July 21, 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, Engineering Gary Kraft and Road Foreman Greg Leffler. Police Chief Gerald Mohn was absent. The meeting was brought to order at 7:00 p.m. by Mr. Seip.

This meeting is being held differently because of a special hearing for Lamar Advertising for a conditional use. Mr. Seip closed the regular Supervisor's Meeting and turned the meeting over to the township solicitor Attorney Magovern to operate the conditional use hearing with the Board of Supervisors.

The regular Supervisor's Meeting was resumed at 7:55 p.m. by Chairman Seip. Minutes of last month's meeting were reviewed and a motion by Kim Reifsnyder to approve the minutes was made, seconded by Dave Seip.

The meeting was then open to the public:
Frank Bartolone of 59 Pacific Ave. spoke regarding a safety hazard behind his property where there is new construction. At a recent Planning Commission he and a neighbor brought up a safety hazard in their back yards. The neighbor lives on States Ave. The new construction has significantly changed the elevation of their properties to accommodate a walk-out basement that the new neighbor, Mr. Jack McDermott, wanted. This has resulted in a 6 to 7 ft vertical drop off from Mr. Bartolone's property which has not only caused a safety hazard from the elevation change but requires a wall to retain their properties. He presented pictures to the Board. He had asked the Planning Commission last week to look into whether any ordinance or codes were violated and if this structure should have been allowed to be built. He asked if a wall such as this, using boulders, should have needed a building permit. He did not find, through the Planning Commission, that this had been done. Mr. Bartolone believes that a structure like this over 4 feet should have required a permit. The pictures indicate the wall is 6 to 7 feet high. He asks that the Board and Township Solicitor look into whether codes have been violated. Even if no codes have been violated, the fact that it is a safety concern should trump any codes or lack of codes. Mrs. Johnson asked Mr. Bartolone if Mr. McDermott is aware of this situation. According to Mr. Bartolone, Mr. McDermott wanted a walk-out basement and Mr. Grande told him that this lot would accommodate one but did not tell him how. While living in Maryland, Mr. McDermott started getting pictures of the home and the patio and showed the property tapered. Mr. McDermott said this was not what he wanted because he wouldn't have any backyard. Grande then came in and made the changes which resulted in this vertical drop and the wall. Mr. Kraft questioned whether the township solicitor has looked into this matter. Ms Magovern stated that the Board must authorize Hartman/Shurr. Mrs. Reifsnyder made a motion to have the attorney look into this matter and to contact Mr. Grande to meet with him, seconded by Mrs. Johnson.

Due to the absence of Sandra Davis, Tax Collector, the Tax Report was given by Pat Delaney. $47,328.89 was turned over.

The Treasurer's Report was given by Pat Delaney. Balances in the various accounts are as follows:

General Fund	$248,433.62
Streetlight Fund	$ 48,223.56
Fire Hydrant Fund	$ 39,003.13
Building Fund	$ 22.75
SEO Fund	$ 10,425.88
Trash/Recycling Fund	$260,162.76
Recreation Fund	$ 18,968.33
Fire Pro. Tax Fund	$175,174.30
State Aid Fund	$ 86,263.67

Motion made by Dave Seip to approve the Tax and Treasurer's Reports, seconded by Cheryl Johnson.

Motion made by Dave Seip to approve payment of all bills, seconded by Kim Reifsnyder.

Building, Zoning & Engineering Reports: Kraft Engineering opened bids for the 2008 road repairs earlier today. Mr. Kraft provided the Supervisors with a tabulation. EJB Paving & Materials Co. is the low bidder at $59,910.00. Mr. Kraft needed to tell the Supervisors that before they consider this, that the way the cost escalation works is: there is an index that is set by PennDOT at the beginning of each month and the suppliers have already pushed a significant increase through since the beginning of July. So this work will most likely be done in August, or possibly September, the Supervisors need to understand that this additional cost increase will be added to this bid. Mr. Kraft's guess is that the increase will be between $1500 and $2000, so you are looking at a cost of closer to $61,000 to $62,000. This is above the amount initially discussed for 2 reasons: (1) The prices have increased and (2) when the roads were marked the quantity is about 1/3 higher than originally thought. The options are to award as is, to reject or to reduce the amount of the award by deleting a street. Mr. Seip does not believe it is too far out of line and it is things that should be done and if the work is not done now, it will cost more in the future. Mr. Seip made a motion to award the bid to EJB Paving & Materials in the amount of $59,910.00 for repairs to Sweitzer, Evans Hill and Faust roads, seconded by Kim Reifsnyder. – One other item from Mr. Kraft: he has the block grant applications for Mr. Seip's signature.

