

Lower Heidelberg Township Board of Supervisors (BOS)
BOS Minutes – Regular Meeting
September 19, 2022

The Lower Heidelberg Township Board of Supervisors (BOS) held their monthly meeting in person at 720 Brownsville Rd. on the above date. The September 19, 2022 monthly meeting was duly advertised to be held in person. Present were Vice Chair Paul Prutzman and Member L.E. Chip Bilger, II, Township Solicitor Andy Bellwoar, Township Engineer Ryan Rhode (KE), Code Officer Glenn Kraft, Chief Christopher Stouch, Road Foreman Matt Clay, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Planning Commission Chair Dean Hartman, Tax Collector Sharon Boyer, Emergency Management Coordinator Justin Schlottman, Library Director Leigh-Anne Yacovelli, and Guests Dennis Klinger, Ron Whitman, David Kurtz, Barbara Brenner, George Lehner, Deborah P. Scull, Robert Melson, Green Valley Terrace Engineer Chuck Frantz, and Green Valley Terrace applicants Georgine Zdravecki and Hippocrates Deligiannis.

Mr. Prutzman called the meeting to order at 7:02 p.m. announced there were Executive Sessions held on August 24, 2022 to discuss Teamsters Collective Bargaining and on September 14, 2022 and September 19, 2022 concerning personnel, and he lead the Pledge of Allegiance

1. Minutes: The minutes from the August 10, 2022 and August 15, 2022 Regular and Workshop BOS Meetings will not be considered for approval. They will be prepared for consideration at the October 17, 2022 BOS Meeting.

Public Comment on Draft Ordinance 363 of 2022: Mr. Prutzman noted the Draft Ordinance 363-2022 was authorized to be advertised for the Board's consideration at tonight' meeting. These code amendments did not include any Zoning Amendments so no public hearing is required. The Draft Ordinance was properly advertised, and includes the 1) collection of Legal Fees when the Solicitors are involved in collecting delinquent fees for sewer and trash & recycling, 2) Township trimming, cutting or removing trees when property owner refuses, 3) Faust Road Speed Limit to 30 MPH, 4) adding to the Property Maintenance Code a new section concerning the parking and storage of motor vehicles, 5) updating the list of Snow Emergency Routes, 6) updating the list of Stop Streets, 7) updating the list of speed limits, 8) updating all of the fines to \$50.00 to coincide with the Motor Vehicle Code, and 9) amending the Bridge Weight Limits. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve adopting Ordinance 363-2022 which includes nine (9) Code Amendments as listed. All in favor. Motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Mr. Prutzman opened the meeting up for Public Comment. Mr. Lehner asked about the Public Resolution and Mr. Prutzman wants to table the Public Comment Resolution. Proposed Resolution does allow the Chair to grant more time to the speaker. Mr. Lehner asked about the status of the Lot at 333 N. Church, and Mr. Hartman stated that the lot could be annexed to each other's property. Ms. Stevens to contact the Redevelopment Authority.

2. Tax Collector –. Sharon Boyer, the Tax Collector to present her August 2022 Report. Sharon collected \$25,403.72 and reminder notices were mailed in August, and as of today there are 79 outstanding tax bills.

3. Library – Leigh-Anne Yacovelli, the Library Director to present her August 2022 Report. Leigh-Anne submitted her annual letter for the requested amount for donations. Any questions, please let her know. Outreach and school programs have good attendance, but Wilson School District needs to contact the Library to participate in the programs.

4. Fire Commissioner - Jared Renshaw gave his report at the September 14, 2022 BOS Workshop. Mr. Prutzman summarized the presentation by Mr. Renshaw and he is invited back to a future meeting.

5. Emergency Management Coordinator (EMC) – Justin Schlottman, EMC was present to give his August 2022 Report. He will try to make it to the October 17, 2022 meeting when Mr. Renshaw will be present. Training process is changing but he is current with his training which is good for 5 years. He needs to meet other obligations and the State is now treating the EMC as a professional position which includes training. There are going to be a few more Hazard Mitigation Plan meetings and Mr. Schlottman and Ms. Stevens will summarize what they want to present to the BOS.

