

**Lower Heidelberg Township Board of Supervisors
BOS Minutes – Regular Meeting
October 18, 2021**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting in person at 720 Brownsville Rd. on the above date. The July monthly meeting was duly advertised to be held in person. Present were Chairperson Deborah P. Scull, Vice-Chairwoman Cheryl Johnson, and Member Michael Keltz, Township Solicitor Andy Bellwoar, Township Engineer Ryan Rhode (KE), Zoning Officer Glenn Kraft, Road Foreman Matt Clay, Chief Christopher Stouch, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Fire Commissioner Jared Renshaw, Tax Collector Sharon Boyer, and Guests, Dave Kurtz, George Lehner, Paul Prutzman, Tom Yauch, Gladys Barcz and her son Casey, Nick Henn, and Joe Bubba, Bob Richards, and Lisa Fichera for Phoebe.

Mrs. Scull called the meeting to Order & led the Pledge of Allegiance at 7:06 p.m.

1. Minutes: The minutes from the August 16, 2021, Regular Meeting will be considered for approval, and was distributed to the Board of Supervisors prior to this meeting. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve the minutes for the August 16, 2021, Regular Meeting as presented. All in favor. Motion passed unanimously.

Driveway Conflict at 1051 & 1053 Brownsville Road: The property owner at 1051 Brownsville Road would like to discuss the portion of the existing driveway serving 1053 Brownsville Road that is located on her property and she would like the driveway removed or an easement agreement executed to allow the driveway to remain on her property. Mrs. Barcz had called the Township Office concerning the driveway behind her home which encroaches from 1053 Brownsville onto her property 1051 Brownsville. Mr. Bellwoar summarized the status of the driveway, and it has been in existence for a while. The intent of the 1053 Brownsville Annexation Plan is to change a few of the lot lines, and the driveway is not really the Township's issue to resolve; however, since there is a plan under review, the Township can try to ensure the driveway matter is resolved. Mrs. Barcz stated that she had an easement agreement created, but it was not ever signed by the previous owners. Mr. Henn does not have an easement agreement per Mrs. Barcz. Mr. Rhode noted that the review letter was issued with conditional plan approval, and one of these conditions was the driveway encroachment matter. Mr. Rhode will make sure that the easement matter is resolved. The plan needs to be revised and that is when the new easement information will be placed on the plan and Mr. Henn will work with Mrs. Barcz and get them a copy of the plan, and to execute the easement agreement.

Mr. Bellwoar closed the regular meeting and then opened the Public Hearing for the proposed Zoning Amendments for the C2 Uses in the Industrial District and the expansion of the R7 from Phoebe into the Jesuit Center property. Mr. Prutzman asked for background of the rezoning of the Jesuit Center. Mr. Jauch asked who would pay the back taxes, and Mr. Bubba noted that the buyer of the property would need to pay the back taxes. Mr. Kurtz asked about the Clean and Green Act 319 and Mr. Bubba noted that there is no conservation easement on the Jesuit Center property through the County.

Next Public Hearing announced by Mr. Bellwoar for the Joint Comprehensive Plan amendments and the reason for the Amendment initiated by South Heidelberg Township was to update various items in the Comprehensive Plan. There were no questions on this Public Hearing.

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Mr. Bellwoar stated that they moved back into the regular Board Meeting: Mr. Bellwoar asked for a motion to approve the Zoning Amendments for the C2 uses permitted by right to be added to the I1 uses permitted by right and for the Zoning of the Jesuit Center property be changed on the Zoning Map from A1 Agricultural Preservation to R7 Retirement Complex. **On Motion** by Mrs. Scull and seconded by Mr. Keltz. There were no public comments, and no questions and the motion passed unanimously. Written evidence was submitted at this Board meeting by Atty. Bubba at the request of the Planning Commission to verify ownership, and the Church approves the rezoning.

Mr. Bellwoar stated that the Board should consider the Joint Comprehensive Plan Amendments. On Motion by Mr. Keltz and seconded by Mrs. Scull, adopt Resolution 2021-24 which approves the Joint Comprehensive Plan Amendments. No questions were posed, and all in favor so the motion passed unanimously.

Public: Glen Ridge Estates Escrow Release Request: Mrs. Scull announced that the Developer is requesting that the BOS consider releasing the \$40,000 held in escrow for the Temporary Pump Station Agreement. Included in the Board's packet are excerpts from the Temporary Bypass Pumping Agreement and the e-mail from PA DEP approving the operation of the Glen Ridge Pump Station. There were no questions. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve the release of the \$40,000 held in escrow for the Temporary Pump Station Agreement. All in favor so the motion passed unanimously.

