

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
TUESDAY, MAY 26, 2020

Public Meeting

A Regular Meeting of the Exeter Township Board of Supervisors held virtually was called to order on Tuesday, May 26, 2020 at 7:00 PM by David Speece, Chairperson.

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

Absent: None

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

REGULAR MEETING

The Meeting was opened with the Pledge to the Flag.

MOMENT OF SILENCE was held in honor of a fallen Exeter Township Firefighter.

PRESENTATION

Mr. Brugger reviewed the zoning rules in the Township relating to group homes. The Township zoning permits single-family dwellings in certain zoning districts. Group homes are permitted to be located in those zoning districts as they are residential dwellings. **Mr. Cortes** also clarified that group homes are regulated by state agencies and they do approve the living arrangements. Cannot distinguish between group homes and regular single-dwelling homes, that would be a violation of Fair Housing Act and other federal laws. A high number of group homes does exist in Exeter Township, but that is not something that can be addressed at the local level, it is a state issue. The Township can address parking issues just as it would any residential homeowner. The Township cannot regulate who owns the home.

Mr. Speece asked if they're classified as a business. **Mr. Cortes** responded that could be a question of business privilege tax, but from a zoning perspective no, they are not considered a business. That is again related to state and federal regulations and caselaw.

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PUBLIC COMMENTS: Agenda Items

Public comments were submitted in advance of the meeting via email and voicemail. The e-mail comments were dictated by computer software.

Terry Reilly; Discussed the Promenade Shopping Center. Does not believe that an architect should be selected to begin work without a clear idea of what the property will be used for. Believes the residents should decide what to do with the property.

John Carmello; Discussed the Promenade Shopping Center. Asked what the purpose is of selecting an architect now. Does not think the RFP was ever presented to the public. Does not think that all June meetings should be held virtually. Asked that businesses financials be evaluated before decided to grant them rental relief.

Mr. Speece responded that in the yellow phase there will still be restrictions on gatherings. The Board decided at the last meeting not to do blanket rent forgiveness. They are deciding on a case by case basis.

David Hughes; Discussed the Promenade Shopping Center. Asked if it's necessary to make a decision now. Would like to see a town hall meeting held first. Believes the issue should be tabled.

REGULAR APPROVALS

Minutes – May 11, 2020

MOTION of Mr. Galtere seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED the May 11, 2020 Board of Supervisors Meeting Minutes.

Minutes – May 14, 2020 Special Meeting

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED the May 14, 2020 Board of Supervisors Special Meeting Minutes.

Disbursements – May 26, 2020

Mr. Staub asked for clarification on charges for Cody Computers, Fox Rothschild legal charges for the Wastewater Treatment Plant and Reading Country Club, Cohen Law Group, and Landis Mechanical.

Ms. Savage explained that Cody Computers is for Police Dept software updates. Cohen Law Firm is for Comcast Franchise Agreement negotiations, and Landis Mechanical conducts electrical work for the Township. The legal charges were related to Reading Country Club

Mr. Staub asked if the software contract is an auto-renewal or do we put that out for bid or get quotes.

Ms. Savage said not to her knowledge, unless we experience an issue. **Chief Morris** responded that it is a comprehensive records management system used by many police departments.

MOTION of Mr. Staub seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED payment of the bills presented on the Disbursement List dated May 26, 2020 in the amounts of \$321,811.73 in the General Fund; \$18,900.09 in the Utility Fund; \$9,079.00 in the Fire Fund; \$1,759.95 in the K9 Fund;

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\$1,947.16 in the Developer's Escrow Fund; \$8,886.76 in the Sewer Fund; \$19,196.73 in the Golf Fund; \$5,902.99 in the RCC F&B Fund; \$6,316.81 in the Promenade Fund; \$2,683.75 in the Debt Service Fund; \$7,281.34 in the Park Fund; \$3,554.62 in the State Liquid Fuels Fund.

Treasurer's Report – April, 2020

The Treasurer's Report for April 2020 has been uploaded to the website.

MOTION of Mr. Staub seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED the Treasurer's Report for April 2020 subject to audit.

Mr. Staub asked Jen if we have received any information about potential COVID-related reduction in revenue?

Ms. Savage responded explaining no additional information has been received, but right now there is expected to be little to no impact in the first quarter payments for Earned Income Taxes (EIT), but projecting up to a 30% decrease in the second and third quarter payments based on unemployment rates. Not enough info right now to comment on business privilege tax impact.

UNFINISHED BUSINESS

Consider Waiver from Land Development Process for Total Recycle Facility Expansion

Mr. Brugger explained that the PC reviewed this request as well as the Township Engineer.

Ryan Inch with JP Mascaro explained that Total Recycle applied for a permit for an addition to their existing facility of 150ft by 45ft, asking for a waiver to the land development process. They are asking for the waiver because the size of the addition is minimal, and the land development process is lengthy.

