

**CAERNARVON TOWNSHIP
BERKS COUNTY, PA**

**BOARD OF SUPERVISORS
WORKSHOP MEETING MINUTES**

August 28, 2018

The Caernarvon Township Board of Supervisors held their Monthly Workshop Meeting on August 28, 2018 in the Caernarvon Township Municipal Building located at 3307 Main Street, Morgantown, PA, pursuant to notice according to law.

ATTENDING OFFICIALS

Allen Styer, III, Chairman; Paul Whiteman, Supervisor; Jack Hess, Supervisor; Sandra Styer, Supervisor; Jeffrey Vickers, Supervisor; Eric Brown, Siana, Bellwoar & McAndrew, Township Solicitor; Jack Griesemer, Treasurer; Keith McGowan, Maintenance Foreman; John Scalia, Chief of Police; Joan Bair, Township Administrator/Secretary.

CALL TO ORDER

Chairman Allen Styer called the meeting to order at 7:00 PM. This was followed by the Pledge of Allegiance.

COMMENTS FROM THE ASSEMBLY:

Richard Bossert, 29 Hunters Hill, inquired about his recent complaint submitted to the Township regarding storm drain pipe causing water drainage problems on his property. Mr. Bossert recently hired a plumber, it appears that a local pipe swale is causing the drainage problems. Maintenance Foreman Keith McGowan explained that recorded plans for Highcroft do not show a Township pipe swale behind the homes in that area. In addition, Supervisor Paul Whiteman explained that the Township pipe work wouldn't be plastic material which is what was installed in that area. More information is needed from the Township Engineer. Mr. Bossert added that he is concerned about future development for housing in the surrounding area that could have an impact on the run off problem. Upon receiving the Township Engineer's response to the situation, the Township will follow up with Mr. Bossert regarding the findings.

CORRESPONDENCE

The following correspondence was previously forwarded to Supervisors for review, no comments were provided in response to information:

PLGIT Investment Rates;

State Transportation Commission Notice – Approved Twelve Year Program (TYP);

Earth Disturbance Inspection Report – Clymer Hill Road;

Sunoco Pipeline – Approved Permit;

Berks Municipal Partnership Breakfast Invitation – September 28, 2018

In addition, Township Administrator/Secretary presented Fire Hydrant Paint Project flyer provided by Nora Filmore which includes names of those who volunteered for the project. Supervisors acknowledged receiving flyer.

BUSINESS

A. Gina Gerber, Legal Representative on behalf of 4020 Main Street & Heritage Drive (Taco Bell), and Joe Depascale, applicant, presented preliminary plans for the project, Lot 1 of a previously approved subdivision. Waivers were presented to the Township Planning Commission on August 21, 2018, and recommendations were forwarded to the Board of Supervisors for approval. Representatives present requested approval for four (4) waivers, a deferral, and granting of Preliminary and Final approval of the revised Land Development Plan. Solicitor Eric Brown noted the decision for the Board mirrors the Planning Commission's recommendations. He proceeded to review the decision. Page three (3) introduces the granted waivers as follows: (a) Section 301.3 and 403 of the SALDO; (b) Section 301.6 of the SALDO; (c) Section 502.17; and, (d) Section 303.A.3 of the Stormwater Management Ordinance (Ord. No. 229), and DEFERS application of Section 502.7. It was noted that applicant has agreed to provide sidewalks along front. Solicitor Brown noted that general conditions are compliant. In addition, decision includes necessary third party approval requirement prior to release of plans. Conditions include paying applicable Township fees. At the conclusion of all discussions, Sandy Styer made a motion to adopt Decision for 4020 Main Street & Heritage Drive (Taco Bell) as it reads. Jeff Vickers seconded motion. All in favor. Motion carried. Supervisor Paul Whiteman inquired about the reason for changing slope to 3(H): 1(V). Mr. Depascale explained that code requirement is gradual, the existing swale minimizes disturbance area. Side slopes of 3(H): 1(V) is moveable.

