

**CAERNARVON TOWNSHIP
BERKS COUNTY, PA**

**BOARD OF SUPERVISORS
MEETING MINUTES**

November 13, 2018

The Caernarvon Township Board of Supervisors held their Monthly Meeting on November 13, 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; 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:

Scott Graham, 760 Ranck Road, addressed his written complaint regarding disturbances from the Sunoco Pipeline project. He explained that his home has cracks in the foundation which he believes is caused by the vibrations coming from the pipeline work. Mr. Graham provided photos for review. The Supervisors requested the Township Secretary obtain a Sunoco contact for Mr. Graham. Chairman Styer suggested Mr. Graham bring the matter to the Pipeline's attention. Supervisor Whiteman further explained that the Township cannot take action since the Pipeline project is a Public Utility funded by the Federal Government.

Gere Brady, 3312 Main Street, thanked the Board of Supervisors for their interest and support to the local Historical Society.

CORRESPONDENCE

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

County of Berks Annual Property Tax Billing Cycle
Magisterial District Court Annual Financial Statement Audit
Caernarvon Township Authority – Fire Hydrants Inspection Report
Reading Area Transportation Study – November 15, 2018 Agenda

MINUTES OF THE PREVIOUS MEETING

- A. Sandy Styer made a motion to accept the minutes of October 9, 2018. Paul Whiteman seconded the motion. All in favor. Motion carried.
- B. Sandy Styer made a motion to accept the minutes of October 23, 2018 Workshop. Jeff Vickers 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 October 31, 2018. Paul Whiteman seconded the motion. All in favor. Motion carried. Supervisor Sandy Styer requested approval to transfer \$60,000.00 from the General Fund to the Accrual Account for the 2020 Freightliner purchase scheduled for next year. Paul Whiteman made a motion to approve the transfer of \$60,000.00 from the General Fund to the Accrual Account for the 2020 Freightliner. Jack Hess seconded motion. All in favor. Motion carried. Additionally, Supervisor Sandy Styer requested approval to transfer \$2,500.00 from the General Fund to the Accrual Account for the salt shed repair estimate budgeted for 2018. Paul Whiteman made a motion to approve the transfer of \$2,500.00 from the General Fund to the Accrual Account. Jeff Vickers seconded motion. All in favor. Motion carried.

EXPENSE LIST

The Supervisors reviewed the bill list for November. Sandy Styer made a motion to pay the bills on the November 13, 2018 bill list, amount of \$226,829.19 General Fund; \$2,211.75 Building Tax Fund; \$185,000.00 Liquid Fuels; and, \$4,324.47 Street Light Fund. Paul Whiteman seconded the motion. All in favor. Motion carried.

BUSINESS

A. Chairman Styer invited Mr. Tom Hubric from the Animal Rescue League (ARL) to give his presentation. At that time, Mr. Hubric proceeded to explain that the ARL had a cost study performed which determined that funds were falling short for the organization. The total estimated loss for the year 2016 was \$984,031.00 and a loss of \$934,575.00 for 2017. Supervisor Sandy Styer asked if the losses mean the organization's bills were not paid. According to Mr. Hubric the organization's bills were paid. As a result of the cost study report, the ARL constructed two proposed contract models, fee for service and per capita. Mr. Hubric explained that the majority of the Townships prefer the per capita model. He stated that the smaller Townships felt they could not budget for the fee for service model. The deadline for submitting the contract is December 20, 2018. If the decision is to opt out of the contract, the ARL is requesting they be provided with the organization, department or individual that will be providing the services. Chairman Styer asked if there are costs for adoption through the ARL. Mr. Hubric stated that there are adoption fees and that the amount varies. At the conclusion of the presentation, the Supervisors thanked Mr. Hubric for the information.

