

**Lower Heidelberg Township Board of Supervisors
BOS Minutes – Virtual Meeting - Regular Meeting
March 15, 2021**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting remotely through the Zoom Platform on the above date. The March monthly meeting was duly advertised to be held electronically through the Zoom application via telephone and the internet. Present were Chairperson Deborah P. Scull, Vice-Chairperson Cheryl Johnson Member Michael Keltz, Township Solicitor Andy Bellwoar, Township Engineer Ryan Rhode (KE), Zoning and Code Officer Glenn Kraft, Road Foreman Matt Clay, Detective Sgt. Christopher Stouch, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Tax Collector Sharon Boyer, Fire Commissioner Jared Renshaw, Emergency Management Coordinator Justin Schlottman, and Ambulance Director Anthony Tucci. Guests attending David Kurtz, Tom Jauch, Paul Prutzman, George Lehner, Joe Margusity, Keith Mooney, Ben Horning, Gina Katrinak, Sandee Nevitt, Allison Plevrakis, Lisa Domeshek, Lisa and John Vrobel, Mike and Andrea Wolfe, Terrence McKim, and Kevin Hughes and Craig Jones.

Call to Order & Pledge of Allegiance at 7:04 p.m.

Executive Sessions were held on March 2 and 15, 2021 to discuss personnel matters.

1. Minutes: The minutes from the February 15, 2021 will be considered for approval, and were distributed to the Board of Supervisors prior to this meeting. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve the minutes for the February 15, 2021 meetings as presented. Roll Call Mrs. Scull – Y, Mrs. Johnson - Y, and Mr. Keltz – Y. Motion passed unanimously.

Public Comment – GlenRidge Estates LLC Phases 1A Public Sanitary Sewer System discussion. Spring Township will not permit any sewer discharge from Glen Ridge Estates until the Reedy Road Agreement is executed. Joe Margusity, Keith Mooney and Ben Horning were present for the Glen Ridge Estates discussion. Mr. Mooney presented the Agreement for a temporary pump station to pump sewage from 12 homes until the permanent pump station is ready and the maximum amount of time for the temporary system would be for 120 days. Mr. Mooney also stated that the Agreement includes a \$10,000 penalty. There is a Third Amendment for the Intermunicipal Agreement for the capacity and one of the exhibits is the Reedy Road Pump Station. Mr. Margusity had given Spring Township a bond for the Reedy Road Pump Station back in October 2020. The project has taken an extremely long time to get to this point. Original Design of the Pump Station and the force main were not the best design and the chemical treatment was then removed per direction of the Spring Township’s Plant Superintendent. The Building Permit Plan was submitted Wednesday March 10th and Glenn Kraft and his team will be working on the Permit Review. Berks Homes has submitted a schedule of the settlements for the 12 homes. If the Board approves the temporary pump station, Joe will contract into operating the temporary pump station with Select Environmental Solutions and he will also be contracting with SES for the permanent pump station.

Atty. Bellwoar said that there are some constraints for the Board of Supervisors. Andy said that the Board should have a letter from the PA DEP approving the temporary pump station because the permanent pump station was approved by PA DEP. The Part 2 permit did not include the temp pump station and there is also no escrow for the temp pump station. There is no executed Intermunicipal agreement since it just arrived to the Township on March 12th. The Reedy Road PS agreement also has to be an exhibit to the Intermunicipal Agreement.

Mr. Margusity increased the Bond with Spring Township monetarily and the Township has had the Bond that was delivered by Mr. Margusity. Mr. Margusity is willing to make the approval contingent on PA DEP Letter. Mr. Margusity states that there are other pump stations in other municipalities that have not been on-line in time and other temporary measures have been put in place in accordance with PA DEP.

Ben Horning from Berks Homes had nothing to add to the meeting tonight.

Mrs. Scull pointed out to Mr. Margusity that what was discussed at the last meeting concerning no more conditions, and here is another condition being requested.

Ms. Stevens discussed the history of the Pump Station being reviewed by the previous engineer ARRO Engineering and there were overdesigns of the Pump Station Building. Mr. Margusity submitted a timeline and he was not aware of the Building Permit until recently. Glenn Kraft discussed that in December Mr. Margusity and he discussed the expedited review but the Building Permit was not submitted until March 10, 2021.

Mr. Margusity stated that SDE approved the E-One System from Elverson and he had 3 options and he feels that this is the best option to allow the settlements to move forward.

