

**Lower Heidelberg Township Board of Supervisors
BOS Minutes – Regular Meeting
September 20, 2021**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting in person at 720 Brownsville Rd. on the above date. The September 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, Code Officer Glenn Kraft, Township Engineer Ryan Rhode (KE), Road Foreman Matt Clay, Chief Christopher Stouch, Bookkeeper Sue Corcoran (taking Minutes). Also present were Fire Commissioner Jared Renshaw, Library Director Leigh-Anne Yacovelli, Emergency Management Coordinator Justin Schlottman, Western Berks Ambulance Association Director Tony Tucci, and Guests Jen and Brad Deutschman, Barb Brenner, Dave Kurtz, Tom Jauch, Douglas Yerger, Ginger Gantert, Jill Santoro, Jennifer VanDyke, David Randler, Thomas Schoener, Sam Dever, Rich Jones, Barb and Forrest Stricker, David Wolfskill, Mrs. Autumn Fichthorn, Dennis Harman, Don and Carol Wormser, and Kaye Mahlman. Township Manager/Secretary/Treasurer Pamela J. Stevens was absent

Mrs. Scull called the meeting to Order & led the Pledge of Allegiance at 7:01 p.m., and she asked everyone to please remain standing after the Pledge for a Moment of Silence for Kevin Machemer who tragically passed away, and Lower Heidelberg Township would like to publicly recognize Mr. Machemer for his numerous years of dedication to the Lower Heidelberg Township Fire Company.

Mrs. Scull announced that an executive session was held on Friday, August 27, 2021 for a litigation and personnel matter.

1. Minutes: PENDING The minutes from the August 16, 2021 Regular Meeting were not available but will be available at the next Board Meeting.

Public Comment – A. Mr. Deutschman from 25 Colorado: Discussion concerning the Handicap Space at 27 Colorado. Mr. Deutschman is requesting the blue line to be moved back 9 feet to the right. There was no public comment. Mrs. Scull responded: There have been numerous visits from the Township Road Crew as well as Police, and the Handicap sign have was moved. Mr. Deutschman stated that the reason for Mrs. Hamm (27 Colorado) parking the way she does is for ease of access and egress. Chief Stouch states he would love to have this resolved. Mrs. Johnson observes there is spitefulness taking place by both parties involved. Mrs. Scull responded: She will consult with Pamela Stevens/Matt Clay/Attorney Bellwoar and will respond to both parties, and that this is the last time the Township will be involved.

Public Comment – B: Heidelberg Road Bridge over Spring Creek: Discussion concerning the closure of the Bridge due to public safety concerns and significant weight limit restrictions. Mrs. Scull provided background of the ongoing issues since 2011 and reasons for the tonnage reduction. Tropical Storm Ida caused major damage resulting in an extremely dangerous situation. At this point the direction seems to be heading toward either replacement or closing the bridge by blocking from both the Heidelberg and Lower Heidelberg sides.

Dave Randler states there was a meeting between Heidelberg Township (HT) and Lower Heidelberg Township (LHT) to discuss a 60 (LHT) / 40 (HT) split which would take into account Liquid Fuels funds received by each municipality. The method for the formula is Liquid Fuels funding/Population. Neither BOS agreed. LHT owns the bridge but maintenance is split.

Public Comment – B: Heidelberg Road Bridge over Spring Creek continued

HT Engineer has been in touch with Pamela Stevens recommending the closure of the bridge due to replacement cost being prohibitive. Mr. Randler requests to know where the matter stands.

Mrs. Scull responded that a decision must be made as soon as possible and in the interest of the safety of everyone concerned it cannot be pushed off.

Mr. Bellwoar stated that if the bridge is closed the Liquid Fuels funds will be lost. That amount is deemed inconsequential in comparison to the safety of all who may choose to use the bridge.

Mr. Rhode stated that PennDOT inspected the bridge; recommended the weight reduction and the bridge is currently open.

Mrs. Johnson stated that the loss of Liquid Fuels funds is not worth the value of a life that could be lost.

Mr. Stricker suggested the bridge could be replaced by a simple concrete beam bridge? He resented the notion of Eminent Domain that was mentioned in the letters to the adjacent property owners because we're America. He would like to see working toward replacement.

Mr. Wolfskill stated he was not impressed with the letter. He hauls large equipment from Hamburg to Gouglersville and having to travel other roads increases the hauling expense for a business. Driving Heffner Road is suicide. He states drivers have a total disregard for the leading truck; flashing lights, and even flagging from the vehicle driver. Mr. Wolfskill would like to know if anyone has looked into funding for the replacement cost and asked if the bridge floods and was told yes, it does.