B. Solicitor Eric Brown presented Ordinance #296 for consideration and adoption. It was noted that the Ordinance was advertised in the Reading Eagle on August 17, 2018. Changes requested by Board of Supervisors have been expressly stated on page 4 item #6. Motion was made by Jeff Vickers to adopt Ordinance #296 with changes noted. Paul Whiteman seconded motion. All in favor. Motion carried. At the conclusion, Paul Whiteman requested stormwater basin escrow/estimation research be conducted by Solicitor Brown to include cost estimates for annual and biannual basin inspections.

C. Aristides Otero, Stackhouse Bensinger Inc., and Anthony Cerone, applicant, were present to address requested waivers for XTL, Inc Site Restoration Plan. Township Planning Commission recommended approval by the Board of Supervisors for two waivers. Mr. Otero explained that proposed plastic pipes are specified as water tight. Site work plans reflect Engineer's Review. Chairman Styer inquired about PennDot Traffic Study addressed during Conditional Use decision process. Mr. Cerone explained that a traffic study was completed approximately 2 years ago. At that time it was noted that a traffic signal threshold existed due to adjacent property that had potential for development. Chairman Styer inquired about current outstanding invoice. Mr. Cerone noted that he has submitted his comments regarding invoice objections. Solicitor Eric Brown explained that public objections can be made. After discussions, Sandy Styer made a motion to approve Planning Commission recommended waivers

for the XTL, Inc. Site Restoration Plan. Paul Whiteman seconded motion. All in favor. Motion carried.

D. Supervisors reviewed Bogia Engineering Inc., letter dated August 21, 2018 granting a time extension to January 31, 2019 for Lot 4A. Sandy Styer made a motion to acknowledge and accept extension letter for Lot 4A. Paul Whiteman seconded. All in favor. Motion carried.

E. No update for Wexford Court Subdivision LDP.

F. Hillside Custom Manufacturing LDP was discussed. Chairman Allen Styer shared with the Board that he noticed delivery of material goods to the work site. Land Development plans need to be reaffirmed, and a Letter of Credit is required before the next phase of work can begin. Supervisor Paul Whiteman explained that the Letter of Credit secures aspect of improvements such as stormwater and sidewalk agreements. In addition, the Letter of Credit is then reduced and released according to the progress/completion of the building. Supervisor Jeff Vickers explained that agreements ensure that the land development is built according to Township standards. Solicitor Eric Brown explained that the approval process can be expedited by reaffirming authorized release of plans contingent upon Township Engineer's satisfactory review and Letter of Credit secured. After all discussions, Sandy Styer made a motion to reaffirm prior approved Hillside Custom Machining Land Development Plans. Jeff Vickers seconded motion. All in favor. Motion carried. Next, Jeff Vickers made a motion to authorize release of Hillside Custom Machining Land Development Plans, subject to satisfactory review by Township Engineer, adoption of Letter of Credit, and outstanding Township invoices for review fees are paid. Paul Whiteman seconded motion. All in favor. Motion carried.

G. Supervisors reviewed PrimePay Group Plan Termination Form. Administrator/Secretary explained that the policy is for a Health Reimbursement Arrangement (HRA) policy which is currently covered by Benecon. Solicitor Eric Brown mentioned the idea of seeking reimbursement for previous unnecessary premiums. The Supervisors tabled that option at this time. Sandy Styer made a motion to terminate the HRA policy with PrimePay. Jeff Vickers seconded motion. All in favor. Motion carried. Additionally, Sandy Styer made a motion to authorize Joan Bair as Employer Representative on the Group Plan Termination Form. Jeff Vickers seconded motion. All in favor. Motion carried.

H. Supervisors reviewed provided PenTeleData contract to upgrade current broadband internet services at the Township Building. Supervisor Jeff Vickers noted that it is necessary to upgrade a service that is much needed. Sandy Styer made a motion to approve the PenTeleData Upgrade Agreement for increasing the internet broadband service in the Township Building. Jeff Vickers seconded motion. All in favor. Motion carried.

I. Fire Police Assistance Request form was received for the Elverson Parade to be held on October 17, 2018 at 6:00 p.m., rain date is October 18, 2018. Paul Whiteman made a motion to approve the Elverson Parade Fire Police Request form. Jeff Vickers seconded motion. All in favor. Motion carried.

J. The Supervisors discussed the recent storm water damages that occurred in the Township Social Hall and Administrator's office. Berks Fire estimates were reviewed. The Supervisors also discussed the exterior repairs needed to prevent future flooding inside the building. Road Foreman Keith McGowan received quotes for repairing the exterior to prevent future flooding. Tri County quotes were provided as follows: drainage repairs estimate is \$1,999.00; excavation and door seals estimate is \$3,084.00. In addition, neighboring rain spout adjustments will also prevent potential flooding problems. After discussions, Sandy Styer made a motion to authorize repair work by Tri County not to exceed \$6,000.00. Next, Berks Fire Water estimates for the necessary clean-up work completed is \$5,120.17, and the estimate for replacement work to be done is \$4,423.50. Road Foreman McGowan also recommends repair work include removing the unnecessary door located between the restrooms, and close up that section of the wall. After discussions about interior repair and replacement estimates, Paul Whiteman made a motion to authorize repair and replacement work by Berks Fire Water, amount not to exceed \$10,900.00. Sandy Styer seconded motion. All in favor. Motion carried.

Supervisors discussed Parks and Recreation cleaning fee waiver request for the Essential Oils demonstration. Supervisor Sandy Styer explained that if a waiver is granted for this for-profit organization, others would want exemption. In addition, Supervisor Jeff Vickers explained that for-profit organizations should be required to pay the cleaning fee. At the conclusion of discussions, no further action was taken. It was decided that waiving the cleaning fee for the Parks and Recreation Essential Oils demonstration would not be in the best interest of the Township. If a waiver is granted for one for-profit, others will want exemption.

K. Supervisors discussed status of MAA shed removal. Supervisor Paul Whiteman noted that he sent an email request to MAA recently. The shed is a safety hazard and needs to be removed. Road Foreman Keith McGowan has offered assistance. Removal of shed material can be burned but would require a DEP burn permit. Supervisor Sandy Styer recommends obtaining a cost for renting a dumpster and invoicing MAA. Road Foreman McGowan will get a dumpster estimate for approximately 3 tons of material.

L. The Supervisors discussed the condition of the Highcroft field. Supervisor Sandy Styer recommends mowing be turned back to the Township. The Township recently mowed the field due to overgrown grass. Field use has declined for the past several years. Surrounding Athletic Associations such as Plowville sports have been active which could have an impact on field use within Caernarvon Township. The Supervisors have requested that Township Administrator/Secretary send a letter to MAA informing them that mowing of the Highcroft field has been turned back to the Township.

Supervisor Jack Hess inquired about availability of Friendship Park restrooms. The Parks and Recreation Committee is requesting availability of accommodations for the public. The Supervisors explained that the restrooms were closed due to vandalism. Discussion ensued regarding functionality of park cameras. Supervisor Sandy Styer forwarded an inquiry to Kato Tech regarding operation of park cameras. Chief John Scalia noted that the Police Department currently has cameras needing upgrades. He is currently working on obtaining estimates for the Police Department and can include Township sheds and Park bathrooms.

Supervisor Paul Whiteman discussed special events and the likelihood for the need of an entertainment ordinance in the near future. He was made aware of other Townships that incurred costs from entertainment venues that caused a financial burden. The increase in need for Police traffic control, trash removal, etc. generates costs that can adversely affect a budget. Solicitor Eric Brown noted that options are available for covering such costs. Options can include an entertainment tax and/or impose permitting requirements to cover costs. Chairman Styer suggested reviewing current ordinances regarding entertainment events. Item was tabled, to be revisited/reviewed sometime in January 2019.

M. Supervisors discussed the proposed revised 2018 Fee Schedule presented at the Regular meeting on August 14, 2018. Paul Whiteman made a motion to adopt Resolution 2018-21 Revised Fee Schedule. Jeff Vickers seconded motion. All in favor. Motion carried.

N. Solicitor Eric Brown discussed the Township's current snow emergency ordinance. There are two governing Snow Emergency Ordinances effective when there is snow or ice which requires all vehicles to be off of roads. When a snow emergency is declared, declaration includes notifying 2 radio stations that broadcast in the Caernarvon Township area, and 5 regularly travelled portions within the Township require posted signs. Road Foreman Keith McGowan explained that Township snow emergency road signs are outdated. The Supervisors proposed two options for the snow emergency Ordinance: (1) leave as is and follow provisions for notices, or (2) Update Ordinance to include streets that are considered high priority and require snow emergency declaration signs posted. No action was taken.

O. Solicitor Eric Brown discussed Nuisance Ordinance #30 which includes the topic of weeds. He explained that the Ordinance was originated in 1969, and that the Supervisors might want to consider a new ordinance that would specifically address weeds and zoning districts. Solicitor Brown can provide sample ordinances from neighboring Townships which include limiting enforcement to a specified lot size (for instance, 2 acres or less). Chairman Allen Styer inquired about vacant properties and weed enforcement, in particular, locations along Main Street. Supervisor Paul Whiteman noted that the term vacant property is questionable and requires further definition.

P. Solicitor Eric Brown presented two proposed Casino Ordinances: (1) Use of Casino and Gambling Facilities, and (2) Casino Signage. The strategy is to streamline which includes amending in two ways: (1) to provide for the use and regulation of casinos and gambling facilities in the C-3 Zoning District; and (2) to regulate signage on casino use property. Solicitor Brown proposes initiating amendment and forwarding to Berks County and Township Planning Commission for comments and further revisions. The plan is to advertise proposed ordinances for enactment within 60 days. Penn National Gaming Attorney Charles Courtney was present to explain that signage for the potential Casino would be quite large, but given location (along turnpike), would not be offensive. Exclusion for hours of lighting will need to be addressed, will have different standards since turnpike has lighting. After discussions, Sandy Styer made a motion to defer the two (2) proposed Casino Ordinances to Berks County and Caernarvon Township Planning Commission for review and comments. Jeff Vickers seconded motion. All in favor. Motion carried.

Township Administrator/Secretary requested an additional agenda item for the Supervisors consideration. Recently, the Township was informed that approved Land Development Plans (LDP) and Agreements for Sheds Unlimited, last revised August 21, 2017, were not recorded at the Berks Recorder of Deeds office. Since the 90 day requirement has passed, the LDP last revised August 21, 2018 need to reaffirmed by the Board of Supervisors. Sandy Styer made a motion to reaffirm Sheds Unlimited Land Development Plans last revised August 21, 2017. Jack Hess seconded motion. All in favor. Motion carried.

Road Foreman Keith McGowan, requested approval for rental of crack filler in the amount of \$5000.00. Sandy Styer made a motion to approve crack filler rental in the amount of \$5,000.00. Jeff Vickers seconded motion. All in favor. Motion carried. Additionally, Road Foreman Keith McGowan requested approval for purchase of new tires for skid loader and John Deere tractor, amount not to exceed \$3,300.00. Jeff Vickers made a motion to authorize purchase of new tires for skid loader and John Deere tractor, amount not to exceed \$3,300.00. Jack Hess seconded motion. All in favor. Motion carried.

EXECUTIVE SESSION

There was no executive session.

SUPERVISORS COMMENTS

Chairman Styer discussed status of Police vehicle purchase. Solicitor Eric Brown's legal opinion has been forwarded to leasing company. He is waiting for legal opinion response, then vehicle can be ordered. For the Master Lease Purchase Agreement, the legal opinion addresses requirements such as Township signatures, applicable public meeting, and tax exemption. The Supervisors discussed advantages of purchasing versus leasing. Chairman Styer recommends purchasing to avoid additional costs and to save time on vehicle delivery. He also explained that leasing typically has mileage stipulations. Treasurer Jack Griesemer confirmed that the Accrual and Police accounts have available funds for vehicle purchase, amount not to exceed \$30,000.00. Chief Scalia noted that leasing is a better option for budgeting purposes. Supervisor Jeff Vickers suggested considering time and money factors, and doing what is best for the Township. Supervisors requested Chief Scalia obtain two (2) additional estimates from other vehicle vendors.

ADJOURNMENT

Sandy Styer made a motion to adjourn meeting. Paul Whiteman seconded motion. All in favor. Motion carried. The meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Joan A. Bair
Township Administrator/Secretary