

**Lower Heidelberg Township Board of Supervisors
BOS Minutes – Virtual Meeting - Regular Meeting
November 16, 2020**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting remotely through the Zoom Platform on the above date. The November 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, 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, Fire Commissioner Jared Renshaw and Emergency Management Coordinator Justin Schlottman, and Road Foreman Matt Clay. Guests attending David Kurtz, Robert Melson, Tom Jauch, George Lehner, Leigh-Anne Yacovelli from the Library, Mr. and Mrs. Peter Connors, and Linda Boyson.

Mr. Keltz opened the meeting at 7:01 p.m. and asked for the attendees rise for the Pledge of Allegiance.

1. Minutes: The minutes from the October 19, 2020 will be completed for December's Meeting.

Public Comment - Peter Connors from Rosewood Hills with a power point presentation for the Pool Encroachment Matter

Mr. Connors requested that the Power Point be screen shared so he could discuss the proposed pool that could encroach into the stormwater and tree easement by approximately 5 ft. Mr. Andrew Kraft pointed out that the required pool setback is 15 ft. from the rear yard. Mr. Kraft stated that they need relief for the 5 ft. encroachment into the easement but no relief for the rear yard setback. If they located the pool 20 ft. from the rear yard, no relief is needed for the encroachment or the rear yard. Mr. Connors noted that the plot plans reflect a fence and it is labeled existing fence as the pool contractor put that on the plot plan as they need to hire a fence contractor to install the fence. Mr. Kraft pointed out that the fence will be within the stormwater and tree easement. Mr. Connor explained that his neighbor installed a French drain to replace the swale and Mr. Connor would be willing to install a French drain similar to neighbor. Mr. Keltz is concerned about setting a precedence with approving the encroachment as well as the Neighbor installed French drain without Township approval, and he is concerned about granting relief and future concerns that will affect the Residents and possibly the Township. Mr. Rhode stated this is the first time where a true permanent structure is being placed in an easement, as the other encroachments involved fences that can be temporarily removed. Ms. Stevens pointed out that the Title of the easement was stormwater and tree easement and not just for stormwater. Mrs. Johnson asked a question if the encroachment will impact the trees. Mr. Rhode and Mr. Kraft pointed out that the trees are not within the proposed 5 ft. encroachment as they appear to be along the rear yard line. Mrs. Scull asked if the encroachment would be within the swale, and Mr. Kraft believes the 5 ft. would not be within the flow line. The Connors stated that the pool Contractor will address the pool construction and the fence will need to be at the 5ft encroachment and tight against the pool deck. Mr. Rhode pointed out that the Stormwater Encroachment Agreement language would need to be different compared to fences due to the permanence of the pool structure. The Connors are willing to sign any agreement with the Township. Mrs. Scull asked if they need to make a motion tonight and Mr. Bellwoar stated no they could table it and then possibly make a motion at the next meeting. Mr. Rhode asked about the legal concerns and could the neighbors be negatively affected and what are the neighbor's rights.

Mr. Rhode pointed out there is also the HOA and the Connors stated that they had previously discussed the encroachment with the HOA. Mr. Bellwoar suggested to have the easement notes reviewed and revisit the matter at the next Board Meeting. Mrs. Johnson asked if the HOA needs to put something into writing and Mr. Bellwoar believes both the Township and HOA both need to give relief. Mr. Bellwoar asked Mr. Rhode if the Township is involved with the HOA as he believes the HOA is separate from the Township. Mr. Rhode and Mr. Kraft agreed that the HOA is separate from the Township. The matter was **tabled** for the research and place it on the December 21st meeting and Mr. Bellwoar can prepare a Draft Agreement. The Connors asked if the Pool contractor needs to attend the meeting and Mr. Bellwoar stated that the contractor is not required to attend. The Connors can wait as pool contractor will be ready once the issues are resolved.

Public Comment – Mr. Keltz asked if there was any additional public comment, and there was no more comment.

2. Tax Collector – Mrs. Boyer presented her October Tax Collection Report and for the month of October she collected \$19,096.02. She compared this time last year to this year we are only off by 0.5% for Real Estate taxes.

