MUHLENBERG TOWNSHIP BOARD OF COMMISSIONERS
MINUTES OF THE MEETING OF SEPTEMBER 17, 2007

CALLED TO ORDER
The meeting of the Muhlenberg Township Board of Commissioners was called to order at
7:00 PM by Nate DeLuca, President. Present were Roger Voit, Michael Gustantino, James
Murray and Randall Madara.

Also in attendance were Pat Lupia, Treasurer; Judith Zettlemoyer, Township Secretary; Gary
Swavely, Solicitor; Steve Landes, Township Manager; Erik Grunzig, Acting Police Chief and
Douglas F. Didyoung, Sr., Director of Engineering and Darrin Youker, Reporter. Boy Scout
Troop #147, Temple, was represented by Michael George, Scout Master; Rick Daniels,
Assistant Scout Master; Tyler Daniels, Aaron Garner and Josh Garner who were working on
the Citizenship In the Community and the Communication merit badges.

Residents addressing the Board were: John Imhoff, 1716 Mt Laurel Rd; Joseph Witek, 4223
10th Ave and Ray Bostard, 3238 Stoudts Ferry Bridge Rd.

PLEDGE TO THE FLAG

APPROVAL OF MINUTES AUGUST 20, 2007
Moved by Roger Voit, seconded by Michael Gustantino to approve the minutes of August
20, 2007. The Secretary polled the Board. The minutes were unanimously approved.

PUBLIC HEARINGS
Ted Snover Land Development Final Plan
Doug Didyoung stated the plan is located at Hampden Blvd. and Deer Path. The existing
building will be torn down and a new building will be constructed to be used as a
Laundromat. Landscaping and parking facilities on the plan comply with the Township
zoning requirements. All required permitting has been met.

Moved by James Murray, seconded by Michael Gustantino to approve the Ted Snover
Land Development Final Plan. The Secretary polled the Board. The Plan was unanimously
approved.

Hardinger Estates Final Plan
Doug Didyoung informed the Board some of the reviews have not been completed, therefore
the hearing will be rescheduled.
Annexation to River’s Edge
Jason Shaner of McCarthy Engineering stated the developer is going to transfer land to property owners who abut the swale along Meadow Drive which will give the landowner larger back yards.

Moved by Roger Voit, seconded by Michael Gustantino to approve the River’s Edge Annexation. The Secretary polled the Board. The annexation was unanimously approved.

PUBLIC PORTION
John Imhoff asked questions about the Muhlenberg Rail Trail project, the funding and plans for future parks improvements, qualifications of the candidate for the new Parks Superintendent position and whether there was any action pending to restrict residents from parking on their lawn.

Joseph Witek stated that he does not agree with plans for future park development and also questioned the need for the fence constructed along Kutztown Road at South Temple Park.

Ray Bostard asked about the safety of the Hain Avenue Bridge and when repairs will be made. Mr. Didyoung noted the bridge is safe work and provided Mr. Bostard with a schedule for this bridge replacement project.

SOLICITOR’S AGENDA
Public Hearing: Zoning Code Amendment - Ordinance 439
Mr. Swavely opened the Public Hearing and entered the notice and proposed ordinance into the record. Mr. Swavely stated Section 154-12 of the Zoning Code is being amended to clarify the definitions in the code including those for multi-family dwelling and apartment building.

Moved by Roger Voit, seconded by James Murray to adopt Ordinance 439 as presented. The Secretary polled the Board. Ordinance 439 was unanimously adopted. (See Attachment I).

Chapter 110: Use and Occupancy Certificates - Ordinance 440
Mr. Swavely stated this ordinance revises Chapter 110 of the Muhlenberg Township Code so that definitions agree to those definitions used in the Zoning Ordinance.

Moved by Roger Voit, seconded by James Murray to adopt Ordinance 440 as presented. The Secretary polled the Board. Ordinance 440 was unanimously adopted. (See Attachment II)

Vacating Alley Behind Dietrich’s Dairy
Moved by Roger Voit, seconded by Michael Gustantino to authorize the Solicitor to advertise for a public hearing at 7:00 PM on October 15, 2007 to adopt a proposed ordinance to vacate the alley behind Dietrich’s Dairy. The Secretary polled the Board. Authorization to advertise and prepare an ordinance was unanimously approved.
Executive Session
The Solicitor requested an executive session for personnel issues to be held immediately following the business session.

