

TILDEN TOWNSHIP BOARD OF SUPERVISORS

Monday, December 7, 2009
 Regular Meeting
 Year-End Meeting
 Budget Adoption

The Tilden Township Board of Supervisors met in the Township Municipal Building with the following present: Supervisors, Russell Werley, Judy Romig and Troy Hatt, Township Secretary, Cheryl Haus, Township Solicitor, James Lillis and several residents. A copy of the roster is on file with the secretary.

The meeting was called to order by Chairman Russell Werley, at 8:03 A.M. followed by the pledge of allegiance.

PUBLIC PARTICIPATION -

Larry Miller and Clifford Boyer of 10 Moonlight Drive discussed with the board the sewer lateral @ 10 Moonlight Drive. The lateral was not installed deep enough and, therefore, does not meet code for installation of the hook-up. Roadmaster, Tim Luckenbill, checked the lateral and measurements showed that using 6" pipe would still be outside parameters of the code. Anthony Merklinger, Township Zoning Officer stated he couldn't say that there would be or wouldn't be a problem. He was only basing his findings on the code.

A motion was made by Troy Hatt and seconded by Judy Romig to have the contractor come back to install the lateral, at the contractor's expense, according to the township plan. Upon roll call, Hatt, Romig and Werley voted yes.

Anna Shollenberger of 772 Hex Highway stated when the traffic light was installed at Route 61 and Cabela Drive, there was not enough traffic to warrant a left turn signal. Due to the development in that area, Ms. Shollenberger suggested contacting PennDOT and having a traffic study done. If this warrants a left turn signal, it should be at the expense of the developer. The office will contact PennDOT.

PAYMENT OF BILLS

A motion was made by Troy Hatt, seconded by Judy Romig to approve the payment of bills:

General Fund - Ck# 16414-16443 in the amount of \$31,680.72

Auto deductions in the amount of \$959.39

Wire transfer for TIF payment \$6,090.61

Payroll - Ck# 11264-11271 in the amount of \$6,153.95

ACH & EFTPS Transfers (Fed, State taxes & Aflac)

\$2,257.84

Cabela's Traffic Light - Auto deductions in the amount of \$85.00

Sewer Fund - Ck# 2230-2237 in the amount of \$15,042.11

Auto deductions in the amount of \$159.53

TIP Street Light Fund - Auto deduction in the amount of \$586.43

West Hamburg Street Lt Fund - Auto deductions in the amount of \$178.80

Building & Zoning - Ck# 107 in the amount of \$2,484.00

Upon roll call, Werley, Hatt and Romig voted yes.

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A motion was made by Judy Romig and seconded by Troy Hatt to pay two additional bills for Joao & Bradley \$730,240.50 for sewer installation and Carbon Engineering \$6,956.30 for the Recreation Field E & S plan. Upon roll call, Romig, Hatt and Werley voted yes.

DEBT SERVICE

Building - \$944,000.00
Tilden Collection System - \$3,557,902.42
HMA sewer expansion - \$3,327,675.96

A motion was made by Judy Romig and seconded by Troy Hatt to authorize the secretary to pay any additional bills prior to closing the books for 2009, by December 31, 2009. Upon roll call, Romig, Hatt and Werley voted yes.

APPROVAL OF MINUTES

A motion was made by Judy Romig and seconded by Troy Hatt to approve the November 7, 2009 regular meeting minutes. Upon roll call, Werley, Hatt and Romig voted yes.

REPORT - SOLICITOR

A motion was made by Judy Romig and seconded by Troy Hatt to approve the 2009 International Fire Code Ordinance, with modifications on testing and maintenance of buildings, including all Appendices.

ORDINANCE # 199, 2009

AN ORDINANCE OF THE TOWNSHIP OF TILDEN ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE TO SERVE AS THE TOWNSHIP OF TILDEN FIRE PREVENTION CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE TOWNSHIP, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF.

Upon roll call, Hatt, Romig and Werley voted yes.

REPORT - POLICE

The report for November, 2009 was given by Chief Schwoyer. 39 shifts were covered, 323.5 hours were worked, 1,569 miles were put on vehicles and 147.14 gallons of fuel were used. Township police handled 108 incidents. There was a rash of vehicle thefts in Tilden Township and four other municipalities. The individuals were apprehended.