3. Wernersville Public Library – Mrs. Yacovelli presented a lengthy discussion on the Library funding from Lower Heidelberg Township and the per capita requirement for the State is \$5.00 per person. She read that the Township's 2021 Budget reflects the donation reduced to \$11,000, and this is below the threshold they need for the match from the County and State funds. Mrs. Johnson asked how many residents have library cards. Mrs. Yacovelli stated that 695 Lower Heidelberg residents are Library card holders, with the majority of these come to Wernersville; and these are active cards and not card holders that are inactive. Mrs. Yacovelli had sent an e-mail with the financials and the card holder information and Ms. Stevens will send the e-mail to all 3 Supervisors once she has the e-mail. Mr. and Mrs. Lehner sent a letter of support to the Library Director. Mrs. Yacovelli suggested that there be information available at the Township Building to encourage more residents to join the Library. Mr. Keltz and Mrs. Johnson and Ms. Stevens all stated the complete 2020 donation will be given, but the revenue hit foreseen for 2021 they decided to reduce the Library donation. Mrs. Yacovelli asked the supervisors to consider the \$2.50 per capita which would result in a donation of \$13,782.50 and then the County and State will match funds. The BOS will discuss the Library's donation before the Budget is adopted.

4. Fire Commissioner – Jared Renshaw was present and he highlighted their involvement with Air Force One with the recent Presidential Visit, and other than that the month was quiet, and he asked if there were there any questions on the Report. There were no questions.

5. Emergency Management Coordinator (EMC) - The Emergency Management Coordinator Justin Schlottman was present and he is almost complete his required training, and all other EMC issues are covered in the Report. *Question for the Supervisors Shall the Emergency Declaration that was extended until the Supervisors vote to end the Declaration stay in place? Board to discuss if remains in place.*

6. Ambulance – The Ambulance Director was not present. The annual Agreement for the provision of Ambulance Services for year 2021 should be approved. The number of parcels is 2218, so the 2021 total fee would be \$66,540.00 and would be split into two (2) equal payments in July and December.

Ambulance 2021 Agreement - No questions. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the Township Manager to execute the 2021 Western Berks Ambulance Services Agreement for the amount of \$66,540. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously

7. Planning Commission - The November 9, 2020 Planning Commission Meeting was held and the Penn Ave Car Wash Plans were discussed but no action was taken. The Planning Commission Agenda was included as part of this meeting Packet.

8. Building/Zoning – Mr. Andrew Kraft noted that they issued 23 permits for a construction value of \$1,004,842.00. Mr. Kraft reviewed the rental program and Mr. Bellwoar will finalize his findings on the COVID impact and the relevance to inspection of the Rental Units, and present his findings at another meeting.

9. Engineers – Mr. Rhode presented his November Report and Mr. Rhode discussed the progress on Old West Penn pipe culvert, Legacy Phase 2 plans may be submitted soon, and the Forino escrow release request which is next on the Agenda.

10. Forino Townhouse Phase Release No. 1: Mr. Rhode reviewed the requested **Escrow Releases from Forino** and he has the following recommendations for the BOS: Approve Release No. 1 for Forino Glen Ridge Estates Townhouse Phase in the amount of \$27,522.50. **On Motion** by Mr. Keltz, seconded by Mrs. Scull approve Escrow Release No. 1 for Forino Glen Ridge Estates Townhouse Phase in the amount of \$27,522.50, and authorize the Manager to send the documents to the Surety/Bonding Company. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously

11. Green Valley West Stormwater Updates – Resident called the Township Offices regarding the status of the stormwater issues in Green Valley West. Mr. Rhode stated that he asked Grande to monitor to spring of 2021. Mr. Rhode has received phone calls about the large detention basin is holding water and the contractor has converted it twice and the Berks County Conservation District is monitoring that the Basin does not drain. Mr. Rhode stated that Grande has not requested escrow release for the basin construction.

12. Recreation Board Update Easter -No Update

13. Police Department - The Police Department Report was summarized by Ms. Stevens and again the number of incidents are down due to the Blue Marsh patrols are done for the year.

