

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
JULY 22, 2019

Public Meeting

A Regular Meeting of the Exeter Township Board of Supervisors was called to order on Monday, July 22, 2019 at 7:00 P.M. in the Township Building by John Cusatis, Chairperson.

Mr. Howell indicated that he was videotaping the meeting.

Supervisors Present: John Cusatis, Chairperson
David Speece, Vice Chairperson
Vinny Biancone
Jeff Anderton
Daron O'Donald

Absent:

Others in Attendance: John Granger, Township Manager
Michele Gilbert, Operations Director
Sam Cortes, Fox Rothschild, Solicitor
Wendall Morris, Chief of Police
Clarence Hamm, Highway Superintendent
Joe Rogosky, Great Valley Consultants

REGULAR MEETING

The Meeting was opened with the Pledge to the Flag

PUBLIC HEARING

Conditional Use Application: Mama's Pizza, 35 W 47th Street

This matter was tabled.

PRESENTATIONS

Website Presentation

Laurie Getz, Director of Communications and Community Engagement, presented to the Board and public the updated website. She stated that the site would be active on Tuesday, July 23rd.

The Board thanked the Administration on its work in this matter and believe that the website is an excellent improvement for the community.

ANNOUNCEMENTS

Fall Festival

Laurie Getz, Director of Communications and Community Engagement, stated the Fall Festival is tentatively scheduled for Saturday, October 12th with a rain date of Saturday, October 19th. The event will be held at Daniel Boone Homestead. Details are still being finalized, but the family-friendly event will include a variety of vendors and activities such as hayrides, food trucks, and music, etc.

PUBLIC COMMENTS: Agenda Items

Greg Galtere, 11 Nancy Circle, complimented the Board on their transparency. He felt that inappropriate comments during the meeting by both the public and the Board needed to cease.

Mr. Galtere expressed his concern with respect to the administration of Right to Know Requests.

Mr. Cusatis stated that the Administration would provide a monthly report to the Board and public on the administration of the Right to Know Requests.

REGULAR APPROVALS

Minutes

MINUTES OF July 8, 2019 BOARD OF SUPERVISORS MEETING

MOTION of Mr. Biancone seconded by Ms. O'Donald, the Board approved an amendment to the minutes further clarifying Mr. Babylon's last name.

MOTION of Mr. Biancone seconded by Ms. O'Donald, the Board approved the amended minutes of July 8, 2019 Board of Supervisors Meeting. Mr. Speece abstained.

Treasurer's Report

TREASURER'S REPORT OF June, 2019

MOTION of Ms. O'Donald, seconded by Mr. Biancone, the Board accepted the Treasurer's Report June, 2019 subject to audit.

Disbursements

Jen Savage, Finance Director stated that there were several errors in naming the vendors for the appropriate disbursements. The vendor names have been corrected and the Board has received the corrected documentation.

MOTION of Mr. Anderton, seconded by Ms. O'Donald, the Board approved payment of the bills presented on, the Disbursements List dated July 17, 2019 in the amounts of \$224,685.67 in the General Fund; \$34,375.96 in the Utility Fund; \$34,714.70 in the Fire Fund; \$992.38 in the K9 Fund; \$502.50 in the Developer's Escrow Fund; \$208,864.56 in the Sewer Fund; \$16,959.01 in the Golf Fund; \$6,167.70 in the RCC F&B Fund; \$8,726.49 in the Capital Improvements Fund; \$279,050.88 in the Debt Service Fund; \$226,984.20 in the State Liquid Fuels Fund.

OLD BUSINESS

Discussion on Proposed Amendments to Noise Ordinance

Mr. Granger stated that conflict counsel is working on this matter and could not attend this meeting. He requested that the matter be tabled until the August 12th Board Meeting.

Discussion on Solar Panel Ordinance

Will Brugger, Zoning Officer, reviewed for the Board the need to upgrade the Solar Panel Regulations in the Township. He stated that to date this year, the Engineering Department has received applications for 24 permits.

Mr. Brugger reviewed the particulars of the proposed regulations.

Mr. Biancone asked if there would be a shut off available for use by the Fire Department.

Mr. Brugger replied yes.