2. Tax Collector – Mrs. Boyer, the Tax Collector presented her September 2021 Report, and noted that she collected \$5,465.71. She noted that reminder notices were mailed out in the beginning of October. The County is still not going to be issuing any interim tax assessment bills and the new property owners especially in Glen Ridge Estates will receive 3 tax bills in 2022. The new County software is not permitting the interim tax bills to be created. This will impact the County and School Taxes as well.

3. Library – The Library Director Leigh-Anne was present to give her September 2021 Report. Door count is still low, but she is seeing a slow increase in attendance. Friends of the Library had a great book sale in the amount of \$2,000 which is higher than other sales. There are other fund raisers that the Friends of the Library are hosting. She is requesting that the Supervisors consider \$4.00 per capita and not the \$2.50 as we previously submitted. The more money the library receives, the library will receive more funds from other sources.

4. Fire Commissioner - Fire Commissioner Jared Renshaw was present to give his September 2021 Report, and they had a significant number of calls due to Tropical Storm Ida. There were five (5) water rescues, and these were for people driving around barricades. There has been a request for an increase in the Quarterly Fee for the Fire Department for 2022. Mrs. Scull asked Mr. Renshaw to read the letter for the proposed increase. Mr. Renshaw noted that the millage rate went from 0.008 to 0.0087 in 2019. The increase in the expenses is in 2 parts one which is day to day expenses and the other is capital expenses. There will be an increase in day to day due to contractual agreements and the increase in the workers compensation insurance. The capital expenses are for a new engine and improvements to the Stitzer Station No. 1. Questions from the public, and Mrs. Brenner and Mr. Kurtz agreed that the Fire Department donation increase is well worth the costs. Mr. Renshaw explained that during COVID there were people sleeping at the Station because they were on 24-hour shifts.

Fire Department continued: Mr. Bellwoar asked for the Financial Statements and the Township would need 2019, 2020 and 2021 Financial Statements. The Township has not received financial statements and budgets. Mr. Kurtz asked about why the Supervisors did not raise the millage before, and Mr. Bellwoar explained, and Mr. Renshaw agreed that the Supervisors wait for the Fire Department to request the funding/donation. Mr. Renshaw stated that a home assessed at \$100,000 would have an increase of \$24 per year. Ms. Stevens asked about the revisions to the Agreement and there were discussions years ago to see if there was a formula to not base the annual amount on real estate assessed values. Mr. Bellwoar noted that there are municipalities that have a different type of donation agreement. The 4 municipalities all want something different per Mr. Renshaw. Mr. Renshaw will send the requested information to Ms. Stevens.

5. Emergency Management Coordinator (EMC) – Mrs. Scull stated Justin Schlottman, the Emergency Management Coordinator was not available to present his September 2021 Report, and he attended Underground Pipeline Training and Radiological Awareness at Berks Department of Emergency Services in September, and he ordered his new iPad.

6. Ambulance – Mrs. Scull read the Ambulance Director's September 2021 Report. There were 36 incidents in September with 22 transported, 7 refused, 2 standbys, 2 cancelled, 3 assisted, and there are free thermometers for the public and the busiest time was 9:00 a.m. with 4 incidents.

7. Planning Commission – Ms. Stevens summarized there was a Planning Commission meeting on October 11, 2021, and the Commission members discussed the 1053 Brownsville Road Annexation Plan, the two proposed zoning amendments for Lower Heidelberg, and the Joint Comprehensive Plan update from South Heidelberg Township. The Planning Commission made a conditional plan approval recommendation for the 1053 Brownsville Road Annexation Plan including waiver requests. It is expected that the Plan will be on the November 15, 2021, BOS Agenda since there are still items to be addressed in accordance with the Kraft Engineering letter.

8. Building/Zoning – Mr. Rhode presented the Kraft Code Services September 2021 Report. There were 27 permits issued for a total construction value of \$1,088,395.24, 19 Certificates of Occupancy issued, 123 inspections performed, 5 property maintenance issues investigated, 4 zoning matters, and 5 rental inspections.

8a. Zoning Hearing for Green Valley Terrace on Gaul Road: Mr. Rhode noted that Kraft Code Services reviewed the Zoning Hearing Application and issued a letter. A letter of support was also issued by the Township Manager on behalf of the Board of Supervisors. The Hearing scheduled for October 19, 2021, starts at 7:00 p.m. not 6:00 p.m.

9. Engineers – Mr. Rhode, the Township Engineer of Kraft Engineering presented his September 2021 Report. There was a large sinkhole on Connecticut near and Virginia which AH Moyer repaired the sinkhole, and there will be an invoice forthcoming. Mr. Rhode discussed in more detail the LTAP Report concerning the Faust Road Speeding Investigation. LTAP at the Township's request performed a speed limit study for the Faust Road, and three multi-way stop intersections which all 3 intersections did not meet the multi-way stop sign warrant for Faust and Fairmont and Faust and the two Knollwood locations. Mr. Rhode expanded his discussion on the LTAP speed limit study on Faust Road.

