

Richmond Township Board of Supervisors
Monthly Meeting
Monday, May 9, 2022
7:00 P.M. prevailing time

Vice- Chairman Sam Kemmerer called the Richmond Township Board of Supervisors' monthly meeting to order at 7:00 P.M. in the Richmond Township Municipal Building. The pledge of allegiance followed.

I. ROLL CALL

In attendance at this meeting were Supervisors Sam Kemmerer and Scott Brinker; Jennifer Galomb, Township Secretary-Treasurer; Christopher Hartman, Esq., Solicitor; Scott Anderson, Township Engineer; members of the Walnuttown and Virginville Fire Company's; Robby Rarick, Township Roadmaster; and members of Heelstone and Kimley-Horn on behalf of the Lyons Solar Project.

II. PUBLIC PARTICIPATION – AGENDA COMMENTS SESSION

NONE

III. APPROVAL OF MINUTES

A motion was made by Sam Kemmerer to approve the minutes from the April 11, 2022 Board of Supervisors monthly meeting, Scott Brinker seconded the motion. Motion carried unanimously.

IV. NEW BUSINESS

1.. Code Enforcement Report- Kraft Code Services

The Board acknowledged receipt of the Code Enforcement Report dated April 29, 2022 for activity period of 03/27/2022- 04/23/2022. As no one from Kraft Codes was in attendance, a motion was made by Sam Kemmerer to accept the report, Scott Brinker seconded the motion. Motion carried unanimously.

2. SEO Report- LTL Consultants Ltd.

The Board acknowledged the receipt of the SEO report dated May 2, 2022 for activity from April 2022. A few citations were sent out for pumping cycle #2, other than that there was nothing to report. A motion was made by Sam Kemmerer to accept the SEO report, Scott Brinker seconded the motion. Motion carried unanimously.

3. Police Report from Chief Dale Ulshafer.

Mike Quinn from the Fleetwood Police Department was in attendance and reviewed the police report, there were no questions asked. Mike Quinn also made mention that Officer Focht has done two (2) 6-to-8-hour days of truck inspections along RT222 corridor which resulted in trucks being placed out of service or other citations that have been filed. Trucks are being done at least once a month.

4. Virginville Fire Company Report.

The Board acknowledged the monthly report from the fire company and had no questions.

5. Walnuttown Fire Company.

The Board acknowledged the monthly report from the fire company and had no questions. Jeff Buck who was in attendance had mentioned that they were approached by a resident of Maidencreek Township asking to use the tanker truck for their Relay for Life on May 21st at the Kutztown Fairgrounds. The breast cancer tanker will be there but it will not be out of service. They have been told if they get a call for it, the tanker will leave.

6. Motion to Approve 7th Annual Sally 5k Race- Saturday, June 11, 2022

Jen Galomb had stated that they will be sending over the release forms and certificate of insurance the day of the race. A motion was made by Sam Kemmerer to approve the event pending the Township receives the necessary documentation, Scott Brinker seconded the motion. Motion carried unanimously.

7. Motion to Approve the Hincapie Events LLC. Bike Race on Saturday, June 4th, 2022

Jen Galomb stated that this is a brand-new event and they are looking to only use 1 of our roads, Saucony Rd., for approximately 1 mile. Jen mentioned that the Township has received the insurance certificate and the release forms already. A motion was made by Sam Kemmerer to approve the use of the Township road, Scott Brinker seconded the motion. Motion carried unanimously.

8. Review Letter Received by the Township from Penn Dot Regarding RT 222 Widening Project.

A letter was received by the Township regarding a meeting that Penn Dot will be having. Sam Kemmerer explained that they are planning on upgrading RT222 at Schaeffer Rd all the way to the Kutztown Bypass, it's going to be coming right through the Township. Unfortunately, they are not releasing any details until the meeting on May 18th. The meeting is being held at Kutztown University and the public is welcome to attend.

9. Motion to Approve Resolution #2022-14 Working Agreement with Greenwich Township

Attorney Hartman explained that he was contacted by the solicitor of Greenwich Township regarding the mutual desire of the two Township roadcrews to have the ability of sharing equipment and personnel to be able to perform projects together.

Attorney Hartman stated that there was an agreement that was prepared by the Greenwich solicitor, which is an inter-municipal agreement and then each municipality needs to adopt a resolution to approve that agreement. Attorney Hartman reviewed the agreement and there is one aspect of it that he is not satisfied with the wording on, which involves an indemnification on it. As drafted, it would require the municipality in which the work is being done to indemnify the other municipality which is supplying the manpower and equipment, from any damages that occur to the equipment that is being brought in to the Township any injuries to the workers that come into the Township and any claims to third parties. Attorney Hartman would like to have wording added for negligence by the operators or any defects on the equipment that is being brought in.

