

**CAERNARVON TOWNSHIP
BERKS COUNTY, PA
BOARD OF SUPERVISORS
MEETING MINUTES
AUGUST 14, 2012**

The Caernarvon Township Board of Supervisors held their Monthly Meeting on August 14, 2012 in the Caernarvon Township Municipal Building located at 3307 Main Street, Morgantown, PA, pursuant to notice according to law.

ATTENDING OFFICIALS

Charles Byler, Chairman; Scott Moyer, Supervisor; Dorothy Regetta, Supervisor; Allen Styer, III, Supervisor; Paul Stolz, Chief of Police; Bill Witman, Witman Engineers & Consultants, Engineer; Brett Huckabee, Hoffert, Huckabee & Weiler, Township Solicitor; John Griesemer, Treasurer; Randall Miller, Township Administrator/Secretary; Thomas Hornberger, Maintenance Department.

CALL TO ORDER

Chairman Charles Byler called the meeting to order at 7:30 PM. This was followed by the Pledge of Allegiance.

COMMENTS FROM THE ASSEMBLY

The Supervisors reviewed plans submitted for final approvals.

A. The TIMET Land Development Plans are here for signature. Engineer Bill Witman asked that they be held until the Stormwater requirements have been addressed and completed. The Supervisors agreed.

B. Secretary Miller noted that all requirements have now been met for the Kurtland Farms Land Development Plans (LDP); however, the plans need to be re-affirmed. Allen Styer made a motion to re-affirm the Kurtland Farms LDP. Dorothy Regetta seconded the motion. The Motion Carried unanimously.

C. Secretary Miller noted that the Taylor Northeast LDP was previously approved and the requirements for signing have been met. This plan also needs to be re-affirmed. There was a question on the name recorded for the Municipal Improvements Agreement (MIA). This will be corrected and the right name placed on the MIA. Allen Styer made a motion to re-affirm the Taylor Northeast LDP. Dorothy Regetta seconded the motion. The Motion Carried unanimously.

D. The Planning Commission made a recommendation to approve the Preliminary and Final Amended LDP for Morgantown Crossings and the AutoZone building. Allen Styer made a motion to approve the Amended LDP for Morgantown Crossing (AutoZone) contingent on all outstanding comments from Ryan and Bill's letters being addressed, and the MIA being completed. Dorothy Regetta seconded the motion. The Motion carried unanimously.

The Supervisors then heard from other residents.

E. Carol Bowman, representing the Caernarvon Township Authority (Water) asked the Supervisors to review a letter from the Water Authority, in which they request the Township

uphold its Ordinance #59. Hari Hotels, operator of the Holiday Inn, has asked local plumbers about drilling a well to supplement their water usage for the cooling units. The Township Ordinance states all must connect to the public water supply, and there is concern that a well could contaminate the public supply if it were to be connected without proper consent and connections. The Supervisors agreed to send a letter indicating the Authorities request to meet with Hari Hotels to discuss the situation.

CORRESPONDENCE

Secretary Randall Miller summarized the following agenda items of correspondence for the assembly and the members of the Board of Supervisors:

- A. PSATS Legal Defense Partnership Letter and PSATS NewsBulletin were received.
- B. PSATS legal review of the court's decision on Act 13. No changes affect the Township.
- C. The Supervisors reviewed a letter from Senator Mike Folmer, inviting them to a roundtable discussion on August 15, 2012. No Supervisors are planning on attending.
- D. A letter from The Center for Community Excellence announcing the appointment of a new Director was reviewed by the Supervisors. Mr. Paul G. Janssen has been appointed to fill the vacancy left by the retirement of John Kramer.
- E. The Supervisors reviewed a request from the Berks Visiting Nurses for a donation. They expressed concern since the letter indicated their coverage includes areas encompassing zip codes 19520 and 19543, which is inclusive of many municipalities. They are generally not in favor of this donation.

