August 18, 2008

The Lower Heidelberg Township Board of Supervisors held their regularly scheduled meeting on the above date. Those present were: R. David Seip, Kimberly Reifsnyder, Cheryl Johnson, Attorney Liz Magovern, Police Chief Gerald Mohn, Engineer Gary Kraft and Road Foreman Greg Leffler. The meeting was brought to order at 7:05 p.m. by Mr. Seip.

Correction to July 21, 2008 Meeting Minutes: Page 3 under Planning Commission, change Green Valley Phase 2 to Phase 11. Mr. Seip made a motion that the minutes be approved with the correction, seconded by K. Reifsnyder. All

Meeting was open to the public: Rod Borkert addressed the Board. On Sat. Aug. 9, the Reading Eagle had an article entitled, "Sinking Spring disbands sewer authority" and the by-line said one councilman says "the move could save $40,000 a year". Mr. Borkert asked if the Board anticipated the savings when the Sewer Authority was disbanded and how much savings was actually realized. Ms. Reifsnyder said that the Environmental Office is making sure all the ducks are in a row before the Board is able to make that determination. Mr. Borkert asked if it's been a while since that has been going on. Ms. Reifsnyder stated that the Authority was disbanded one year ago in May '07. Mr. Borkert then asked if Carl & his wife, Marie are actual Township employees or are they under contract? Ms. Reifsnyder replied that they are not Township employees but get paid through SEO (Site Development Services) which is Carl's group. He's the SEO under that group. Mr. Borkert had one more question regarding the Township web-site. He said there were departments and commissions that were not updated. Those changes have been given to the website co. and will be made within a week or so. – There were no other comments from the public.

At this point Mr. Seip temporarily adjourned the regular meeting (7:10 pm) and re-convened the special meeting of the Board of Supervisors for the Lamar Advertising Conditional Use Hearing that was held last month and turned the floor over to our Solicitor Liz Magovern. Ms. Magovern reported: as you (the Board) are aware the record was closed regarding the Conditional Use hearing. The applicant was Lamar Advertising of Penn LLC and they were requesting a conditional use pursuant to Section 516 1A of the township zoning ordinance. Lamar was requesting that an existing static sign facing west-bound traffic with a digital display on the property have a frame with a changeable message that occurred every 8 seconds. Lamar provided testimony from a professional traffic engineer that the subject sign will not create a safety hazard and that it will not exceed 25 feet in height in compliance with the Township zoning ordinance. Since the record is closed, Ms Magovern requests that the Board take a vote as to whether or not the conditional use request be either rejected or granted. Mr. Seip made a motion that the conditional use request for Lamar Advertising be approved, seconded by Cheryl Johnson. All

At this time (7:15 pm) the special meeting was closed and the regular meeting was re-opened.

Tax Collector's Report: Sandy Davis will turn over $5,185.51.
Treasurer's Report: Total for bills paid: $155,389.40 leaving a balance in the General Fund of $184,562.27. D. Seip made a motion for the approval of both the Tax Collector's Report and Treasurer's Report, seconded by K. Reifsnyder. All
D. Seip also made a motion for the payment of all bills, seconded by C. Johnson. All
Balances in the various accounts are as follows:

General Fund	$184,562.27
Streetlight Fund	$ 45,664.94
Fire Hydrant Fund	$ 39,768.69
Building Fund	$ 22.79
SEO Fund	$ 10,445.09
Trash/Recycling Fund	$254,568.10
Recreation Fund	$ 19,003.55
Fire Pro. Tax Fund	$178,747.45
State Aid Fund	$ 85,370.07

Building/Zoning/Engineering Report – Gary Kraft had nothing to report at this time but would have an item to report later in the meeting.

Recreation Board Report – Kim Reifsnyder reported that Community Day is still on track for Saturday, September 27 but the time has been changed to 11 a.m. to 4 p.m. instead of 5 p.m.