6. Ambulance – Tony Tucci, the Ambulance Director was not present to give his WBAA August 2022 Report. Ms. Stevens summarized the Report.

7. Planning Commission – The Planning Commission (PC) Agendas for both their Workshop on September 8, 2022 and their regular Meeting on September 12, 2022 are part of the Meeting Packet. Mr. Hartman summarized the PC Meeting had a workshop and a regular meeting. The PC did recommend that the BOS grant the waivers and to consider a Conditional preliminary/final plan approval. Mr. Hartman stated it took a while to get to the finish line and he thanked Mr. Deligiannis for his patience and perseverance.

7A. Green Valley Terrace Preliminary/Final Conditional Plan Approval and Waivers for BOS consideration. The Planning Commission recommended that the Board consider granting the waivers for plan submission and deferral waivers for curb and sidewalk, and conditionally approving the Preliminary Final Plan for the Green Valley Terrace Luxury Apartments. On Motion by Mr. Bilger, seconded by Mr. Prutzman recommend that the Board grant the waiver of SALDO Sections 308 and 320 to permit the submission of a combined Preliminary/Final Plan, and grant the deferral waivers of SALDO Section 652 for curb and SALDO Section 653 for sidewalk along Gaul Road. All in favor. Motion passed unanimously.

On Motion by Mr. Bilger, seconded by Mr. Prutzman recommend that the Board conditionally approve the Green Valley Terrace Luxury Apartment Project subject to the satisfying the issues identified in the Kraft Engineering September 7, 2022 letter, and any other relevant conditions identified by the Township Solicitor. All in favor. Motion passed unanimously.

8. Building/Zoning - Kraft Code Services representative to present the August 2022 KCS Report. Issued 28 permits for a value of \$2,177,679.80, issued 27 residential permits, one non-residential permit, issued 5 new home permits, issued 16 U&O's, performed 120 inspections, there were no rental items this month, they investigated 8 property maintenance issues and 18 zoning and code issues and there were 12 compliances achieved this month.

9. Engineers – Ryan Rhode, Township Engineer from Kraft Engineering was present to give his August 2022 Report.

9A. Escrow Release No. 1 for Cacoosing Crossing North Phase 2: Grande is requesting the escrow release number 1 in the amount of \$556,257.08. The Township Engineer reviewed the requested Escrow Release No. 1 related to the construction activities at the Cacoosing Crossing North Phase 2 Project. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman approve Escrow Release No. 1 requested by Grande Construction for Cacoosing Crossing North Phase 2 Project in the amount of \$548,007.08, and authorize the Manager to process the escrow release documents to the financial institution. All in favor. Motion passed unanimously.

9B. 2022 Road Project – New Enterprise Stone and Lime (NESL) Contract 1 Payment Request and change in payment method: Kraft Engineering received the Invoice No. 1 from NESL Martins Paving for the work they completed under Contract 1 and are recommending the Board approve the payment in the amount of \$1,207,611.25 to New Enterprise Stone and Lime. However, NESL wants to change the method of payment from the PLGIT P-Card to a check and that is not what the contract requires per the Supplemental Conditions SC-8.04. This section states: *“The Township requires that the Contractors accept payment through the MasterCard procurement card (p-card). A contractor’s acceptance and the township’s use of the p-card is a requirement.”* **On Motion** by Mr. Bilger, seconded by Mr. Prutzman approve the Final Payment No. 1 to New Enterprise Stone and Lime in the amount of \$1,209,651.38 for the work performed under the Contract I of the 2022 Streets Project, and authorize the Manager to process the payment in accordance with the Contract using the p-card. All in favor. Motion passed unanimously.

