October 20, 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 Andrew Bellwoar, Police Chief Gerald Mohn, Engineer Gary Kraft and Road Foreman Greg Leffler. The meeting was brought to order at 7 p.m. by Mr. Seip.

Minutes of last month's meeting were distributed and motion by D. Seip to approve minutes, seconded by Cheryl Johnson.

Open to the Public:
1) Eric Brinser – Rettew Associates representing Performance Motors and their new used Toyota facility and body shop on Gaul Rd. & 422. According to Gary Kraft's letter of Oct. 10, 2008 there are a few items that need to be wrapped up on this project. The only items besides signing of plans are the agreements, letter of credit or bonding and HOP. PennDot should have final review in the next week or so. Performance Motors is requesting that they be allowed to do some of the work ahead of time. Mr. Kraft said that they have the ENS Permit which allows them to move earth and can do preliminary work. They would like to move dirt by Oct. 30. Technically, Performance Motors can do this work at their own risk.

2)Dan Becker of Kozloff Stoudt representing the Angstadts. The project is now a 1-lot subdivision plus residual lot. There has been an issue regarding the zoning ordinance which is in the process of being amended. There was a review letter issued in October in which there are one or two minor issues still outstanding. One issue involves the planning modules which have not been submitted to DEP because the Board is waiting for preliminary plan approval. Attorney Becker requests that the modules be submitted to DEP because it can take several months for approval. He requested that the Board give preliminary plan approval and they would be back before the Board for final plan approval and address those minor issues at that time. Mr. Seip replied that considering that this was not reviewed by the Planning Commission at the last meeting, he would be hesitant to give any plan approval tonight to that plan. It should go through the proper commissions. Gary Kraft also agreed that it would be inappropriate for the Board of Supervisors to take any action before the Planning Commission has acted upon it but that the Board might consider allowing them to prepare their plan as a Preliminary and Final Plan which would allow them the opportunity for a final plan review, look at some additional items that need to be addressed that are required at the final plan stage and then go back to the Planning Commission and get both preliminary & final plan approval at once and coming to the Board with both sets of items addressed. Motion by D. Seip on behalf of Warren & Ella Angstadt to request a planning review extension to December 16, 2008 for their plan before the Planning Commission/Board of Supervisors, seconded by Kim Reifsnyder. All approved.

3) The Board received a letter from McCarthy Engineering requesting a time extension on Green Valley Estates Phase 11 until December 16, 2008. Mr. Seip made a motion to accept that time extension, seconded by Kim. Reifsnyder. All approved.

4) John Gritten, attorney with Schneder, Harrison, Segal & Lewis. He's been engaged by William & Kandis Moser to represent Mrs. Moser's interests in the federal district court litigation involving the Township and Glen Gery. He plans to file an entry of appearance on the firm's behalf in the district court case. Because of the personal liability & risk, it is important that Mrs. Moser is apprised of all activities in this federal litigation as well as other related litigation. To this end, they request copies or access to all pertinent documents held by the Township related to the federal court litigation and access to executive sessions that the Board holds that addresses specific issues in the federal district court litigation. Township Attorney Andrew Bellwoar then spoke on behalf of the Board regarding this issue: The Board is aware of Attorney Gritten's client's status, she is one of numerous names on the federal lawsuit. The Township's insurance company has picked up the defense of Mrs. Moser and others and it makes sense for their entry of appearance and initial letter be sent to Joe Goldberg, who is the attorney representing the Township, with a copy of Attorney Bellwoar. Mrs. Reifsnyder stated that Mrs. Moser and Mr. Essig have always been included.