Planning Commission Report – Report was given by D. Seip: The Commission conditionally approved the Wilson Middle School plan with a series of conditional uses. Mr. Seip asked Attorney Magovern to read the motion for the Wilson School Land Development Plan: (1) Execution of a revised letter agreement with content as discussed at the PC meeting and a revised letter agreement was prepared today (8/18/08) by Hartman/Shurr's office. They were unable to get to it until today because their office only received the CD with the plans attached in today's mail. It was FedEx'd on August 15. It was FAXed to the Township Supervisors at the end of today around 5:00. Also (2) Execution of an improvements agreement, (3) Execution of Stormwater Management, (4) Signatures and seals on all plans and the last (5) Payment of any outstanding Township review fees. Mr. Seip recommended that since the Board has not had any time to review this paperwork, that the Board not take any action on this matter tonight. Mrs. Reifsnyder agreed with Mr. Seip's recommendation.

Attorney Ron Kalyan stated that Wilson was OK with the suggested changes except for one or two small items that Mr. Stackhouse would address this evening. He asked that these be discussed tonight and resolved instead of spending more time on them.

Ms. Reifsnyder would like time to review this because even though Wilson went before the Planning Commission to ask for this agreement, the Board of Supervisors has not received a request for this agreement.

Jason Hopp, President of Wilson School Board and resident of Lower Heidelberg then addressed the Board. His concern is that with every month that the project is delayed, the cost of supplies, etc. goes up, and is adding $100,000 to $200,000 to the cost and postponing the opening of the school for another year since the school cannot be opened in the middle of a school year. Mr. Hopp asked if the Board could review the agreement and within 2 weeks come to a resolution so Wilson can move forward.

Mr. Seip stated that there is a Zoning Hearing Board Hearing with Greth scheduled for Tuesday, Sept. 2 and it might be a good time to schedule the meeting with Wilson before that. A special meeting of the Board of Supervisors will be held at 5:30 p.m., before the Zoning Hearing Board Hearing, to address Wilson and any other business that may come before the Board.

Additional Planning Commission business: Mr. Ty Leinneweber from Lehigh Engineering addressed the Board to discuss the waivers that they have requested from the Planning Commission as well as any other issues that may come up, in particular, an item with Dan Becker about the greenway and the areas that were going to be preserved. Engineer Kraft stated there were 3 things: there were 2 waiver requests that were recommended for approval – one relates to the requirement for sidewalks and one relates to the type of pipe that is to be used – and the 3rd related to the possibility of the Board considering an amendment to the zoning ordinance related to protected areas on small lots. Mr. Kraft requested that the Board take action on the 2 waiver requests and the Board can deal with the zoning amendment as they choose. Attorney Magovern stated there is also an offer of extension from Dan Becker for 60 days. A letter for this request was sent to D. Seip. D. Seip made a motion to grant the 60-day extension for the review of the Angstadt Subdivision and also the waiver for the sidewalk and the waiver for the pipe, seconded by C. Johnson. All The 3rd item, related to an amendment to the zoning ordinance will be discussed at the Planning Commission level and/or if Mr. Kraft wanted to discuss it tonight. Mr. Kraft thinks the Planning Commission recommended some guidance for that but the Board might want to authorize the Solicitor to prepare the appropriate amendment for the Board's consideration. Mr. Kraft thinks that is the only action that needs to be taken tonight unless the Board wants to discuss what the recommendation was. It was recommended that the Board wait for Dan Becker to arrive before proceeding further.

SEO/Sewer Report: Carl D'Amico, SEO, was absent from tonight's meeting. Ms. Reifsnyder received a FAX from Carl, "For your review and consideration, if acceptable please sign at the X, Thanks, Carl." The attachment was from Auchenbach Fence and Construction Co. regarding Hardwood Pump Station and changing posts and

some of the fencing at a cost of $585 with 30-day terms. Mr. D'Amico's report was also attached. He is televising in the Green Valley area with Captain Clog. It was previously scheduled but postponed because of equipment break down. Because some of the information regarding the Hardwood Pump Station was illegible, it will be held for next month's meeting.

Police Report was given by Chief Mohn. For the month of July 2008, total number of service hours was 1,278, total mileage on the police vehicles was 11,056. The Dept. used 895.30 gals of gas. Total calls for the month was 555: 28 were criminal offenses, 317 calls for other services, 48 citations were issued, 157 warnings were issued and there were 6 motor vehicles accidents in the Township.