10. Recreation Board Updates: Mrs. Johnson to present updates on the Yard Sale, Pickle Ball Courts and any other items discussed at the September 6, 2022 Rec Board Meeting. Mr. Prutzman noted that the discussions between the Swim Club and Rec Board concerning the pickle ball courts are just starting. Mr. Bilger noted that West Reading Borough pickle ball courts are used all of the time, they line up to play, and is currently a very popular sport. Mr. Lehner, a member of the Rec Board, spoke up and the yard sale was a success with about 12 people who sold items throughout the day. The sign out front should be changed to thank the people about the Yard Sale. They are working on the Christmas Party.

11. Police Department – Chris Stouch, the Chief of Police presented the Police Department August 2022 Report. There were 343 calls, 14 incidents and 3 Motor vehicle accidents. The Police Department attended the School opening event where the children sang and presented speeches. It was very moving. The School resource officer is in the schools and cross training is continuing between Spring Township and Lower Heidelberg Township. The school district will pay about \$45,000 towards the resource officer. Officer Caltagirone applied for a Grant for a NICON Camera, for evidence processing, and the grant was just over \$5,000 and the camera was free with the Grant monies.

11A. 2023/2024 Police Patrol Vehicle: At last month’s meeting, the Board approved of the purchase but requested the total purchase price, so the amount is put into the Budget. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman approve the ordering of the 2023/2024 Police Patrol Vehicle for a cost of not to exceed \$50,000 to ensure that a vehicle is available in Year 2024 for the Police Department. All in favor. Motion passed unanimously.

11B. 2021 Halloween: The Chief did summarize they will be attending some other Halloween Programs. For 2022, Halloween falls on Monday, October 31st, so Trick or Treat night will be on Monday, October 31st from 6:00 p.m. until 9:00 p.m. with the customary curfew restrictions from 9:00 p.m. through Tuesday, October 25th until 9:00 p.m. Tuesday, November 1st unless the juvenile is with an adult. All concurred.

12. Road Foreman – Matt Clay, the Road Foreman presented his August/September 2022 Report. The storm box repair is still going on in Saddlebrook, they black topped around these inlet boxes, did some shoulder work, and mowing is still on-going throughout the Township but there is an equipment issue. October 3rd to October 7th will be the organic pick-up and Leaves to start the week of Oct 10th. They attended a PA One call class.

12A. 2023/2024 Small Dump 5500 Truck: At last month's meeting, the Board approved of the purchase but requested the total purchase price, so the amount is put into the Budget. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve the ordering of the 2023/2024 Small Dump 5500 Truck at a cost of \$75,000 just for the chassis to ensure that a vehicle is available in Year 2024 for the Road Department. All in favor. Motion passed unanimously.

Manager/Secretary/Treasurer/Sewer Engineer

13. and 14. Bill List and Treasurers Report: The Bill Lists are for August and September 2022. **On Motion** by Mr. Prutzman, seconded by Mr. Bilger, approve the Bill Lists between the August 10, 2022 BOS meeting and today's BOS meeting and the Treasurer's Report, and to file the Reports for Audit. All in favor. Motion passed unanimously.

15. Gaul Road Bridge: Rettew's Invoice – Mr. P summarized Bridge Engineering Services Invoices in the amount of \$7,174.17 for services rendered through July 29, 2022. **Gaul Road Bridge** Services included the preparation of the right-of-way and TCE exhibits, bridge and roadway engineering, and utility coordination. PPL has secured the easement to shift the utility pole located at the northwestern corner of the bridge during construction to allow the crane to set the replacement box beams. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve remitting payment to Rettew Engineering out of the Bond Proceeds Account in the amount of \$7,174.17 for the Gaul Road bridge engineering services through July 29, 2022. All in favor. Motion passed unanimously.

Potential Additions to the September 19, 2022 Agenda:

Does the Board of Supervisors want to add to the Agenda the Gaul Road Bridge PPL Pole relocation cost and the Temporary Construction Easement from Fisher's for the proposed bridge replacement. **On Motion** by Mr. Prutzman, seconded by Mr. Bilger, approve adding the items relevant to the Gaul Road Bridge, specifically the PPL Pole Relocation cost and the Temporary Construction Easement from the Fishers. All in favor yes. Motion passed unanimously.

