

**Lower Heidelberg Township Board of Supervisors
BOS Minutes – Virtual Meeting - Regular Meeting
October 19, 2020**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting remotely through the Zoom Platform on the above date. The October 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 Glenn Kraft, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Tax Collector Sharon Boyer, Road Foreman Matt Clay, and Fire Commissioner Jared Renshaw. Guests attending David Kurtz, Paul Prutzman, and Tom Jauch, Jill Nagy, Keith Mooney, Shawn Sweigart, Joe Margusity, Gregg Bogia, Chris Nelis, George Lehner, and Ronald Ruffer.

Mr. Keltz opened the meeting at 7:04 p.m. and asked for the attendees to rise for the Pledge of Allegiance.

Mr. Keltz announced that Executive Sessions were held on October 12, 2020 and October 13, 2020 to discuss personnel and potential litigation.

1. Approval of Minutes: Mr. Keltz stated the minutes from the September 21, 2020 were circulated to the Supervisors prior to the meeting. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the minutes for the September 21, 2020 meeting as presented. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

Property Maintenance Appeal for 4223 Hill Terrace Mr. Mahmood

Mr. Bellwoar opened the Appeal Hearing and the Stenographer prepared the transcript of the Hearing. All 3 Supervisors, Atty. Bellwoar, CRS Stenographer, Glenn Bertolet, Glenn Kraft and Manager Stevens were present for the Appeal Hearing. Refer to the transcript for the complete minutes of the Appeal Hearing. Mr. Mahmood was not present. **The Board of Supervisors made a Motion to deny his Appeal.**

Public Comment -

Glen Ridge Estates Update on Glen Ridge with Joe Margusity for Phases 1B, 2A and 2B.

Atty. Mooney opened the public comment section to discuss Phases 1B, 2A and 2B. Mr. Rhode stated that Plans for Phase 1B plans are under review. Mr. Margusity has the checks ready for 2A and 2B, and per Mr. Bogia, the plans will be submitted by the end of the month. Mr. Rhode summarized each Phase will require the escrow and will stand on its own. Mr. Margusity would like quick starts on all 3 of the Phases since the layout will require the force main to be 8 feet deep. He thinks that he will have Phase 1B paved by end of November. He wants 2A and 2B to be installed now since the main Road is in clay areas. The clay makes the construction extremely difficult, and then the main Road would be connected to Sweitzer Rd. Mr. Rhode stated that the bulk of the earthwork for Phase 1B is completed since there is only one NPDES Permit. The quick start would involve the utilities and the road work.

Mr. Mooney stated that the Reedy Road Pump Station agreement may need another set of legal eyes to review per his conversation with Mr. Moll at Spring Township, and the new bond is in the amount of the updated cost of the Reedy Road Pump Station. Mr. Margusity is working with Fabcrete to have the shop drawings for the Reedy Road Pump Station submitted to Spring Township and the sewer line will be replaced from a 20" to 24" diameter along with upgrading the Reedy Road Pump Station. Mr. Margusity stated that the EDU's are ready to be purchased and he understands that these must be purchased by December 31, 2021. Mr. Bellwoar discussed the quick start for Phase 1A and in comparison there are only Preliminary Plans available for Phases 1B, 2A and 2B. Mr. Rhode stated there has been some work accomplished in Phase 1B, but the quick starts are becoming more of the normal and he can agree that there is clay in these Phases. Mr. Margusity would like to do the earthwork in Phases 2A and 2B, and all detention ponds and all erosion and sediment controls. The second waterway crossing involves pipe culverts not another box culvert, and this crossing is in-between Phases 1B and 2A. Mr. Margusity would like to install the utilities, road work, paving, and curbing under the quick start for Phase 1B and the 2A and 2B earthwork and NPDES requirements. Ms. Stevens asked about the Bonding Value for Phase 1B. Per Mr. Margusity, what is left to be done is about \$700,000 in Phases 1A and 1B. The Pump Station is in Phase 1A. Mr. Margusity would submit an escrow that would be reduced by the amount of improvements installed in the Phase 1B. Mr. Margusity is in the process of requesting the Bond reduction. Mr. Rhode updated that the utility trenches in Sweitzer Road were restored and the wearing course will be done at a later date. The utility trenches are now smooth for winter maintenance including snow plowing. Mr. Rhode stated that any work is at the sole risk of the Developer. Ms. Stevens asked about the improvements that have been installed in Phase 1B. Mr. Margusity stated there are very few public improvements in Phase 1B which may include a small amount of sanitary sewer, Erosion and Sediment controls. Mr. Keltz asked how is the work in the quick starts for Phases 2A and 2B covered under the bond. Mr. Mooney stated that the language will be in the Developers Agreement and the 10% contingency stays. Mr. Mooney also stated that there will be money posted for inspections and legal services. Mr. Keltz asked again about the bonding question. Mr. Mooney stated the MPC is one way or another and this is a hybrid. Mrs. Scull asked about the inspection money and Mr. Bellwoar clarified that the cash escrow is deposited into a separate account. Mrs. Johnson asked for clarification, and Mr. Rhode agrees that there is a benefit for Mr. Margusity to keep going and the NPDES Permit covers the whole site. **On Motion**, Mrs. Johnson, seconded by Mrs. Scull to authorize the Solicitor to prepare quick start for Phase 1B to allow for install of utilities curbing and paving in Phase 1B and earthwork and NPDES work in Phases 2A and 2B until the plans have been released for recording and the inspection and legal fees for all 3 phases to be calculated. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