MINUTES OF THE PREVIOUS MEETING

- A. The Supervisors reviewed and discussed the minutes of the July 10, 2012 meeting. Questions were asked about Mr. Paul Whiteman Jr.'s comments. Additionally, the discussion on the movie was amended. Following this discussion, Allen Styer made a motion to approve the minutes of the July 10, 2012 Board of Supervisors' Regular Meeting, as amended. Scott Moyer seconded the motion. The motion carried unanimously.
- B. Dorothy Regetta made a motion to approve the minutes of the July 24, 2012 Board of Supervisors' Workshop Meeting. Scott Moyer seconded the motion. The motion carried unanimously.

TREASURERS REPORT

The Supervisors reviewed the Treasurer's Report. Treasurer John Griesemer noted receipts for Earned Income Tax were coming in and would likely exceed the budget.

Allen Styer made a motion to accept the Treasurer's monthly report for the period ending July 31, 2012. Scott Moyer seconded the motion. The motion carried unanimously.

EXPENSE LIST

The Supervisors reviewed the bill list for August. Treasurer John Griesemer discussed return of the overpayment of State Aid into the Police Pension Fund. Additionally, there was a question about "K-Team" cleaning. K-Team cleans the Social Hall.

Scott Moyer then made a motion to accept the bill list for August 14, 2012 and to pay the bills in the amount of \$104,738.85 from the General Fund; \$4,228.30 from the Street Light Fund; \$10,000.00 from the Rescue Tax Fund; and \$13,262.38 from the Building Tax Fund. Allen Styer seconded the motion. The motion carried unanimously.

OLD BUSINESS

A. Engineer Bill Witman updated the Supervisors on the Tom Orr Stormwater issue. He submitted a proposal for repairs and installation of stormwater across Mr. Orr's property. The expected costs were \$40,181.75 as submitted, and \$35,915.50 if the pipes are run straight from point source to the discharge. The Supervisors reviewed the proposals. Treasurer John Griesemer stated this was not a budgeted item for 2012. Mr. Orr spoke indicating his opinion was that this was a requirement of the Township's SALDO, and that he expected the Supervisors to do the right thing. Supervisor Scott Moyer expressed his empathy for Mr. Orr, but felt it is not the responsibility of all Township taxpayers to correct the problem.

After these discussions, Allen Styer made a motion to make recommended repairs, as discussed, next spring as early as possible and budget the monies necessary to accomplish the work. There was no second. Chairman Byler waited a few minutes and called again for a second to the motion. Again, there was no second. The motion failed for lack of a second.

B. Engineer Bill Witman noted the Maintenance Department would begin work next week on the Swamp Road stormwater repair. This is to occur along the west side of Swamp Road.

BUSINESS

A. Secretary Randall Miller discussed a recommendation by National Penn Investors Trust for adjustments to the investments of the Uniformed Pension Plan. Treasurer John Griesemer noted the Township relies on Nation Penn for these recommendations. Solicitor Brett Huckabee noted it was in the best interest of the Township to follow these recommendations. Allen Styer made a motion to agree with the recommendations of Nation Penn Investors Trust and transfer funds to re-balance the Uniformed Pension Plan, but not enter into any automatic balancing. Scott Moyer seconded the motion. The motion carried unanimously.

B. The Township received a letter requesting the closure of Caernarvon Drive in Hidden Farms, for a block party. The Supervisors have concerns about closing this road, and asked Secretary Miller to inquire for additional information.

TOWNSHIP REPORTS

A. Administrator Randall Miller submitted his report for items received from the time of the previous meeting. The Supervisors discussed the items on the report. It was noted that Chief Stolz was finalizing costs for the new radios and will have this information in the near future.

The Supervisors discussed recommendations for the Uniformed Pension Plan, since the Township received a letter indicating distress in the funding. The Supervisors noted the distress and reviewed changes to amortizing the MMO payments. This amortization would save approximately \$7,000 in current MMO payments but would eventually need to be made up. The Supervisors did not take this action. Any other changes would need to be discussed as part of bargaining.

Secretary Miller noted the changes in Worker Comp Insurance. MRM and most all private insurers are dropping Workers Comp coverage for Class 994 – Volunteer Fire Fighters. This will necessitate a change to the State funded plan. The Supervisors agreed.

