

Lower Heidelberg Township Board of Supervisors
Virtual Meeting at 11:00 a.m. EST
Special Meeting for Glen Ridge Estates
March 29, 2021

The Lower Heidelberg Township Board of Supervisors held a Special Meeting remotely through the Zoom Platform on the above date. The 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, and Assistant Township Engineer Scott Anderson (KE), Glenn Kraft and Heather Schoener (KCS), and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Zack Sullivan and Tom Unger (SD), Gregg Bogia (Bogia Engineering), Ben Horning (Berks Homes), Steve Tomasko, Eric Longacre, Kelly Patton (Fabcrete), Joe Margusity and Keith Mooney (Developer and Attorney).

Mrs. Scull called the Special Meeting to order at 11:00 a.m.

Glen Ridge Estates Temporary Sanitary Sewer Bypass Pumping Matter

The Special Meeting was scheduled for the Supervisors to consider making a motion to potentially approve the temporary sanitary sewer bypass pumping system until the permanent pump station is on-line and not to exceed a period of four (4) months and to only serve 12 single family homes in Phase 1A. This potential Supervisors approval is based on the approval of the temporary sanitary sewer bypass pumping system by the Pennsylvania Department of Environmental Protection.

Mr. Bogia stated he was the one that asked PA DEP to increase the number of units to 25 but Mr. Margusity only needs 12 units.

Mr. Bellwoar stated the Developer, Mr. Margusity requested a temporary sewer pumping agreement and postponed approaching the Board of Supervisors until the PA DEP letter was received. The Draft Agreement was reviewed by Mr. Bellwoar and was forwarded to all on Sunday. Mr. Margusity then discussed that the Bypass Unit can be delivered tomorrow as it is in stock. He also stated that Fabcrete and Lyons and Hohl are ready to set up the bypass system, and Select Environmental Solutions is on board with the O&M of the system. Mr. Bellwoar noted that there are a few items need to be added to the Agreement and the Board's motion may be to approve the agreement subject to changes by the Solicitor and the Consultants. In the Agreement number 3.d \$1,000 daily penalty instead of the \$10,000 one-time if exceed the 120 days, as this encourages the Developer to complete the Permanent Pump Station. Mr. Margusity needs to get with Fabcrete to confirm the schedule. Mr. Margusity asked about the Pump Station permit status and Glenn Kraft noted that the electrical issues have been resolved and KCS should release the permit tomorrow. Mr. Margusity asked Mr. Tomasko if they can meet the 120 days with the Pump Station and he said that it may be tight. Mr. Margusity asked about the force majeure and plywood and drywall supplies may be a problem. Ben Horning was asked by Mr. Margusity about supplies, and nothing would surprise him with the cost and the availability of supplies. Mr. Bellwoar discussed a force majeure and Keith Mooney was queried about a force majeure and Mr. Mooney asked Mr. Bellwoar to add the Statement about the force majeure and as long as the developer is trying to keep on schedule. Mr. Tomasko just talked with his building team and they can start next week as long as they get the permit within the next few days. Mr. Bellwoar asked if there were any questions and the BOS said no.

Glenn Kraft asked about the new permit submission for the 4 unit townhouse. Mr. Bellwoar replied that the Townhouse Development is not in the Bypass Agreement and the Agreement is only for the single family homes. Mr. Margusity talked with Tony Forino last week and as long as Mr. Margusity keeps the 4 month schedule, the Townhouses can be connected to the permanent pumps station. Mr. Margusity asked about if any disclaimer was attached to the Forino Permit application. Mr. Mooney and Mr. Bellwoar confirmed the Agreement is only for the single family homes. The Agreement needs to be changed to 9 homes in Phase 1A and 3 in Phase 1B that are referenced in the Berks Home Settlement List. Mr. Margusity asked Mr. Bogia to discuss the 25 units reference in the PA DEP Letter, and Mr. Bogia was the person that changed the number of requested units from 12 to 25. Mr. Rhode asked clarification about the 9 homes in 1A and 3 homes in 1B and Mr. Margusity agreed that these are the only homes in the Agreement.

Ben Horning clarified that the 10 homes permitted in 1A include the model home and the 3 homes in 1B that are included in the list may not be settled until late July. Mr. Mooney asked if the Model home address should be listed in lieu of one of the Phase 1B homes and Ben Horning agreed as Kraft pointed out if the Model Home is connected to the system the Model Home would need to be part of the Agreement. Mr. Keltz asked if Mr. Margusity goes beyond the 120 days do they need to go back to PA DEP and Mr. Bellwoar and Mr. Mooney agreed that the Agreement would be void and also subject to the penalty of \$1,000 per day. Mr. Bellwoar clarified with Mr. Margusity that if they exceed the 120 days and without a force majeure clause. Mr. Margusity understands that he would need to go back to PA DEP if there are delays due to material and supply issues. Mr. Bellwoar stated that the 120 days be kept with the \$1,000 per day fee and then Mr. Margusity needs to come back to the BOS if there is a problem and also to the PA DEP. Mr. Tomasco asked what defines a complete building/pump station and if there are final touches including paving, fencing, etc. Ms. Stevens said as long as it is operational and a certificate of substantial completion can be issued. Mr. Bogia stated that once the Pump Station is up and running then the temporary bypass can be taken off-line. Mr. Bogia will coordinate with PA DEP for the walkthrough before the Pump Station is ready to be put online. Mr. Bellwoar recommended a Motion for approval of the Temporary Bypass Pumping Agreement with Solicitor and Consultants final revisions. **On Motion** by Mrs. Scull, and seconded by Mrs. Johnson, the Board approved of the Temporary Bypass Pumping Agreement with the conditions as noted, and all 3 approved.

Mr. Margusity asked if the BOS would release the Phase 1B plans for recording since Spring Township approved the Intermunicipal Agreement and Ms. Stevens did concur that the Spring Township BOS approved the Intermunicipal Agreement on March 22, 2021 per a phone conversation with Atty. Dan Becker. Mrs. Scull was on the call with Atty. Dan Becker so she made the motion for the Release of Phase 1B Plans. **On Motion** by Mrs. Scull, seconded by Mrs. Johnson to release the Phase 1B plans for recording. All 3 Supervisors approved. Mr. Mooney will keep after Atty. Dan Becker to get the signed agreement.

On Motion by Mrs. Scull Debbi and seconded by Mrs. Johnson to adjourn 11:31 p.m., all concurred.

Respectfully, Pamela J. Stevens, Manager Secretary Treasurer

BOS Approved 5.17.21