

**Lower Heidelberg Township Board of Supervisors**  
**BOS Action Agenda – Virtual Meeting - Regular Meeting Minutes**  
**September 21, 2020**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting remotely through the Zoom Platform on the above date. The September 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 Glenn Kraft, 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, Mike Roberts and Tom Jauch. Special Guests for Public Comment - Kent Wrobel, Arne Anderson, and Jerry Seidel

Chairman Keltz called the meeting to order at 7:02 p.m., and led the pledge to the flag.

**1. Approval of Minutes:** The minutes from the August 17, 2020 were circulated to the Supervisors prior to the meeting. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the minutes for the August 17, 2020 meeting as presented. Roll Call Mr. Keltz - Yes, Mrs. Scull -Yes, Mrs. Johnson – Yes. Motion passed unanimously.

**Public Comment**

Andy Bellwoar opened the matter of the Appeal Hearing that was advertised for Zia Mahmood concerning his Property Maintenance Appeal for 4223 Hill Terrace in response to the Notice of Violation dated May 28, 2020. The Property Maintenance Code was adopted by the Township by Ordinance in 2007 which allows the Township to enforce property maintenance code matters, whereby Glenn Bertolet and Kraft Code Services were appointed by the Township to provide the enforcement of the Property Maintenance Code. The Hearing was properly advertised for tonight and the advertisement notice will be Township Exhibit T-1. Mr. Mahmood contacted Mr. Bellwoar this afternoon, and notified Mr. Bellwoar that he was still very ill and he requested that the Hearing be continued. Mr. Bellwoar advised Mr. Mahmood that the next meeting was October 19, 2019 and the hearing will be continued to that date. At the Board Meeting on October 19, 2020 at 7:00 p.m. the Hearing will be continued and no other Notice will be provided; and with that the record will be closed.

Kent Wrobel spoke on behalf of the Seidel Auto Group. With him tonight is Jerry Seidel who is interested in the property for a 300 car dealership, and Arne Andersen who is the current property owner. They are interested in the property across from Redner's on Penn Avenue, and this property has 3 possible locations for traffic signal access. He will have Jerry Seidel discuss the Car Dealership. Jeff Hettinger who represents Jerry had some discussions with Ms. Stevens. They are looking into a 10 acre parcel to be subdivided from the 40 acre parcel. They have the following questions, is the property allowed to be subdivided, does the C-2 Zoning District permit the car dealership, and how many EDU's are assigned to the Property?

Jerry Seidel spoke about the background of the Seidel Car Dealership. They are looking to relocate their current dealership in Shillington as they are running out of space at their current location, and they only have 4 acres.

Hyundai is requiring them to rebuild their existing dealership, and they would need to buy additional land. They are thinking to relocate is better for them as the 10 acres would provide short term and long term needs of the dealership. They are looking to have space for 300 vehicles, the Dealership building and a Body Shop. The Dealership building would be a two-story building with the Offices on the second floor. They would have approximately 80 employees with the addition of the Body Shop as they have currently 55 employees. They would have a pylon style sign, and they would need road access so they would be visible to Penn Avenue. The Dealership would be similar to Performance Toyota except they would have the Body Shop on the same property. One of the issues they want to make sure is accurate is if they have enough EDU's for the proposed Dealership, and Mr. Seidel requested Mr. Andersen to discuss the property.

Arne Andersen then discussed the history of the property that they have owned in the family for about 30 years. They have 50 EDU's for the site and this is sufficient for the proposed Dealership of Seidel Auto Group, and then they are thinking they could have a few Commercial Uses in the front of the property. Mr. Andersen asked about confirming the EDU's for the property.

Ms. Stevens did confirm that there are 50 EDU's that have been on the Township books going back into the 1990's. Unfortunately, there are no additional EDU's available at the Sinking Spring Wastewater Treatment Plan as the Borough is reserving any unused EDU's for the Borough Downtown Improvement Project. The Zoning District is C-2 and this Zoning District does permit an Automobile Dealership. The subdivision of the 10-acre parcel to create the lot for the Seidel Auto Group is not something the Township is against.

Mr. Seidel said they use approximately 37,400 gallons per quarter, which is comparable to the other Dealership in the area using about 26,000 gallons per quarter, and Seidel Auto Group will not have a car wash on site. The current usage would equate to approximately 2 EDU's.