Glen Ridge Estates Townhouse Phase BOS to Ratify the Forino Pre-Plan Plan Approval Agreement

Ms. Nagy discussed the status of the Townhouse Phase Stormwater Agreement may take a bit to clear up but and the Bond is in the full amount and they are very close to completing all of the Agreements. Since there will be a delay in recording the plans due to the status of the Agreements, the Townhouse Final Plans need to be reaffirmed by the Board of Supervisors. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, reaffirmed the Final Plan approval of the Townhouse Phase of the Glen Ridge estates project and directed the Manager to prepare the letter for the Recorder of Deeds. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

2. Tax Collector – Mrs. Boyer presented her Report for the month of September and she collected \$13,224.88. Additionally, she compared last year at this time to this year and the difference for the Real Estate taxes is we are lower only by 1%.

2A. School District Per Capita exemption request for the Assisted Living Residents: Mr. Keltz had questions concerning the \$15.00 per capita tax and directed Ms. Stevens to obtain more information. Ms. Stevens asked to have the matter tabled and she will bring it up at next meeting with additional information. Mr. Bellwoar clarified that all municipalities must have matching Tax Resolutions and Ordinances.

3. Wernersville Public Library: The balance of the 2020 Donation to be discussed by the Supervisors for the 2020 balance of the donation in the amount of \$16,500. Ms. Stevens stated that she was not aware that the Director was going to attend. Mrs. Johnson discussed that she needed to see the amount of Lower Heidelberg residents, and she is concerned about the amount of the donation without knowing how many of Lower Heidelberg Residents use the Library. Mr. Keltz asked if the \$16,500 can be split so the commitment is paid by the end of the Year. Mrs. Scull will ask Leigh-Anne about getting the number of each members from the Library for Lower Heidelberg. Mr. Keltz asked is there a Financial Statement available, and Mrs. Scull will obtain a copy. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, approve the balance of the Library donation be split equally in the amount of \$5,500 to be paid at the end of each of the next three months, October, November and December. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

4. Fire Commissioner – Jared Renshaw was present and he highlighted that they held virtual programs for Fire Month and they prepared special virtual programs for Fire Education to the Schools.

5. Emergency Management Coordinator (EMC) - The Emergency Management Coordinator had a conflict so Ms. Stevens summarize his 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 – Mr. Tucci discussed that the COVID cases are up but hospitalization is not up similar to the first wave. They provided on call Ambulance serves for the visit of Vice President Pence. He continues to apply for Grants, and his PPE supply is in good shape.

7. Planning Commission - The October 12, 2020 Planning Commission Meeting was cancelled as there was no planning business. No BOS Action required.