Road Dept. Report was given by Greg Leffler. Road repairs for the month: worked on 10 roads, 5 of them were rebuilding catch basins. Forty catch basins have been repaired so far and there are about 100 more to go. Equipment Repair: worked on 4 pieces. Township building and grounds: repaired air handler and sprinkler pipe in police dept. bay. The Board had asked for a price on a new truck: The actual price of a 550 Ford Super Duty is $69,803.84. The break-down through Coast Star is $37,548 for the chassis And the up-fitting with the cinder spreader, the plow and the dump body is another $32,255.84. Mr. Seip asked what is the delivery time on the chassis? Mr. Leffler replied that the chassis' are running 9 to 12 weeks and the up-fitting is another 45 days, so if it isn't order next month, we won't see it until next winter. Mr. Seip made a motion to purchase a 2009 Ford 550 Super Duty Chassis and necessary equipment to make it usable not to exceed $69,803.84, seconded by Kim Reifsnyder. All

Fire Chief Report – No report this month.
Fire Marshall Report – No report this month.

Secretary's Report – The secretary has an invoice from DeTurck, Inc. for $600 for the appraisal of the Lower Heidelberg Elementary School located at the corner of Brownsville Road and N. Church Road which needs the approval of the Board. Motion made by Dave Seip to approve this bill, seconded by Kim Reifsnyder. All
Also, Fall Clean-up has been scheduled for Oct. 6, 2008.

Attorney Dan Becker then addressed the Board – He was there representing Mr. & Mrs. Warren Angstadt along with Ty Leinneweber of Lehigh Engineering and also Russell Angstadt, son of Mr. & Mrs. Warren Angstadt. They attended the Planning Commission meeting last Monday and talked at length about provisions of the Township zoning ordinance and how they should be applied to a plan. He spent a significant amount of time talking to the Township Engineering and Township Solicitor about Sections 402 & 604 of the ordinance. Mr. Becker took the position that it was confusing and that they were exempt and the Township staff took a different position but in the end all agreed that it is somewhat confusing in that it probably didn't follow the intent. If you look at the larger scope of the ordinance, this deals with sensitive areas, primarily with

slope issues. They came to the conclusion in the end it would be advisable, or a good idea, to amend the ordinance so that it would permit, on smaller tracts, that they can use some of that land for development on the 15% slopes. That's how it applies to the tracts that the Angstadts own. Initially they were trying to take off 2 lots and have the residue lot but have changed that when submitted to the Planning Commission to 1 lot and the residue lot. For this plan to work, there is the question of the applicability of provisions 402 & 604. Mr. Becker's understanding is the recommendation of the Planning Commission to amend the ordinance to allow for the development on those 15% slopes, if you have acres or less. Mr. Kraft then clarified the provisions that were recommended. After further discussion and clarification, Mr. Seip made a motion to direct the township solicitor and engineer to draft an update to our zoning and subdivision ordinance to remove the ambiguity of Sections 402 & 604, seconded by Cheryl Johnson. All

Attorney Liz Magovern then reported: She has the resolution that the Board adopted last month regarding approving the participation with Sinking Spring in filing an application for a shared municipal service planning grant. Though it was approved by the Board at last month's meeting she did not have the papers for the Board's signatures. She also wanted to announce that the Board of Supervisors held an executive session on Friday, August 15 to discuss possible litigation matters.

Kim Reifsnyder made a motion to grant a 90-day extension to Performance Motors, seconded by Dave Seip. All

Mr. Seip asked if there were any more questions or comments from the public. A question was asked of the Solicitor regarding the sewer for Wilson Jr. High. Mr. Seip said that nothing has been mentioned regarding the sewer and he checked with the township consultant, Dr. Hugh Archer, the day of the planning commission meeting and Dr. Archer said that the flowing of the sewerage for the school, the plan to improve the Sinking Spring Plant and the other paperwork would have nothing to do with letting Wilson school hook up to the plant and flow through it. However, according to Gary Kraft, the approval of the planning module is a condition.

At 8:10 p.m. the Board and Solicitor excused themselves for an executive session to discuss possible litigation matters concerning the township building.

At 8:20 p.m. the regular meeting continued.

Motion by Dave Seip to approve plans for flashing signal for the Wilson Elementary and Jr. High, based on review by Gary Kraft, seconded by Cheryl Johnson. All

Meeting was adjourned at 8:25 p.m.

Patricia A. Delaney, Secretary