14. Road Foreman – Matt Clay presented his Report. They cleaned storm drains, cleaned up downed trees due to the high winds and rains, replacing storm pipes, completed the Old West Penn and Mr. Clay and Mr. Balthaser worked very hard to get the pipe installed. The road crew will place the temporary paving before winter for snow plowing and then permanent paving in 2021. Mr. Clay and Ms. Stevens to prepare the bills for South Heidelberg's reimbursement of the Old West Penn culvert work.

15. Seasonal Plow Drivers: Road Crew Department Seasonal Hiring: The Board would like to again hire Seasonal Plow Driver's at a rate of \$19.00 per hour for non-CDL drivers and \$20.00 per hour for CDL drivers to assist with the Winter Season of 2020-2021. On Motion by Mr. Keltz, seconded by Mrs. Johnson, hire Seasonal Plow Driver's at a rate of \$19.00 per hour for non-CDL drivers and \$20.00 per hour for CDL drivers to assist with the Winter Season of 2020-2021, specifically: Greg Leffler at \$20.00 per hour, Ryan Lesagonicz at \$19.00 per hour, Vince Mazza at \$20.00 per hour, Chad Mundell at \$19.00 per hour, Jarrod Schell at \$19.00 per hour, Brian Ziegler at \$20.00 per hour and Brett Forry at \$20.00 per hour. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously

Manager/Secretary/Treasurer/Sewer Engineer

16. and 17. Bill List and Treasurers Report: 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

18. RWMA Potential Rate Increase in 2021: The Authority will be holding a meeting in the future and will be discussing the 10% increase that will be implemented to all of the tributary municipalities in 2021. Ms. Stevens discussed that the financial impact would be between \$15,000 to \$18,000 increases per year. The BOS should be looking into a Sanitary Sewer Rate Feasibility Study for 2021. We have five sewer districts that each have different financial demands and that the Board should consider small incremental increases to allow people to budget accordingly unlike the 10% that the Robesonia Wernersville Municipal Authority is proposing.

19. Draft 2021 Budget to be discussed: 2021 Budget General Fund = \$5,000,000, Sewer Fund = \$799,435 and Liquid Fuels Fund = \$197,035 for a **Total 2021 Budget of \$5,996,470. Please note there is no proposed increase in the Township Taxes.**

For reference, the 2020 Budget General Fund was \$5,350,308, Sewer Fund was \$799,435 (same for 2021), and Liquid Fuels Fund was \$213,800 for a Total 2020 Budget of \$6,363,453.

The 2021 Draft Budget may be approved for Advertisement and Public Inspection. Final Budget will be approved at the Board of Supervisors December 21, 2020 Meeting. On Motion by Mr. Keltz, seconded by Mrs. Johnson, approve the Draft 2021 Budget, advertise that the Budget is available for Public Comment, and acknowledge the adoption of the Final Budget would be at the December 21, 2020 Board of Supervisors Meeting. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously

Old Business - None

New Business – Pavement Markings: Berks Traffic will be line striping the roads where the double yellow center lines are faded for safety issues as identified by the Road Foreman. The amount to do these priority roads is approximately \$5,300. A-1 Traffic provided a proposal that was not valid, and Lincoln Pavement Marking did not submit a proposal.

Pavement Markings continued: On Motion by Mr. Keltz, seconded by Mrs. Scull, approve Berks Traffic providing priority pavement marking services in the amount of \$5,300 as they were the only Pavement Marking Vendor that provided a qualified proposal for the 2020 Pavement Markings. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously

Solicitor – Mr. Bellwoar had nothing else to add as everything in his Report was previously covered in the meeting.

Before adjournment, Mr. Kurtz pointed out that there was a question in the Chat Room that did not appear to be answered. The question was “Who is acting as Chief of Police, there is no one currently listed anymore?” Mrs. Scull thought she had answered it that right now Detective Sgt. Stouch is the Officer in Charge. Additionally, Ms. Stevens saw there was an announcement in the Chat room concerning Jared Renshaw’s award and she thought that Mrs. Johnson had mentioned this to the Board.

Adjournment - On Motion by Mr. Keltz and seconded by Mrs. Johnson at 8:15 p.m. to adjourn and all concurred.

Respectfully prepared,
Pamela J. Stevens
Manager/Secretary/Treasurer BOS Approved December 21, 2020