Joe Neidert, Zoning Officer, needs the Supervisors approval for an agreement between the Township and Barry Eschleman & Patricia Pangle of 623 Brownsville Road because they are putting an addition on their home and would like a waiver because they are not increasing their septic system. This is a standard agreement. The addition will not be

increasing the number of bedrooms. Kim Reifsnyder made a motion to approve the waiver between the Township and Barry Eschleman & Patricia Pangle of 623 Brownsville Road stating that the septic system will not be increased because no additional bedrooms will be added during this remodeling project, seconded by Dave Seip.

Recreation Board: Report given by Kim Reifsnyder: Rec Board is reviewing Open Space, they received a new copy from Liz Magovern; the Knoebels trip was cancelled this year because there were no Rec Board members available to go on the trip; they are trying to arrange a Phillies trip; a Newsletter is going out soon and if anyone has anything for the newsletter, please let Kim know; and Community Day is Sat. Sept. 27 from 11 a.m. to 5 p.m. (rain or shine).

Planning Commission: Mike Levan reported discussion is continuing on Act 537 and has requested that Dave Bright attend the next meeting. There's been discussion to come up with an official Township map. Lehigh Engineering attended meeting to discuss Angstadt's 30-day extension. Green Valley Middle school is in final review. Dave Seip made a motion regarding Angstadt and their request for an extension for review to August 24, 2008 seconded by Cheryl Johnson. In addition, Liz Magovern received an extension offer from Green Valley Phase 2 until Oct. 21, 2008. Kim Reifsnyder made a motion to accept or extend the extension on Green Valley Phase 2 for McCarthy Engineering to Oct. 21, 2008, seconded by Cheryl Johnson. (This is the section of Green Valley Estates that will have the new bridge.)

Environmental Office: Carl D'Amico reported that Pete Juzyk/Sinking Spring MA reported an elevated flow of up to 300,000 per week. Televising at Green Valley area with Captain Clog is re-scheduled for Tuesday, July 22. Balance in checking account is $164,634.44. Two checks were written from LHTEO account for a total of $1,058,189.85 and deposited to the Lower Heidelberg Township General Fund Account from which checks will be written to Morgan Stanley.

Police Report was given by Kim Reifsnyder. There were 1,256 total hours of service, 10,544 total miles put on the vehicles and 897.80 gals of gas was used.

Road Foreman's Report: Greg Leffler reported that work was done on 16 roads. One 4 of those roads, 17 catch-basins were repaired, with 8 to go and that's just in Saddlebrook 2. That does not include Penn Werner and Green Valley Estates. About 8 of the catch-basins were ready to collapse. Still mowing along the roads – an on-going process. Worked on 3 pieces of equipment and did regular cleaning and maintenance of the Township building. The new tractor came in last Thursday. Mr. Leffler was asked to get prices on a new truck to replace the GMC that was sold. Ballpark figures: Chaise Ford 550 would cost approx. $38,000 and up-fitting $34,000 which includes the bed, snowplow and tail gate spreader. Dave Seip made a motion for Greg Leffler to gather figures for a new truck, seconded by Kim Reifsnyder.

Kim Reifsnyder made a motion to advertise for a 4th road crew member, seconded by Cheryl Johnson.

Fire Chief's Report: For the month there were 17 incidents; 53 responding personnel with an average per incident of 4. Chief Deiterich wanted to let the Board know where the fire dept. stands on the consolidation. It is moving along quite well and a Task Force has been working on finances. The new name for the Lower Heidelberg Fire Dept. will be: Western Berks Fire Dept. #94. They have been working with the other fire depts. to develop a hierarchy. The 4 Fire Depts. are working very well together. The officers will have to come up with a capital budget for the next 5 to 7 years.

Fire Marshall Report: 3 complaints regarding burning on State Hill Rd at Eschbachs' property.

Secretary's Report: Received a call from Waste Management regarding the expiration of the trash/recycling contract on January 31, 2009. They wanted to know if the Township would like to extend the contract for an additional year. Board rejected the offer and will go out for bids in the fall.

Motion made by Kim Reifsnyder to advertise for a part-time secretary with wages and hours, seconded by D. Seip.

