

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
MONDAY, FEBRUARY 10, 2020

Public Meeting

A Regular Meeting of the Exeter Township Board of Supervisors was called to order on Monday, February 10, 2020 at 7:02 PM at the Reading Country Club by David Speece, Chairperson.

Supervisors Present: David Speece, Chairperson
Michelle Kircher, Vice Chairperson
John Cusatis
Gregory Galtere
Joseph Staub

Absent: None

Others in Attendance: Michele Gilbert, Interim Township Manager
Laurie Getz, Township Secretary
Sam Cortes, Fox Rothschild, Solicitor
Wendell Morris, Chief of Police
Clarence Hamm, Highway Superintendent
Joseph Rogosky, Great Valley Consultants, Township Engineer

REGULAR MEETING

The Meeting was opened with the Pledge to the Flag.

Mr. Speece made an announcement about the testing of the Reading Country Club as a potential meeting location long-term. Mr. Speece also announced that the Township and some members of the public are recording the meeting.

PUBLIC COMMENTS: Agenda Items

David Hughes; Discussed minute corrections, stated he had suggested changes to Jan 6th and Jan 13th that were not made. Discussed Fox Rothchild legal fees, mentioned several sizable bills. Discussed destruction of records on the agenda; he said that auditors had previously determined that records were missing, wants to know if an investigation into those missing records was ever conducted. Would like to see that all records pertaining to the golf course or country club are retained, it's concerning that financial records are missing.

Mr. Speece pointed out the new format of the agenda containing additional details. It's designed to give the public additional information. He also stated that the RCC records that are being destroyed are very old daily sales receipts.

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REGULAR APPROVALS

Approval of December 23, 2019 Board of Supervisor Minutes

Mr. Galtere suggested that \$1.8M should be corrected to \$1.875 in regards to the JMH settlement, and that Ms. O'Donald came before Mr. Anderton in Supervisor reports.

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board APPROVED the December 23, 2019 Board of Supervisors Meeting Minutes subject to correcting JMH settlement amount to \$1.875M and correcting the order of supervisor reports.

Opposed by Ms. Kircher

Approval of January 13, 2020 Board of Supervisor Minutes

MOTION of Mr. Cusatis seconded by Mr. Speece, the Board APPROVED the January 13, 2020 Board of Supervisors Meeting Minutes.

Opposed by Ms. Kircher

Approval of January 27, 2020 Board of Supervisors Public Hearing Minutes

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED the January 27, 2020 Board of Supervisors Public Hearing Meeting Minutes.

Approval of January 27, 2020 Board of Supervisor Minutes

MOTION of Mr. Cusatis seconded by Mr. Speece, the Board UNANIMOUSLY APPROVED the January 27, 2020 Board of Supervisors Meeting Minutes.

Disbursements

Mr. Staub asked for clarification on the legal bills, specifically those coded to Township Manager. Ms. Savage explained that the coding is related to the funds the bills come from, the name of the fund in question is Township Manager and that is where legal bills are coded to. Mr. Staub asked for clarification on the Township's Engineering firms. Safety Net Sanctuary is for animal control. Large refund related to sewer billing, there was a large overpayment which we refunded.

MOTION of Mr. Speece seconded by Ms. Kircher, the Board UNANIMOUSLY APPROVED payment of the bills presented on the Disbursement List dated February 10, 2020 in the amounts of \$330,386.70 in the General Fund; \$7,717.24 in the Utility Fund; \$19,694.95 in the Sewer Fund; \$5,570.63 in the Golf Fund; \$69,886.51 in the RCC F&B Fund; \$2,557.13 in the Promenade Fund; \$66,750.00 in the Debt Service Fund; \$16,052.16 in the State Liquid Fuels Fund.

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OLD BUSINESS

Monthly Golf Report

Mr. Galtere announced that he is a member of the Reading Country Club and has asked for an opinion of the State Ethics Board. He has received a reply from the Ethics Commission stating that he should expect a reply in 21 days or after.

Mr. Speece also announced that he is a member of the Reading Country Club.

Ms. Gilbert provided an overview of the monthly golf report, there were a large number of rounds in January attributed to the unseasonably warm weather.

Mr. Speece stated that revenue is up, costs are down over last year.

Mr. Galtere asked how memberships are tracked. **Mr. Speece** explained that memberships are tracked as a liability until the rounds are actually played, then the amount transfers to revenue. **Mr. Galtere** complimented Derrick Sandritter for the increased rounds.

Mr. Staub would like to see an adjustment to the accounting system to show the membership fees when they are paid. However as long as unused rounds are credited at the end of the year he is ok with it.

Monthly Right to Know Request Report

Ms. Gilbert provided a general overview, pointed out the changes made for this month's report. Names of requesters has been removed.

Mr. Cusatis requested that the names be listed on the Board's copy.

Set Date and Authorize Advertisement for a Town Hall Meeting to Discuss Service Electric Cable Television Franchise Agreement.

Mr. Speece indicated that they would like to have Service Electric, Comcast, Cohen Law Firm, and Jeff Anderton in attendance.

MOTION of Mr. Speece seconded by Mr. Staub, the Board Unanimously set date and authorized Advertisement for a Town Hall Meeting to Discuss Service Electric Cable Television Franchise Agreement to be held on Wednesday, February 26, 2020 at 7:00PM at the Reading Country Club.

Adopt Ordinance Establishing Short-Term Lodging Regulations.

Mr. Speece stated that he will open public comment at this time, acknowledged the large public interest. Stated that he would like to table this ordinance after public comment.

PUBLIC COMMENT

Dave and Janet Hurlbrink; Expressed thanks for the meeting being held at the Reading Country Club. Mentioned petition circulated encouraging the Board to pass an ordinance. They are not against short term lodging completely, but feel it should be allowed only in certain zones. Reviewed memorandum released by Realtor Association, mentioned supreme court ruling. Having short-term renters in certain residential zones will hurt property values. Thanked the Board for the time they have put into this issue. Asked that the Board vote yes on the ordinance, with certain adjustments as appropriate.

Keith Fritz; Asked the Solicitor if he feels the ordinance was not ready to go.

Mr. Cortes clarified that he did not make the decision, it is up to the Board. Stated that the ordinance that was drafted is consistent with the precedent set by the supreme court decision.

Mr. Fritz stated that he feels that the Realtor opinion is about them, not about the residents. Read a statement from another individual who is opposed to short-term lodging.

Mr. Cortes clarified that the supreme court case pertained to a 24-7 rental case, being used exclusively for short-term lodging. That is something that would be excluded in this ordinance. It becomes more difficult when different situations arise.

Mr. Speece clarified that the Board wants to ensure that this ordinance is done correctly.

John Savant; Works for Reading Association of Realtors, speaking on behalf of Exeter residents who are a member of their organization. Concerns related to the definitions included in the ordinance. Would like to see that the property is owner-occupied for 270-days or more. Concerned this would impact personal property rights negatively. Cited privacy concerns, referenced a commonwealth court case in Pottstown. Not against short-term residence ordinance completely, would like to see regulations related to parking, occupancy, that apply to everyone not just targeted specifically to short-term lodging. Asked that people take into consideration that limiting short-term lodging abilities by property-owners might negatively impact property owner's financially. Asked that the Board table the ordinance tonight, work with them on potential amendments.

Mr. Cortes explained that if substantial changes or amendments are made it would require additional public hearings and review by the Planning Commission.

Jamie Perez; 2020 Chair of Realtor's Association Government Affairs Committee; Asked that the ordinance be tabled for further changes to be made. Short-term lodging brings benefits to the area the rental is located in, not just the renter. Potential for the township to benefit from short-term rentals,

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learning curve with any new idea. Would like to work together with the township to ensure a proper ordinance that benefits all parties.

Jeremiah LoCascio; Agrees with regulation, not restriction. Would also like to see it tabled for now. Discussed the definitions in the ordinance, finds them vague. Mentioned the Supreme Court Ruling, stated that it doesn't require an ordinance, just allows it. Does not want it to be restrictive. Economic opportunities for the Township. Stated that there is a lack of hotel options in our Township. Stated that this is an up-and-coming trend that Exeter should keep up with.

Tina and Marc Gibson; Owns an AirBNB, have been running it for 18-months. Decided to do it to subsidize their cost of living. Most of the renters have connections to the area, come to visit family or take care of family obligations. Other renters are working short-term in the area on contract work. Student doctors have also stayed. AirBNB requires that renters pass verifications to ensure safety. Rental agencies often already inspect properties, does not see why Exeter would need to conduct their own. Supports short-term rentals.

Mr. Staub announced that he has been a 20-year member of the Berks Realtor Group through his mortgage company. Would like to see an ordinance that can stand up in court. Wants to make sure grandfathering is being addressed. Wants an ordinance that is enforceable. Stated that he wants to make sure this is done right. Sales price to list price in Exeter Township last month was 99.9%. Disagrees that people do not want to come here.

Mr. Galtere stated that we should do what's best and right and make sure we have an enforceable ordinance.

MOTION of Mr. Speece seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED tabling the Ordinance Establishing Short-Term Lodging Regulations.

NEW BUSINESS

Authorize Advertisement for the February 24, 2020 Board of Supervisors Meeting.

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED advertisement of the February 24, 2020 Board of Supervisors Meeting to be held at 7:00 PM at the Reading Country Club.

Authorize Advertisement of Request for Proposals (RFP) for Township Engineer.

MOTION of Mr. Staub seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED advertisement of Request for Proposals (RFP) for Township Engineer.

Authorize Advertisement of Request for Proposals for Township Solicitor.

MOTION of Mr. Staub seconded by Ms. Kircher, the Board APPROVED advertisement of Request for Proposals (RFP) for Township Solicitor.

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Opposed by Mr. Cusatis

Appointment to the Township Board of Auditors

MOTION of Mr. Cusatis seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED appointing Phil Harsh to the Township Board of Auditors.

Phil Harsh; Asked a question about the golf report, what are the charges notated as Highway RCC Maintenance. **Ms. Savage** clarified that it is for maintenance performed by the Highway Department at the Reading Country Club.

Adopt Resolution Authorizing Destruction of Township Records.

MOTION of Mr. Cusatis seconded by Ms. Kircher, the Board UNANIMOUSLY APPROVED Resolution No. 06 Authorizing Destruction of Township Records.

Approve Resolution for Waiver of Subdivision and Land Development Ordinance Section 330-6.E. for 4575 Perkiomen (Martin's Appliance) to allow a time extension greater than a total of 180 days.

Mr. Brugger provided background information, Martin's Appliance is seeking to move to the Scott Ryder property. SALDO only allows for 180-day extension, Martin's needs longer due to settlement.

Mr. Rogosky explained that at the time the plans were submitted there was not an agreement of sale. They are waiting on the sale to go through which is the reason for the extension.

MOTION of Mr. Speece seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED Resolution No. 07 Approving Time Extension Waiver Request for 4575 Perkiomen Avenue Plan.

Consider Time Extension for 4575 Perkiomen (Martin's Appliance) Preliminary Plan Approval until August 12, 2020.

MOTION of Mr. Speece seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED Time extension for 4575 Perkiomen (Martin's Appliance) Preliminary Plan Approval until August 12, 2020.

Approval of Holding Tank Agreement for 5930 Boyertown Pike.

Mr. Brugger explained that the Township SEO has identified an on-lot sewage system that is failing, the SEO suggested that a holding tank be installed until the issue can be remedied. This is a normal temporary solution.

MOTION of Mr. Speece seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED the Holding Tank Agreement for 5930 Boyertown Pike.

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Request to Bid for Highway 2020 Seal Coating Contract.

Mr. Hamm explained that the Highway Department is requesting that a bid be put out for seal coating on four roads in the Township.

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED request to Bid for Highway 2020 Seal Coating Contract.

Request to Advertise for Highway 2020 Seal Coating Contract.

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED advertising Bid for Highway 2020 Seal Coating Contract.

Request Purchase of 2020 Ford Police Interceptor Utility Vehicle for the amount of \$38,804.

Ms. Gilbert explained that this is a replacement for a police vehicle that was involved in an accident. This cost is the difference between the price and the insurance claim money. Totaled vehicle was 2013.

Mr. Staub asked for clarification on where the money will come from. Ms. Savage indicated that it will come from the equipment fund.

MOTION of Mr. Galtere seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED The purchase of 2020 Ford Police Interceptor Utility Vehicle for \$38,804.

Set Date and Advertise Communications Committee Workshop for Wednesday, February 19, 2020 at 6:00PM in the Lower Level of the Dunn Community Center.

Mr. Galtere explained that the members of the committee are himself, Ms. Kircher, Ms. Gilbert, and Ms. Getz. The purpose of the workshop will be to get input from the residents in order to help formulate a communications plan for the Township. The agenda is an example of something the committee is focusing on and prompted the changes to the format.

MOTION of Mr. Galtere seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED advertising Wednesday, February 19, 2020 at 6:00PM in the Lower Level of the Dunn Community Center for a Communications Committee Workshop.

Mr. Galtere explained that the Dunn Center was chosen as an opportunity to highlight another facility that the Township has to offer.

DEPARTMENT REPORTS

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Clarence Hamm; Highway Department/Public Works: Have been fortunate this winter with the mild weather, has allowed an opportunity to complete a lot of tree trimming and other projects usually limited by snow. Working on catch basins, long-boom mowing. Provided assistance to the Jacksonwald Elementary school, parking issue causing bus conflicts. Installed 'No-Parking' signs. Will be receiving two new vehicles through the 902 grant, most of the cost is reimbursed by the grant. Will be receiving a K9 police vehicle, \$55,585 approved budgeted item last year.

Chief Wendell Morris; Police Department: Reminded residents about the new emergency communications system, SwiftReach. Encouraged residents to register, link on Township website. Mentioned a grandparents scam. Chief encouraged anyone who gets a call from someone claiming to be a relative asking for bail money to take the information and contact the police.

ENGINEER REPORT

Joe Rogosky, Great Valley Consultants: Work is progressing on the E. Neversink Road project. Weather is helpful. No updated official timeline.

SOLICITOR REPORT

Sam Cortes, Fox Rothchild: Announced Executive Session prior to the meeting to discuss personnel, and dispute with St. Lawrence, AirBNB.

MANAGER REPORT

Michele Gilbert, Interim Township Manager: Announced that an hour before the Community Communication Workshop staff will be available at the Dunn Community Center to assist residents to sign up for SwiftReach. Also announced that 2020 Census mailers will start to go out. Come to the Township for help if needed. Thanked administrative staff for hard work collecting outstanding sewer balances. Update on the fireworks, the group that had indicated previously an intent to submit for an extended permit have indicated that they will not be seeking the permit.

PUBLIC COMMENT

David Hughes; Commented on legal behavior versus ethical behavior. Doesn't think it's ethical to pass minutes that are not accurate. May be legal, but not accurate. Discussed transparency, thinks that ignoring requests for changes to the minutes is not transparent. Discussed statement posted on the website. Thinks it was vague. Stated that he thinks this Township has the highest paid employees for a Second-Class Township in Berks County. Hoping for change. Discussed the budget, disputes the report by the Township that there is a surplus. Is concerned with ethics. Stated that the Supervisors have a duty to institute sound fiscal management. Why do our employees need to be paid so much.

SUPERVISOR REPORTS

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Mr. Staub: Stated that a meeting will be scheduled for the Reading Country Club committee meetings similar to the Communications Committee meetings. Is still researching alternate meeting locations. School is still an option at no or limited cost. If meetings are held at RCC, should research audio options.

Mr. Cusatis: AirBNB was an important issue. Mentioned the retirement party for Chief Jordan, it was a nice event.

Ms. Kircher: Thanked everyone for coming to the meeting. Encouraged attendance at the Community Communications Committee Workshop.

Mr. Galtere: Discussed JMH legal invoice on disbursements, is hopeful that is wrapped up soon. Stated that he has heard that people would like to know how much this entire situation has cost the Township, not just legal fees but all-encompassing.

Mr. Speece: Commended the Administration on the collection of outstanding sewer debts. **Ms. Gilbert** stated that over \$40K collected in one month. **Mr. Speece** continued thanking staff for their work on Chief Jordan's retirement party, and also setting up the Reading Country Club for this meeting. Mentioned the upcoming Town Hall Meeting, up to 250 people can be accommodated in the space.

ADJOURNMENT

MOTION of Mr. Speece, seconded by Mr. Cusatis, the meeting adjourned at 8:39 P.M.

Respectfully Submitted,

Laurie Getz
Township Secretary