Mr. Andersen stated that the EDU's are already purchased, and they have not used any of the EDU's available to this property. There is no car wash proposed for the Dealership. Ms. Stevens requested to know the opinion of the Board on the proposed Dealership. Mrs. Johnson stated she was in favor. Mr. Keltz stated he was in favor. Mrs. Scull stated she was in favor.

Mr. Seidel will review the EDU's and get information as part of the plan review process, and hopefully moving towards an Agreement of Sale.

Mr. Kraft encouraged Mr. Seidel to account for the additional employees at the new Facility and make sure the EDU numbers are accurate. Mr. Seidel will be getting information from the Hyundai Team to acquire information for the sewer and water usage.

Mrs. Scull asked Mr. Andersen the intent of developing the property. Mr. Andersen stated that there is no demand for large box tenants. He believes that there could be 3 or 4 small retail uses in the front along with the dealership and potentially residential apartments in the rear. For now the main focus is to focus on the Dealership.

**Public Comment continued:** Mrs. Scull stated that this property is slated for commercial use and not residential use as the EDU's are very difficult to obtain. Mrs. Johnson, agreed this is the last commercial piece of property in the Township and they want commercial uses not residential uses.

**2. Tax Collector** - The Tax Collector was not present and Ms. Stevens summarized her report to the Board as follows, she collected \$25,392.98 for the month of August. With the flat rate period soon to end on September 30, 2020, Mrs. Boyer will be mailing reminder notices the first week in October to the taxpayers that have not paid the Township real estate tax bill.

**3. Library** - The Wernersville Public Library Report. Ms. Stevens summarized the Report highlights of door count, circulation, deliveries, and wrote a thank you note for Story Time to Matt Clay.

**4. Fire Commissioner** - Fire Commissioner Mr. Renshaw summarized there were 16 incidents in Lower Heidelberg Township per the Department's August 2020 report. October is Fire Prevention Month, but with COVID, they will not be going into the schools, but will be doing a virtual Fire Month Safety education program for the schools.

**5. Emergency Management Coordinator (EMC)** - The Emergency Management Coordinator, Justin Schlottman presented his report, which documented 2 storm events, the flash flooding on August 2<sup>nd</sup> and Tropical Storm Isaias. He had 8 training events during this month, he has some initial planning on Reporting events and Debris Management. Ms. Stevens discussed the FEMA Maps were in process to be updated and they are looking for the Special Flood Hazard Areas to be identified.

**6. Ambulance** - Ambulance Director was not present. Ms. Stevens noted the number of responses this month were 14 transports and this seems very low and she will e-mail Executive Director Tucci to find out why the low number again.

**7. Planning Commission – Mr. Keltz summarized** The September 14, 2020 Planning Commission Meeting was held and the Eberly Minor Subdivision Plan was the main topic discussed. There was no BOS Action required.

**8. Building/Zoning – Mr. Glenn Kraft of Kraft Code Services presented his Report.** Kraft Code Services issued 22 permits for a construction total value of \$443,991.00. Currently there are working on 9 open property maintenance cases, 16 zoning issues, they performed 73 inspections, and they issued 26 U&O's. Received notification that the Blight Committee will be discussing 333 N. Church property at tomorrow's hearing.

**9. Engineers** - Township Engineer Ryan Rhode of Kraft Engineering to present his Report. Mr. Rhode reported that he believes all of the Plan Approval conditions for 6841 Penn Avenue have been addressed and the Plans and documents can be finalized and can soon be signed. Mr. Rhode summarized the Eberly Right-of-Way matter that was discussed with Road Foreman Matt Clay. Mrs. Krater from Hoffert Surveying Offices was in Kraft's Office so they were able to discuss the matter and are proposing the 60 feet or 30 feet on the Eberly side in case Matt Clay needs to do a double cut-back to soften the steepness of the shoulder slopes. Hoffert Surveying is agreeable and will provide the proper legal description for the 60 feet offer of Right-of-Way.

**9. Engineers continued:** He and Andrew Kraft investigated several stormwater complaints in Green Valley West Phases 1 and 2 and he and Andrew tried to inspect all of the areas of complaint. They met with Grande representatives and tried to investigate all of the properties with complaints. There seems to be mixed drainage issues that are causing the problems. There are some improvements that are not in easements. There are current complaints due to the conversion of the basins.