Secretary Miller noted the Planning Commission has reviewed a recommendation by Ryan Rhode, Planner for Great Valley Consultants on changes to the Municipalities Planning Code (MPC). Ryan noted the Township is generally in compliance with these changes, and only must remember to notify the Twin Valley School District of any residential development.

B. The Maintenance Department Report for July was received. In addition, Tom Hornberger noted the generator is operational. He also discussed that patching on roads has been completed. Engineer Bill Witman indicated he would prepare a cost breakdown of expenses for these road repairs.

Engineer Bill Witman also discussed road paving projects that need to be bid. This would be for Broad Axe Pass and Joanna Road. Allen Styer made a motion to have the engineer prepare specifications and advertise for bids. Scott Moyer seconded the motion. The motion carried unanimously.

Engineer Witman also discussed the Mill Road project. The contract is due to start soon. There will need to be a change order for paving Mill Road once the project begins.

C. The SEO Report for July was received.

D. The Library Report for July was received.

E. The Tax Collector's Report for July was received. Secretary Miller noted there are 87 outstanding tax bills.

F. Chief Stolz gave his monthly Police Department Reports for New Morgan Borough and Caernarvon Township. In addition:

1. He noted there is a review of parking on Highcroft Drive being conducted. Residents would like to have parking on the north side of the street.
2. One of the officers had a very minor accident by backing into another car. There was no damage to either vehicle.

G. The Zoning and Code Enforcement Officers report for July was received. It was noted that a request for determination of zoning for an STS Tires at Morgantown Crossings was sent to the Zoning Officer. This application for zoning would require a special exception.

H. The Fire Company report for July was received.

I. The EMA Report for June was received.

J. Secretary Miller noted that the Parks and Recreation Board met on July 23, 2012. The Supervisors reviewed their draft minutes. In addition, there was an inquiry about the garage at

the Clyde Smith Ball Field. If the Township is no longer using it, the MAA would like to have it. It was noted that the Township still uses it for storage.

K. The Planning Commission's Plan Status Report was reviewed along with the Draft Minutes of their July meeting. In addition, Secretary Miller noted that the Morgantown Community Church has submitted a time extension. He also expects the plans to be ready for Township action at the September meeting. The Supervisors reviewed a recommendation from the Planning Commission on the request by Jessica Basciano to encroach on an Open Space Easement on her property. Supervisor Scott Moyer asked where the property lines are in relation to the easement. Solicitor Brett Huckabee stated he believed the property deeds include the entire lot, which encompasses the easement. The Supervisors took no action at present.

L. Engineer Bill Witman discussed his items previously.

M. Solicitor Brett Huckabee discussed a 2012 property tax appeal by LugAll Realty Corp. He asked permission to settle the appeal for the amount of the taxing authorities appraisal. Allen Styer made a motion to settle at the amount of the appraisal. Dorothy Regetta seconded the motion. The motion carried unanimously.

N. Solicitor Huckabee also discussed an appeal from last year for a transfer tax refund due to an error in the settlement agreement at the time of this transfer. Allen Styer made a motion to refund the amount required that is in excess of the actual amount of the transfer tax. Dorothy Regetta seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

The Supervisors recessed into executive session at 9:42 pm. Chairman Byler called the meeting to order 10:50 pm, summarizing that the executive session was for Police bargaining, and personnel issues.

SUPERVISORS COMMENTS

Supervisor Scott Moyer asked about the approval of the movie requested by Mary Jo Barthmaier. After discussion, Scott Moyer made a motion to have Administrator Randall Miller cooperate with the film crew for the filming of The Suspect, as discussed. Dorothy Regetta seconded the motion. The motion passed on a vote of 3 to 1 with Supervisor Allen Styer opposed.

ADJOURNMENT

Scott Moyer made a motion to adjourn the meeting. Allen Styer seconded the motion. The motion carried unanimously.

Respectfully Submitted,

Randall Miller,

Township Administrator/Secretary