REPORT - ZONING/SEO

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REPORT - DRIVEWAY/ROADMASTER

Report for November, 2009 was received.

A motion was made by Russ Werley and seconded by Troy Hatt to approve the quotes from Arlan Wessner & Wexcon for snow removal equipment rental, on an as needed basis. Upon roll call, Werley, Hatt and Romig voted yes.

A motion was made by Judy Romig and seconded by Troy Hatt to accept the price of \$9.00 per ton for anti-skid from Berks Products and to accept the quote of \$3.00 per ton for hauling of anti-skid by Buck Transport, on as needed basis. Upon roll call, Romig, Hatt and Werley voted yes.

A motion was made by Russ Werley and seconded by Troy Hatt to approve the application of Adam Fornwalt as a part-time road crew member, on an as needed basis. Upon roll call, Hatt, Romig and Werley voted yes.

REPORT-SECRETARY

The secretary's report for November, 2009 was given by Cheryl Haus. A meeting was held with Jeanne Ortiz concerning protection of the Blue Ridge Mountain.

A meeting was held with Lynda Albright to get the billing straightened out.

Documents were prepared for the Freedom Hyundai hearing.

Questions, calls, etc. regarding the final phase of the sewer hook-ups were answered.

A motion was made by Troy Hatt and seconded by Judy Romig to authorize the secretary to do what is best for the maturity of the Certificate of Deposit, which matures on December 15, 2009. Upon roll call, Hatt, Romig and Werley voted yes.

A motion was made by Russ Werley and seconded by Troy Hatt to authorize the secretary to apply for the grant opportunity through the Pennsylvania Commission on Crime and Delinquency, for up to \$50,000.00 a year, for up to 24 months, to hire a law enforcement officer. Upon roll call, Werley, Hatt and Romig voted yes.

REPORT - PARK & RECREATION

A motion was made by Judy Romig and seconded by Troy Hatt to roll the remaining funds from the Park & Recreation General Fund and Capital Purchases expense funds for 2009, into the Park & Recreation Capital Reserve Fund. Upon roll call, Romig, Hatt and Werley voted yes.

The Board will meet with the Park & Recreation Committee to discuss the Senator James J. Rhoades Riverside Memorial Park.

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REPORT - OLD BUSINESS

A motion for Resolution # 30, 2009 was made by Troy Hatt and seconded by Judy Romig to adopt the final budget for fiscal year 2010.

Advertised in the Reading Eagle-Times on November 11, 2009 and posted at the township municipal building on November 11, 2009. Total General Fund 2010 Budget - \$1,334,280.24

"BE IT HEREBY RESOLVED AND ENACTED, THAT WE, the Board of Supervisors of Tilden Township, hereby adopt the budget for the year 2010, setting forth the estimated expenditures, which are hereby appropriated from the revenues available for the current year, for the specific purposes set forth, which amounts are more fully itemized in the budget form which is on file with the township secretary." Upon roll call, Hatt, Romig and Werley voted yes.

A motion for Resolution # 31, 2009 to approve the 2010 real estate taxes, remaining the same, was made by Judy Romig and seconded by Troy Hatt.

"BE IT HEREBY RESOLVED AND ENACTED, by the Board of Supervisors of the Township of Tilden, that a real estate tax of .42 mills on each dollar of assessed valuation or the sum of \$.042 on each \$100 dollars of assessed valuation, or \$.42 per \$1,000 is hereby levied on all property within the municipality and subject to taxation for the fiscal year 2010 for general government, the maintenance of roads, etc." Upon roll call, Romig, Hatt and Werley voted yes.

A motion for Resolution # 32, 2009 was made by Troy Hatt and seconded by Judy Romig to approve the ½ of 1% Real Estate Transfer Tax, Local Services Tax \$52.00 and 5% Amusement taxes, remaining the same. Upon roll call, Hatt, Romig and Werley voted yes.

A motion was made for Resolution # 33, 2009 by Judy Romig and seconded by Troy Hatt to levy the street light tax at \$.45 per front foot for street lights in West Hamburg area, for the fiscal year 2010, remaining the same." Upon roll call, Romig, Hatt and Romig voted yes.