Mr. Rogosky explained that the building addition is to the rear of the facility, the zoning ordinance does allow for a waiver of land development if the plan meets certain qualifications. Their plan did not meet those qualifications so it required they come before the Board. Support a waiver with recommended conditions, required to address stormwater management, fire prevention/safety concerns, lighting/landscaping/architectural issues, proper zoning permitted be attained, and address any concerns township representatives may raise.

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED considering the waiver from Land Development Process for Total Recycle Facility Expansion.

MOTION of Mr. Cusatis seconded by Mr. Staub, the Board UNANIMOUSLY APPROVED amending the motion to approve waiver from Land Development Process for Total Recycle Facility Expansion with the conditions set forth in Mr. Rogosky's May 8th letter and the May 20th letter from the Planning Commission to the Board of Supervisors.

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Select Architect for Promenade Shopping Center

Mr. Speece stated that his comment at a prior meeting relating to not spending money, was in relation to holding the interviews.

Mr. Staub stated that he would not support retaining an architect at this point. He found it interesting that some of the architects had looked at potentially retrofitting the existing facilities. He is also concerned about current circumstances and finances. Doesn't think the funding is lined up yet. Does agree that Township facilities need to be upgraded, and space needs to be provided. Should be done in the cheapest way possible.

Mr. Cusatis stated that he is ok pushing the project off for now. But does think we should move forward at least with planning for a fire department because they do already have money for that.

Mr. Galtere stated that he does have concerns with space for the police department, there needs to be a solution.

Ms. Kircher stated that she knows accommodations need to be made for the fire department and the police. More research is needed to find the best options before moving forward. Now is not the time to do this project. Need traffic studies. Does not think a recreation center is needed. Concerned about finances, should hold on to money until current circumstances improve.

Mr. Speece asked **Ms. Kircher** if the Board should hold meetings with the fire department and police department to be brought up to speed on the history, as this is not the first that new facilities have been discussed. **Ms. Kircher** stated that the most important thing is to find the right place for the fire department. **Mr. Cusatis** mentioned that they do lose recruits at the fire department because their accommodations are so poor.

Mr. Speece stated he thinks both the fire department and police department are the priority. Found the interviews to be very interesting and beneficial. Intrigued by the plans that exist for the current township buildings. Thinks that the Promenade Shopping Center would be difficult to return to the tax roll. No one wanted to buy it for years. Agrees with holding town hall meetings to get public input. Need to find what is cost-effective. Asked if the RFP's can be amended to include hourly rates for certain activities, for example, town hall meetings to answer questions.

Mr. Cortes stated that if the board is inclined to go another direction, it is ok to do so. They can issue another RFP or seek professional services for the types of items they're discussing.

Mr. Galtere stated that he would like to have more information before holding a town hall meeting. Would like to also see other avenues offered for people to give comments outside of a town hall meeting.

Ms. Kircher stated that she would like to see more information and make sure that plans are made correctly.

Mr. Speece suggested a virtual tour for the public to demonstrate the need for new facilities.

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Mr. Hamm stated that he has not heard anyone mention the Highway Department. They are in desperate need of new space. They don't have enough room to house all of their equipment inside in the winter. The Police Department has gone through 4 renovations, the Administration 2 renovations, and the Highway Department is still in original condition from the 1960's. Discussed the plans that were made in 2016 that the Board mentioned earlier, stated that they were not sufficient and still trying to fit too much on too little space. Thinks the Board needs to have information before they have a Town Hall meeting or it will not be productive.

Mr. Galtere stated again that the Board needs more information in order to make a decision. **Mr. Cusatis** suggested that picking an architect would allow them to get more information. **Mr. Galtere** agreed.

Mr. Cortes suggested a motion.

MOTION by Ms. Kircher seconded by Mr. Staub to table making a selection of an architect for the Promenade Shopping Center. Mr. Galtere, Mr. Speece, Mr. Cusatis were opposed. The motion failed to pass.

Mr. Speece suggested finding middle ground, instead hiring an hourly consultant. **Mr. Cusatis** suggested that he thinks KCBA would be a good fit.

Mr. Speece added that KCBA was the firm that created the plans in 2016, and were also the low bidder on this RFP.

MOTION of Mr. Speece seconded by Mr. Galtere, to select KCBA on an hourly consulting basis to determine the needs of Township facilities. The motion failed to pass.

Mr. Staub said without knowing an hourly rate he's opposed.

MOTION of Mr. Speece seconded by Mr. Galtere, the Board APPROVED Seeking a proposal from KCBA for an hourly consulting rate to conduct an analysis. Opposed Ms. Kircher.