Attorney Hartman said that because the Township would like this agreement approved as soon as possible he recommends the Board conditionally approve the resolution, subject to Attorney Hartman's approval. A motion was made by Sam Kemmerer to adopt the resolution, subject to the solicitors review of final wording of the agreement, Scott Brinker seconded the motion. Motion carried unanimously.

V. OLD BUSINESS

1. Discuss Sewer Findings at 255 Keller Rd. Ruscombmanor Township

The Board received information from Scott Rights that the connection might be possible but at what cost and not sure who would be responsible for paying for it. A motion was made by Sam Kemmerer to have Scott Rights prepare an estimate for the connection and report back to the Board next month to discuss, Scott Brinker seconded the motion. Motion carried unanimously.

2. Discuss Lenhartsville Bridge Tolling Litigation

Attorney Hartman explained that there is nothing to report at this time.

3. Jay's Auto- Land Development Escrow.

Attorney Hartman said that Mr. Ahmad wanted to appeal the Boards rejection of his land development plan, unfortunately Mr. Ahmad was not present at the meeting. Attorney Hartman will try and speaking with Mr. Ahmad and try and reschedule.

VI. ENGINEER'S REPORT

1. Lyons Solar Farm

A. Fee in Lieu of for Weaver's Road Improvements at Rail Road Bridge.

Scott Anderson discussed that at the Planning Commission meeting that member of the Lyons Solar Farm attended and discussed at that time motions or waivers associated with the plan. One of the waivers, Fee in Lieu of, dealt with the drainage on the south side of the property. Draining to the rail road crossing and passing underneath there. The other waiver that tied in to this comment was any required right-of-way widening or as stated in the ordinance stormwater improvements. The waiver was made conditional upon the discussion with the Board of Supervisors.

There was a brief meeting on Friday May 6th, held at the site with a few members of Heelstone, Kimley-Horn, Sam Kemmerer, Robby Rarick, Mathew Dempsey, Nick Stoltzfus and the Heffner's to discuss the improvements needed to the underpass of the railroad crossing. Scott researched other projects that had been done in the area and came up with an estimate of approximately \$11,500.00 for the improvements to be done. After a discussion it was decided that it would be easier to have the Township perform the improvements and make a fee in lieu of to pay for the improvements.

Attorney Miller from MPL Law Firm stated that the applicant is willing to pay the fee in lieu of in the amount of \$11,500.00 for these improvements. He also stated that Heelstone has gone above and beyond on the other stormwater issues on site.

Sam Kemmerer discussed that the estimate of \$11,500.00 does not include the concrete work to put curbing in there to make it permanent. The Township is willing to do cost sharing as we want to make it so that we don't have to touch it again for a long time. The estimate is strictly for the excavating and the paving, the Township would do the concrete work.

Attorney Hartman made a recommendation to the Board to approve the four waivers subject to the fee in lieu paid by the developer. Understand that this is a separate topic from the remaining stormwater issues that Gary Kraft had recommended being done. Attorney Miller

had given the board a letter from Heelstone stating that it is willing to pay the sum of \$11,500 for the fee in lieu of for the improvements.

A motion was made by Sam Kemmerer to approve the waiver subject to a written agreement and payment of the fee in lieu, which is section B on the review letter for section 801.10 and 801.15, Scott Brinker seconded the motion. Motion carried unanimously.

A motion was made by Sam Kemmerer to approve the waivers on A. (Within 12 months after approval of the Preliminary Plan, the Developer shall submit a Final Plan. The request is to submit the Preliminary and Final Plans concurrently.), C. (Installation of vertical curb for Weaver's Road along the frontage of the property.) and D. (Installation of sidewalk for Weavers Road along the frontage of the property.), Scott Brinker seconded the motion. Motion carried unanimously.

Attorney Miller discussed that so far Heelstone, in prior plan submissions have been concentrating on stormwater runoff from the hardware store and has done quite a bit of soil amendments on the site to get infiltration on the site. The one thing that wasn't show was outside the area of disturbance in the prior submissions or the stormwater plans was the NRCS swale that comes down through the property and was draining offsite stormwater across the property from the south of the project.

So far, on the plans submissions that hadn't been touched, there weren't any comments saying there was any expectations that would be touched. Then typically you manage the stormwater that by- pass or flowed through what is on the site itself. The comment that came back from Gary Kraft this time was that runoff volume should be managed down or reduced by 20%. There are approximately 180 acres offsite that this would have to be managed from that.