COMMISSIONER DeLUCA
Township Manager’s Report
Moved by Nate DeLuca, seconded by Roger Voit to accept the Township Manager’s Report of September 12, 2007. The Secretary polled the Board. The report was unanimously accepted.

Moved by Nate DeLuca, seconded by Michael Gustantino to approve the Financial Report for August, 2007. The Secretary polled the Board. The report was unanimously approved.

Approve Payment of Invoices
Moved by Nate DeLuca, seconded by James Murray to approve the payment of invoices listed on the August Accounts Payable Summary. The Secretary polled the Board. Payment of invoices was unanimously approved.

Accept Treasurer’s 2006 Audit Report
Moved by Nate DeLuca, seconded by Roger Voit to accept the Treasurer’s 2006 Audit Report. Randall Madara asked if the Auditor’s statement about the limited separation of duties should be a concern. Steve Landes stated this is typical of statements found on the Tax Collector’s audits because he does not have any staff. Roger Voit asked about the late reports noted in the audit. Pat Lupia explained a new computer program was implemented by the County in 2006 which occasionally caused delays in reporting because of software problems. Following discussion, the Secretary polled the Board. The audit report was unanimously accepted.

Non-Uniformed Employees Pension Plan MMO
Moved by Nate DeLuca, seconded by Roger Voit to approve the 2008 MMO for the Non-Uniformed Employee Pension Plan in the amount of $119,336.00. The Secretary polled the Board. The MMO was unanimously approved. (See Attachment III)

Police Pension Plan MMO
Moved by Nate DeLuca, seconded by Roger Voit to approve the 2008 MMO for the Police Pension Plan in the amount of $387,179.00. The Secretary polled the Board. The MMO was unanimously approved. (See Attachment IV)

EPA Public Meeting
Nate DeLuca announced the U.S. Environmental Protection Agency will conduct a public Meeting on October 11, 2007 from 6:30 PM to 9:30 PM in the Muhlenberg Middle School, Bellevue Avenue regarding the Exide Clean-up Plan.
COMMISSIONER VOIT
Accept Parks & Recreation Report
Moved by Roger Voit, seconded by James Murray to accept the Parks and Recreation Report for August, 2007. The Secretary polled the Board. The report was unanimously accepted.

Accept Recreation Board Minutes
Moved by Roger Voit, seconded by James Murray to accept the Recreation Board Minutes of August 22, 2007. The Secretary polled the Board. The minutes were unanimously accepted.

Resolution 2007-47
Moved by Roger Voit to adopt Resolution 2007-47 hiring of Neal McNutt as Parks Superintendent. Randall Madara asked for an Executive Session to discuss the resolution prior to taking action. The Board recessed at 8:04 PM. The Board returned at 8:24 PM. The Secretary polled the Board. Commissioner Gustantino, yea; Commissioner Voit, yea; Commissioner DeLuca, yea; Commissioner Murray, yea; Commissioner Madara, nay. The Resolution to hire Neal McNutt was adopted four to one with Commissioner Madara casting the one nay vote. (See Attachment V)

COMMISSIONER GUSTANTINO
Accept Road Report
Moved by Michael Gustantino, seconded by Roger Voit to accept the August, 2007 Road Report. The Secretary polled the Board. The report was unanimously accepted.

Letter of Thanks
Michael Gustantino read a letter of thanks to Warden George Wagner for donating the time of several inmates to assist in the weed control program along the creek beds.

Resolution 2007-48
Moved by Michael Gustantino, seconded by James Murray to adopt Resolution 2007-48 participation in the PACC Automotive and Equipment Contract to purchase equipment for the two new trucks. The Secretary polled the Board. Resolution 2007-48 was unanimously adopted. (See Attachment VI)

COMMISSIONER MURRAY
Accept Police Report
Moved by James Murray, seconded by Michael Gustantino to accept the Police Report for August, 2007. The Secretary polled the Board. The report was unanimously accepted.

Adopt Resolution 2007-49
Moved by James Murray, seconded by Roger Voit to adopt Resolution 2007-49 authorizing the purchase of Tasers and ancillary equipment and supplies. The Secretary polled the Board. Resolution 2007-49 was unanimously adopted. (See Attachment VII)
Smoothe Operator
James Murray reported that the Police Department wrote 56 citations on Route 61 and Route 222 for speeding and two over-sized load violations on September 3rd between 1 PM and 5PM.

DARE Grant
A state grant for the DARE program was received in the amount of $7,044.00 to be used during the current school year.

911 Board
James Murray reported the 911 Board will purchase 2,573 pagers at a 34% discount that will be provided to 76 Berks County emergency service organizations including ambulance, fire and police to help personnel be connected via communications even in dead spots in the county.

Citizens Commendations
James Murray read citizen read commendations for Randolfo Carlo, Nelson Hine and Matt Krause who helped to catch a purse thief. Sandy Tobolski accepted the award on behalf of Matt Krause. The other recipients will receive their awards at a later date.

Code Enforcement Information
Roger Voit asked for clarification on the code enforcement information placed in the meeting packets. After discussion, the Board instructed Doug Didyoung and Erik Grunzig to review the information and discuss procedures.

COMMISSIONER MADARA
Accept Planning Commission Minutes
Moved by Randall Madara, seconded by Michael Gustantino to accept the Planning Commission Minutes of June 6, 2007. The Secretary polled the Board. The minutes were unanimously accepted.

ENGINEERING DEPARTMENT
Award Hilltop Road Storm Sewer Project Bid
Moved by Roger Voit, seconded by Michael Gustantino to award the bid to Landis Deck & Sons in the amount of $84,830.00 which will require a 2007 Budget adjustment to make the income from the Bernhart’s Creek insurance settlement available to pay for this contract. (See Attachment VIII)

Reaffirm Approval of Phase I and Phase II Newman Development Former Berks Products Property
Moved by Roger Voit, seconded by James Murray to reaffirm the original subdivision and approval of Phase I and Phase II Newman Development Plans and authorize the Board President to sign the improvements agreement. The Secretary polled the Board. The motion was unanimously adopted.
Nighttime and Weekend Work at Target and Giant
Rick Longacre stated the time needed to obtain PennDOT approvals has delayed the start of this project. In order to meet construction deadlines the developer is requesting that the Township allow earthwork operations during nights and week-ends.

During discussion, the Board noted that wanted the developer to work with the school district to avoid traffic problems caused by construction activity at the traffic signal and also wanted the developer to keep dirt off of the highway.

Moved by James Murray, seconded by Michael Gustantino to authorize Schlouch Excavating to work 24 hours per day, 7 days a week for up to eight weeks. The Secretary polled the Board. The motion was unanimously approved.

Request Public Hearing Evergreen Glen
Moved by Randall Madara, seconded by Roger Voit to authorize advertising for a Public Hearing for Conditional Use and Final Plan Approval of Evergreen Glen on October 15, 2007 at 7:00 PM.

Resolution 2007-50
Moved by James Murray, seconded by Michael Gustantino to adopt Resolution 2007-50 granting a handicap parking space for George Brady who lives at 5101 Leesport Avenue. The Secretary polled the Board. Resolution 2007-50 was unanimously adopted. (See Attachment IX)

Resolution 2007-51
Moved by Michael Gustantino, seconded by Roger Voit to adopt Resolution 2007-51 placing a stop sign on Georgia Avenue with its intersection at Hilltop Avenue. The Secretary polled the Board. Resolution 2007-51 was unanimously adopted. (See Attachment X)

Resolution 2007-52
Moved by James Murray, seconded by Michael Gustantino to adopt Resolution 2007-52 Placing a stop sign on Willow Grove Avenue at Georgia Avenue. The Secretary polled the Board. Resolution 2007-52 was unanimously adopted. (See Attachment XI)

OLD BUSINESS
Randall Madara asked the Township Manager if the contracted cleaning service was adequate. Steve Landes and Erik Grunzig confirmed it was working very well.
NEW BUSINESS
James Murray suggested that the recognition of guests and presentation of awards or citations be handled early on the meeting agenda for the convenience of the individuals.

RECESS
The Board recessed at 9:08 PM for an Executive Session for personnel issues.

RECONVENE
The Board reconvened at 9:30.

ADJOURNMENT
There being no further business, a motion was made by James Murray, seconded by Roger Voit to adjourn. The meeting adjourned at 9:31 PM.

Respectfully submitted

Judith A. Zettlemoyer
Township Secretary