Mr. Bellwoar summarized the pole needs to be temporarily relocated to allow the crane to set the new adjacent box beams. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve of the cost for PPL to temporarily relocate the utility pole and replace the utility pole when construction is complete for a cost of \$9,318.50. All in favor yes. Motion passed unanimously.

Mr. Bellwoar summarized that the easement is needed to replace the Gaul Road superstructure and a Temporary Construction Easement is recommended. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve of entering into a Temporary Construction Easement with the Fischer's which will expire when construction and any maintenance period are complete subject to the review by the Solicitor. CB. All in favor yes. Motion passed unanimously.

16. 2022 Minimum Municipal Obligation for the Pension Funds and Resolution 2022-31: Joe Duda from Duda Actuarial Consulting, Inc. provided the MMO amounts for 2023. The amounts listed in the MMO report will be the figures used for funding the Pension Plans for 2023 and will be included in the 2023 budget, specifically \$242,525 for the Police Pension DB Fund and \$44,507 for the Non-Uniform Pension DC Fund. **Resolution 2022-31** is ready for the Board's consideration for the necessary funding requirements. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, to adopt **Resolution 2022-31**, accepting the actuarial funding figures provided by Duda Actuarial Consulting for the Police and Non-Uniformed Pension Plans for 2023. All in favor. Motion passed unanimously.

17. LYNX/Stratix SonicWall Subscription Renewal on Township Side: The subscription expires the end of this month. The subscription renewal will require one hour of labor. The Quote from Lynx/Stratix is either for a 3-year or a 1-year subscription. Recommend approving the 3-year subscription. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve of the LYNX/Stratix Quote for 3-year subscription renewal of the SonicWALL TZ350 Series for the Township side for a cost of approximately \$1,750.00 including labor, and authorize the Manager to sign the quote. All in favor. Motion passed unanimously.

18. NPDES and MS-4 Annual Report: The submission of the NPDES Report to PA DEP is due before September 30, 2022. The Report is ready to submit to PA DEP, and Ms. Stevens would like authorization to submit the Report to PA DEP and authorize the Chairwoman and Vice Chair to execute the required documents. **On Motion** by Mr. Bilger, seconded by Mr. Prutzman, approve the submission of the NPDES Annual Report to PA DEP and authorize the Chairwoman to execute the required documents. All in favor. Motion passed unanimously.

Solicitor - The Solicitor Andy Bellwoar was present to give his August 2022 Report which shall include but is not limited to the following items 19 through 25:

Mr. Bellwoar asked for a Motion to amend the Agenda to add the hiring of special counsel for personnel matters. On Motion by Mr. Bilger and seconded by Mr. Prutzman and all in favor to Amend the Agenda. On Motion by Mr. Bilger and seconded by Mr. Prutzman to hire Mr. Robert Brandt as special counsel for personnel matters at an hourly rate of \$225.00. All in favor and motion passed unanimously.

19. Metering Manhole Project: Mr. Prutzman moved to Table the Award since there was no Bid for the Electrical Contractor. Bids were opened on September 12, 2022 for the Metering Manhole Project which will meter all of the sewage flow from Lower Heidelberg Tributary to Spring Township Wastewater Treatment Plant and then all of the sewage flows will be at the bulk billing rate. There was no bid for the Electrical Contract, but there were three (3) bidders for the General Contract. The apparent General Contractor low bidder is DESCCO at a Bid of \$83,491.00. Recommend that the Board award the project to DESCCO in the amount of \$83,491.00 but condition upon the Township Solicitor reviewing the Bid Documents.

20. Sanitary Sewer Manhole Rehabilitation Project: Bids were opened on September 12, 2022 for the sanitary Sewer Manhole Rehabilitation Project which will reduce some of the infiltration entering the sewer system in the Penn Werner area. There were three (3) bidders with the apparent low bidder of Standard Pipe Services, LLC at a Bid of \$67,725.00. Recommend that the Board award the project to Standard Pipe Services, LLC in the amount of \$67,725.00, but conditioned upon the Township Solicitor reviewing the Bid Documents.