Mr. Rhode stated that the pump and haul term keeps getting mixed up with the E-One temporary system. Mr. Margusity explained the E-One is a small temporary pump station that will be located between the wet well and the c=valve vault and the force main should be done by the end of this week and the E-One Unit he would not start until two weeks. Cheryl stated that she has been a Supervisor since 1994 and she has not ever been approached by a Developer for this type of scenario. Glen Gery entered into an Intermunicipal Agreement in 2012 and now the Third Amendment modifies the 2012 Agreement and this Agreement allows 46 initial EDUs to flow to the Spring WWTP. Cheryl asked about the PA DEP letter, and Mike also was concerned about the PA DEP Temporary Approval, and all 3 Supervisors would like to see the PA DEP Letter. Ms. Stevens mentioned about the potential special meeting to discuss the Temporary Agreement. SDE would need more information to give comments on the red line drawing. Mr. Bellwoar also noted it should be conditioned on the execution of the Spring Agreements as well. Everything needs to be in place with no conditions including PA DEP approval, SDE's review, and all Spring Township Agreements in place. Developer should pay for the Advertising was mentioned by Glenn Kraft.

Public Comment Mail Box Discussion from the Winter Storms

Mr. McKim asked about the communication to the residents concerning the mailboxes and the truck dash cams. He saw a mailbox in a front yard and he stated that the trucks were moving too fast. Mr. Wolfe also felt that the communication was not handled properly. He wanted someone at the Township to take responsibility. Mr. Vrobel wants his mailbox replaced and he does not think that he is unreasonable. Mrs. Scull asked Mr. Clay to give an update on the Winter Storm and it was her understanding that the bigger plow was in Green Valley Estates due to the small plow truck having an engine issue. Mr. Clay explained that in the larger storms the smaller plows must be driven faster to move the snow, where the bigger plow having a much taller plow blade throws the snow higher and further and these larger plow trucks can only go about 15 mph. All of the Road Crew have a minimum of 5 years of experience and majority have over 10 years.

He experimented with the taller plow by going 25 mph, the snow was thrown between 8 to 13 feet, and going 40 mph, the snow was thrown around 38 feet. The Road Crew spent around 51 hours to respond to Winter Storm Orlena, and then spent an additional 42 hours to clean up west end where the smaller plow was used. Mr. Wolfe stated they should not have had to attend the meeting concerning the mailbox issue. Mr. Clay stated the frequency of plowing depends on the weather and if the next large storm has warm weather they may not plow to the edge since the snow is too heavy. Mr. Clay stated that the priority is keeping the roads clear for the emergency responses. He has repeatedly seen that the older mailboxes start giving out, and the poly-mailboxes posts seem to be fragile in the cold weather and the post snaps. Mr. Wolfe would appreciate if the communication would be better in the future. Mrs. Scull appreciates the attendance and she apologized if the e-mail was not clear on the mailbox issue. Mr. McKim suggested that the Township put out a statement during the next storms. Mr. Clay stated that the review of dash cameras - GoPros can be a week to two weeks. Mr. McKim noted that the resident should not have to follow up to the mailbox inquiry. George Lehner stated that he has lived here longer than the attendees, and he stated that this was a very large storm, but there could be a larger storm that would make them wait days for a plow.

2. Tax Collector – The Tax Collector, Sharon Boyer presented her February 2021 Report where she collected \$699.32 for February and she expects that March and April will look different.

3. Library – Allison Plevrakis and Sandee Nevitt were present tonight for discussion concerning the Library funding formula. Mrs. Plevrakis stated that they had gone to the Library Board for information and she had shared the 18 minute You Tube video that explains the Library Funding Formula and the Municipal Support at \$2.50 is the threshold for securing other funding. They need to get up to \$5.00 per capita to get the most outside funding. Mrs. Scull will keep all Library personnel informed

4. Fire Commissioner - Fire Commissioner, Jared Renshaw was present to discuss his February Report. He noted the WBAA fire at their Station and he was pleased concerning the collaboration on the use of the Wbfd Station 4 by the WBAA due to the fire.

5. Emergency Management Coordinator (EMC) – Justin Schlottman, the Emergency Management Coordinator was present to discuss his February Report. There was training at Berks Department of Emergency Services, but he already had the training. He now has his advance certification since he completed his required training. COVID Vaccine facility clinic location has not yet been identified by the Berks Department of Emergency Services, but rumors were that it was going to be located in Muhlenberg Township.