A motion for Resolution # 34, 2009 was made by Troy Hatt and seconded by Judy Romig to levy the street light tax in the Tilden Industrial Park at .00068 (\$.68 per \$1,000) based upon the assessed valuation, remaining the same." Upon roll call, Hatt, Romig and Werley voted yes.

A motion for Resolution # 35, 2009 was made by Judy Romig and seconded by Troy Hatt that sewer rates in the Tilden Industrial Park remain the same at \$180.00 per quarter (minimum 0-16,000 gallons and \$19.00 per 1,000 gallons above 16,000 gallons)". Upon roll call, Romig, Hatt and Werley voted yes.

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A motion for Resolution # 36, 2009 was made by Judy Romig and seconded by Russ Werley to implement a fire tax for emergency services for 2010. "BE IT HEREBY RESOLVED AND ENACTED, by the Board of Supervisors of the Township of Tilden, that a fire tax of .50 mills on each dollar of assessed valuation, or the sum of \$.050 on each \$100 dollars of assessed valuation, or \$.50 per \$1,000, is hereby levied on all property within the municipality and subject to taxation for the fiscal year 2010 for Emergency Services (including fire companies, ambulance and workers compensation for fire companies and ambulance)". Upon roll call, Romig and Werley voted yes. Troy Hatt abstained.

REPORT - SUBDIVISIONS / LAND DEVELOPMENT

A motion was made by Russ Werley and seconded by Troy Hatt to approve the waiver request, as recommended by the Planning Commission, to accept the Freedom Hyundai Plan as Preliminary / Final. Upon roll call, Werley, Hatt and Romig voted yes.

A motion was made by Judy Romig and seconded by Troy Hatt to approve the waiver request from Freedom Hyundai, as recommended by the Planning Commission, to accept the plan scale of 1"-40' instead of 1"-50'. Upon roll call, Romig, Hatt and Werley voted yes.

A motion was made by Russ Werley and seconded by Judy Romig to approve the waiver request from Freedom Hyundai to eliminate a 115-foot section of curbing and use an interceptor trench as recommended by PA Best Management Practices, set by PA DEP, upon recommendation of the Planning Commission. Upon roll call, Werley, Romig and Hatt voted yes.

A motion was made by Judy Romig and seconded by Troy Hatt to give conditional approval of the Freedom Hyundai Preliminary Final Plan:

Chapter 23-Sewers and Sewage Disposal

1. A tapping fee shall be paid for the proposed connection to the sanitary Sewer system. (Sec.104.)

Chapter 25-Stormwater Management

1. An erosion and sediment pollution control (E&SPC) plan must be prepared and deemed adequate by the Berks County Conservation District. A copy of the E&SPC plan shall be provided to the Township. (Sec.303. (a), Sec.403. (a) (4) Sec.403. (b) (20), and Sec. 403. (c) (2))
2. The Soil Testing Report provided shall be expanded to determine any Limiting zones and the design infiltration rates for the proposed pervious pavement bed along the access drive, and the proposed pervious pavement bed behind the building. (Sec.305. (a) (2) (i), Sec. 305. (a) (2) (ii), and Sec.305. (b))
3. The proposed pervious pavement bed at test pit B-3 does not provide for the required minimum depth of twenty-four (24) inches between the bottom of the BMP and a limiting zone. (Sec.305. (a) (2) (i))
4. The calculations provided within the Soil Testing Report show that

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Proposed Basins 1 and 2 do not completely empty within four (4) days.
(Sec.305. (a) (2) (iii))