B. The Supervisors reviewed the proposed 2019 Budget. Chairman Styer noted that the ARL proposal is short notice for budget preparation. Treasurer Jack Griesemer explained that the current amount budgeted for the ARL is \$1,500.00, based on their original proposed contract (fee for service entry fee). In response to ARL's recent new pay structure for their contract, per capita, Treasurer Jack Griesemer proposes increasing line item 310.21 by \$6,512.00 and increasing line item 401.420 by \$6,512.00, in preparation for the Supervisors decision regarding the 2019 ARL contract. The Supervisors tabled decision at this time, further animal control options will need to be researched including availability of local organizations. After discussions, Sandy Styer made a motion to approve the advertisement of the revised proposed 2019 Budget. Jack Hess seconded motion. All in favor. Motion carried.

C. Ben Burckhardt Subdivision plans were reviewed. Township Engineer Scott Anderson noted that plans require notation of approved waivers. He further explained that a waiver request is included for not expanding cartway (Right of Way exists). Solicitor Eric Brown explained that upon approval the applicant will be required to follow applicable ordinances and reimburse the Township for any outstanding fees. It was noted that the applicant agrees to abide by the Township Ordinance Right of Way requirement. Supervisor Whiteman inquired about any possibility of interference with Clymer Hill extension. Township Engineer Scott Anderson explained that there are no concerns of interference. After discussions, Sandy Styer made a motion to approve the Ben Burckhardt Subdivision Land Development contingent upon satisfaction of any outstanding Great Valley Consultants review comments. Jack Hess seconded motion. All in favor. Motion carried.

D. The Supervisors reviewed the Energy Developments Morgantown DEP application letter. Township Engineer Scott Anderson explained that no action is required. The letter explains that the previous owner, Granger, is changing names. The adjustment noted poses no physical changes to the New Morgan portion.

E. Bill Witman from Witman Engineers & Consultants was present to explain the S. Walnut Street Right of Way letter he recently submitted to the Board of Supervisors. Mr. Witman noted that he is conducting a land survey for his client Elverson United Methodist Church. Through his research, including a Township Right to Know Request, he has determined that recorded plans for that location neither depict nor note Township dedication of the S. Walnut Street right-of-way noted in his letter. Mr. Witman noted that three (3) feet of the area in the scope of his project is technically within the Township Right of Way. Solicitor Eric Brown presented the possibility of an encroachment agreement. No action taken, the Supervisors requested the Solicitor to prepare the encroachment agreement to be reviewed at the next meeting.

F. The Supervisors reviewed the XTL Inc extension letter. Jeff Vickers made a motion to acknowledge the XTL Inc. extension granted through 3/31/2019. Sandy Styer seconded motion. All in favor. Motion carried.

G. Solicitor Eric Brown explained to the Supervisors that a PennDot grant application for XTL Inc. was provided for their review. The grant is for improvements to the intersection of Shiloh Road and Route 10. The grant includes plans for widening of lane for right hand turn, with PennDot's approval. Chairman Styer explained that the Township's endorsement of application will help with the approval process. Supervisor Whiteman noted consideration of the Township's co-applicant submission as long as the XTL improvements do not involve taxpayers funding. The Board of Supervisors expressed concerns about potential truck traffic.

H. Solicitor Eric Brown presented Resolution No. 2018-27 authorizing submission of XTL grant application for the proposed Shiloh Road improvements. He noted that submission of grant application includes notation explaining that satisfaction of Township and PennDot requirements will be required prior to approval of Land Development Plans. Solicitor Eric Brown further explained that if the grant is awarded an indemnification agreement would be the next step to clearly define the Township's involvement. Sandy Styer made a motion to adopt Resolution No. 2018-27. Jeff Vickers seconded motion. All in favor. Motion carried.

I. Solicitor Eric Brown presented Resolution No. 2018-28 for which authorized grant signers are executed. Sandy Styer made a motion to approve Resolution No. 2018-28. Jeff Vickers seconded motion. All in favor. Motion carried.

J. Additionally, Solicitor Eric Brown presented a Township letter that requires the Chairman's signature. The letter is addressed to PennDot and is in regards to the XTL grant submission. Sandy Styer made a motion for approval of Chairman signing letter to PennDot for the XTL grant application submission. Jack Hess seconded motion. All in favor. Motion carried.

K. Township Engineer Scott Anderson noted that the New Morgan Borough Utilities Authority request for escrow waiver is no longer requiring action. They have agreed to post the \$15,000.00 escrow with the Township.