Mrs. Scull again announced - The Pandemic Emergency Declaration is still extended until the Supervisors vote to end the Declaration, and Mrs. Scull noted that Governor

6. Ambulance – Ambulance Director was present to discuss his February Report. Mr. Tucci was present tonight to bring all up to speed on the Ambulance Building Fire in early March. When the Ambulance was backing into the Building, the Crew saw smoke and tried to put the fire out, but the one Ambulance was a catastrophic loss. They were able to continue their services with the assistance of other Ambulance companies. The Equipment in the building was more of an immediate loss, but the building which was built in 1960's had less damage than thought. All were glad that the crew were fine.

7. Planning Commission – There was a Planning Commission Meeting on March 8, 2021 and there were 2 Plans discussed: the Legacy at the Paper Mill Phase 2 Final Plans, and Cacoosing Crossing North Phase 2 Final Plans. There was no action taken by the Planning Commission for Cacoosing Crossing North Phase 2 Final Plans.

7A. The Planning Commission recommended Conditional Final Plan Approval for Phase 2 of the Legacy at The Paper Mill. There is a Motion of Approval for the Supervisors to consider. Mr. Bellwoar asked Mr. Rhode about the Agricultural Use in the Open Space. Mr. Rhode answered that he would like the Developer to give any direction. Mr. Hughes stated the walking trail was completed and no other plans at this time for the open space. **On Motion** by Mrs. Scull, seconded by Mrs. Johnson to approve the written Motion of Approval as presented by the Solicitor for Phase 2 of the Legacy at The Paper Mill development, with the conditions set forth therein. Roll Call Mrs. Scull – Yes, Mrs. Johnson - Yes, and Mr. Keltz – Yes. Motion passed unanimously.

7B. Wilson School District School Zones and the School Warning Devices (Flashers) Update: Ms. Stevens noted Per Penn DOT, the Permit Plan for the School Zones will need to be amended to reflect the new road in Cacoosing Crossing North Phase 2 named Mahogany Drive and the required signage as the new road intersects Faust Road in the middle of the School Zone. Another School Warning Device (Flashers) on Mahogany was not recommended by Penn DOT at this time, just the required signage notifying the driver that they are entering a School Zone. The electronic file was forwarded to the engineer of the Cacoosing Crossing North Phase 2 to add the new road and required signage to the Permit Plan. Once the Permit Plan is revised, then Penn DOT can process the revised Permit. In the meantime, the hours of operation of the School Warning Devices have been revised to be 6:50 a.m. to 9:00 a.m., and 2:00 p.m. to 4:00 p.m. Additionally the Township is in the process of finalizing the Memorandum of Understanding for the operation and maintenance responsibilities of the School Warning Devices, Signs and Pavement Markings.

7C. Performance Toyota Expansion Land Development Plan: Ms. Stevens noted the Land Development Plan was received and will be on the Planning Commissions April 12, 2021 Agenda. The Performance Toyota Expansion is to provide an enclosed service bay adjacent to the drive thru drop off area of the service department.

8. Building/Zoning – Mr. Glenn Kraft of Kraft Code Services was present to discuss the February Report. There were 13 permits issued in the construction value of \$1,376,666, there were 6 zoning issues, 9 Property Maintenance issues, 14 rental inspections, and 27 building inspections.

8A. David Thun Variance for Zoning Hearing Board: A Variance was received for the Thun property at 67 Evans Hill to subdivide 4.706 gross acres off of the 66.88 acre Farm. The Variance is required as the proposed lot size is greater than the 2 acre maximum. The Hearing is scheduled for April 20, 2021 at 6:00 p.m. Does the Board of Supervisors want the Planning Commission to discuss this Variance at their April 12, 2021 Meeting? Does the Board of Supervisors want to render an opinion? Board Consensus yes to put it on the April Planning Commission Agenda and no opinion from the Board of Supervisors.

9. Engineers – Mr. Rhode was present to discuss February Report. Township Engineer of Kraft Engineering to present his Report. He and Mr. Clay worked on the Bridge and Road Estimates for the potential Bond Refinancing. There continue to be complaints from Green Valley Estates West residents as there seems to be a problem with the Basin not draining and they want the basin fixed now. Other issue that just came up was they had to review State Hill Road 911 addressing with KCS staff, as there were even numbers on the Cacoosing Park side and odd numbers on the opposite side except for an outlier on the odd side. Mr. Renshaw stated that typically 911 responses addresses are even on the north and east sides of the road and odd on south and west sides of the road. Mr. Renshaw recommends if the property owner won't change their address that the property be properly identified for the emergency responders. Mr. Tucci agreed that for safety it would be best to have the address changed. The outlier is 3232 State Hill and Berks Department of Emergency Services suggested the new address to be 3229 State Hill Road. The Supervisors concurred for KCS representatives to meet with the affected property owner.

