

Lower Heidelberg Township Board of Supervisors (BOS)
BOS Minutes – Workshop Meeting
July 18, 2022

The Lower Heidelberg Township Board of Supervisors held their monthly meeting in person at 720 Brownsville Rd. on the above date. The July 18, 2022 monthly meeting was duly advertised to be held in person. Present were Chairperson Cheryl Johnson (remote), Paul Prutzman, and member L.E. Chip Bilger, Township Solicitor Andrew Bellwoar, Township Engineer Ryan Rhode (KE), Chief Christopher Stouch, Road Foreman Matt Clay, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Guests, David Kurtz, George Lehner, Deborah P. Scull, Don Yerger, Mrs. & Mrs. Strickler, Dave Randler, Andy George, Lori Brown, Marjorie Prutzman, Dean Hartman, Freddie Grande, Dave Kratz, Brian & Lauren Dietrich, and George Lehner.

Mr. Prutzman called the meeting to order at 7:05 p.m. and lead the Pledge of Allegiance

Public Comment on Agenda Items:

Mr. Prutzman requested to move the Heidelberg Road Bridge topic to be first. Andy George discussed the Memorandum of understanding (MOU) and some of the language was for maintenance, and they thought that the MOU was more involved than they anticipated. The MOU was revised to share the administration of the Project and if paying 50% then both should be equally involved. Andy Bellwoar prepared the MOU to include all of the items involved in the Bridge short term and long term. Moving forward the LHT BOS needs to identify these items that were deleted the from the MOU. Typically, there is one lead or primary and the large items can then be discussed and voted on. Mr. Prutzman discussed that there is no tie braker in the MOU and that has him concerned. Any suggestions and Andy George stated that he can insert tie-breaker language. Mr. Prutzman is concerned about the clause that if you are not able to pay for the bridge, you don't have to. Mrs. Johnson asked in 1999 to repair the bridge and then in 2012 Neal Nevitt approached the Township and was again denied shared financial responsibility. Mr. Bilger asked about the budget estimate and if there were committed funds within the budget and a contingency amount. Mr. Bellwoar noted that Lower Heidelberg is acceptable right now for the emergency rehabilitation and no maintenance responsibilities, but at some point all of the boundary bridges need to be in an intermunicipal/intergovernmental agreement. Andy George discussed the plowing activities and shared responsibilities. Mr. Bellwoar and Mr. George will revise the MOU to address the concerns. Mr. Randler wants both of the Agreements agreed upon at all phases. Bellwoar - One lead then created one bond and one set of Agreements. Bellwoar stated that Professional Services do not need to be bid and can proceed through the Request for Proposals. Mr. Bilger reviewed the location of and the Bridge does flood due to Blue Marsh. Can the Townships obtain funding through the Army Corps of Engineers due to the flooding impacts? The first part of the Agreement can stay with Rettew per Mr. Randler. The County ARP has one more round and Mr. Bilger suggests applying to the County in 2023. One Supervisor from each municipality and the LHT Manager to review the amended MOU.

Mr. Bellwoar discussed that there was a letter sent in April 2022 requesting sharing the costs of the Palm Road Bridge. Matt Clay expanded the details on the repairs done to the Palm Road Bridge to keep the bridge from being closed. Mr. Bilger did not think it was fair to have a reimbursement request five years after the repair was completed. Ms. Stevens to check if a previous invoice was sent to Heidelberg.

TELCO Battery back-up issue was discussed as well. LHT to pay for the battery replacement quote and are requesting that Heidelberg Township pay half of the quote. Mr. Randler stated that they just paid the insurance for the Signal, and Mr. Prutzman noted then we will take care of this one if you took care of the insurance. Advance communication for the TELCO Invoice should have occurred and Mr. Bilger reiterated the importance of an Intergovernmental Agreement not just on the bridges but other shared matters. Ms. Stevens to send the Telco invoice to Nichole at Heidelberg Township for information.

Mr. Yerger asked the time frame on the engineering and construction phases and Ms. Stevens will get back to Mr. Yerger. He gave Ms. Stevens his phone number.

Background on the EMERGENCY CLOSURE OF Heidelberg Road Bridge, Palm Road Bridge and Signal at Big Spring and Penn Ave.: The Bridge had to be closed due a structural collapse of a portion of the arch on Friday, July 8, 2022. Lower Heidelberg Chief Stouch called South Heidelberg Chief Grim to advise him that the bridge needed to be posted on their side to be closed. Residents from Heidelberg Township were present at the Lower Heidelberg Township's July 13, 2022 Meeting and stated during the meeting that Heidelberg Township did not have advance notice of the Bridge Closure, and the barricades at the bridge were moved sometime over the weekend. LHT sent photos to the Bridge Engineers and all of the Emergency Responders documenting the bridge closure on both sides and advance posting on the LHT side of the Bridge.