7A. MPC 90 Day Extension for the Eberly Plan. Motion needed to acknowledge the extension of time. On Motion Mr. Keltz, seconded by Mrs. Scull to acknowledge the 90 day time extension for the Eberly Plan until March 13, 2021. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

7B. Big Creek Annexation Reaffirmation of Plan Approval as Plan was not recorded. On Motion Mrs. Johnson, seconded by Mr. Keltz to reaffirm the Final Plan approval of the Big Creek Annexation Plan, and directed the Manager to prepare the letter for the Recorder of Deeds. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

8. Building/Zoning - Kraft Code Services representative to Present KCS Report. There were 32 permits issued for a construction value of \$2,203,048.00, there were 8 property maintenance matters, and 9 zoning matters. Mr. Keltz asked Mr. Kraft about the notices for the trees in Saddlebrook that apparently have some low hanging branches. Mr. Kraft stated that there are 3 properties that received notices. Mrs. Johnson asked about the clearing on Lucky's property on Gaul Road. Mrs. Johnson saw surveyors on the property as well. Mr. Kraft stated that the property was considered woodland before; however, now that the clearing was done again he thinks there is nothing the Township can do regarding the property. The property adjacent to Lucky's was recently sold.

8A. Rentals – KCS needs guidance from BOS. Mr. Kraft discussed the property owners have not complied with the rental ordinance and due to COVID they did not want the inspections made at this time. Mr. Keltz is looking for the Solicitor to give Kraft Code Services guidance. Mr. Bellwoar summarized the Governor's order and he suggested to table the matter until he can research accordingly.

9. Engineers - Township Engineer of Kraft Engineering to present his Report. Mr. Rhode discussed there are several plans coming into the Township. Legacy Phase 2 may soon be submitted, and the As-Built Plans for Phase 1 have been submitted to the office. Old West Penn project may soon commence since UGI is to relocate the gas line next week.

10. Weaver Escrow Estimate - Mr. Rhode discussed that the Escrow was reduced as much as possible, but maybe the U&O can be conditioned on the completion of the improvements, and Ms. Stevens will discuss with Mr. Weaver the amount and she will put it on the next month's agenda.

11. Pavement Markings Berks Traffic Ms. Stevens will get another quote since they only received 2 quotes, and will put it on the November's agenda.

12. Recreation Board Update: Mrs. Scull is trying to figure out how to hand out the Easter Candy.

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

14. Road Foreman - The Road Foreman to present his Report. Mr. Clay stated that the road crew took 7 Truck-loads of Organic material for the Yard Waste pickup and he felt that it turned out well. Leaf pickup started today and will end December 4th. They have started repairing the Dump Bodies. To allow the Road Crew to perform their culvert replacement work, Old West Penn will be closed for the day and then opened about 4:00 p.m. or so until the next morning. A storm box was lowered on College and apparently, the neighbor may have affected the road crew's repair. The storm box appears to be a neighbor's feud. The storm water will bypass the storm box and his roof drain is lower than the storm box. Mr. Bellwoar said to let him know if there was damage and send him photos. If there is damage, he will issue a letter to the property owner.

Manager/Secretary/Treasurer/Sewer Engineer

15. Crime Alerts Donation of \$500 for 2020. On Motion by Mrs. Scull, seconded by Mr. Keltz to approve the donation. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously.

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

Solicitor Report – Mr. Bellwoar stated that the other items in his Report were covered earlier in the meeting except for the following personnel matter: On Motion by Mr. Keltz, seconded by Mrs. Scull move to ratify the retention of the law firm of MacMain, Connell & Leinhauser for personnel matters in accordance with the law firm’s terms of engagement at an hourly rate of \$225.00 for partners, \$185.00 per hour for associates and \$95.00 per hour for paralegals.

Old Business - None

New Business - None

Public Comment - Mr. George Lehner discussed the Organic Agreement that trees are prohibited and can’t use a class 4 truck. There are so many dead trees and the Organic Site will be filled up since there are so many dead trees in Lower Heidelberg. Mrs. Johnson said Christmas Trees are permitted. The vehicles that are prohibited are the landscaper trucks. The Agreement was written by the South Heidelberg Manager and she is suggesting that he contact Mr. Sean McKee. Mr. Lehner won’t use the facility, but he is looking out for the residents. He wants the Township to open their own site, and he knows that it will be expensive.

Mr. Christopher Nelis thanked the Supervisors for their service. Mr. Nelis asked about the 3 Officers that are on administrative leave. Mr. Bellwoar stated that since it is a personnel issue there can be no comment on the matter.

Mr. Jauch asked for the August BOS Meeting Minutes as they were not posted on the Website. Ms. Stevens will make sure that August and September are posted.

Adjournment by Mr. Keltz and seconded by Mrs. Scull at 9:08 p.m. Roll Call Mr. Keltz - Yes, Mrs. Scull - Yes, Mrs. Johnson – Yes. Motion passed unanimously

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