L. The Crime Alert donation request was reviewed by the Supervisors. This was tabled for this meeting, further information is needed to determine if any previous donations were sent to the organization.

M. Solicitor Eric Brown presented the revised Non-CDL Drug Testing policy. He explained that the zero tolerance for positive test results was incorporated into policy. Sandy Styer made a motion to approve Non-CDL Drug Testing Policy with revisions noted. Jeff Vickers seconded motion. All in favor. Motion carried.

N. The Republic Services Letter of Credit release request was discussed. This item was tabled for this meeting. Further information is needed to finalize release request.

O. Resolution No. 2018-26 was presented for approval for the Car 32-7 Municibid sale in the amount of \$825.00. Sandy Styer made a motion to approve Resolution No. 2018-26. Jeff Vickers seconded motion. All in favor. Motion carried.

P. Security Camera estimate was discussed. Chief John Scalia will be receiving E-Lock's estimate and will work on getting additional estimates. Supervisor Whiteman noted that contractors will need to be reputable companies for local government security camera needs and requirements.

Q. Administrator/Secretary reported that Social Hall repairs have been completed. Floors are scheduled to be cleaned. Chairman Styer inquired about opening the social hall for rentals.

R. The Supervisors reviewed the Valley Ponds No Parking Signs Ordinance. Chairman Styer inquired about commercial vehicles. Solicitor Eric Brown explained that commercial vehicles are addressed in Section 3. Overflow parking has raised some concerns for the Valley Ponds community. It was noted that the roadway in that area is 37' wide, with cars parked along the sides that leaves 24'. The Supervisors addressed Section 5, the amounts for fines. Revisions to be made include the number of days for paying fines and the amount. Paul Whiteman made a motion to advertise the Valley Ponds No Parking Signs Ordinance with noted revisions. Sandy Styer seconded motion. All in favor. Motion carried.

S. Secretary/Administrator presented the Berks County Joint Comprehensive Plan (BCJCP) committee meeting schedule to be advertised in next week's Reading Eagle. The

purpose of the committee to update the Joint Comprehensive Plan which hasn't been updated in 14 years. Also, it was noted that the committee is advertising a community survey to help with gathering data for the comprehensive plan.

T. Solicitor Eric Brown explained that it is that time of year for the Board of Supervisors to advertise their intent of appointing an Auditor for the new year. The Supervisors requested Administrator/Secretary to obtain fees for Reinsel Kuntz Leshner (RKL) fees. In addition, they requested the reorganization meeting be scheduled for Monday, January 7, 2018 at 6pm and that the Regular meeting be scheduled to follow the Reorganization meeting. In addition the Supervisors requested that the elected auditors be contacted to coordinate their meeting for January 8, 2019. Sandy Styer made a motion to advertise the 2019 Reorganizational meeting and the Regular meeting for January 7, 2018 at 6pm, and also advertise the Township's intent to have RKL perform the Township's 2018 audit. Paul Whiteman seconded motion. All in favor. Motion carried.

U. The Supervisors reviewed the blocked driveway official complaint dated November 13, 2018. The Supervisors did not take action. The Administrator/Secretary was asked to follow up with the person who filed the complaint and explain that the supervisors cannot take action on complaint regarding driveway complaint.

TOWNSHIP REPORTS

- A. Administrator/Secretary has nothing to report.
- B. Supervisor Paul Whiteman explained that joists for rough framing is in process. The Carnival committee will be meeting the first of the year.
- C. The Maintenance Department Report for November was received.
- D. The SEO report for the month of November was received.
- E. The Library report for the month of November was received.
- F. Tax Collector report for November was received. Supervisor Sandy Styer noted the annual tax billing cycle correspondence requesting changes for municipal tax forms. Administrator/Secretary was asked to provide a copy to Treasurer Jack Griesemer for review.
- G. The Police report for the month of November was received. Chief Scalia requested approval for ammunition and gun purchases budgeted for 2018. Best estimate is approximately \$4,871.00 from Eagle Arms. Chief noted that the current mounts will work and will work with new Dodge. Jeff Vickers made a motion to approve ammunition and gun purchase from Eagle Arms. Paul Whiteman seconded motion. All in favor. Motion carried.
- H. Zoning/Code Enforcement Officer report for November was received.
- I. EMS report for November was received.