1. Glen Ridge Estates Accessory Structure: Notes on the Record Plan list the maximum size of an accessory structure is 200 SF. The Residents of Glen Ridge Estates are looking for answers on this matter as the HOA does not dictate the maximum size of an accessory structure but includes the minimum size of a shed is 10'x12'. Mrs. Dietrich asked why the HOA did not have this limitation. Mr. Rhode discussed that the Final Plan of Record had this note on the plans. Bellwoar stated that the HOA should be part of the decision. The note on the plan is similar to a HOA provision. She stated that the HOA approved the size of the structure. Talk to the HOA Board and get the HOA to approve of the increase. Rhode stated that the HOA and all of the current residents need to sign off. Mr. Rhode believes the note was for sheds. The Developer is currently the HOA Lead. Mr. Rhode and Mr. Bellwoar will work on discussing the issue with the Developer per Paul's direction. Mr. Rhode suggested that their landscaper stay in touch with Glenn Bertolet.

2. Vice Chair Position: With the resignation of Michael Keltz, the Vice Chair position can be filled by Paul Prutzman and our new Supervisor L.E. Chip Bilger, II is then a Board Member. **On Motion** by Mr. Bilger, seconded by Mrs. Johnson, approve Paul Prutzman moving into the Vice President position on the Board of Supervisors, and Chip Bilger to be considered a member. Roll Call – All in favor. Motion passed unanimously.

3. LYNX/Stratix Equipment - New DATTO on Township Side: The warranty expires in September 2022. The Datto itself is free, but the Datto configuration, installation and set-up Fee is \$595.00. The monthly reoccurring managed backup service fee will remain the same at \$179.00. **On Motion** by Mr. Bilger, seconded by Mrs. Johnson, approve of the purchase of the new Datto from LYNX/Stratix at an installation fee of \$595.00. Roll Call – All in favor. Motion passed unanimously.

4. Planning Commission Workshop: Mr. Prutzman discussed The Township Planning Commission would like to move their Workshop Meetings to the first Wednesday or Thursday of the month to allow the PC time to review the draft comments from the Township Engineer prior to the regular Planning Commission Meeting. Mr. Hartman explained the dilemma with the current workshop. For example – June 29, 2022 would be the scheduled Workshop, July 6, 2022 is the first Wednesday, and July 11, 2022 is the regular Planning Commission Meeting. Any changes to the meeting dates would need to be advertised. **On Motion** by Mrs. Johnson, seconded by Mr. Bilger, approve the Planning Commissions Workshops to be moved to the Wednesday or Thursday subject to the availability of the Township engineer before the Planning Commission Meeting. Roll Call – All in favor. Motion passed unanimously.

5. Lease Agreement for Farming the Township Property: Background - A formal lease agreement should be discussed as it is warranted for the farming of the land owned by the Township between Reber's Bridge and Wagner Roads. Additionally, should the farming activity be sent out as a Request for Proposals in 2023 since the value of the annual service has been below \$2,000. Mr. Hartman should offer his thoughts to the Supervisors concerning the farming. Ms. Stevens has contacted the current farmer regarding the lease agreement, and he will be getting back to her before the August Board Meeting. Mr. Kratz was present to discuss the farming operation on the Township Land, and he pays Paul Prutzman \$60/acre and also a percent of the profit. Mr. Bilger agrees that an Agreement is needed. Mr. Hartman discussed the farmer may cut back on the fertilizer and the nutrients if it is a tough year. The quality of the crop depends on the fertilizer. Mr. Hartman summarized that the farmer wants to make a profit, but it depends on so many factors. Mr. Kratz would be interested in a 5-year lease as that would help off-set the initial investment. Mr. Kratz and Mr. Hartman can send Mr. Bellwoar their other lease agreements. Mr. Hartman noted that the Township Land has poor pH and the land needs several tons of lime, but it needs to be done repeatedly for sustainable crops. Mr. Bellwoar queried the Board and they all agreed that 5 years is acceptable, and authorized Mr. Bellwoar to draft the Lease Agreement. Mr. Lehner discovered that there is no Lease Agreement for farming the land. There is no recreation land in the Township and they must hold events on other properties. He sees the recreation space to be a great investment in the residents of the Township that do not have any place to have a picnic especially people in Apartments. The property has no trespassing signs on the land. Mr. Prutzman thinks that the 5 years is reasonable to allow the Township to plan for the development of the Master Park, as it will take much coordination and planning for the Township Park and Recreation Area. Mr. Clay requests a small part of the land to be allocated to the Road Crew to dump trees and other fill. Mr. Kratz will work with Mr. Clay to identify the area that he can use for fill.