9A. Fence Encroachment into the Stormwater Easement at 25 Sabrina: Road Foreman Mr. Clay investigated the integrity of the existing storm pipe and the pipe is fine and the fence posts are approximately 3 feet from the pipe outer edge; however, the pipe is very deep so there is not a concern about this fence in the Easement.

9B. Little Cacoosing Creek NPDES Update: Ms. Stevens outlined PA DEP is requiring as part of the NPDES Permit by March of 2023 to have in place a facility that will reduce 10% of our sediment loading in our Waters of the Commonwealth. Berks County Conservation District is partnering with Delaware Valley Estuary and Land Studies through a Grant to improve the section of the Little Cacoosing Creek between Gaul Road and Green Valley Road. This Project appears to be a better financial expenditure for the Township, and still result in the required reduction of the sediment loading to meet the PA DEP's requirements. Great Valley Consultants (GVC) calculated the cost to the township to be close to \$300,000 to build a Best Management Practice (BMP) facility in the Township, and then would also cost thousands each year to maintain the BMP facility. Berks County Conservation District is looking to partner with Lower Heidelberg Township to provide the Annual Maintenance costs for the Little Cacoosing Project which could range from \$13,000 to \$26,000 annually for approximately 10 years. Then these significant annual maintenance costs should lessen as the inspections and maintenance becomes periodic. Nick Johnson from GVC issued a Memo for the Boards consideration summarizing the advantages of this Partnership to meet the PA DEP unfunded stormwater quality mandate. Mr. Rhode also discussed that all municipalities are dealing with this PA DEP requirement and this is a cost savings that the extent has yet to be determined since it may cover several 5-Year permit cycles. He recommends that the Township pursue the partnership.

10. Recreation Board Update: Nothing from Mrs. Scull

11. Police Department - The Officer in Charge Sgt. Stouch presented the Police Department February Report. Sgt. Stouch and Mr. Schlottman are hopeful that by August 3, 2021 National Night Out Event that the Governor would have relaxed the outdoor gatherings.

11A. Class Promotion: Sgt. Stouch is recommending a Promotion of Level 4 Class Corp. Justin Lawless to Level 5 Class Sgt. OIC Sgt. Stouch wrote a letter to the Board with his recommendation. The Officer's hourly rate would change from \$43.02 to \$44.78 per hour.

If the Board considers this Promotion, the Class Promotion and Hourly Rate would start on March 21, 2021. **On Motion** by Mrs. Scull, seconded by Mrs. Johnson, approve the Promotion of Class 4 Corp. Justin Lawless to Class 5 Sgt. Starting on March 21, 2021 with hourly rate increase to \$44.78 per hour. Roll Call Mrs. Scull – Yes, Mrs. Johnson - Yes, and Mr. Keltz – Yes. Motion passed unanimously.

11B. Duty Promotion: Sgt. Stouch is recommending that he mentor and train Officer Jordan Smith to become in the future a Detective in the Lower Heidelberg Township Police Department. No questions. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve Officer Jordan Smith to be mentored and trained to become a future Detective for the Lower Heidelberg Police Department. Roll Call Mrs. Scull – Yes, Mrs. Johnson - Yes, and Mr. Keltz – Yes. Motion passed unanimously.

11C: K9 Grant Application: Corp. Justin Lawless prepared and submitted a Grant for the Police Department's K9. Ms. Stevens recognized the Grant Application achievement to the Board.

12. Road Foreman - The Road Foreman Matt Clay presented his February Report and Updates: One vehicle went for Inspection, they placed cold patch on Gaul Road and Water Road, they trimmed trees in Saddle brook and Penn Werner area, crack sealed around manholes to prevent plow blade issues, they replaced street signs, and waiting on the recent order of street signs, and they replaced a parking lot light on Police Side to a LED Light. Mr. Clay presented to the Board for their consideration a potential to save time and money by replacing the cutting edges on the Glen-hill Plow Blades which they go through 4 per year. The blades cost around \$300 per blade so \$1200 per truck per year, and it takes 6 man-hours to switch out the blade. He is suggesting to maybe try on one truck. They cost around \$2,500 but are a Carbide blade and supposed to last 3 to 4 times longer than the other blades. There could be a savings in 2 to 3 years and also a reduction in down time when Road Crew must change out a blade.