- J. Twin Valley Fire Department report was received for November. Supervisor Paul Whiteman discussed Wisconsin trip for the new truck to be put into service in 2019. Supervisor Jeff Vickers inquired about budget for the trip. Supervisor Paul Whiteman will follow up regarding the budget question.
- K. Supervisor Jack Hess noted that the Parks and Recreation meeting for October was cancelled.
- L. The Planning Commission (PC) meeting minutes for October were reviewed.
- M. The Supervisors reviewed the Engineer's Report. Township Engineer Scott Anderson noted that Morgantown Apartments conducted a site meeting on November 14, 2018 at 4:15pm. Supervisors Allen Styer and Paul Whiteman attended. The purpose of the meeting was to show justification for a sidewalk waiver. Solicitor Eric Brown explained that the Planning Commission has requested justification for the Morgantown Apartments sidewalk waiver request. Supervisor Paul Whiteman explained that with the proposed plan of 77 units, sidewalks will be necessary for safety reasons.

Township Engineer Scott Anderson discussed the Mariner Pipeline and inquired about tailoring the scope of work due to funding reasons. Supervisor Paul Whiteman inquired about in house labor that can be done to save costs. Chairman Styer expressed concerns about recent flooding in that area along Route 23, and discussed the possibility of field work having an impact on the flooding issues. Since the scope of work deadline is the end of December, the Township Engineer will have a tailored plan prepared for the December meeting for the Supervisors to review.

Township Engineer Scott Anderson explained that he is meeting with H & K next week to wrap up the Roads Project punch list.

Township Engineer Scott Anderson noted that the Village of Heatherbrook Developer has completed all improvements required per the Plans and escrow items, including the as-built drawing. Paul Whiteman made a motion to release the remaining escrow funds for Village of Heatherbrook, subject to satisfaction of GVC review, and any outstanding Township invoices are paid. Sandy Styer seconded motion. All in favor. Motion carried. It was further noted that the approval of the Village of Heatherbrook Homeowners Association (HOA) taking ownership of the Development is to the discretion and approval of the Board of Supervisors. The Supervisors expressed that while there are deviations in the plan, the Township has no intent of verifying compliance with Ordinances. Paul Whiteman made a motion to approve writing a letter regarding the HOA taking ownership of the Village of Heatherbrook based upon today's conditions. Sandy Styer seconded motion. All in favor. Motion carried.

Township Engineer Scott Anderson discussed a situation with a storm sewer pipe on 3rd Avenue and Morgan Way that needs to be addressed. He also discussed a situation with a 36" storm sewer on 3509 Main Street. He noted that this is believed to belong to the Township, but a permanent easement has

not been located. Township Maintenance Foreman Keith McGowan intends to fix the issue with the Board's approval. Supervisor Paul Whiteman suggested concrete pipe repairs can make the situation less difficult. The Board of Supervisors requested a repair estimate for their next meeting.

N. Solicitor Eric Brown gave the following report.

1. A meeting with Casino officials will take place at the Township Office on November 26, 2018 at 2pm. Solicitor Brown noted that a Supervisors quorum would not be permitted for the meeting.

2. A hearing for Morgantown Affiliates is scheduled for December 14, 2018. The Zoning Officer is planning on attending the hearing. Any fees incurred for the hearing will be reimbursable to the Township.

3. It was noted that the Service Electric mid-2019 franchise agreement is set to expire. At the time of adoption of agreement, the Board of Supervisors can negotiate the rate. At this time, the Board discussed not increasing the rate.

EXECUTIVE SESSION – Not Needed

SUPERVISORS COMMENTS

ADJOURNMENT

Sandy Styer made a motion to adjourn meeting. Meeting adjourned at 9:55 p.m.
Supervisor Whiteman seconded motion. All in favor. Motion carried.

Respectfully Submitted,

Joan A. Bair
Township Administrator/Secretary