There are also infiltration portions of the basins that do not appear to be functioning, and the Conservation District has been informed. His office and the Conservation District will monitor these basins. He is hoping that the basins and stormwater controls will function properly. There are a handful of areas that Grande is working with the homeowners and they want to see if Grande can address the concerns. There are some areas with unpermitted structures such as sheds and fences that are causing additional problems. He believes that he has discussed all of the concerns and issues with the property owners to date and has requested that he needs the Township to forward any additional complaints that the Township continues to receive.

Mr. Rhode did receive a meeting date and time with the Conservation District for the Timberlake Basin. Ms. Stevens noted that the Road Crew did uncover a blocked out fall in this Basin and she forwarded the photos. Mr. Rhode summarized that the Timberlake Basin conversion was not completed and was in Greth's name and then transferred to Grande. He has set up the meeting for this Wednesday at 10:00 a.m. and invite Mr. Clay and Ms. Stevens.

Ms. Stevens requested the update on the UGI – Old West Penn does not want to perform the work until the heating season is over. They obtained the GP-5 that was required and there is a new UGI contact. Mr. Rhode will continue to push UGI to get the project done. Ms. Stevens asked if the Dodge Dealer is being inconvenienced, and Mr. Rhode said yes due to final restoration but not any flooding.

**10. Glen Ridge Estates Townhouse Phase and Lot A Updates** – BOS, Engineer and Solicitor to discuss. Andy Bellwoar summarized the status of the Townhouse Phase Agreements and these had been forwarded to Forino and Forino's attorney. The developer is discussing the possibility of starting construction before the plans are recorded, and a similar Pre-Plan approval may be presented at the next meeting on behalf of Forino. Mr. Bellwoar discussed the donation of the 35 acre parcel to the Township and he is requesting that the Board make a motion to accept and approve the Deed of Dedication. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, accept the Deed of Dedication from Glen-Gery for the 35 acres known as Lot A conditioned on the receipt of an signed original Deed of Dedication. Roll Call Mr. Keltz - Yes, Mrs. Scull -Yes, Mrs. Johnson – Yes. Motion passed unanimously.

**11. Legacy Traffic Assessment Update** – Ms. Stevens stated that she had included the Traffic Assessment Conclusion for Phase 2 in the BOS packet, and requested Mr. Rhode give his update on his review of the Traffic Assessment. The traffic counts were a little low, but overall the proposed traffic can be adequately accommodated by the area roadway network, and his letter will be issued shortly but there were no issues of significance that he found in his review.

**12. Recreation Board** - Park and Recreation Report/Updates. Mrs. Scull brought up Halloween for discussion by the Board. Mrs. Scull wanted the Board's opinion on the Event.

**12. Recreation Board continued:** Mrs. Scull noted that some municipalities have left trick or treat is up to the parents and the residents. Mrs. Johnson stated that it is up to the parents and the residents, and Mr. Keltz agreed. We should not “cancel” the event. Mrs. Johnson requested the curfew still be put in place. Mrs. Scull stated that the Recreation Board also decided on cancelling the Christmas Party.

**13. Police Chief** - The Police Chief to present his Report. The Police Chief Deiterich presented his August Report and there were 2,073.25 hours of service, 318 calls, 11 criminal incidents, and 6 motor vehicle accidents. He had received the Letter from Wernersville Library thanking Officer Heist, and the children were excited to see a female Police Officer. The Chief agreed on the Halloween Curfew. For 2020, Halloween falls on Saturday October 31<sup>st</sup>, so Trick or Treat night will be on Saturday, October 31<sup>st</sup> from 6:00 p.m. until 9:00 p.m. with the customary curfew restrictions from 9:00 p.m. through Sunday, October 25<sup>th</sup> until 9:00 p.m. Sunday, November 1<sup>st</sup> unless the juvenile is with an adult. The Chief and all 3 Supervisors concurred with Halloween and the Curfew as stated.

**14. List of Attorney Tasks – BOS should discuss the Legal Tasks:** Regular Township Business, General Planning and Zoning, Ordinances and Sanitary Sewer: Andy Bellwoar of Bellwoar and Kelly; Police: Chris Gerber of Siana Law; Sewer Liens, Bankruptcies and Teamsters: Eric Brown of Siana Law. Mr. Keltz brought up these tasks. Mrs. Johnson thought that once Gerber was done with the Police policies then the Police issues would be transitioned to Mr. Bellwoar. Chief Deiterich requested that he stays with Mr. Gerber on Police matters as the Policies are not completed. Mrs. Scull would like to stay with Mr. Brown on Bankruptcies and Liens as he keeps a close watch on the current ones in Lower Heidelberg, and with Mr. Bellwoar’s smaller firm it is important to stay with Mr. Brown. Mr. Bellwoar recommended that Mr. Gerber still continue to work with the Chief on the Policies. Ms. Stevens requested that since the Teamsters was just finished if Mr. Brown could stay for a short time period. Mr. Keltz does not want to change mid-stream and for the Police, and the Chief should get to the Board the list of Police issues that should stay with Mr. Gerber. He recommends that the Teamsters matters transition to Mr. Bellwoar after 6 months. The Chief asked about keeping Mr. Bellwoar informed and he will continue to copy Mr. Gerber. All Board members concurred with the identified tasks.