Faust Road Speed Study and Kraft Engineering Report continued: The 85% speed limit was recorded at 37 miles per hour and this 85% observed speed is used to make the speed limit recommendation. This area was from Evans Hill to Green Valley and LTAP is recommending posting a speed limit of 35 miles per hour. The school zone area from Green Valley to Gaul is posted at 30 miles per hour. LTAP researched accidents as well as the density guideline where the speed limit could be lowered to 25 mph. LTAP recommended various options: 1) take no action, 2) post all of Faust Road at 30 mph, 3) post the roadway at 35 to 40, but he recommends 35 mph, 4) post the density area at 25 mph, but this may cause confusion with too many changes in speed limit, and Chief Stouch agreed that it will cause confusion and enforcement issues. Mr. Rhode recommends changing the speed limit and then have LTAP come back and do another speed limit study to monitor the impact of the changes. Mrs. Scull clarified that the Board of Supervisors authorized this investigation with LTAP since it is free and LTAP is an unbiased agency. Mr. Rhode stated that when the driver feels comfortable, they will go a bit faster especially now that the road is paved. The increased speed limit is not to encourage speeding but is to work with the majority of drivers. Chief Stouch did state that they are still getting complaints on this section of Faust Road. The LHTPD is out on Faust to encourage compliance. Mr. Rhode did point out that LTAP was very surprised that the school zone was 30 mph, and the remainder of the road was posted at 25 mph. There was supposedly an accident that pushed the speed limit to be lowered. There have not been any accidents that Mr. Rhode is aware of. Mr. Keltz recommended the same speed limit on all of Faust Road. Mr. Clay did agree that the average speed when he is driving the Township vehicle, he is typically over 25 mph. The Police Officers can only pull the person over when they are 10 mph over the posted limit. Mr. Prutzman thinks that the posted speed limit should be 35 mph. Mrs. Scull pointed out that the LTAP Study was free. Mrs. Brenner's opinion is to increase to 30 mph. Mr. Keltz would like to see it on the November Agenda. Mr. Jauch pointed out in Wernersville have many streets at 35 mph. Mr. Melson offered several comments, and he is on the road frequently including motorcycles and fast jacked up cars, and he agrees to not post the multiple limits and he has concerns due to the amnesty limit of 10 mph above the posted, so he would like to see 30 mph. Mr. Jauch pointed out that there are quite a few bicycles, and they are sometimes a hazard. The Speed Limit Study for Faust Road is tabled to next month.

10. Recreation Board: The Recreation Board chair will present her September 2021 Report. Nothing.

11. Police Department - The Chief of Police presented the Police Department September 2021 Report. The Chief was pleased to report that SAFEDATA categorized that Lower Heidelberg Township is the 18th safest city.

11A. New Police Patrol Vehicle for 2022: The Chief of Police is requesting the Board consider permitting him to place the order for a new Patrol Vehicle now with the hopes that the vehicle will be delivered in the latter part of 2022. The vehicle that is to be replaced has 130,000 miles on it and is 8 years old. Payment to Koch 33 Ford does not have to be made until the vehicle is delivered and payment to TRM or RMI until the fit-out is completed. As of the date of this meeting, the total cost of the vehicle with all of the required equipment and CoStars discount is \$46,749. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, to authorize the Chief of Police to order the new 2022 Patrol Vehicle at a total cost of \$46,749. All in favor so the Motion passed unanimously.

11B. Non-Lethal Devices: The Chief requested to purchase non-lethal devices for an option to achieve compliance from an uncooperative person. The units cost approximately \$1,000 and the refill cartridges cost approximately \$30 per cartridge. It is safer than a taser and this is to assist for compliance. Mr. Prutzman asked about training, and the Chief did note that it would be similar to the taser training. Mr. Jauch did see it on the television, as well as Mrs. Brenner. Mr. Melson asked if they have training cartridges instead of live cartridges. Mr. Melson pointed out some of the deployment mechanisms can be offensive to the Officer and asked if the Chief could check if there is something in the deployment that is not safe for the officers. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, to authorize the Chief of Police to order four new non-lethal detainment devices known as Bolawrap Model 150 along with several cartridges at a total cost not to exceed \$5,000. All in favor so the Motion passed unanimously. Ms. Stevens to research the balance in the Police Savings Fund.

12. Road Foreman - The Road Foreman presented his September 2021 Report and Updates. He noted that Faust Road will be closed on November 3rd for tree removal with Seidel's Tree Service. Leaf collection started today and will end on December 3rd. Two Bay shed roof is having issues and he will be obtaining an estimate for the roof repair. They have been doing inhouse training on various safety issues. Kyle James did pass the written part of the CDL and needs to schedule the CDL Testing.