Attorney Miller stated that it is a significant modification in the plan that is going to take quite a bit of work to go back and re calculate the retention basins and resize them. Before we go back and undertake any exercise, we would like to get feedback from the Board weather that was in the intent in adopting the ordinance. Weather we manage the stormwater coming off the hardware store, if that resolves most of the problems and does the Board desire to have the swale dammed up as it comes across the property.

Sam Kemmerer discussed this project was going to control the stormwater, which was part of the agreement from the start, no matter where it came from. Everyone on the other side of Fleetwood Lyons Road, which are downstream, they don't really care where it comes from but the folks on the North side of the highway does not look favorably on this project to begin with. They are not going to have to look very far at the next heavy rain where it is coming from and we will never hear the end of it. The flow must be reduced or retained no matter where it comes from. It seems right now that this stormwater situation is being overlooked, that the water through the grass waterway was going to be ignored, which is not acceptable in any way.

We want to make sure the flow of stormwater is manageable not necessarily stopping it. It will do far less damage controlling the water instead of having a huge flow. The last thing the Township wants, the first big storm after this project is done and there is water all over the place, we will definitely hear about it. The neighbors have always stressed to please make sure they take care of the water as it is a major issue. In order for us to move forward, the Board needs to be comfortable that you are doing whatever needs to be done to remedy the problem to some degree and it has to be addressed and is a non-negotiable item.

Attorney Miller appreciate his input and mentioned that one of his concerns was that when trying to manage this, they may need waivers on other stormwater requirements as this is going to impact some of these calculations, if necessary. Attorney Miller stated that he believed Gary Kraft had an idea of what could be done to satisfy this issue and wanted to know if he could get a copy of that to show his engineers so that they had sense of what might be expected. Attorney Hartman mentioned that Gary had shown him sketches but they were without benefit of calculations. He recommended that Attorney Miller get with his engineers and work on a design so that Gary can review.

Paul Hughes from Kimley-Horn discussed how they are trying to get the stormwater designs to the point where they are acceptable and will continue to review and discuss. His main concern is they are trying to mitigate stormwater for the bigger storms and it may cause issues for the smaller ones, which may require a waiver for some peak rate reduction requirements, but he believes they can make a dramatic improvement on the stormwater situation. Sam Kemmerer discussed that I am sure that we could give some relief but we have to address the main issue, which is the pass-through water that comes through there. The existing waterway is the one that is the we are concerned with. If we address that, I don't see why we couldn't discuss relief at that time. Paul had requested more timely reviews by the engineers before the meetings as they have had paperwork submitted in what was thought a timely manner to find out it was late and had to push back the review until the following month with the Planning Commission. Sam said we will do our best but you have to make sure the plans are submitted on time for review.

2. Discuss Stormwater Facility and Final Improvements at Willow Crest Subdivision.

Scott discussed that he had a walk through with the developer and they are getting ready to do paving. Once the grading and soil amendments are done, they will work on fixing the pipe. It is currently fenced off and will be left that way until they can repair. There was a discussion as to who will be responsible for the maintenance for the "boulevard" and other grass cutting, etc. Scott is going to discuss with the school district and get back to the Board.

Scott discussed that the plans show 2 street lights inside the development at Crisscross Road, but they didn't install electric to that point. Scott said he will check with the developer.

IX. SOLICITOR'S REPORT

1. Review of Delinquent Sewer Account Collections - PAMS

The Board reviewed the Unpaid Bills Report received from PA Municipal Services for month of March and the list prepared by Attorney Mayfield. Chris explained that he sent a letter out to Lutz/Schaffer stating that the next step is either a sheriff sale to recoup the sewer costs or a payment plan that the Board can review at the next meeting and still have heard nothing. A motion was made by Sam Kemmerer to authorize Chris to commence the sheriff sale, Scott Brinker seconded the motion. Motion carried unanimously. If they decide to start a payment plan once we start this process then all additional fees will be added to the payment plan.

AMENDED AGENDA

There is a possibility of a couple of lots that could eventually be connected. IF the line is upsized by ½ inch, it could add enough capacity to pick up additional properties. Chris has drafted an Amended Agreements from the Borough of Fleetwood Authority to add Fleetwood Bible Church to the water and sewer service list. Permits would still be needed and would have to be dedicated in order for it to happen.

A motion was made by Sam Kemmerer to connect Fleetwood Bible Church to the Township's sewer collection system that goes to Walnuttown, with the specifications of being approved by the Township sewer engineer as part of the permitting process, Scott Brinker seconded the motion. Motion carried unanimously.