**15. Trash and Recycling Liens –** Non-Payment of 2019 and 2020 Trash and Recycling Services to be discussed, and Mrs. Scull discussed the non-payment of the trash and recycling for 2 years, \$456.50 for both years. The Lien costs are \$250.00 plus all other costs. She needs direction if to lien and then she can identify their property and JP Mascaro will be informed to not pick up their trash and recycling. Mr. Keltz, was not in favor of a lien and he suggests one final notice with a deadline. Send a final letter that the next trash will not be picked up with a given date since you have not contacted the Township. All Supervisors agree with the final letter.

**16. Road Foreman** - The Road Foreman, Matt Clay presented his Report. There were two vehicles were inspected. Leaf collectors were serviced and they will be starting on October 19<sup>th</sup>. They finished up some storm box repair in the Penn Werner area, and finished the blacktop patches at these inlets. The Road Crew inspected the outfalls for the MS4 Report. Both tractors are out mowing. Filled in some shoulders on Sweitzer Road. Repainted the crosswalks for the schools. The Organic Yard Waste Pickup will be the week of October 5<sup>th</sup>.

**16. Road Foreman continued:** Ms. Stevens requested that Mr. Clay update the Board of the Paver Box Video that was created by the Road Crew to send to Nationals for the November program, and they will make sure the video is available for the October Meeting, and their First Place Plaque for the State competition was received as well.

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

**17. One-Year Warranty punchlist for the Sewer Rehabilitation Project:** Ms. Stevens noted that the Contractor for the Sewer Rehabilitation Project did respond to the One-Year Warranty punchlist prepared by SDE and satisfactorily addressed all items in the punchlist. Since the Warranty period ends in December we addressed the restoration issues now so the grass seed could grow during the fall season. 2019 Sewer Rehabilitation Project One-Year Warranty Period will end on December 16, 2020, and SDE has issued a Project Closeout letter to Wexcon. She may send a letter to the residents informing them of the closeout.

**18. Minimum Municipal Obligation for the Pension Funds.** Joe Duda from Duda Actuarial Consulting, Inc. provided the MMO amounts for 2021. The Annual MMO report is due for the Police Pension and Non-Uniform Defined Contribution Plans. The figures have been provided by Duda Actuarial Consulting. The amount listed on the MMO report will be the figure used for funding the Pension Plans for 2021, and will be included in the 2021 budget. Resolution 2020-25 is ready for the Board's consideration for the necessary funding requirements. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson to adopt Resolution 2020-25, accepting the actuarial funding figures provided by Duda Actuarial Consulting for the Police and Non-Uniformed Pension Plans for 2021. Roll Call Mr. Keltz - Yes, Mrs. Scull -Yes, Mrs. Johnson – Yes. Motion passed unanimously.

**19. 2020 Volunteer Fire Relief Allocation:** The State Aid Allocation for the Volunteer Fire Relief Association shall be deposited this month in the amount of \$38,618.34, and within 60 days, the Township must submit a check in the same amount to the Western Berks Fire Department. This is a pass-through to the Fire Department, and no questions.

**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** – Mr. Bellwoar had nothing else to present and Mr. Mahmood's appeal will be heard at the October 19<sup>th</sup> Meeting with or without his presence.

**Old Business:** Mr. Keltz asked if there was any Old Business, and there was none.

**New Business:** Mr. Keltz asked if there was any New Business, and there was none.

**Public Comment:** Mr. Melson asked a question about the non-payments for the Trash and Recycling, and Mrs. Scull stated that for the 2020 services there were over 250 non-payment residents and the 2019/2020 services there were about 15 and the missed payments addresses are all over the place

**Adjournment by Mr. Keltz and seconded by Mrs. Johnson at 8:16 p.m.**