

**ROCKLAND TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES**

DECEMBER 12, 2022

The monthly meeting of the Rockland Township Board of Supervisors was held on December 12, 2022 at 7:00PM at the Rockland Township Municipal Building. The following board members were present: Chairman David Wartzenluft, Vice Chairman Nathan Ohlinger and Michele Albright. Also present were Attorney Beth Kohl (Hartman, Valeriano, Magovern & Lutz, PC), Township Engineer Jessica Adams (LTL Consultants, Ltd.) and interested citizens.

The meeting was called to order at 7:00PM by Chairman David Wartzenluft. The meeting was opened with the pledge to the flag.

The minutes of the Board of Supervisors' meeting held on November 14, 2022 were presented to the Board for approval. On a motion by Michele Albright, seconded by Nathan Ohlinger, the November 14, 2022 meeting minutes were approved as presented. There was no public comment. All were in favor. Motion carried.

The balance sheets, check detail and deposit detail for November 2022 were prepared by the Secretary/Treasurer for the Board's review with the following balances reported to the Board of Supervisors.

101.000	General Fund – Checking	2,294.01
102.000	HRA Fund	53,290.99
103.000	American Rescue Plan Act Fund	401,783.10
106.000	General Fund – Savings	2,033,732.21
107.001	General Fund – Savings	8,468.66
107.006	General Fund – Savings (PRIME)	1,667.15
107.007	General Fund – TERM	1,661,506.95
110.000	Petty Cash	200.00
	State Aid Account – Savings	273,255.00
	State Aid Account – Checking	413.08
107.003	Capital Reserve Account – Savings	99,082.21
107.004	Fire Co. Equipment Fund	70,144.09
107.005	Payroll Account – Checking	27,940.90
	Total as of November 30, 2022:	\$4,633,778.35

On a motion by Nathan Ohlinger, seconded by Michele Albright, the balance sheets and check and deposit details for November 2022 were approved as presented. There was no public comment. All were in favor. Motion carried.

Mr. Brian Boyer, Boyer Engineering requested to be added to tonight's agenda to discuss the Hogan Learning Academy Phase 1 Land Development Plan (to discuss rotating the proposed modular building shown on the Phase 1 plan). Mr. Boyer requested approval from the Board to rotate the modular unit depicted on the approved Phase 1 Land Development Plan 90 degrees (with no proposed enlargement of the modular unit and with the understanding that the modular unit is to be removed during Phase 2) without the need to revise the approved plan in order to obtain the required building permits. The Township Engineer advised the Board that this minor change will not affect the approved stormwater plan, etc. for the property and therefore recommended the Board approve the rotation of the modular unit. After a brief discussion, on a motion by David Wartzenluft, seconded by Nathan Ohlinger, the Board approved rotating the proposed modular unit shown on the approved Hogan Learning Academy Phase 1 Land Development Plan 90 degrees (conditioned upon the modular unit/building not impeding the sewer manhole and with the understanding that the building permit application for the modular unit/building would serve to document the approved change to the recorded Hogan Learning Academy Phase 1 Land Development Plan). There was no public comment. All were in favor. Motion carried.

Mr. Randy Betz, 11 Deysher Road requested to be added to tonight's agenda. Mr. Betz requested a clarification of the duties of the elected Township Supervisors and inquired about the Board's request at last month's meeting for an as-built plan of his proposed deck and a sketch plan of the property with improvements. Mr. Betz questioned why he received a letter from the Township Engineer immediately following last month's meeting which outlines specific items which shall be included on the site plan. The Township Engineer reminded Mr. Betz of the letter from July 2022 which outlines the conditions related to the