12A. Part-Time Plow Drivers: The Road Foreman would like to have an advertisement placed in the Newspaper for Part-Time Plow drivers for this season 2021-2022. The current hourly rate is \$19.00 for a Non-CDL driver and \$20.00 for a CDL driver. Mr. Prutzman asked if the hourly rates should be increased, and Mr. Clay said there are not enough people as many of them are working for landscapers and do not have the time. Mr. Keltz noted that he agrees that the hourly rate is low in his opinion. Mr. Keltz suggested \$20 for non-CDL and \$22 for a CDL. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, to authorize the Manager to place an advertisement in the Reading Eagle for Part-Time Plow Drivers. All in favor so the Motion passed unanimously.

Manager/Secretary/Treasurer/Sewer Engineer

13. and 14. Bill List and Treasurers Report: The Bill Lists are for the September/October 2021. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve the Bill Lists and the Treasurer's Report, and to file the Report for Audit. All in favor so the Motion passed unanimously.

15: HVAC Repairs: The Meeting Room HVAC Unit will need to have one of the compressors replaced at a cost of \$3,390, and the Community Room Heat Pump unit needs a new sensor switch, sensor board, and condenser fan at a cost of \$1,500. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve the Burkhardt HVAC Quotes for a total of \$4,890. All in favor so the Motion passed unanimously.

16. Revised Proposal for Bridge Replacement: Now that the Wooltown Road Bridges do not need to be replaced and we are uncertain of the Heidelberg Bridge scope of work, the bridge engineering firm, Rettew Engineering is recommending a different process than Design/Build and instead use the standard Design, Bid, and Construction process. The total amount of the revised proposal would be what was originally budgeted in Mr. Rhode's cost estimates for the Gaul Road Bridge replacement engineering services which was a \$160,000.

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The Contractor would no longer be responsible for the design, permitting and surveying for the Gaul Road Bridge and Rettew believes they can have the bridge replaced 6 months to a year sooner than the Design/Build process. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, approve the Township to enter into a new professional services agreement with Rettew Engineering for the revised scope of work for the Gaul Road Bridge replacement. All in favor so the Motion passed unanimously.

17. Theresa Connors Retirement: Ms. Stevens requested that Mrs. Scull read the Resolution for Theresa Connors since she submitted her letter of resignation which became effective as of September 30, 2021. Sue Corcoran has reached her 90-day probation period as of September 28, 2021 and has successfully completed her probationary period as our new part-time Bookkeeper without any issues, and all positive evaluations on her skill set. **On Motion** by Mr. Keltz, seconded by Mrs. Scull, approve the Resolution 2021-25 accepting Theresa Connors resignation with regret, and authorize the Township Manager to write a letter to Mrs. Corcoran on her successful completion of her 90-day probationary period. All in favor so the Motion passed unanimously.

18. Various Updates:

2022 Budget: The Budget for 2022 will begin being prepared while additional information is gathered from all relevant sources, consultants, vendors, and Township Staff. It is anticipated to have a Draft Budget ready for the November BOS Meeting.

Solicitor - The Solicitor to present his September 2021 Report. Mr. Bellwoar announced that an Executive Session was held prior to the meeting tonight for potential litigation

Old Business

New Business: Mrs. Scull as a resident voiced her concerns about the Wilson School District Updates and personally announced the changes that are being proposed including the new school in the feasibility study. Wilson School District plans on spending 90 plus million dollars of school upgrades, various projects, and the new School on State Hill Road next to the Cacoosing Park.

Public Comment

Mr. Melson would like to commend the members of the LHTPD for the inconspicuous nature of the Officers that are popping up randomly, and especially the attention to the schools. Mr. Melson believes that the systematical deployment of random patrols is why we are rated at the 18th safest city in the Report. The Chief stated that he has been more involved with the Schools and Mr. Melson has noted that he is seeing the Department's involvement in the schools.

Mr. Lehner asked about the recycling location for organic site. Ms. Stevens noted that she is waiting to see if the shared site is more cost effective instead of creating their own site. Mr. Lehner believes that the Township can have less restrictive rules that South Heidelberg's.

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Mr. Lehner asked about the status of 333 N. Church St. property and Ms. Stevens noted that the Redevelopment Authority should be taking ownership of the property in the near future. The enforcement of the condition of the property took a long time due to the time constraints and the hearing at the District Court level.

Mr. Lehner asked about the GVEW Basin. Mr. Rhode answered the questions about the ownership and the responsibility of the basin and PA DEP, and the maintenance agreements were discussed. The Township has the obligation to ensure the facilities are maintained.

Adjournment by Mr. Keltz at 8:55 p.m. Mrs. Scull seconded.

Respectfully Submitted, Pamela J. Stevens, Manager/Secretary/Treasurer

Approved BOS 11.15.21