Ms. Stevens noted that the Township requested to be part of the Berks County Cooperative Purchasing Council 2021 Line Painting Bid, and the Township applied to be part of the CoStars Highway Salt Bid/Contract for the 2021 to 2022 Season.

Manager/Secretary/Treasurer/Sewer Engineer

13. and 14. Bill List and Treasurers Report: The Bill Lists are for the February 2021. **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 Mrs. Scull – Yes, Mrs. Johnson - Yes, and Mr. Keltz – Yes. Motion passed unanimously.

15. Seasonal Bidding: Request of the Board of Supervisors to authorize the Manager, Solicitor, Engineer, and Road Foreman to discuss which products including diesel fuel, propane, heating oil, antiskid, riprap, cold patch, blacktop, and aggregates to create the Bid package. The Manager would need the Authorization to Advertise the Bids. **On Motion** by Mrs. Johnson, seconded by Mrs. Scull, authorize the manager to Advertise for the Seasonal Bidding, and present the results at the April 2021 BOS Meeting. Roll Call Mrs. Scull – Yes, Mrs. Johnson - Yes, and Mr. Keltz – Yes. Motion passed unanimously.

16. Refinancing 2016 Bonds: Mrs. Scull discussed the Board of Supervisors held their March 10, 2021 Workshop to discuss the Roads and Bridge Needs in the Township. It is anticipated that a Bond Refinancing presentation will occur at the Supervisors April 19, 2021 Board Meeting.

The Board requested that Ms. Stevens contact the Refinancing Consultant with 3 updated options for new money, specifically \$3mil, \$4mil, & \$5mil. When Mrs. Scull came on Board in 2009 the previous Board never raised taxes or planned for the future to fix the Roads and the Bridges. Mrs. Scull noted in 2006 the Township taxes were less than 1 mil. Smart planning of the Supervisors is to raise the Township taxes either a quarter mil to half a mil each year instead of doubling the taxes.

17. Municibid – Mrs. Scull noted that The Police Vehicle (White Explorer) may be the next vehicle that is placed on the Municibid site. Any vehicle we place on the Municibid site must also be advertised in the newspaper.

18. Ordinance Amendment: Ms. Stevens requested and the Board had a consensus to have the Manager, Solicitor, and Code Officer begin the Ordinance Amendments for Parking Restrictions and Property Maintenance issues, and any other Amendments that have been waiting for the Opening of the Code of Ordinances. The Ordinance Amendments will require a Public Hearing at a future BOS Meeting as well as written notification to residents if the Parking Restrictions will affect the location they typically park.

Miscellaneous Updates: EIT Update: 2021 February distribution of \$234,967.45 compared to 2020 February distribution of \$253,480.88, and **Loader from Shillington:** The Township should be taking delivery of the Case 621B Loader next week.

Solicitor - The Solicitor was present to discuss his Report. Mr. Bellwoar gave a summary on the Internal Affairs Investigation, and depending on the type of Investigation there may be outside counsel involved. Additionally if there needed to be separate investigations and prosecutors, these investigations become costly as they include such items as legal fees, transcripts, and paid leave. These are all PA Law requirements and the Board of Supervisors wanted the public to know that the cost of this recent Internal Affairs investigation cost the Township around \$150,000 and this did not include further costs such as court of common pleas or further in the court process.

Public Comment – Mr. Prutzman asked about the promotions that were voted tonight and were they discussed in the executive session under personnel. Mr. Bellwoar and Mrs. Scull said that there were recommendations from the Officer in Charge and did not need to be discussed in executive session. Mr. Prutzman noted that Paper Mill Estates homes are being built, but Mr. Rhode's report did not mention the home construction. Mr. Rhode clarified that his Report is for the status of the Infrastructure and not the status of the individual homes. Mr. Rhode stated that the developer, Mr. Seth Moorhouse has contacted him about dedicating Andes Lane to the Township. Mr. Prutzman has noted the banks are eroded along the pond embankment, and he wants the embankment repaired before the dedication takes place. Mr. Rhode agreed that this is good timing to get the basin repaired now that the Developer wants to get the development off his plate. Mr. Rhode noted that currently the Developer and Site Contractor are the permittees and not Mr. Prutzman yet. Mr. Rhode will coordinate with Mr. Prutzman concerning the timing of the detention basin turnover to the Prutzman's.

Adjournment, On Motion by Mrs. Johnson and seconded by Mr. Keltz at 9:15 p.m. Roll Call Mrs. Scull – Yes, Mrs. Johnson - Yes, and Mr. Keltz – Yes. Motion passed unanimously.