20. Sanitary Sewer Manhole Rehabilitation Project continued: On Motion by Mr. Bilger, seconded by Mr. Prutzman approve the award of the Sanitary Sewer Manhole Rehabilitation Project to Standard Pipe Services, LLC in the amount of \$67,725.00 conditioned upon the Township Solicitor's satisfactory review of the Bid Documents, and engineer's confirmation. All in favor and motion passed unanimously.

21. Heidelberg Bridge Memorandum of Understanding (MOU) and Repair Agreement: Heidelberg Township Supervisors approved the MOU at their August 30, 2022 meeting, so now the Lower Heidelberg Township Supervisors can adopt **Resolution 2022-30** for the Heidelberg Road Bridge Major Repair, and the Agreement with Rettew. On Motion by Mr. Bilger, seconded by Mr. Prutzman, approve and adopt Resolution 2022-30 which authorizes Lower Heidelberg Township to enter into the Heidelberg Road Bridge Repair Agreement between Lower Heidelberg Township and Heidelberg Township. All in favor and motion passed unanimously.

22. Disabled Veteran Tax Exemptions: The BOS decided to **TABLE Resolution 2022-29 concerning the Tax Exemptions**. The municipalities vary on either full exemption on all taxes or no exemption on the non-real estate taxes.

23. Little Cacoosing Project Documents and Maintenance Proposal: Solicitor Update on the status of the Documents to permit the Township and the Township Maintenance Consultant access to the Little Cacoosing Creek Restoration Project area to maintain the project area and to eliminate any invasive plants from overtaking the proposed plantings were approved last month to be signed by the Supervisors when available. The Project is near to completion and the Township has received the Proposal for the 2022-2023 Maintenance by a division of Land Studies. **The amount for the monitoring and maintenance is \$6,700 for 2022 and \$21,500 for 2023 for a total of \$28,200.** The maintenance needs to begin straight-away to ensure the invasive species of including the Pear Trees and phragmites (grasses) do not start overtaking the BMP vegetation. After this initial maintenance period, the Manager can research which other firms are qualified to perform this intensive maintenance and put a Request for Proposals out to other companies in 2024 if the BOS so desires. On Motion by Mr. Prutzman, seconded by Mr. Bilger, approve of entering into a Maintenance Contract with Land Studies in the amount of just the fall time frame at \$6,700 and authorize the manager to sign the Proposal. All in favor and motion passed unanimously. Ms. Stevens to obtain other quotes from other professionals.

24. New Resolution for Public Comment and Procedures: The Board decided to **TABLE Resolution 2022-28** that is being proposed which outlines the Public Comment Rules and Procedures during public meetings.

25. Use of the Community Room: The Legacy at the Papermill residents do not have the use of a Community Center yet and are requesting if they can use the Community Room in the lower level of the Township Offices to discuss the Medicare updates with residents of the Age 55 Community and if they can use the room free of charge. **The potential dates are October 4th, 5th or 6th.** On Motion by Mr. Bilger seconded by Mr. Prutzman, approve the Legacy at the Papermill residents use of the Township's Community Room at no charge to the Legacy at the Papermill residents to discuss Medicare options and updates. All in favor and motion passed unanimously.

26. Vermont Ave Safety Concern: Complaints have been submitted to the Township concerning the tight cartway created by parked vehicles on both sides of Vermont Avenue when school is in session. Suggest posting both sides No Parking but the choice could be year-round or just when school is in session. The affected property owners should be notified with a letter that the Board is considering the parking restriction. This parking restriction could be added to the next Code Amendment. The Chief of Police has submitted a letter to the Board concerning the safety issues on Vermont with vehicles parked on both sides. Ms. Stevens clarified that she had called Jeff Simcox and they are working towards parking at the Tennis Courts and hopefully this will eliminate the safety concern. Mr. Melson stated he sees 3 different types of pickup at the school complex including school pickups, the tennis courts parking, and pickups on Vermont and there are vehicles that park at handicap crossings and at the intersections. He did not think that No parking both sides would be advisable. He suggested to paint the No parking areas on Vermont. If No Parking on Vermont is done, they will park on New York and will continue to park too close to the intersections. Mr. Bilger noted that the School District needs to take care of the safety issue. Mr. Clay noted that there are no markings anywhere else in the Township, and he knows there will be complaints on Vermont. Ms. Stevens will continue to work with the School District, and any tickets will be in accordance with the motor vehicle code per the Chief.