5. The proposed shrubs shall be located at the bottom of the bioretention basins, not along the embankments. Trees shall also be provided within the bioretention basins. (Sec.403. (a) (2) and Sec. 403. (d) (1))
6. The term "optional" shall be deleted from the pervious paving details provided on the Post Construction Stormwater Management Detail & Notes plan, sheet 2 of 2 (Sec.403. (a) (2) and Sec.403. (d) (1))
7. The Design Engineer signature block shall be signed and dated on sheet 1 of 6 (Sec. 403. (b) (23))
8. Each proposed pervious pavement bed shall be identified separately by number or letter. (Sec.403. (d) (1))
9. The Landowner shall sign the provided drainage plan statement on sheet 1 of 6. (Sec. 403. (e) (5))
10. Copies of any required permit application submittals shall be provided. (Sec.404.)
11. Financial guarantee of the installation of all required Stormwater management facilities shall be provided. A construction cost estimate shall be provided. (Sec.701.)
12. The 'Stormwater Control and BMP Operations and Maintenance Agreement' must be executed. (Sec.703, Sec.705, and Part 10)
13. A specified amount shall be paid to the 'Township Stormwater Control and BMP Operation and Maintenance Fund'. (Sec.706. (a))

Chapter 27-Subdivision and Land Development Ordinance (SALDO)

1. The Applicant's Engineer has requested a waiver to have the plan reviewed as a Preliminary/Final Plan. I have no engineering issues with this request. I have reviewed the plan for all preliminary and final plan requirements. (Sec.301. (b))

A motion was made by Kristi Koinski and seconded by Dale Keener to recommend to the Board of Supervisors, to grant a waiver to combine and approve the Plan as a Preliminary / Final Plan.

2. An erosion & sediment pollution control (E&SPC) plan must be prepared and deemed adequate by the Berks County Conservation District. A copy of the E&SPC Plan shall be provided to the Township.
(Sec.303. (c) (2) (iii), Sec.304. (d) (2), Sec.402. (e), Sec. 403. (d) (12), Sec.508. (c) (2), and Sec.602. (m))
3. Copies of any required permits from the PA DEP must be provided.
(Sec.304. (d) (3))
4. An agreement for the development to be supplied with water shall be provided. (Sec. 304. (d) (4) and Sec.506. (a))
5. An Improvements Guarantee in the form of financial security must be provided. A construction cost estimate shall be provided.
(Sec.304. (d) (10), Sec. 305, Sec. 403. (d) (7), and Sec. 601.)
6. The scale of the plans shall be 1"=50'. The Applicant's Engineer has requested a waiver to allow the plans to be provided at a scale of 1"=40'. Since this scale allows for a better plan presentation, I have no issues with the request. (Sec.402. (a) and Sec.403. (a))

A motion was made by JoAnn Rahauser and seconded by Tom Hojnowski to recommend to the Board of Supervisors, to waive the scale from 1"=50' to 1"=40' for legibility. Upon roll call, Rahauser, Hojnowski, Keener, Koinski and Byassee voted yes.

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7. All plans shall be signed and sealed by the plan preparer.
(Sec.402.(c)(4) and Sec. 403.(c)(4))
8. The location of the proposed oil separator shall be shown on the plan.
(Sec.402.(c)(14)(vii) and Sec.403.(c)(17))
9. The 'Certificate of Ownership' provided on plan sheet 1 of 6 shall be signed and notarized. (Sec.403.(c)(18))
10. All proposed parking areas shall be constructed with impervious bituminous paving. Although not depicted on the land development plans, the Post Construction Stormwater Management Plan shows several areas of pervious paving that do not conform to the requirements of the SALDO.
(Sec.602.a.(2)(iii))
11. Curbing shall be provided along all access drives and around all parking lot reas. (Sec.602.(b)(1))

The Applicant's Engineer had previously requested a waiver from this requirement.

The plan now depicts curbing in most required areas except a 115-foot section along the access drive, along the lower end of the main parking lot (adjacent to Basin 2), and around the landscape island in the middle of the western side of the parking lot. Curbing is not proposed in these areas because pervious paving is proposed and the PA BMP Manual recommends a 24-inch stone edge drain, which the Designer has incorporated into this plan.

A motion was made by Dale Keener and seconded by Kristi Koinski to recommend to the Board of Supervisors a waiver to eliminate a 115-foot section of curbing and use an interceptor trench, as recommended by PA Best Management Practices set up by PA DEP. Upon roll call, Keener, Koinski, Hojnowski and Rahausser voted yes. William Byassee voted no.

See SALDO comment #10.