Discussion on Summer Playground Program

Ms. Getz provided a brief update, explained that other municipalities have cancelled their programs since the last meeting. Discussed that while technically the program would be permitted to run per Wolf Administration guidance in the yellow phase, there remain a significant amount of restrictions that would be an extreme challenge to meet in our program. Wellness checks would need to be conducted on all program participants upon their arrival, and that is a concern. There still exists a lot of risk. **Mr. Cortes** agreed that wellness check requirements would be a concern. **Mr. Cusatis** stated that safety must be first. **Mr. Speece** stated that it is not practical to hold the program this year.

MOTION of Mr. Speece seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED cancelling the Summer Playground Program for 2020.

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NEW BUSINESS

Authorize Advertisement of June Board of Supervisor Meetings

MOTION of Mr. Cusatis seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED advertisement of June 8th and June 22nd Board of Supervisors Meetings to be held virtually.

Approve Amendments to Agreement with Birdsboro Power Allowing Birdsboro Power to Change Financial Institutions for Issuance of Letter or Credit Securing Payments due to Township.

Mr. Cortes explained that the Township has an agreement with Birdsboro Power for an easement on the old Wastewater Treatment property. The agreement requires that they remain a letter of credit in place until the payment is complete per the agreement, they are asking to switch financial institutions.

MOTION of Mr. Speece seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED Amendments to Agreement with Birdsboro Power Allowing Birdsboro Power to Change Financial Institutions for Issuance of Letter or Credit Securing Payments due to Township.

Discussion on Community Park

Mr. Hamm explained that the facility is in disrepair and he is asking for direction on the park. The lease is set to expire within the next five years. Asking for direction as to what amount of money should be invested into the park. The park historically is subject to serious vandalism.

Mr. Cusatis explained that the park is owned by the school district, and located in the borough of St. Lawrence. Located in Central Berks Police Department's jurisdiction.

Mr. Hamm offered tours for the Board members to demonstrate the needs of the facility.

Mr. Staub stated he would be interested in a tour. Does not necessarily agree with continuing to put money into it.

Mr. Galtere asked what we are required to do by the lease. **Mr. Staub** also suggested we determine what is required of us before making any decisions.

Mr. Speece asked for a cost on potential tear down of any structures that should not remain.

Discussion on Klapperthal Road Parking Issues

Chief Morris explained that so far this season the department has received over 25 calls about parking on Klapperthal. Trail users are parking in the roadway, blocking resident driveways, creating issues for emergency access, and causing damage to cemetery property. As a result, the department is seeking approval to draft and advertise an amendment to the ordinance making the Klapperthal Rd section that falls within Exeter a permanent no-parking zone.

MOTION of **Mr. Cusatis** seconded by **Mr. Staub** the Board UNANIMOUSLY APPROVED drafting an amendment to Ordinance 360-14 and authorize advertising of the same.

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Consider Purchase of 2020 Ford Ranger with Spray-in Bed Liner for \$28,515

Mr. Piersol explained that this is a budgeted item, and would be to replace a truck in need of almost \$4,000 in repairs.

MOTION of Mr. Galtere seconded by Mr. Speece, the Board UNANIMOUSLY APPROVED Purchase of 2020 Ford Ranger with spray-in bed liner for \$28, 515.

Consider Approving Two (2) Appointments for Library Board Vacancies

MOTION of Mr. Cusatis seconded by Mr. Staub the Board UNANIMOUSLY APPROVED accepting resignation of Dr. Haller from the Library Board.

MOTION of Mr. Cusatis seconded by Mr. Speece the Board UNANIMOUSLY APPROVED accepting resignation of Mr. Diamond from the Library Board.

MOTION of Mr. Cusatis seconded by Mr. Galtere, the Board UNANIMOUSLY APPROVED appointment of Mandy Miller and Cortney Bowman to the Library Board vacancies.

Approval of Time Extension for 10 Santa Maria Subdivision

Mr. Brugger explained that the 90-day review period will expire in the beginning of June. The applicant is requesting an extension due to COVID-related time concerns.

MOTION of Mr. Galtere seconded by Mr. Cusatis, the Board UNANIMOUSLY APPROVED time extension for 10 Santa Maria Subdivision.

Consider Applications for Rental Relief for May 2020 for Promenade Shopping Center Tenants

Ms. Savage explained that a request and supporting documentation has been received by Hollywood Cleaners. They have stated that they have been severely adversely impacted by COVID-19. Riviera Pizza also sent a letter stating that he is operating on a limited basis, was ok making May's payment but might need assistance in the future. Monroe Muffler also sent correspondence to the Township stating that they would be not paying rent for the next 6 months. That correspondence was forwarded to the solicitor, and they have been told that if they were seeking rental relief for May they would need to apply.

Mr. Speece clarified that Monroe has since amended their request to a three-month forbearance, with repayment to the Township in 2021.

Ms. Savage clarified that Monroe also did not submit any supporting documentation demonstrating financial need.