6. Road Foreman – Background - Matt Clay, the Road Foreman to discuss the vehicle and equipment purchasing issues due to the supply chain problems. Mr. Clay noted that we are still waiting for the 2023 Freightliner. He would like to order an F550 to replace another small dump truck. These trucks are now up to \$130,000. Dealers are having a hard time keeping inventory and CoStars is not carrying the vehicles. Per the dealer, September 2022 would be the month to make the decision to purchase a truck. Mr. Bilger suggests to come up with a formal plan on the supply of all of the vehicles including road and police departments as it may take a few years to get back to no issues with the supply chain on vehicles and parts. Mr. Prutzman asked if we order the vehicle can we back out of the order? Mr. Bilger stated yes we can and agrees with advance ordering. Mr. Clay stated the dealer will contact him on the availability, but if he does not hear, he will contact.

7. Trash and Recycling Service Fee Waiver Request: Background - Mr. Prutzman summarized the property owners DiMariano's at 3340 State Hill Road are requesting a waiver of the Annual Trash and Recycling Fee as explained in their April 20, 2022 letter, specifically, they take their trash to their Farm at 20 Evans Hill which is rented by the Garber's, and their recyclables to the County Recycling Center or for curb-side pickup at the Farm. The Garber's pay for the trash and recycling at their rental. The Master Trash and Recycling List can be amended to add this address as a waiver, so JP Mascaro is given the proper number of parcels. Mr. Bilger discussed that the fee paid to JP Mascaro is based on the number of units in the Township so one waiver approval would lead to another waiver. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman do not approve the waiver of the trash and recycling fee for 3340 State Hill Road and add the waiver to the Master Trash and Recycling List. Roll Call – All in favor. Motion passed unanimously.

8. Disabled Veteran Tax Exemptions: Mr. Prutzman summarized that the Board of Supervisors should discuss the Disabled Veteran's being tax exempt from all taxes. A Disabled Vet can qualify and be approved to be exempt from the Real Estate Taxes, but do not qualify to be exempt for the other taxes in accordance with the Department of Military and Veteran Affairs Division of the Veterans' Programs and Services. Ms. Stevens will be querying other municipalities if they charge the Disabled Vets the non-real estate taxes and bring the matter back to the Board in August. For information purposes, the non-real estate tax amounts for the four (4) Disabled Veterans in the Township amount to \$2,300 of taxes for the public safety and debt service taxes. Mr. Bellwoar explained that the other taxes are a fee for services and are not real estate taxes. Mrs. Johnson stated that she agrees that they should be paying for the services, and it will only cost the Township more money. Put on next agenda for motion after Ms. Stevens does research.

9. Timberlake NPDES Notice of Termination: Background - Mr. Prutzman summarized that Grande Construction desires for the release of the construction and maintenance escrow. The Township Engineer concern is the Notice of Termination for the closeout of the NPDES Permit is not permissible as the Berks County Conservation District (BCCD) does not have Grande Construction listed on the NPDES Documents, so the BCCD is unable to close out the Permit for the Project. Mr. Rhode stated that the previous developer sold the lots in Phase 1 and Grande took over Phase 2, and the Conservation District needs the main basin to function properly for both Phases. Grande's position is that the basin construction was not part of their Phase 2 scope of work so they did not want the responsibility. Latest inspection report includes a section that there is no paperwork linking Grande to the NPDES Permit. The permitting responsibility is not Grande's as they are not listed on the paperwork. Current status is Grande is in the maintenance period and are unable to close out the escrow. The information was discussed with Mr. Bellwoar, and the BCCD Memorandum of Understanding (MOU) dictates that the closeout of the NPDES shall not occur until the Notice of Termination is completed. Mr. Bilger asked what is the cost to fix the failed basin and Mr. Rhode believes it is somewhere in the range of \$10,00-\$15,000. Mr. Rhode did receive a complaint from the property owner who owns the land which the basin is on and agree it is not functioning correctly. Is there any risk if the Township closes out Phase 2 and the basin does not get repaired? Current escrow amount is approx. \$85,000. Mr. Grande stated to keep a portion in escrow in the amount of \$10,000 to offset the repairs of the basin in Phase 1. Mr. Rhode recommends that Mr. Bellwoar and he review the BCCD MOU and the Developer's Agreement. Mr. Greth is no longer in business and that is the problem as he is listed on the Permit.