UPDATES:

PA One Call Litigation is moving towards closure and recently the PUC sent the Certificate of Satisfaction and ultimately Mr. Bellwoar the Court will issue a dismissal.

333 N. Church blighted trailer has been demolished by the Redevelopment Authority, and the Township has received compliments on how nice the property looks.

Lease Agreement for Farming Township Land: Dave Kratz has signed the Lease Agreement but changed the Agreement to be with Kratz Brothers Farming LLC instead of his individual name, and these changes were initialed and dated by Mr. Kratz and Ms. Stevens.

Berks County Hazard Mitigation Plan: The Plan is revised every five (5) years, and the Township needs to be part of the plan to secure funding for mitigation of events such as flooding. The Manager and Emergency Management Coordinator reviewed 4 Sections of the Plan and presented updates to the County before the Teams meeting on September 14, 2022.

Highway Salt Contract Updates for Berks County Cooperative Purchasing Council and CoStars: CoStars Contract American Rock Salt agreed to a one-year renewal term from August 1, 2022 to July 31, 2023 and holds the price of \$68.27 per ton delivered. We ordered 400 Tons and must take 230 Tons minimum and maximum we can take 560 Tons. Berks County Cooperative Purchasing Council Contract with Eastern Salt (Oceanport LLC) is from July 15, 2022 to July 15, 2023 at a price of \$75.95 per ton delivered. We ordered 600 Tons, but there are no restrictions similar to CoStars.

Crown Castle has officially taken over the Cell Tower from P3 Towers as the new owner.

3239 State Hill Road Variance Concerning the Shed: The written decision was issued on September 2, 2022, granting the requested relief for the Shed.

PREVIOUSLY TABLED ITEMS:

DISCUSSED AT THE SEPTEMBER 14, 2022 WORKSHOP: Glen Ridge Estates Maximum Accessory Structure Size: Discussion was needed concerning the maximum square footage of 200 SF and what the Township can accommodate with pending permits, or not accommodate, and are drafting a MOU. Mr. P noted need MOU

DISCUSSED AT THE SEPTEMBER 14, 2022 WORKSHOP: Recreational Vehicle Parking: This Topic was discussed at the August 15, 2022 Workshop and was tabled to the September 14, 2022 Workshop to allow the Solicitor draft new language, and was tabled again for the Solicitor to draft more language. Mr. P noted language needed

Old Business - Setting up dates for the redundant sewer meter reading.

New Business – Mr. Lehner requested that the Chief consider a doorbell, or a call box and the security upgrades for the Police Department. The Chief is looking into all of these to budget for 2023.

Public Comment on Any Non-Agenda Items - Mr. Whitman asked for the status of the 265 Gaul Road zoning issues. Per Glenn Kraft, Glenn Bertolet issued a NOV and the result was the landscaping company operations appeared to be gone from the property. Mr. Whitman believes the equipment is still at the property including the business sign. Mr. Whitman also noted that Paul's Tree Service vehicle is located at 481 Faust including a tree chipping sign and equipment. Mr. Kraft will investigate. Mr. Prutzman asked for an update from Mr. Kraft at next month's meeting. Mr. Whitman also complained that the property owner at Gaul Road and N. Church threw grass clippings from the property into the road. Mr. Whitman asked about the status of the Gaul Road work at the curve near Koch's and Mr. Rhode answered that it is Grande Construction performing the work and before winter it will be made plowable for the Road Crew.

Adjournment On Motion by Mr. Bilger and seconded by Mr. Prutzman at 8:10 p.m.

Respectfully Submitted

Pamela J. Stevens, Manager/Secretary/Treasurer

BOS Approved October 17, 2022