5) Rod Borkert asked some questions regarding the Environmental Office, specifically the SEO Fund. He wanted to know how money goes into and out of that Fund. Carl D'Amico responded by saying that the Township Secretary handles the SEO Fund, not the Environmental Office and writes the checks. Another question: looking at the Minutes of the July meeting, there was a balance, according to Carl D'Amico, of $164,634.00 and in the next sentence it states that 2 checks were written from the LHTEO account. What is the difference between the checking account and the LHTEO account? It is the same account. Then 2 checks were written from the 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. Why didn't this $1M+ never show up in the general fund account? Were they written to Morgan Stanley? It was explained that all the information appeared in the Treasurer's Report. Two checks were received from LHTEO (check #1180 for $528,983.12 & check #1181 for $529,206.73) and deposited in the Township's general checking account on July 11, 2008, then one check #5766 for $1,058,189.85 was made payable to Morgan Stanley (Acct. #71604315) on July 14, 2008 and hand-delivered to Tom White, Morgan Stanley on July 14, 2008. Mr. Borkert wanted to know if these accounts are "restricted"? The answer is "Yes". He then asked if it was true that Sinking Spring is taking over the sewer billing. The Board has inquired about billing through them & other sources but no decision has been made.

6) John Yoder from College Ave. addressed the Board. This is his second appearance before the Board regarding the retention pond behind his house that belongs to Timberlake Estates. The builder has put in a drainage pipe at the very bottom of the pond that goes out to College Ave. so there is no need for the huge bank. Mr. Yoder is selling his house and has had interested parties until they see the retention pond and then they are no longer interested in purchasing the home. He would like the Township to see about removing the 12-14 ft. bank with weeds. According to Cary Kraft, it was supposed to be a small shallow pond but when they started construction they either breached the water table or hit material that wouldn't seep. When all the houses are completed, there will be a lot more water seeping into the pond. Mr. Seip suggested that Engineer Kraft do a storm water calculation and see if it has to be that big. Joe Neidert, zoning officer, will go out and look at the pond and weeds and report back.

There were no more questions or comments from the Public.

Tax Collector Report: The report was given by the secretary in the absence of the Tax Collector. Sandy Davis will turn over to the Township: $2,293.42.

Treasurer's Report: After all bills are paid, the balance is $217,659.23. Kim Reifsnyder made a motion to approve the Tax Collector & Treasurer Reports, seconded by Cheryl Johnson. All approved.

General Fund	$217,659.23
Streetlight Fund	$ 32,226.39
Fire Hydrant	$ 35,136.37
Building Fund	$ 22.87
SEO Fund	$ 10,484.08
Trash/Recycling Fund	$198,184.68
Recreation Fund	$ 15,304.20
Fire Pro. Tax Fund	$165,680.99
State Aid Fund	$ 78,855.57

Motion to make payment of all bills by Kim Reifsnyder, seconded by Cheryl Johnson. All approved.

Building/Zoning & Engineering: Gary Kraft had earlier distributed his report. He had one item to comment on. He received a letter from Berks Community Development regarding the Block Grant that was approved. One word of caution – it was approved for 2010.

Recreation Board – The Community Day went well. There was no meeting last month because it was a Holiday. They are now planning their Holiday Celebration.

Planning Commission – There was no regularly scheduled meeting last week. Nothing new. Mr. Seip received a letter dated October 20, 2008 which he read at this meeting: "To the Lower Heidelberg Township Supervisors: This is to inform you effective December 31, 2008, I regretfully resign from the Lower Heidelberg Township Planning Commission. My work schedule continues to make it more difficult to be an effective member of the Board. Thanks for allowing me the opportunity to be part of the team, I learned quite a lot and will always cherish the memories. If you have any questions, please don't hesitate to contact me. Thanks again, Dennis Klinger." Cheryl Johnson made a motion to table the resignation and hope that he gets his shift changed. Mr. Seip agreed to take no action tonight. Dennis has been an important member of the Planning Commission for many years and will be difficult to replace. The Board will keep the letter on file and take no action.

SEO - Carl D'Amico met with Dave Bright and discussed several things including televising the pipe. The pipe that has been televised so far looks like everything is OK, based on the difference between replacing the pipe and putting up with the cost for the flows which are not significant enough to replace the pipe. He made temporary repairs. How bad are they? About 30,000 gals. in bad weather. Mr. Seip asked if it would ever be better to sleave that pipe. It's not bad enough to replace. Re-aligning is the way a lot of municipalities are going. Before any action is taken, Mr. Seip recommends that Mr. D'Amico get some prices. LHTEO Checking account: $158,032.79; bills to be paid: $54,282.94; and bills paid as of Oct. '08: $8,228.82. The PLGIT Sewer Fund is now set up and the LHTEO will transfer the money to that PLGIT fund.