Chapter 21-Zoning

1. The proposed use (motor vehicle sales establishment) is authorized as a special exception by the Zoning Hearing Board (ZHB). However, the northwestern portion of the project site (lot) is currently developed as a motor vehicle sales establishment. The Zoning Officer shall determine if the Applicant is required to appear before the ZHB to modify the assumed previously obtained special exception.
(Sec.802.(d)(8))

The Applicant's Engineer has responded that a Zoning Application has been filed for the Zoning Hearing Board to interpret the Ordinance.

2. Curbed, landscaped traffic islands shall be provided within the parking lot areas "on the end-cap of each parking row". (Sec.1715.(bb)(1))
3. Interior landscaping shall be provided for the proposed parking lot between the building and Industrial Drive, T-571, that is equal to a minimum of ten (10) percent of the total paved area. (Sec.804.(c), Sec.1803.(j)(2)(i), and Sec. 1803.(j)(2)(ii))

Traffic Impact

1. A traffic impact fee of \$42,848 must be paid for the traffic generated from this project.

Upon roll call, Romig, Hatt and Werley voted yes.

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A motion for Resolution # 28, 2009 (Ressler) was made by Russ Werley and seconded by Troy Hatt to approve the DEP Plan Revision for New Development. Upon roll call, Werley, Hatt and Romig voted yes.

A motion for Resolution # 29, 2009 (Lehner) was made by Russ Werley and seconded by Judy Romig to approve the DEP Plan Revision for new Development. Upon roll call, Werley, Hatt and Romig voted yes.

A motion was made by Russ Werley and seconded by Troy Hatt to approve the 90 day extension granted by Green Hills Properties, LLC, owner of Contentment Farms. Upon roll call, Werley, Hatt and Romig voted yes.

Mark Koch, Esquire, of Koch & Koch addressed the Board of Supervisors regarding the request for a Zoning / Map Amendment change from C-2 to C-3 (a high end / more intensive retail district), asked for advertising and to set a hearing date. Uses in the new C-3 district are already allowed in the current C-2 district. Supervisor Judy Romig stated the buffers are not large enough. Pastor Alex Dubee stated he visits residents in Laurel Nursing Center and they are concerned about the noise. Anthony Merklinger, Tilden Township Zoning Officer and Todd Stager of CEDG, discussed current zoning regulations regarding buffers and the residential area abutting the commercial areas. The Board of Supervisors, Cabela's professionals, etc. will hold a meeting on December 22, 2009 @ 8:00 a.m. to further discuss these changes. The Board of Supervisors will send their comments to Cabela's by December 17, 2009.

REPORT - NEW BUSINESS

A motion was made by Troy Hatt and seconded by Judy Romig to approve the date & time for the Re-Organization meeting on January 4, 2010 @ 8:00 a.m. at the Tilden Township Municipal Building, with the Regular meeting immediately following. Upon roll call, Hatt, Romig and Werley voted yes.

A motion was made by Troy Hatt and seconded by Judy Romig to set the Auditors Re-Organization meeting for Tuesday, January 5, 2010 @ 7:00 p.m. Upon roll call, Hatt, Romig and Werley voted yes.

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A motion was made by Judy Romig and seconded by Troy Hatt to set the Board of Supervisors Regular meeting dates for 2010--first Saturday of each month @ 8:00 a.m. as follows:

February 6	July 10
March 6	August 7
April 10	September 11
May 1	October 2
June 5	November 6
	December 4

Workshop meeting dates as follows:

December 31, 2009	July 9
February 5	August 6
March 5	September 10
April 9	October 1
April 30	November 5
June 4	December 3

Upon roll call, Romig, Hatt and Werley voted yes.

A motion was made by Russ Werley and seconded by Judy Romig to refund any fees above and beyond the township costs, for the building permit fees for the Seventh Day Adventist Church. Upon roll call, Werley, Romig and Hatt voted yes.

MISCELLANEOUS CORRESPONDENCE was available with the Secretary as well as minutes and reports of all Boards in Tilden Township.

ADJOURNMENT

A motion was made by Troy Hatt and seconded by Russ Werley to adjourn the meeting at 10:20 A.M. Upon roll call, Hatt and Werley voted yes.

ATTEST:

Cheryl A. Haus
Secretary