Kim Reifsnyder read a letter from Meister Architects regarding the roof. The contractor claims he used heavier than required material on the roof and is offering a 5-yr warranty. There seems to be no easy solution to correcting the vibration. The roofing manufacturer says the roof was installed according to specifications. The contractor keeps calling the office to inquire about payment. They also want a cost estimate on the damage done by the leaking roof but the township is not 100% sure that the roof won't leak again. The Board authorized Liz Magovern to write a letter to the manufacturer and contractor regarding the roof.

Liz Magovern reported: Hartman's office advertised for tonight's meeting for the Board of Supervisors to consider the amendment that was prepared of Part 1, Chapter 6 entitled, "Code Enforcement" amending Section 3804.29 which will provide specifications for duplex dwelling units which will allow duplex dwelling units to be exempt from the fire sprinkler requirements of the International Fire Code as adopted by the Township. This was reviewed by the Fire Marshall & the Township Board of Supervisors at last's month meeting and at this time the Supervisor can consider adopting this ordinance. Dave Seip made a motion to amend Section 3804.29, seconded by Kim Reifsnyder.

Dave Seip reported that the Board met with Council on July 11 & 18 and also had a joint meeting with South Heidelberg Township regarding passing of the Age Qualified Housing Overlay District. Wernersville was invited but did not attend.

Mr. Seip asked if there were any more questions from the public. Donald Koch had a question about the money that was transferred from the Lower Heidelberg Sewer Fund to the Lower Heidelberg General Account and then to Morgan Stanley. He wanted to know if the money would be co-mingled with the other Township funds. Mr. Seip said "No", it will be separate. At a recent meeting with Tom White of Morgan Stanley, Mr. White told the Board what was allowed and what was not allowed to be done with the Sewer Fund money. Frank Gabell asked if this money will get a better return and he was told yes. Liz Magovern then stated that since the termination of the Lower Heidelberg Municipal Authority, the money is Township money at this point but the purpose is still the same it is just being updated where it will be invested and will not be co-mingled. Eventually the Environmental Office funds will be taken over by the Township because of the disbanding of the Municipal Authority and those funds will be put into a separate PLGIT account marked Sewer Funds.

At 8:45 P.M., the Board and Liz Magovern adjourned for an executive session to discuss pending litigation involving the Township.

At 9:10 P.M. the Board resumed their regular meeting.

Kim Reifsnyder made the motion to hire Joe Duda of Duda Actuarial Consulting to replace Conrad Seigel as the Township Actuary for the pension plan so he can review the pension plan and provide the actuary services, seconded by Cheryl Johnson.

Kim Reifsnyder made the motion to transfer the CDs from the Lower Heidelberg Environmental Office into accounts with Morgan Stanley so Tom White can oversee them, seconded by Dave Seip.

Kim Reifsnyder made the motion to transfer the checking account of the Lower Heidelberg Environment Office into a PLGIT Sewer Fund account run by the Township with the names of the Township people that are able to sign checks the same as the names on the sewer account, seconded by Cheryl Johnson.

Kim Reifsnyder made a resolution of the Township of Lower Heidelberg, approving the participation with the Borough of Sinking Spring in filing an application for a shared municipal planning grant whereas residents and businesses along the 422 corridor from Sinking Spring to Robesonia are negatively impacted by severe traffic congestion and safety problems especially in downtown Sinking Spring Borough and whereas the Borough of Sinking Spring has requested that the municipalities of Wernersville and Robesonia boroughs and South Heidelberg, Lower Heidelberg and Heidelberg townships submit to the PA Dept. of Community and Economic Development jointly with the Borough of Sinking Spring an application for a shared municipal service grant to help fund a joint special comprehensive plan for traffic improvements and economic development of the 422W corridor and whereas the application for said grant shall be prepared by and paid for by the Borough of Sinking Spring now therefore let it be

resolved and hereby resolved that the Board of Supervisors of Lower Heidelberg Township by this resolution authorize and agree to join with the Borough of Sinking Spring in an application for said grant funding without obligation to the Township of Lower Heidelberg to any expenditure of funds whatsoever, seconded by Dave Seip.

Dave Seip made a motion to have Hartman/Shurr prepare an updated Fee Schedule, seconded by Kim Reifsnyder.

Meeting was adjourned at 9:17 p.m.

P. A. Delaney
Township Secretary/Treasurer

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