Glenn Hoover, 10 Andes Acres, asked if there would be a safe way to shut off the power if the need be for a commercial operation.

Mr. Biancone stated that there should be a main disconnect.

Mr. Speece concurred that there should be a main disconnect.

Mr. Brugger indicated that he will review this matter and report back to the Board.

Consider Resolution Further Establishing Regulations for Data Security

Mr. Granger stated that the Township has retained a new IT Consultant who has reviewed the security protocols for this matter. In addition, the Township's insurance company has reviewed the administrative protocols and recommended that a policy be established with respect to the utilization of portable media from outside of the Township.

Mr. Granger stated that a recent news article told a story of a community in Florida who was subject to a ransomware virus and had to pay \$600,000 to gain access to their data.

Mr. Granger reviewed the proposed Resolution which would establish regulations with respect to the utilization of outside storage media.

MOTION of Mr. Biancone seconded by Ms. O'Donald, the Board unanimously adopted Resolution #19 further establishing regulations for Data Security.

Discussion on Norfolk Southern

Mr. Rogosky stated that there had been no filing or any application or action by Norfolk Southern on this matter. He reviewed for the Board and the audience the history of the closure of the bridge and Norfolk Southern's inability to repair the system as directed by the Public Utility Commission (PUC).

Sarah Boyer, 91 Maci Way, stated that the accident that had closed the road was very frightening to her and her family.

Delana Shuhler, 551 W. Neversink Rd, stated that she had a medical emergency with her child during the incident and felt very strongly that Norfolk Southern needs to rectify the situation as quickly as possible. She understood that there is very little that the Township can do other than what has taken place to date.

Mr. Cortes indicated that he had a conversation with Bill Fox, General Counsel of Mascaro who indicated that they would look at alternate routes for gaining access to their facility. Mr. Fox also had indicated that they are in the process of designing a replacement maintenance facility which would be located at the Total Recycle Center however it will take some time to have the facility constructed.

There was a general discussion with respect to the PUC process to compel Norfolk Southern to undertake the work with the consensus of the Board that the Solicitor should contact PUC, especially in light of the most recent accident.

NEW BUSINESS

Discussion on Beechwood Drive Traffic Concern

Chris Gardecki, 8 Beechwood Drive, stated that he was concerned about a safety issue as Beechwood Drive is often a shortcut from Route 422 to St. Lawrence Borough. He felt that the road was too narrow with on street parking and travel in both directions. He requested that the Board consider making Beechwood Drive a one way from St. Lawrence to Route 422.

Chief Morris stated that upon receipt of the recent letter on this matter, he reviewed the accident data for this street. He indicated that there were seven (7) accidents within the past five (5) years of two (2) which were reportable accidents.

Chief Morris stated that the Department could enforce speed on the road.

Mr. Gardecki stated that there were a number of accidents on Perkiomen Avenue at Beechwood Drive which may be related to this matter.

Chief Morris stated that he would investigate this further and report back to the Board.

Ratify Time Extension for Laudeman Minor Subdivision 2 to October 12, 2019

Mr. Granger stated that the applicant has submitted a request to extend the time for review of the Laudeman Minor Subdivision 2 to October 12, 2019. It would be appropriate for the Board to accept the time extension.

MOTION of Mr. Speece seconded by Mr. Anderton, the Board unanimously accepted the time extension for Laudeman Minor Subdivision 2 to October 12, 2019.

Authorize Easement Agreement for Fence and Deck at Property 78 Bent Brook Circle

Will Brugger stated that there is a 20-foot-wide center sewer easement on this property. The line has been marked. The deck would intrude into the easement by approximately three (3) feet and would not be constructed near the sewer main. The entire property would be fenced in which would necessitate the crossing the easement in two (2) locations. The easement would require the property owner to remove any obstacles should access be required.

MOTION of Mr. Biancone seconded by Mr. Speece, the Board unanimously authorized the Easement Agreement for the installation of a fence and deck at 78 Bent Brook Circle.

Church Lane Estates Subdivision Plan Withdrawal

Mr. Granger stated that the applicant had submitted a plan for a three (3) lot subdivision on 30-acre parcel of land. The applicant is requesting that this plan be withdrawn. The property has been sold with the new property owner intending to subdivide the parcel into two (2) lots.