Police Report was given by Chief Mohn: For the month of Sept. 2008, the total service hours, 1,148 ½ hours; total mileage on police vehicles: 8,761 miles. There were 368 calls, 8 were criminal complaints, 180 road calls for services, 35 citations, 136 warnings and 9 accidents. There was a small problem with one of the vehicles – it was hit by a deer.

Road Foreman's Report was given by Greg Leffler: Road repairs last month: cleaned out storm water pipes, patched pot holes on various roads; mowed grass and brush along township roads & long lines painted on various roads. Worked on 7 road vehicles. Around the township building and grounds: trimmed trees & shrubs, cleaned out flower beds and mulched and repaired air conditioner. Greg & Mike Boyson attended NIMS 400 class at Fire Training Site. Seasonal requirements should be voted on. Mr. Seip made a motion that the Road Foreman go out for seasonal bids for the year 2009, seconded by Kim Reifsnyder. All approved. Mr. Leffler would like the approval of the Board to hire Matt Clay as a new road crew employee with a 90-day probation with wages starting at $18.00/hour. Motion by Kim Reifsnyder to hire Matt Clay on a 90-day probation at $18.00/hour, seconded by Dave Seip. All approved. Mr. Leffler would also like to recommend Mike Boyson for a new position as Assistant Foreman at the wage of $24.50/hour. Cheryl Johnson made the motion to promote Mike Boyson to

Assistant Foreman, seconded by Kim Reifsnyder. All approved. And lastly, Mr. Leffler would like to get bids from snow plowing contractors for the plowing of certain sections of the Township. Mr. Seip told Mr. Leffler to get some prices from vendors.

Fire Chief's Report: There were 18 calls, 4 per call. There is a meeting on Oct. 21 on the consolidation of the Fire Departments.

Fire Marshall Report: This was Training month, the supervisors have his report.

Secretary's Report: Pat Delaney asked the Supervisors to set a date for the Budget Workshop. It will be held on Nov. 11 & 12 at 6 p.m. The secretary will advertise the meeting.

Attorney's Report: Attorney Bellwoar had a couple of ordinance issues: (1) the protected area regulations for tracts less than 6 acres, he reviewed what we have to date and that will go before the Planning Commission this coming month and, (2) He proposed that the Board allow him to go ahead and prepare an ordinance that he has used in other municipalities regarding sub-division and land development projects that notifies developers that if they submit a sub-division and land development plan, that they will have the time period allowed under the MPC plus the Board will give them 2-90 day additional periods, that they control, so they have the ability to ask for these 90-day periods but after that, if they want additional extensions of time, they must appear before the Board and show cause why and it can be granted if there is a good reason. Attorney Bellwoar will prepare that ordinance for the Board and Planning Commission. Also, there is some old business regarding Marks Road with the vacation of that road and the Attorney's office will prepare an ordinance to get Marks Road vacated. They are taking steps to re-adopt the Joint Zoning Ordinance, it was adopted initially, but will be finalized in another week. And lastly, Attorney Bellwoar recommends that if we do not have a Record Retention Policy, that one be prepared so that the Township has that in place, because on January 1, 2009 there will be a change in Pennsylvania law. Also, there is a pre-bid meeting on the trash bids on October 24, 2008 and there was an Executive Session this past Friday (Oct. 17) for pieces of litigation and on Oct. 6 there was an Executive Session regarding personnel and there will be an Executive Session after this meeting regarding personnel.

Motion made by Dave Seip to adjourn meeting, seconded by Cheryl Johnson. All

Meeting was adjourned at 8:23 p.m.

Patricia A. Delaney
Township Secretary/Treasurer