Township considering granting of the land development requirement waiver. The Township therefore needs to receive documentation as outlined in the letter from July 2022 and documentation that shows what is happening on the property. This includes a plan or some type of documentation that all improvements comply with all current Township ordinances (such as zoning ordinance, stormwater ordinance and compliance with parking requirements, etc.). Mr. Betz informed Township officials that Mack Engineering conducted a site visit and found the parking to be acceptable. Mr. Betz and Township officials discussed the recent sketch plan submitted to the Township for review, and Chairman David Wartzeluft reminded Mr. Betz that one of the conditions of the land development waiver was for Mr. Betz to provide the Township with a \$2,000.00 escrow to cover the Township's costs associated with the Township Engineer's review of any submitted plans, inspections, etc. Therefore, no plan review will be performed by the Township until the Township receives the \$2,000.00 escrow from Mr. Betz. Township officials again reminded Mr. Betz that the land development waiver does not include any waiver for compliance with current Township ordinances. Township officials briefly tried to summarize the type of information the Township will need to receive, and the Township Engineer encouraged Mr. Betz to contact her directly to answer any questions and to provide further guidance.

Mr. Randy Betz also requested an update from the Board regarding getting electric run to Henry Road (per discussion at the Board's previous meeting). Vice Chairman Nathan Ohlinger informed Mr. Betz that he obtained information and costs from Met-Ed and would share this information with the Board later during tonight's meeting. Mr. Betz then questioned why the Township Roadmaster was moving one of the truck restriction signs 24' closer to the New Jerusalem intersection which will interfere with vehicles entering and exiting his parking lot along Henry Road. The Township Roadmaster advised that the sign was being moved for consistency with the ordinance adopted by the Board in September 2022 which indicated that the sign should be located approximately 60' from the intersection for better visibility (per the Bogia Engineering report and per recommendation by PennDOT). Vice Chairman Nathan Ohlinger recommended the Township keep the sign where it is since it is obvious that tractor trailer drivers do not obey the signage anyway and due to the fact that Henry Road will be closed indefinitely until the necessary repairs are made to the bridge. After a brief discussion, on a motion by Nathan Ohlinger, seconded by David Wartzeluft, the Board agreed to postpone the movement of any signs until the bridge is repaired and Henry Road is reopened (and the Board decided to discuss the signs further at that time). Mr. Duane Bennetch inquired as to why a State Representative was not present at the meeting with PennDOT, and Mr. Jeffrey Cronrath questioned when the bridge is scheduled for repair. The Township Solicitor reminded the Board that when the road is reopened any posted truck restriction signage along Henry Road should be consistent with an adopted ordinance for enforcement purposes. There was no additional public comment. All were in favor. Motion carried.

Mr. Randy Betz then inquired about the drain/pipe under Henry Road. The Township Roadmaster recommended moving on to the next agenda item, since the draft agreement to inspect/repair the drainage pipe is listed under the Solicitor's Report.

REPORT OF SOLICITOR

Draft Agreement (between Rockland Township and 11 Deysher Road property owners) authorizing the Township to enter upon the 11 Deysher Road property to inspect/repair drainage pipe – Attorney Beth Kohl informed the Board that HVM&L prepared a draft agreement for the Board's consideration and requested clarification from the Board. The Township Engineer provided a brief summary of the two pipes depicted on preliminary plan for the property from 20+ years ago and noted that the section of pipe located in the road right-of-way area is typically the responsibility of the Township or State and the section of pipe located beyond the right-of-way is typically the responsibility of the property owner. The Township Engineer recommended that the extent of the repairs required at this time be investigated further, and also recommended that the Board decide as to whether this repair would be a one-time fix or a long-term agreement in which the Township would have the ability to access this area if necessary. Vice Chairman Nathan Ohlinger stated that there is an existing pipe that has deteriorated from Henry Road to Mr. Betz's detention pond. The Township Roadmaster informed the Board that he has scheduled to have Tipton Borough bring their camera in order to investigate the pipes further and try to get a better understanding of the condition of the pipes in order to determine which pipes require repair. After a brief discussion, the Township Engineer recommended the Township investigate further (before digging) in order to ascertain whether the repair would be the Township's responsibility. After a lengthy discussion, it was determined that an access agreement would only be required at this time (in order