9. Timberlake NPDES Notice of Termination continued: Mr. Prutzman suggested that the authorize the release of the of Phase 2 escrow less \$10,000 and Mr. Rhode should prepare the escrow release request contingent on receiving a check in the amount of \$10,000. Mr. Bilger and Mr. Prutzman made the Motion to move the escrow release forward with the \$10,000 condition. Roll Call and all in favor.

10. Healthcare Premium Payment for Health Insurance for a New Supervisor: Discussion is needed on the Township paying for the premium for a New Supervisor that wants to be on the Township's Healthcare Plan. Mr. Prutzman has asked going forward that the premium for any new Supervisors not be paid by the Township. Majority of the Supervisors could vote to change the position of the current Board. On Motion by Mr. Bilger and seconded Mr. Prutzman that the Township does not pay for healthcare premium for any new supervisor. Roll Call – All in favor. Motion passed unanimously.

Number 11 Heidelberg Bridge was discussed in the beginning of the Meeting just after the pledge under Public Comment.

12. ARP Monies: Mr. Prutzman asked for this to be placed on the Agenda. Mr. P summarized that the Township will receive a total of \$644,000 in APR monies from the Treasury Department. The Supervisors seek the public's input on utilizing the ARP money. Mr. Bilger summarized the Final Rule and the restrictions changed. How do we broach the Public's input on spending the money. The Police have requested premium pay, there is the water extension, and the sewer project. The website needs to be updated and the location of the Road Project should be moved to be more accessible on the website, and the Township's social media updates may be paid out of the ARP money as well. Direction to use what social media tools we have to gather the public comments in writing. Mrs. Johnson mentioned that a newsletter was sent out previously and she would like to see the Newsletter to be sent out again and maybe two times per year. Mr. Kurtz stated that the ARP question can be placed on Next Door, Facebook and website language and BOS to review the language before posting. Mr. Prutzman would like the list of permissible and non-permissible uses. Ms. Stevens to provide the list to the Supervisors.

13. Police Vehicle Municibid Results: The 2014 Ford Police Interceptor SUV highest bid results was \$6,800, which seems low for the competitive nature of used vehicles in today's market. Does the Board want to accept the bid or wait and put it back on the Municibid platform in another month or so? Mrs. Scull discussed the bid seemed low with the competitive prices for used vehicles. Chief Stouch noted that the vehicle has high mileage and high engine hours, and maybe that is why the bid was not as high. On Motion by Mr. Bilger and seconded by Mr. Prutzman to accept the high bid of \$6,800.00. Roll Call – All in favor. Motion passed unanimously. Chief Stouch discussed that the K-9 Vehicle has been at Manderbach for 2 months now waiting on a part. Mr. Prutzman asked what was wrong with the 2014 Ford K9 Vehicle and Chief stated that it is an exhaust issue.

Solicitor - The Solicitor did not have anything else to present for his Workshop Report.

Old Business - None

New Business - None

Public Comment - Mr. Hartman asked for clarification on the size of the accessory structure and Mr. Rhode clarified the maximum size was 200sf., which is not very large for outdoor living and storage accessory structures.

UDATES - ARRO has purchased Select Environmental Solutions: Select Environmental Solutions Contract expires at the end of 2022, so we will need to investigate other service providers for when the Request for Proposals is sent out later this year. Mr. Bilger and Ms. Stevens will be meeting with ARRO on Thursday July 21, 2022 at 9:00

August 10, 2022 Workshop Meeting Potential Agenda

Public Hearing on both LHT and SHT Zoning Amendments
RV Parking Amendment
Fire Hydrant Agreement for Cacoosing Crossing North Phase 2

August 15, 2022 Meeting Potential Agenda:

Public Stormwater Discussion for the Annual MS4 Permit requirement.
Seasonal Bidding for Highway Salt
Appointment of Robert Olson as the Alternate Planning Commission Member

Public Comment

Adjournment by Mrs. Johnson at 8:57 p.m.

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

BOS Approved August 15, 2022