Matt Clay stated he thought the replacement bridge should be either the same size or that the whole area should be one large bridge, and the Engineer will need to determine what is most appropriate. He suggested the bridge be turned over to the landowner with HT and LHT closing off access from their respective sides. The owner could then place locked gates which would require permission for bridge use.

Mr. Wolfskill inquired as to the liability of this closure and private ownership.

Mr. Yerger inquired if there has been any research into a cost comparison as closing the bridge will lower his property value by half.

Mrs. Scull stated the letter was sent out prematurely by the engineering firm.

Mrs. Fichthorn stated she does not want to see the bridge removed as neighbors, buses and emergency vehicles all use this road which is also her route in inclement weather.

Mrs. Scull stated that LHT will not agree to a 60/40 split; it would have to be 50/50, or nothing at all.

Mr. Randler wanted to know when the bridge would be closed?

Dennis Harman stated that flooding only occurs when Blue Marsh closes things off. He also stated that within the last four weeks he has observed crossing the bridge: (2) Conrad Weiser High School and (1) Elementary School buses crossing twice a day each; an occasional Wilson school bus; a State truck loaded with stone, and on 9/20/2021 a bright orange tractor of undetermined owner. Mr. Harman proposed as an example for the bridge replacement, should there be one, the bridge in Ole Bull State Park which contains approximately eight four-foot pipes to allow alleviation of flooding. Mr. Harman suggested the replacement cost be split 50/50, and states it isn't only one resident but no less than six residences on this road.

Mr. Wolfskill would like to see LHT look in another direction to repair not close the bridge and states the need for a cost analysis study.

Mr. Yerger noted his receipt of the packet of information sent from LHT.

Mrs. Scull stated there would be a meeting between the BOS and LHT Consultant, after which there will be a one-on-one meeting of all residents having concerns.

Tom Schoener inquired as to whether LHT's Consultant was taking the lead regarding cost analysis.

Mrs. Scull responded that LHT will pursue cost analysis.

Mr. Kurtz inquired as to potential liability.

Mr. Harman wanted to know if signs were to be posted because if they have not been he feels they need to be.

Rich Jones stated he would like to see two members from each BOS work together toward a plan for rebuilding.

Mr. Bellwoar stated that LHT is waiting for information and once received will be disseminated.

Other public Comment concerning Green Valley Terrace West:

Rich Jones will not be able to attend the Zoning Commission meeting and asked permission to inquire about the runoff water location. Mr. Rhode responded that he does not know the discharge location, and there is a responsibility to reduce the stormwater flows. Rich Jones inquired about the retention pond issue with Grande. Mr. Rhode stated a liner modification was done in an attempt to dry it out. Mr. Jones suggested a bottom elevation of pipes is needed, and also determine what types of grasses should be planted. Mr. Rhode replied a survey with data crunching is being conducted to determine if elevation changes are a solution.

Dave Kurtz stated that density for the Green Valley Terrace Project is the topic for next month's Zoning Commission meeting.

Other Public Comment:

Don Wurmser had questions concerning water retention issues; open space lost to development; runoff on Sweitzer Road, and retention ponds-barriers. He stated that the creek on the southern border of his property rose over 11 feet during Tropical Storm Ida and Sweitzer Road washed out completely. It took two days to clean up and make repairs during which truckloads of rock, macadam and toilet paper-most likely due to the breach of the sewer plant were removed. Mr. Wurmser stated that preventions need to be put into place before tragedy happens and requested his concerns be considered.

Ryan Rhode stated he has been in contact with Mr. Wurmser and has told him the DEP is responsible for these concerns. Mr. Rhode also told Mr. Wurmser that he needs to Contact the DEP, Pamela Stevens or himself if he does not receive satisfaction from the DEP, should any future issues arise. He also stated that the construction sequence for the road being built is in compliance.

Barb Brenner inquired as to the sequencing of traffic lights, and Mr. Rhode replied that PennDOT is responsible for handling this.

2. Tax Collector – The Tax Collector was not present at tonight’s meeting and wanted to report that she had collected \$4,133.81 for the month of August and the Interim Real Estate Tax Bills will still be delayed to 2022. and the delay of these bills issued from the County until 2022

3. Library – The Library Director presented her August 2021 Report. Summer Quest had fantastic participation and the attendance was 9% more compared to last year. The Wi-Fi numbers are finally available, so the Year to Date numbers do not reflect the Wi-Fi attendees. Masks are still mandatory for patrons and staff.

4. Fire Commissioner - Fire Commissioner Jared Renshaw presented his August 2021 Report. The question will there be any increase in the Quarterly Fee for the Fire Department for 2022 was not answered in the minutes. Mr. Renshaw acknowledged a monetary donation from Kraft Codes & Kraft Engineering with which a thermal camera was purchased to be used with the drone. He then gave a presentation on how the drone was successfully used to rescue a disoriented resident, and also to assist in the rescue of a lost York, PA resident.

5. Emergency Management Coordinator (EMC) – Justin Schlottman, the Emergency Management Coordinator presented his August 2021 Report. Mr. Schlottman will also give an update on the post Tropical Depression “IDA” issues including the flood rescue on State Hill Road and update the Straight Wind Event on September 8, 2021. Mr. Schlottman suggested public education regarding his attempts to determine homeowners’ property damage.

6. Ambulance – Ambulance Director, Anthony Tucci presented his August 2021 Report. Ambulance Director discussed an increase in the annual fee of \$5.00 per Parcel, so the fee would go from \$30.00 to \$35.00 per Parcel. Mr. Tucci explained the need for the first ever increase stating this is the main source of income for the Ambulance Association. He also offered a donation of surplus wipes and infra-red thermometers.

7. Planning Commission – There was no Planning Commission meeting on September 13, 2021.

7A. MPC Plan Date Extension Eberly Subdivision: The MPC date was extended to December 31, 2021 and the Board of Supervisors acknowledged the MPC Extension.

7B. MPC Plan Date Extension Green Valley Terrace West: The MPC date was extended to January 17, 2022, and the Board of Supervisors acknowledged the MPC Extension.

8. Building/Zoning – Glenn Kraft of Kraft Code Services to present the August 2021 Report. . Glenn Kraft presented his report that there were 29 permits issued for a construction value of \$1,800,933.38, there were 151 inspections made, there were 12 Certificates of Occupancy issued, there were 7 zoning issues, 17 Property Maintenance Issues, and 1 rental inspections.

9. Engineers – Township Engineer, Ryan Rhode of Kraft Engineering presented his August 2021 Report. Mr. Rhode to discuss the LTAP Report concerning the Faust Road Speeding Investigation. Rich Jones observed that the speed limit has a relative effect upon deer crashes. Ryan Rhode stated that a review of the crash history analysis is factored into the speed limit change recommendation.

10. Recreation Board: The Recreation Board chair, Mrs. Scull presented her August 2021 Report. Mrs. Scull stated that due to lack of participation from internal or external volunteers there will not be a Christmas Party this year.

11. Police Department - The Chief of Police, Chris Stouch presented the Police Department August 2021 Report: there were 346 incidents, 13 criminal matters and 7 motor vehicle accidents.

11A. 2021 Halloween: For 2021, Halloween falls on Sunday October 31st, so Trick or Treat night will be on Sunday, October 31st from 6:00 p.m. until 9:00 p.m. with the customary curfew restrictions from 9:00 p.m. through Monday, October 25th until 9:00 p.m. Monday, November 1st unless the juvenile is with an adult. **Do the Supervisors and Chief of Police concur with 2021 Halloween date, time and curfew? The answer was Yes.**

11B. 2022 Minimum Municipal Obligation for the Pension Funds and Resolutions 2021-22: These are for Police and Non-Uniform Pension Contributions. The Board will also need to adopt a new conservative reduced Interest rate of 6.25% from 6.50% as a result of the recommendations of our financial advisors. Joe Duda from Duda Actuarial Consulting, Inc. provided the MMO amounts for 2022. The amount listed on the MMO report will be the figure used for funding the Pension Plans for 2022 and will be included in the 2022 budget. Resolution 2021-22 is ready for the Board's consideration for the necessary funding requirements. **On Motion** by Mrs. Scull, seconded by Mr. Keltz, to adopt Resolution 2021-22, accepting the actuarial funding figures provided by Duda Actuarial Consulting for the Police and Non-Uniformed Pension Plans for 2022, and approving the reduction in the interest rate from 6.5% to 6.25%. All in favor? Motion passed all 3 voted Yes.

12. Road Foreman - The Road Foreman, Matt Clay presented his August 2021 Report and Updates. Organic pick-up week of 10/04/2021. Tom Jauch inquired as to whether there has been approval for the purchase of a second vehicle? Matt Clay responded that yes it was approved last month at the lower amount.

12A. Tree Removal Quote for Large Trees: Seidel's Tree Service has given the Road Foreman and the Manager a "day rate" for the removal of very large trees in the Township right-of-way that the Township Road Crew are unable to tackle. The day rate is \$5,000, and includes the crane, chipper, hand equipment, five (5) laborers, and dump trucks. We are recommending Mr. Clay work out the best day to perform the work on Faust and Riegle Roads since the roads need to be closed. We are suggesting a day when school is closed in October. On Motion by Mrs. Scull, seconded by Mrs. Johnson, approve the day rate for Seidel's Tree Service for tree removal on Faust and Riegle in the amount of \$5,000. All in favor? Motion passed all 3 voted Yes.

Manager/Secretary/Treasurer/Sewer Engineer

13. and 14. Bill List and Treasurers Report: The Bill Lists are for the August/September 2021. 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. All in favor? Motion passed all 3 voted Yes.

15: Generator Cooling System Repair: The generator service company has found that the generator cooling system needs service in the amount of \$1,883.16. The generator provides a seamless transition of electric power when a power outage occurs. On Motion by Mrs. Scull, seconded by Mr. Keltz, approve the quote from Emergency Systems Service Company in the amount of \$1,883.16 for the generator coolant system repair. All in favor? Motion passed all 3 voted Yes.

16: Metering Manhole for Flow to Spring Township: A metering manhole was not ever installed for the Rosewood Hills sewage flows to Spring Township. We currently pay Spring Township \$97.92 per 7,500 gallons per quarter and 0.09056/gallon for overage beyond 7,500 gallons. We do not bill these customers that are tributary to Spring Township enough to cover the current charges from Spring Township. The bulk rate if the flow is metered is \$6.34/1,000 gallons. For example with a customer that uses 7,500 gallons, the amount we would remit to Spring Township would be \$47.55 and we are currently paying \$97.92. I believe there are approximately 80 customers, so just comparing the 7,500 gallons used by each residence would equal \$3,804.00, and what we are paying Spring just comparing the base rate of \$97.92 for each residence would equal \$7,833.60. Each quarter for just comparing the base rate would save the Township \$4,029.60 each quarter without even comparing the overages. Now with Glen Ridge Estates, it the time to install a metering manhole and Spring Township is fully cooperating and supporting this project. Systems Design Engineering is gathering information and preparing a ballpark estimate of the project cost. Requesting that the Board authorize the Manager to work with SDE to finalize the Metering Manhole Project, prepare a cost estimate, and request to advertise for bidding at the October Meeting if everything is ready. On Motion by Mrs. Scull, seconded by Mr. Keltz, authorize the Manager to work with SDE to finalize the Metering Manhole Project for sewage to Spring Township Wastewater Treatment Plant. All in favor? Motion passed all 3 voted Yes. Mr. Kurtz-what fund does the expense come out of, and Mrs. Scull replied out of the Sewer Fund.

17: Septic Pumping Waivers: We have received two (2) requests for waiving the 3-year requirement for one round due to the reasons they stated in their requests; for 471 Reber's Bridge Road, the couple only occupies the home less than 6 months per year; and for 50 Water Road since the home had burned down on May 18, 2018 and was recently completed and occupied this year 2021. **On Motion** by Mrs. Johnson, seconded by Mr. Keltz, approve the waiver of the 2021 3-Year pumping Cycle for 471 Reber's Bridge and 50 Water Road, but require them to pump in 2024. All in favor? Motion passed as all 3 voted Yes.

18: American Rescue Plan Resolution 2021- 23: The Treasury Department is requiring that the Supervisors adopt a Resolution outlining where the funds were appropriated and in Lower Heidelberg's case, the funds were transferred from the General Fund to the new PLGIT Account to keep the funds separated for auditing and reporting purposes. **On Motion** by Mr. Keltz, seconded by Mrs. Johnson, to adopt Resolution 2021-23, acknowledging the appropriation of the American Rescue Plan money from the General Fund to a separate PLGIT Account. All in favor? Motion passed as all 3 voted Yes.

19. Various Updates:

Theresa Connors Retirement – We anticipate that Theresa will officially retire in October 2021 now that Sue Corcoran has almost reached her 90-day probation period (September 28, 2021) with excellent success in the new part-time position.

Elevator Update - The phase converter has been installed and the Elevator is fully functional.

Little Cacoosing Restoration Project Update: The US Army Corp approved the Federal Permit.

DROP Ordinance and other Ordinance Amendment Updates: We are starting the process of adopting the DROP Benefit as outlined in the proposed DROP Ordinance to align with the current Police Department CBA. The Actuary needs to prepare an actuarial cost study as part of this DROP Ordinance process. This Ordinance will be added to the other Ordinances that the Township is in the midst of amending which include the following: Parking Regulations, Speed Limits, Stop Signs, Snow Emergency, Pods and Dumpsters, and Property Maintenance Code.

Solicitor - The Solicitor to present his August 2021 Report including the status of the South Heidelberg Township Joint Comprehensive Plan Amendment, 2020 Census, Zoning Amendments, and Zoning Hearing Variance for Green Valley Terrace.

Old Business - none

New Business - none

Public Comment - none

Adjournment - Mrs. Johnson made a motion to adjourn and Mrs. Scull seconded at 9:15 p.m.

Respectfully Submitted, Pamela J. Stevens, Manager/Secretary/Treasurer BOS Approved June 20, 2022