for the Township to investigate the drainage pipe(s) and to assist with defining the scope of work only), then more permissions from the property owner(s) could be obtained at a later time depending on the findings. Township Supervisor Michele Albright stated that she would like to ensure that the Township Roadmaster is not prevented from doing his job. The Township Roadmaster informed the Board that he would not enter Mr Betz's property without a Township Supervisor present due to previous threats made to the Township Roadmaster and his job. Attorney Kohl informed the Board that she would make some minor changes to the draft agreement based on tonight's discussion to narrow the scope to the initial access and investigation. On a motion by David Wartzenuft, seconded by Nathan Ohlinger, the Board approved the draft agreement subject to minor revisions by the Township Solicitor. There was no public comment. All were in favor. Motion carried.

REPORT OF ROADMASTER

The Township Roadmaster provided the Board with an update on the 2023 Freightliner. The truck has been delivered to E.M. Kutz for upfitting (which should take approximately five weeks), and the Township Roadmaster is hopeful that the truck will be completed and delivered to the Township by the deadline for the Driving PA Forward – Onroad Rebate Program of January 24, 2023.

OLD BUSINESS

Henry Road Bridge – Preliminary Inspection Report (Mackin Engineering) – The preliminary bridge inspection report was received from Mackin Engineering on 11/23/2022. On a motion by Michele Albright, seconded by Nathan Ohlinger, the Board authorized Mackin Engineering to proceed with preparing the cost estimate to repair the bridge. There was no public comment. All were in favor. Motion carried.

Update – Electricity Supply/Cost for Both Ends of Henry Road – Vice Chairman Nathan Ohlinger contacted Met-Ed and met with the Engineer and was informed that it is possible to get electric to the Henry Road and Schweitz Road intersection and the Henry Road and Lyons Road intersection. The cost to get electric to our pole at the Henry Road and Schweitz Road intersection would be \$3,037.46, and the cost to get electric to our pole at the Henry Road and Lyons Road intersection would be \$2,502.40. Met-Ed is recommending 20 foot steel poles to accommodate the wire. Vice Chairman Nathan Ohlinger then checked on pricing for the steel poles and found the pricing to be approximately \$2,400.00-\$2,600.00 each per pole. Nathan Ohlinger then checked with another supplier and obtained a price of \$1,000.00 per pole for two 30 foot steel poles which would require shortening estimated to be an additional cost of \$100.00-\$150.00 per pole. This supplier advised that he would hold the poles until Wednesday, and therefore Vice Chairman Ohlinger requested the Board's approval to buy the poles by Wednesday. Vice Chairman Ohlinger also provided pricing for the posts associated with installing a pedestal on the post of \$685.16 per service. Not included in the pricing would be the cost for a 24" concrete pillar (required by the electric company) one foot above grade. The pricing obtained would therefore be approximately \$5,500.00 for electric, \$2,100.00 for poles, and an additional \$1,400.00 which would include materials (except concrete), but pricing would not include labor. Vice Chairman advised that the electric supply and poles would be required to mount cameras and would provide the capability for the Township to add flashing lights, etc. Mr. Thomas Weisner inquired about the cost for the cameras. After a brief discussion, on a motion by David Wartzenuft, seconded by Michele Albright, the Board decided to table a decision on the poles until the Township is able to investigate the cost of cameras. There was no public comment. All were in favor. Motion carried.

Bridge/Culvert Hydrants (Sally Ann Furnace Road & Day Road) – Due to the fact that any permanent fixture attached to a bridge/culvert over a HQ (high quality) or EV (exceptional value) watercourse would require a Joint Permit from PA DEP, Township officials and the Lyons Fire Company have determined not to pursue the installation of hydrants at bridges/culverts in Rockland Township further.

Stonefield Heights Subdivision Improvements (Steep Lane) – On 12/9/2022, Mr. Bruce Rader from Berks Surveying & Engineering stopped by the Township Office and informed the Township that Berks Surveying & Engineering began their surveying work along Steep Lane, but the monuments have not yet been placed.

