Report is ready before the September 21, 2020 Board meeting. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, to authorize the submission of the Annual Municipal Separate Storm Sewer System to PA DEP. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

18. Shared Organic Recycle Site: Ms. Stevens gave the background on that South Heidelberg Township is looking to issue a mailing to the residents of Lower Heidelberg to obtain information if the resident wants to register to receive a key card for access to the Organic Waste Site on Point Road. Lower Heidelberg Residents will not be permitted to gain access without this key card and the date when the site will be fully operational with the new security system will be January 1, 2021. The cost to the Residents is \$20.00 and the annual membership is \$10.00. The Township will need to enter into a new Agreement with South Heidelberg and each resident must submit the following to South Heidelberg: Registration, Proof of Residency, Agreement Form, Use Agreement and the check for \$20.00 for the initial registration. We are hopeful that once the security system is up and running, the amount of organic materials being dropped off will significantly be reduced in volume which will reduce the costs to the Municipalities.

19. Sewer Update: A property that was not connected to the public sewer was hooked up to the public sewer on August 12, 2020 as the septic system was failing. The location is at 4435 Hill Terrace in Green Valley Gardens, and the existing septic system was properly abandoned.

20. and 21. Bill List and Treasurers Report: On Motion by Mr. Keltz, seconded by Mrs. Scull, 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 Mr. John Mahoney presented his Report. The Paper Mill Ordinance Amendment was to be approved to move forward by the Board of Supervisors. **On Motion** by Mr. Keltz and seconded by Mrs. Johnson to have the Township Solicitors office prepare the Amendment specific to the Age Qualified Overlay District including advertising. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

22. Glen Ridge Estates Townhouse Phase: The 90 days since the conditional Final Plan Approval expired on August 16, 2020. The Supervisors may consider reaffirming the conditional Final Plan approval for the Townhouse Phase so the plans can be recorded. A reaffirmation letter can then be written by the Manager to go along with the plans and documents to be recorded. Mr. Mahoney can prepare a letter, and Pamela can contact the County. Reaffirmed at tonight's meeting since the plan approval conditions are not yet satisfied for the Townhouse Phase.

New Business

Mr. Mahoney discussed the Zoning Hearing Board for the Car Wash on Penn Avenue variance relief for the encroachment into the setbacks which is scheduled for September 15th. Mr. Kraft stated that the Board may need to consider 422 Overlay District Conditional Use relief similar to the Green Valley Dental as the Dental Conditional Use approval does not carry with the Land which may include the parking lot setback, and parking screening. If the Board finds the lot to be un-developable then the Board can grant conditional use approval for the issues listed in the Zoning Ordinance. Mr. Kraft stated the site has constraints and more than likely they will request the conditional use relief.

Teamsters Contract: The Solicitor will assist for the three (3) Motions below for the consideration of the Board to approve of the Teamster Contract for the Road Crew.

On Motion by Mr. Keltz, seconded by Mrs. Scull, move to approve the Collective Bargaining Agreement between LOWER HEIDELBERG TOWNSHIP and TEAMSTERS LOCAL UNION NO. 429 for the period of 8/1/20 to 12/31/22, as prepared by labor relations legal counsel Eric M. Brown to the Township, and as approved today by the Township employees who are members of the union. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

On Motion by Mr. Keltz, seconded by Mrs. Johnson, move to approve and adopt the Vehicle Safety Policy prepared by labor relations legal counsel to the Township, to be implemented immediately. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

On Motion by Mr. Keltz, seconded by Mrs. Scull, move to approve and adopt the Vehicle Take Home Policy (Use Policy) prepared by labor relations legal counsel to the Township, to be implemented immediately. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

Penn DOT Winter Traffic Service Contract for 2020 through 2025: A new Five-Year Contract for the Municipal Winter Service Contract of the State Roads must be approved by Resolution and then mailed to the State for final signatures. The new Five-Year amount is for approximately \$124,423.85, with the first season 2020-2021 in the amount of \$23,435.80, compared to last season's amount of \$22,420.30.

Penn DOT Winter Traffic Service Contract for 2020 through 2025 continued: On Motion by Mr. Keltz, seconded by Mrs. Johnson, approve the Resolution 2020-24 adopting the Lower Heidelberg Township Five-Year Winter Traffic Service Contract for October 15, 2020 through April 30, 2025 for the State Roads. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson - Yes. Motion passed unanimously.

Mr. Kraft asked Mr. Mahoney about the **Zoning Ordinance Amendment for the Paper Mill Development** and does the Zoning Amendment affect the Zoning Hearing Board application for the meeting to be held on August 25th. Mr. Mahoney stated that the Amendment does not affect the Zoning Hearing Board. Ms. Stevens pointed out that the Developer's wanted the Amendment to continue concurrently in case the Zoning Hearing relief was not granted, and since they are paying for all of the associated costs, the Township was in support of the Amendment moving forward.

Mr. Keltz requested if anyone has any Old Business, New Business, and Public Comment, and there were no additional items to discuss.

Mr. Keltz made a **Motion to Adjourn** and Mrs. Scull seconded the motion to adjourn at 8:35 pm. Roll Call all Yes.

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

DRAFT: