

**CAERNARVON TOWNSHIP  
BERKS COUNTY, PA**

**BOARD OF SUPERVISORS  
MEETING MINUTES**

**September 11, 2018**

The Caernarvon Township Board of Supervisors held their Monthly Meeting on September 11, 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; Scott Anderson, Great Valley Consultants; Jack Griesemer, Treasurer; Keith McGowan, Maintenance Foreman; 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:**

Lisa Betz from the assembly thanked the Board of Supervisors for their support to Village Library.

**EXECUTIVE SESSION**

**7:05 PM to discuss legal matters**

**Returned 7:25 PM**

**CORRESPONDENCE**

The following correspondence was previously forwarded to Supervisors for review, no further comments:

Berks County Association of Township Officials – 2018 Annual Convention

Transportation Study Meeting Reminder – September 20, 2018

“Wall of Fame” Recognition Nominations

Municipal Recreation Programs and Facilities Annual Forum – October 9, 2018

Cabinet in Your Community/Government That Works – October 3, 2018

The Future of Firefighting in Berks County – Working Dinner September 20, 2018

## **MINUTES OF THE PREVIOUS MEETING**

- A. Sandy Styer made a motion to accept the minutes of August 14, 2018. Jeff Vickers seconded the motion. All in favor. Motion carried.
- B. Sandy Styer made a motion to accept the minutes of August 28, 2018 Workshop. Jack Hess seconded the motion. All in favor. Motion carried.

## **TREASURERS REPORT**

The Supervisors reviewed the Treasurer's report. Sandy Styer made a motion to accept the Treasurers monthly report for the period ending August 31, 2018. Paul Whiteman seconded the motion. All in favor. Motion carried.

## **EXPENSE LIST**

The Supervisors reviewed the bill list for September. Sandy Styer made a motion to pay the bills on the September 11, 2018 bill list, amount of \$109,550.39 (see amended bill list) General Fund, and \$4,254.49 Street Light Fund. Paul Whiteman seconded the motion. All in favor. Motion carried.

## **BUSINESS**

A. Supervisors received a request for rental of the Friendship Park for the Lyons & Hohl Company 40<sup>th</sup> Anniversary celebration scheduled for Sunday, September 16, 2018 from Noon to 5pm. Michael Hohl, Lyons & Hohl, and Jo Painter were present to discuss the event. They are currently scrambling for a back-up plan in case their current booking in the Coatesville area is a wash out. The number of expected guests is 340 including approximately 100 cars. Supervisor Whiteman explained that the volleyball court currently needs filled in with dirt, Mr. Hohl offered to provide a fence in that area for the event. In addition, Ms. Painter explained that vehicle traffic for an excavator competition would take place on the grounds. Supervisor Whiteman explained that in the event that grounds are saturated from inclement weather, foot traffic would not be an issue, but vehicles will need to be on the macadam area. Mr. Hohl explained that any damage caused to the park area would be repaired. Other accommodations include access to electric and water, and permission to have beer on the premises. Road Foreman Keith McGowan explained that he can mark electrical lines for any stakes that will be placed into the ground. Supervisor Jeff Vickers has concerns about damage to grass and also parking for 110 cars. The Supervisors discussed use of the ballpark parking lot that is owned by the Township. The Supervisors asked for more time to consider rental request. Ms. Painter will plan on contacting the Township on Wednesday, September 12, 2018 once they've officially determined the need for use of the Friendship Park for the event. Solicitor Eric Brown noted that the rental agreement can include restoration protection details.

B. The Supervisors reviewed the Planning Commission resignation letter. Sandy Styer made a motion to accept the resignation of Nora Filmore as a Planning Commission member. Jeff Vickers seconded motion. All in favor. Motion carried. The Supervisors discussed the

process for filling a vacancy. Interested candidates submit a letter to the Township for review by the Planning Commission and approval by the Board of Supervisors.

C. The Supervisors reviewed the 2019 Minimum Municipal Obligation (MMO), Jack Griesemer noted that this report determines amount to be budgeted for the pension plan. The approximate amount Township will receive from the State is \$66,000.00, Township difference to budget is approximately \$14,000.00.

D. Aristides Otero was present to discuss status of proposed site plans. He explained that remaining items listed on the Great Valley Consultants letter dated August 9, 2018 are being addressed. He noted that plans will be re-signed, and any approved stormwater waivers will be incorporated into plans. The cost estimate has been reviewed, Bond Company is currently working on bond. Solicitor Eric Brown noted that the Bond will need to allow automatic renewal. The Supervisors inquired about the language changes to the Financial Agreement. Solicitor Brown explained that applicant is requesting change to language regarding commercial fees. He noted that State law permits objection to paying fees that are considered not reasonable. Supervisors inquired about standard Financial Agreements executed in the past for other projects. Solicitor Eric Brown will review past agreements regarding fee language. In addition, the Supervisors inquired about road work for the project and PennDot's response to the proposal. Mr. Otero did not have a response to that question. For now, he is addressing the site work items. In addition, Chairman Styer inquired about weeds complaint submitted to the Township regarding that site. Mr. Otero could not provide a response regarding any corrective action taken in response to the complaint.

E. Authorization to transfer XTL escrow funds for outstanding invoice was tabled. Mr. Cerone was not present for discussion.

F. The Supervisors discussed the Heatherbrook request for release of funds. Township Engineer Scott Anderson proceeded to explain that the parking situation has been resolved including the 1 car/2 car design in original plans. Escrow remaining balance takes into consideration paving, parking plan revisions and rerecorded plans. Chairman Styer inquired about Heatherbrook community in relation to Wexford Court. Township Engineer Scott Anderson explained that they are separate projects along with Brittany estates. Engineer Anderson recommends approval of funds release in the amount of \$42,770.76. Solicitor Eric Brown explained that the release request process is governed by the MPC. After discussion, Paul Whiteman made a motion to approve release of funds for the Village of Heatherbrook in the amount of \$42,770.76. Jeff Vickers seconded motion. All in favor. Motion carried. Additionally, Paul Whiteman made a motion to utilize the remaining amount, retainage, for paying outstanding Township invoices. Jeff Vickers seconded motion. All in favor. Motion carried.

G. Wexford Court LDP was discussed, Mr. Margusity was present for discussion. Township Engineer explained that revised escrow and plans were submitted September 4, 2018. Certification for the stone wall is required from a UCC approved Engineer. The wall certification will be part of the building permit process. Township Engineer explained that this situation is unique. Although the LDP meets Ordinance requirements, the UCC has standards for the wall. Supervisor Paul Whiteman asked Mr. Margusity if he is comfortable with wall safety issues. Mr. Margusity explained that he is working with the best available source for the engineering approval. Township Engineer has noted that at this time, the applicant has satisfied

the Township Ordinances with exception of the required signatures. After discussion, Paul Whiteman made a motion to authorize signatures and execution of the Wexford Court LDP last revised 9/4/2018. Jack Hess seconded motion. All in favor. Motion carried. Additionally, a motion was made by Paul Whiteman to authorize signing Development, Financial Security, Stormwater and Sidewalk Installation agreements. Jack Hess seconded motion. All in favor. Motion carried. Lastly, Mr. Margusity addressed his outstanding Township invoice and has requested approval for a payment plan. He requests permission to pay Township on a monthly basis, 1<sup>st</sup> installment beginning the 15<sup>th</sup> of the month and invoice paid in full by December 15, 2018. The Supervisors are in agreement with proposed payment plan, contingent upon escrow release consideration at the conclusion of payment plan. After discussion, a motion was made by Paul Whiteman to conditionally approve a payment agreement with Mr. Margusity for outstanding Township invoices, final payment due by December 15, 2018. Jeff Vickers seconded motion. All in favor. Motion carried.

H. Supervisors discussed removal of MAA park shed. Road Foreman Keith McGowan provided estimated cost for dumpster, \$145.00. Supervisors requested Township Manager send a letter to the MAA providing estimated cost for dumpster rental, and request action be taken to remove shed. If removal is not feasible, Township will need to be reimbursed for fees incurred to remove the shed.

I. The Supervisors received a Fire Police Assistance Request Form. Sandy Styer made a motion to approve Fire Police Assistance request from West Nantmeal Township for 5k/10k race to be held on Saturday, September 29, 2018. Paul Whiteman seconded motion. All in favor. Motion carried.

Additionally, the Supervisors discussed Hillside Land Development Plans. Plans are ready for signature and need to be recorded. Sandy Styer made a motion to reaffirm Hillside LDP. Paul Whiteman seconded motion. All in favor. Motion carried. In addition, Paul Whiteman made a motion to authorize execution of Hillside LDP. Jeff Vickers seconded motion. All in favor. Motion carried.

## **TOWNSHIP REPORTS**

A. Administrator/Secretary gave the following reports:

Police Department Secretary has returned to work from extended leave. William West will continue assisting the Department until September 14, 2018. Supervisor Whiteman noted that William West has done a great job and that continuing his employment would be very valuable to the Township Offices. Chairman Styer noted that the Township Office work load has increased and additional help would be beneficial. Supervisor Sandy Styer recommends William West continues working up to 30 hours per week. Paul Whiteman made a motion to continue temporary employment terms for William West, hours to be split between the Police Department and Township Office. Sandy Styer seconded motion. All in favor. Motion carried.

Spotted Lanternfly presentation plans are being coordinated with the Penn State Extension. Details will be provided at a later date.

Township Engineer Scott Anderson reported Street Cut Ordinance draft is under review and he will incorporate comments received. Updated version will be provided at a future Board of Supervisors meeting.

ELock estimates were received for camera upgrades. Estimates will be forwarded to the Supervisors for review.

Solicitor explained that the Nuisance Ordinance is currently under review.

- B. Supervisor Paul Whiteman had nothing to report for Carnival.
- C. The Maintenance Department Report for September was received. Road Foreman Keith McGowan reported on contracted line painting. In addition, he explained that a second guide rail repair estimate was received. Estimated amount is \$5,600.00 which came in much lower than other estimates previously received. Paul Whiteman made a motion to authorize guide rail repair work for the \$5,600.00 estimate. Sandy Styer seconded motion. All in favor. Motion carried. Foreman McGowan also discussed C.M. High street light preventative maintenance work, which includes street light reimbursement agreements. Supervisor Whiteman inquired about LED light upgrades. Foreman McGowan explained that back plates for Valley Road lights will make lights easier to see. Work will be done in the next 3 weeks. He is requesting approval for back plates purchase. Paul Whiteman made a motion to approve requested street lights maintenance purchase, amount not to exceed \$2,700.00. Jeff Vickers seconded motion. All in favor. Motion carried.
- D. The SEO report for the month of September was received.
- E. The Library report for the month of September was received.
- F. Tax Collector report for September was received.
- G. The Police report for the month of September was received. Chairman Styer explained that he and Supervisor Hess interviewed a candidate for a part time police officer position. The candidate, Joseph Carboni II, has the background qualifications including academy credentials. Paul Whiteman made a motion to hire Part-Time Police Officer Joseph Carboni II. Jeff Vickers seconded motion. All in favor. Motion carried.  
  
Chairman Styer noted that the new Dodge Durango for the Police Department has been ordered. Estimated delivery time is 12 weeks.
- H. Zoning/Code Enforcement Officer report for September was received. Township Engineer Scott Anderson noted that a letter dated July 26, 2018 was sent to Sheds Unlimited regarding permitting requirements. To date, no permit applications have been received for processing.
- I. No EMS report received for September.
- J. No Twin Valley Fire Department report received for September.

- K. Parks and Recreation Board met in August. The Supervisors reviewed their meeting minutes and request list. The Supervisors discussed request for a port-a-potty at Friendship Park. Supervisor Vickers explained the constant problem with no availability of restrooms at the Park. The restrooms need to be open during business hours if possible. Suggested time frame for restroom hours of operation is 9am until 7pm. Supervisor Whiteman inquired about installing timers. It was noted that installation of timers is costly. After discussions, the Supervisors determined restrooms, for the next week, can be opened from 9am until 7pm. Restrooms can remain open for the duration of the season providing no vandalism occurs.

Road Foreman McGowan informed the Board of Supervisors that mulch for the Parks was installed on September 5, 2018.

The Supervisors requested Administrator/Secretary send donation letters for upcoming Halloween and Christmas events, per request list. Following, Jeff Vickers made a motion to approve budget amount of \$200.00 to cover the costs that exceed donation amount received for upcoming Halloween event expenses. Paul Whiteman seconded motion. All in favor. Motion carried. Paul Whiteman made a motion to approve budget amount of \$200.00 to cover the costs that exceed donation amount received for the upcoming Christmas event expenses. Jeff Vickers seconded motion. All in favor. Motion carried.

Supervisors requested Administrator/Secretary coordinate setting up email account for Parks and Recreation. Designated primary contact for the account will be John Conlow.

- L. The Planning Commission (PC) meeting minutes were reviewed. The Board discussed the process for selecting a new PC member to fill the vacant position. Solicitor Eric Brown proceeded to explain that the PC Chairman can choose to utilize an alternate until a permanent selection has been made. Chairman Styer noted that Board of Supervisors will need to appoint someone for the vacant position for the remainder of the term. Alternate PC members can submit a letter of interest to the PC Chairman for the Board of Supervisors approval.

- M. The Supervisors reviewed Engineer's Report. Township Engineer noted that street work has been completed. H & K has been made aware of punch list items to be addressed.

Township Engineer explained that no action is needed at this time from the Supervisors regarding the Sunoco pipeline detour through the Township for Chestnut Hill Road closure.

- N. Solicitor Eric Brown gave the following report:

1. Resolution 18-23 was presented for approval regarding donation of the 1999 Plymouth Minivan to the Twin Valley Fire Department. Sandy Styer made a motion to adopt Resolution 18-23. Jack Hess seconded motion. All in favor. Motion carried.

2. Proposed Ordinance for Casino Zoning was deferred to the Planning Commission for review and comments at the next their next Public meeting.
3. The Noise Ordinance was tabled, no action taken at this time.
4. For the Proposed Road Opening Ordinance, Township Engineer Scott Anderson explained that he will provide a follow up at a future Regular Township meeting.

#### **ADDITIONAL COMMENTS FROM THE ASSEMBLY**

Discussion ensued regarding the need for a regular grocery store in the Township. Supervisor Paul Whiteman explained that geographically the Morgantown area isn't a sought after location for grocery store businesses. The location across from the Heritage Restaurant was a sought after area in recent years, but the Bog Turtle study caused delays in developing that area.

#### **EXECUTIVE SESSION**

The Supervisors recessed into Executive Session at 8:55 p.m. Chairman Allen Styer called the meeting back to order at 9:30 p.m., indicating the session was for discussing legal issues.

Several actions resulted from the Executive Session:

Sandy Styer made a motion to sign and record the Shed's Unlimited Sidewalk agreement dated September 12, 2017. Jeff Vickers seconded motion. All in favor. Motion carried.

Sandy Styer made a motion to sign and record the Shed's Unlimited Stormwater Management Agreement dated September 12, 2017. Jack Hess seconded motion. All in favor. Motion carried.

Sandy Styer made a motion to execute Shed's Unlimited Land Development Plan last revised 11/15/2017. Jeff Vickers seconded motion. All in favor. Motion carried.

Sandy Styer made a motion to deny the XTL, Inc. disputed fee appeal. Paul Whiteman seconded motion. All in favor. Motion carried.

Sandy Styer made a motion to have GVC initiate zoning enforcement action for the Morgantown Affiliates matter, \$500.00 fine imposed for Monday, Wednesday, and Friday of each week until issue is resolved. Jeff Vickers seconded motion. All in favor. Motion carried.

Paul Whiteman made a motion to approve Friendship Park use fee of \$500.00 for the proposed Lyons & Hohl company picnic, fee includes electric and water use, any damages to field will need to be repaired by applicant, and rental cost to be reduced by 50% upon applicant filling in volleyball court area with top soil. Sandy Styer seconded motion. All in favor. Motion carried.

**SUPERVISORS COMMENTS**

Supervisor Paul Whiteman reminded everyone that today we remember the lives lost in the tragic event of 9/11, our thoughts and prayers are with those who lost loved ones.

**ADJOURNMENT**

Sandy Styer made a motion to adjourn meeting. Meeting adjourned at 9:45 pm. Jeff Vickers seconded motion. All in favor. Motion carried.

Respectfully Submitted,

Joan A. Bair  
Township Administrator/Secretary