A motion was made by Sam Kemmerer to approve the amended sewer service agreement with Fleetwood to allow this property to be connected to flow sewer to Fleetwood, subject to the satisfaction of the wording by the solicitor and the engineer, Scott Brinker seconded the motion. Motion carried unanimously.

A motion was made by Sam Kemmerer to approve the amended water extension agreement, subject to the solicitor and engineer technical review and confirming the church wants to connect, Scott Brinker seconded the motion. Motion carried unanimously.

A motion was made by Sam Kemmerer to amend the agenda to cover these topics, Scott Brinker seconded the motion. Motion carried unanimously.

X. STECKBECK ENGINEERING – SCOTT RIGHTS, P.E.

1. Discuss Pleasant Hill Road Pump Station

Steckbeck Engineering submitted a quote to the Board for a rental generator for the loss of back up power at the Pleasant Hill Rd pump station. A new generator could be ordered but expected time frame is 4-5 months. The rental generator would cost \$2,420.00 for four months X \$1720 per month or \$9,300.00.

A motion was made by Sam Kemmerer to get a rental generator for the Pleasant Hill Rd pump station, Scott Brinker seconded the motion. Sam asked Jen to reach out to Scott to get the rental going.

XI. MISCELLANEOUS BUSINESS

None.

XII. ROADMASTER'S REPORT

1. Roadwork Report

The board reviewed the roadwork report submitted by the Roadmaster.

2. Discuss Pheasant Run Swale Project

Robby asked where we stood with the Pheasant Run Project. Sam discussed that they have a price in mind, next step is to find out from the utilities where the pipes are and how deep. Once it is all figured out, set up a date and time and go from there.

Robby has asked Attorney Hartman that there is a concrete driveway that they will be cutting through, who will be responsible for doing that. Attorney Hartman believes it would be the Township responsibility to repair.

3. Discuss Selling F-550

Robby mentioned that the F-550 did not sell on Municibid. He wants to re-list but at what reserve price. Sam said to re-list at the same price of \$18,000.00.

Robby mentioned that the angle broom that was order is in and he would like to place the old one on Municibid. Sam said to list it and get what we can for it.

XIII. SECRETARY - TREASURER'S REPORT

1. Payment of the Bills

General Fund

A motion was made by Sam Kemmerer to pay Check #10386 to Check #10441

including the electronic fund transfers in the amount of \$243,193.01 Scott Brinker seconded the motion. Motion carried unanimously.

State Fund

No checks were written out of this account

Light Fund

A motion was made by Sam Kemmerer to pay Check# 2147 in the amount of \$650.15, Scott Brinker seconded the motion. Motion carried unanimously.

Richmond Township Sewer Fund

A motion was made by Sam Kemmerer to pay Check #2944 - #2956 including the electronic fund transfer in the total amount of \$84,721.18 Scott Brinker seconded the motion. Motion carried unanimously.

Walnuttown Fire Escrow

A motion was made by Sam Kemmerer to pay Checks #2147 & Check# 2148 in the amount of \$37,769.50 Scott Brinker seconded the motion. Motion carried unanimously.

Virginville Fire Escrow

A motion was made by Sam Kemmerer to pay Checks #2148 in the amount of \$769.50 Scott Brinker seconded the motion. Motion carried unanimously.

Virginville Sewer PennVest Account

The Virginville Sewer Pennvest bank account was closed. All loan payments are being taken out of the sewer fund.

2. Discuss excess Bank Accounts.

Jen discussed that the additional escrow accounts that we have at the bank are opened along with a separate 248 account in Quickbooks. She spoke with Roxanne at Herbein and all the 248 accounts can be reconciled just like they are in the escrow account and there is no need for the additional escrow accounts. A motion was made by Sam Kemmerer to close out escrow accounts that are available on the 248 account, Scott Brinker seconded the motion. Motion carried unanimously.

A motion was made by Sam Kemmerer to keep the Capital Equipment Fund for purchase of trucks or other equipment needed, Scott Brinker seconded the motion. Motion carried unanimously.

XIV. CHAIRMAN'S REPORT

None

XV. PUBLIC PARTICIPATION - BUSINESS FROM THE FLOOR

None

XVI. ADJOURNMENT

There being no further business, a motion was made by Sam Kemmerer to adjourn the meeting at 8:50 P.M. The motion was seconded by Sam Kemmerer. Motion carried unanimously.

Jennifer Galomb
Secretary-Treasurer, Richmond Township

Brian S. Wanner
Chairman, Richmond Township