Mr. Staub asked if it is privately owned or corporate, and if there were ever other issues with payments.

Ms. Savage stated that it's corporate owned, and no issues since we've owned the property.

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MOTION of Mr. Galtere seconded by Mr. Staub, the Board APPROVED a 3-month extension on Monroe Muffler's May 2020 rental payment.

Ms. Kircher opposed.

Ms. Savage explained that Hollywood's sales decreased from about \$20K to \$2K year over year. They have requested relief not deferral. **Mr. Galtere** asked if it's locally owned or a chain. **Ms. Savage** replied that the owner is a resident of the Township.

Mr. Staub stated he feels each should be treated the same.

MOTION of Mr. Staub seconded by Mr. Cusatis, the Board APPROVED a 3-month extension on Hollywood Cleaner's May 2020 rental payment.

Ms. Kircher opposed.

Update on Community Communications Committee

Mr. Galtere reported 307 subscribers to the e-newsletter list. Working on a June edition for the first one.

Mr. Cusatis obtained an email list from the Chamber of Commerce to be potentially used to seek interest in advertising on an electronic sign.

Mr. Staub stated that he thinks the township needs an advertising policy in place. **Mr. Galtere** suggested this maybe being a project for a new Township Manager.

DEPARTMENT REPORTS

Chief Wendell Morris; Police Department: Officers are doing weapons training. Almost complete with installation of the car cameras.

Clarence Hamm; Interim Manager/Highway Department/Public Works: Have been working on paving the last two weeks, it has been going well. Working on highway mowing, line painting. Replaced the roof on the District Justice's office, it previously suffered substantial damage after a windstorm and due to the age of the roof it needed to be replaced.

SOLICITOR REPORT

Sam Cortes, Fox Rothchild: Nothing to report.

ENGINEER REPORT

Joe Rogosky, Great Valley Consultants: Nothing to report.

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PUBLIC COMMENT – General Comments

Public comments were submitted in advance of the meeting via email and voicemail. The e-mail comments were dictated by computer software.

John Carmello; Commented on the Township Manager search and asked if the Board will waive the requirement that the candidate reside in the Township. Also asked when the township purchased the Promenade, and where the money came from.

Ms. Savage stated that the property was purchased October 21st 2019 and the money came from the capital fund.

David Hughes; Discussed prior meetings and social media platforms where he has observed supervisors being disrespectful to each other and the public. Thinks that they should also be held to Mr. Speece's meeting rules requiring respectful comments. Does not feel that there is transparency by the Board.

Mr. Speece clarified that the meeting rules are not his rules, they are the Board's rules.

Terry Reilly; Discussed the sale of the Wastewater Treatment Plant and Promenade Shopping Center Purchase. Asked if \$7M that was for the Wastewater Treatment Plant was used to purchase the Promenade Shopping Center and if so asked if it was proper and whether whatever balance exists can be used to pay off the debt of the plant.

Mr. Speece and **Mr. Cortes** stated that the debt has been paid off. **Ms. Savage** explained that there is about \$4M in remaining debt that could not be defeased yet. That debt is earmarked to be paid off by the proceeds. The \$7M was transferred to the capital fund due to the impending sale of the plant, as no capital improvements were going to be necessary. Both the auditors and the solicitor approved the move of the funds.

SUPERVISOR REPORTS

Ms. Kircher: Nothing to report.

Mr. Cusatis: Suggested posting the new polling places to the website as some have changed. Election day is Tuesday, June 2nd.

Mr. Staub: Stated that he thinks it's important to support the businesses at the Promenade Shopping Center. Thinks that the RFP's for Solicitor and Engineer should be addressed at the next meeting. Stated that the golf course is doing well since reopening. 2290 May rounds, that is an increase over last year.

Mr. Galtere: Mentioned that RCC golfers will be making a contribution of about \$1500 to the Library. Exeter Area Food pantry served 157 families in March, 576 in April, and 738 in May. Canned food drive is being held on Saturday, June 6th. Residents who receive a flyer can leave their donation outside their house for pickup. If a resident does not receive a flyer but wants to donate, they can do so at the Promenade Shopping Center on Saturday, June 6th from 9am-1pm.

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Mr. Speece: Thanked everyone for the good discussions on difficult topics. Thanked Clarence for bringing up the issue with not knowing the needs of the Township relating to the facilities, thanked him for bringing the Highway Department to their attention. Thanked the staff.

Ms. Getz stated that one public comment was missed being played during public comment period as it was contained in a separate email from the same individual. ***The comment is from Terry Reilly and is captured in the minutes under *Public Comment – General Comments****.

ADJOURNMENT

MOTION of Mr. Cusatis, seconded by Mr. Speece, the meeting adjourned at 9:11 PM.

Respectfully Submitted,

Laurie Getz
Township Secretary

DRAFT