

**ROCKLAND TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES**

DECEMBER 8, 2020

The monthly meeting of the Rockland Township Board of Supervisors was held on December 8, 2020 at 7:00PM at the Rockland Township Municipal Building. The following board members were present: Chairman David Wartzenuft, Vice Chairman Nathan Ohlinger and Michele Albright. Also present were Attorney Jim Smith (Township Solicitor), Jessica Adams (Township Engineer) and interested citizens.

The meeting was called to order at 7:01PM by Chairman David Wartzenuft. The meeting was opened with the pledge to the flag.

Chairman David Wartzenuft requested a moment of silence in remembrance of Eric Fox (Ruscombmanor Township Supervisor and Assistant Fire Chief, Ruscombmanor Fire Company) who passed away on December 3, 2020. Mr. Jerry Keller, Lyons Fire Company requested to speak and commented that Eric was a true public servant and a true friend who will be missed dearly and that this community should be very thankful for his many years of service.

The minutes of the Board of Supervisors' meeting held on November 10, 2020 were presented to the Board for approval. On a motion by Nathan Ohlinger, seconded by Michele Albright, the November 10, 2020 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 2020 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	6,060.69
106.000	General Fund – Savings	1,675,604.47
107.001	General Fund – Savings	7,490.33
107.002	General Fund – Certificate of Deposit	109,120.81
107.006	General Fund – Savings (PRIME)	1,540,837.74
110.000	Petty Cash	200.00
	State Aid Account – Savings	209,639.56
	State Aid Account – Checking	408.86
107.003	Capital Reserve Account – Savings	63,890.14
107.004	Fire Co. Equipment Fund	33,978.00
107.005	Payroll Account – Checking	18,894.61
	Total as of November 30, 2020:	\$3,666,125.21

On a motion by Michele Albright, seconded by Nathan Ohlinger, the balance sheets, check and deposit details for November 2020 were approved as presented. There was no public comment. All were in favor. Motion carried.

REPORT OF SOLICITOR

Forgedale Road Closure & Road Repairs – PennDOT's Berks County Maintenance Unit completed the pipe installation on Forgedale Road, and Forgedale Road was open to traffic on Monday, November 23, 2020.

Stonefield Heights Subdivision Improvements (Steep Lane) – Township officials acknowledged receipt of a letter from Mr. Jerome Lendacki on December 8, 2020 in response to the Township's letter regarding the status of the public improvements which were required to be completed as a condition of the Stonefield Heights Subdivision Plan (approved and recorded September 14, 2006). Mr. Lendacki and Township officials discussed the outstanding public improvements. After discussing the outstanding improvements, the Board agreed to allow Mr. Lendacki time to discuss the outstanding and disputed items with the Township Engineer following tonight's meeting. Once the developer and Township Engineer are in agreement to the outstanding items, the Township will prepare a written agreement and will require some form of a performance bond to complete the project (as outlined in the written agreement). Both Mr. Lendacki and Township officials were hopeful that the outstanding improvements could be completed by the end of calendar year 2021.

Developer's Agreement Extension for DTE/Birdsboro Pipeline Project – DTE Midstream Appalachia contacted the Township to request an extension of the developer's agreement. The Board discussed the outstanding improvements with the Township Engineer. On a motion David Wartzluft, seconded by Nathan Ohlinger, the Board approved an agreement to extend the time permitted under the Developer's Agreement with DTE Midstream Appalachia, LLC to June 30, 2021 for signature and execution. There was no public comment. All were in favor. Motion carried. Attorney Smith also informed the Board that the Township received a continuation certificate from DTE Midstream Appalachia extending the bond through June 30, 2021.

Agreement – Hertzog School Road Turn-Around – The Township Solicitor informed the Board that he did not prepare the agreement, and the Township Solicitor hoped to have it done by next month's meeting.

Resolution to Adopt Procedures for Property Owner Notification of Dead Trees in Road Right-of-Way – The Township Solicitor provided a draft resolution establishing procedure and form of notice(s) to property owners pursuant to Section 2325 of the Second Class Township Code related to trees/shrubbery located in the Township road right-of-way. On a motion by David Wartzluft, seconded by Nathan Ohlinger, Resolution #2020-11 was adopted thereby officially establishing procedure and form of notice(s) to property owners with trees which present a hazardous or dangerous condition and which are located in the Township road right-of-way area (pursuant to Section 2325 of the Second Class Township Code). There was no public comment. All were in favor. Motion carried.

Mr. Duane Bennetch informed the Board that he has a few dead trees on his property along Bick Road which need to be removed/dropped and inquired about how he could temporarily close Bick Road in order to do so. The Township Roadmaster and Board confirmed that the Township would be willing to assist with traffic control (or a temporary road closure) if the trees were located in the road right-of-way area.

At 7:23PM, the meeting was briefly adjourned to conduct an Executive Session to discuss pending litigation.

At 7:38PM, the meeting reconvened at which time the Township Solicitor informed meeting attendees that the pending legal matter discussed was 102 Beaver Creek Road. The Township Solicitor provided his advice to the Board concerning the favorable opinion and decision received from the Court of Common Pleas affirming the Zoning Hearing Board decision.

REPORT OF ROADMASTER

The Roadmaster had nothing to report or discuss.

OLD BUSINESS

68 Keller Road – Drainage/Zoning Issues – The Township Solicitor mailed correspondence to the property owner (along with a copy of the Township Engineer's Site Investigation Report) and requested submittal of a plan for remediation to the Township by December 4, 2020 (for consideration at tonight's meeting). Mr. Rob Ralston, 68 Keller Road was in attendance and informed the Board that he needed some additional information to confirm exactly what the Township was requesting from him. Mr. Ralston also disputed some of the information contained in the Site Investigation Report prepared by the Township Engineer. Township officials requested Mr. Ralston provide a complete written rebuttal with evidence (preferably prepared by an engineer) to the Township Engineer's report for review and consideration. After a brief discussion, Mr. Ralston was encouraged by Township officials to figure out the best way to resolve the stormwater issues and concerns (and possible zoning issues) to alleviate costly litigation expenses, and the Board recommended he reach out to the Township Engineer or Township Zoning Officer in the event he had any questions with what the Township would need to receive to adequately resolve these issues.

At 7:53PM, the meeting was briefly adjourned to conduct an Executive Session to discuss potential legal issues concerning 68 Keller Road.

At 8:00PM, the meeting reconvened at which time the Township Solicitor informed meeting attendees that the Board discussed legal positions as it concerns 68 Keller Road. The Township Solicitor recommended the Board give Mr. Ralston ten days from today's date to file a written response (rebuttal) to the Township Engineer's report (if Mr. Ralston elects to prepare this response on his own). If Mr. Ralston elects to retain an engineer, the Township Solicitor recommended the Board allow Mr. Ralston twenty-three days to provide a written response. On a motion by David Wartzluft, seconded by Nathan Ohlinger, the Board approved allowing Mr. Ralston ten days to file a written response/rebuttal to the Township in response to the Township Engineer's report (if Mr. Ralston decides to prepare the response himself) or twenty-three days if Mr. Ralston decides to hire an engineer to prepare a response to the Township on his behalf. There was no public comment. All were in favor. Motion carried.

Forgedale Road Bridge Over Bieber Creek – The Township Solicitor mailed a letter to PennDOT dated 11/23/2020 expressing Township officials' concerns regarding the planned detour route and requesting a report on the results of the virtual plans display survey. No formal response was received. However, the Township Secretary provided the Board with information obtained during a recent telephone conversation from Cathy Longenecker, RK&K.

2021 Budget – The proposed 2021 budget was advertised for consideration for adoption at tonight's meeting (and made available for public inspection). The 2021 budget includes taxes remaining at the same levels as 2020 with budgeted expenses (all funds) totaling \$1,281,697.51. On a motion by Michele Albright, seconded by David Wartzluft, the Board approved Resolution #2020-09 (Tax Levy Resolution) fixing the tax rate of 1.0 mil for 2021 (same as 2020). There was no public comment. All were in favor. Motion carried. On a motion by Nathan Ohlinger, seconded by Michele Albright, the Board approved Resolution #2020-10 officially adopting the 2021 budget totaling \$1,281,697.51. There was no public comment. All were in favor. Motion carried.

Zoning Ordinance Amendment/Update – The Zoning Ordinance Amendment/Update is in progress. Township officials plan to continue to review and discuss the draft of the newly updated Zoning Ordinance at the next meeting of the Planning Commission scheduled for Tuesday, December 22, 2020.

Sewage Advisory Committee Meeting – The next meeting of the Sewage Advisory Committee originally planned for early December 2020 has been postponed (due to the COVID pandemic). The Sewage Advisory Committee plans to meet again in Spring 2021.

BILLS

A listing of the unpaid bills as of December 8, 2020 was provided to the Board of Supervisors for approval. The total of the unpaid bills for approval was \$37,458.34 from the General Fund. On a motion by Michele Albright, seconded by David Wartzluft, the Board approved payment of the unpaid bills totaling \$37,458.34 from the General Fund. There was no public comment. All were in favor. Motion carried.

NEW BUSINESS

The Township received notification on November 18, 2020 that FEMA determined that the damage from Tropical Storm Isaias on August 3-4, 2020 was not of such severity and magnitude as to be beyond the capabilities of the Commonwealth, affected local governments, and voluntary agencies. Accordingly, FEMA has determined that supplemental federal assistance is not necessary and has denied the request for a major disaster declaration.

Proposed 2021 Meeting Dates – The Township Secretary prepared a listing of proposed 2021 meeting dates for the Board of Supervisors' review and approval for advertising. All regular monthly meetings for 2021 were proposed for the second Tuesday of each month (same as for 2020). On a motion by David Wartzluft, seconded by Nathan Ohlinger, the Board approved the 2021 Board of Supervisors meeting dates for advertising. There was no public comment. All were in favor. Motion carried.

CORRESPONDENCE

A listing of correspondence dated December 8, 2020 was presented to the Board of Supervisors for review.

Reports and updates regarding zoning, building, sewage and stormwater issues and activities for November 2020 were provided to the Board of Supervisors for review.

UPCOMING MEETINGS/EVENTS:

Tuesday, December 22, 2020 @ 7:30PM - Planning Commission Meeting (Zoning Ordinance Update Meeting)

Tuesday, December 28, 2020 @ 7:00PM – Year-End Meeting (Board of Supervisors)

PUBLIC COMMENT

Mr. Duane Bennetch expressed concern that Rockland Township currently has no zoning regulations in place which would regulate the location and placement of wireless communication facilities in road right-of-way areas throughout the Township. The Township Solicitor mentioned that he has gathered proposed language for Township officials' consideration, but this topic is still among the pending topics for discussion with Township officials for consideration for inclusion in the Zoning Ordinance.

Mr. Harlan Snyder requested the date of the next monthly Board of Supervisors meeting (for January 2021). The Board informed Mr. Snyder that their next monthly meeting will be held on Tuesday, January 12, 2021 at 7:00PM (the second Tuesday).

Mr. Jerry Keller, Lyons Fire Company inquired whether the Township Code Official sent a Notice of Violation to the property owner(s) of 42 Mine Road regarding recent burning violations. Township officials informed Mr. Keller that the Township Zoning Officer would be contacted in order to obtain an update on this matter.

There was no additional public comment.

There being no further business, the meeting was adjourned at 8:17PM on a motion by Nathan Ohlinger, seconded by David Wartzluft. Motion carried.

Respectfully submitted,

Karen Krall
Secretary/Treasurer