Zoning Ordinance Amendment/Update – The Planning Commission will continue to review the second draft of the Zoning Ordinance (Articles 8 & 9) at their 12/20/2022 monthly meeting.

BILLS

A listing of the Unpaid Bills as of December 12, 2022 was provided to the Board of Supervisors approval. The total of the unpaid bills for approval was **\$44,121.73** from the General Fund. On a motion by Michele Albright, seconded by David Wartzenuft, the Board approved payment of the bill list totaling \$44,121.73 from the General Fund. There was no public comment. All were in favor. Motion carried.

NEW BUSINESS

2023 Proposed Budget – The proposed 2023 budget (with no proposed tax increases) was advertised for consideration for adoption at tonight's meeting and made available for public inspection. The 2023 budget includes taxes remaining at the same levels as 2022 with budgeted expenses (all funds) totaling \$2,208,111.00. On a motion by Nathan Ohlinger, seconded by Michele Albright, Resolution #2022-11 (Tax Levy Resolution) was approved fixing the tax rate for the year 2023 at 1.0 mil (same as 2022). There was no public comment. All were in favor. Motion carried. On a motion by David Wartzenuft, seconded by Nathan Ohlinger, Resolution #2022-12 was approved officially adopting the 2023 budget totaling \$2,208,111.00. There was no public comment. All were in favor. Motion carried.

2023 Proposed Meeting Dates – The Township Secretary prepared a listing of proposed 2023 meeting dates for the Board of Supervisors' review and approval for advertising. All regular monthly Board of Supervisors' meetings for 2023 are proposed for the second Monday of each month beginning at 7:00PM. On a motion by Michele Albright, seconded by Nathan Ohlinger, the Board approved the 2023 meeting dates/times for advertising. There was no public comment. All were in favor. Motion carried.

CORRESPONDENCE

A listing of correspondence dated December 12, 2022 is presented to the Board of Supervisors for review.

Reports and updates regarding zoning, building, sewage and stormwater issues and activity for November 2022 were provided to the Board of Supervisors for review.

17 Ridge Drive – The Township Building Code Official believes work was performed at 17 Ridge Drive (at a minimum the installation of an inground pool) without the required permits/inspections. On a motion by Michele Albright, seconded by David Wartzenuft, the Board authorized this matter be forwarded on to the Township Zoning Officer for follow-up and enforcement purposes. There was no public comment. All were in favor. Motion carried.

UPCOMING MEETINGS/EVENTS:

Thursday, December 15, 2022 @ 7:00PM – Berks County Commissioners On-The-Road Meeting @ Rockland Twp
Tuesday, December 20, 2022 @ 7:30PM – Planning Commission Meeting (Zoning Ordinance Update Meeting)
Tuesday, December 27, 2022 @ 7:00PM – Board of Supervisors Year-End Meeting
Tuesday, January 3, 2023 @ 7:00PM – Board of Supervisors Reorganization Meeting

PUBLIC COMMENT

Mr. Randy Betz, 11 Deysher Road inquired about the procedure after the camera is run. The Township Roadmaster confirmed that Topton Borough is scheduled to bring their camera to investigate the pipe(s) under Henry Road tomorrow morning at 9:00AM and the findings will then be shared with the Board and Township Engineer. Township officials informed Mr. Betz that the procedure going forward will then be determined based on the findings. The Township Solicitor reminded Mr. Betz that from a legal perspective a pipe located in the Township right-of-way is the Township pipe and any pipe located on private property is typically the property owners' pipe. Mr. Betz questioned why the water could not be rerouted so as not to drain onto his property.

There was no additional public comment. There being no further business, the meeting was adjourned at 8:34PM on a motion by Nathan Ohlinger, seconded by David Wartzenuft. Motion carried.

Respectfully submitted,

Karen Krall
Secretary/Treasurer