MOTION of Mr. Speece seconded by Ms. O’Donald, the Board unanimously approved the withdrawal of the subdivision plan for Church Lane Estates.

Authorize Brickhouse Environmental to perform a Phase II Environmental Site Assessment at the Promenade Shopping Center in the amount of \$24,925

Mr. Granger stated that the Phase I Environmental Assessment at the Promenade Shopping Center has been completed. The report indicated that a Phase II Environmental Assessment would be required primarily for investigation around the Monroe Muffler site and for Karst Geology. The Administration has received a proposal from Brickhouse Environmental, who performed the Phase I, to perform a Phase II which would be in the amount of \$24,925.

MOTION of Mr. Speece seconded by Mr. Biancone, the Board unanimously approved an Agreement between the Township and Brickhouse Environmental to perform a Phase II Environmental Assessment at the Promenade Shopping Center in the amount of \$24,925.

Discussion on Right to Know Requests

Mr. Granger reviewed the Right to Know Requests for 2017, 2018 and 2019 year to date as follows:

	<u>2017</u>	<u>2018</u>	<u>2019</u>
Number of Requests through June 30 th	39	34	126
Number of Requests through Dec. 31 st	93	100	
Legal Expenses through Dec. 31 st	\$45,597	\$41,372	\$50,842

Mr. Cortes stated that his firm does the review of the requests as there are a considerable number of exemptions to the requests and often times information needs to be redacted which his firm does. He

indicated that no appeals have been taken this year from any decision made by the Right to Know Officer.

Mr. Speece asked about the type of requests that were made previously.

Mr. Granger stated that the large number is for property transfers with the balance primarily from Township residents seeking information about matters before the Board.

Michele Gilbert indicated that the new website should be able to provide more information to the residents thereby reducing the number of requests.

David Hughes, 255 W 47th Street, stated his concern is with respect to time he needs to wait before a response is provided to his request. He stated that he went to the Township first thing in the morning on the date in which his information was to be provided and was told he would need to wait until later in the day to receive his information.

Mr. Cortes indicated that the Township has not received any noncompliance issues from the Office of Open Records.

Mr. Biancone asked the cost that the Township incurred as a result of Mr. Hughes request to review the documents that were scheduled for destruction.

Mr. Granger stated that the cost was approximately \$8,500.

Greg Galtere, 11 Nancy Circle, expressed his concern with respect to the delay in receiving information.

DEPARTMENT REPORTS

Mr. Hamm stated that the Highway Department is very busy cleaning up the roads, especially Butter Lane, as a result of the most recent extremely heavy rains. He stated that they intend to pave Butter Lane next week provided it does not rain.

Mr. Hamm said that the Department is nearly finished with highway mowing and that mulch is available for Township residents.

Chief Morris stated that Lieutenant Schaeffer has graduated from Northwestern University's Center for Public Safety, School of Police Staff and Command. It is an intensive ten-week program that prepares law enforcement managers for senior positions by uniquely combining academic principles with practical applications.

Chief Morris stated that the vacation season in full swing, he suggested that residents have lights switch on periodically in their house, mail service should be stopped and that residents contact the Township with respect to their absence and contact information should the need arise.

ENGINEER REPORT

Mr. Rogosky stated that Perkiomen Avenue Project is moving along with stormwater installation to be completed shortly. Curbing is to be installed shortly thereafter with the base course to be installed in

August. Final milling and paving is to occur in September with completion in early October which is ahead of schedule.

He stated that he met with representatives with DEP on the Township's Growing Greener Grant to review the administrative process. He learned that additional Growing Greener Grant applications would be made available in September or October of this year.

SOLICITOR REPORT

Mr. Cortes indicated that the Board met in Executive Session to discuss the JMH litigation and a contract dispute issue with Mascaro.

MANAGER REPORT

Mr. Granger had no report.

PUBLIC COMMENT

David Hughes, 255 W 47th Street, asked that the Board reinstitute the prior practice of listing incoming and outgoing communications.

Glenn Hoover, 10 Andes Acres, discussed several group home issues.

Mr. Cortes indicated that the Township can not regulate the group homes but only ensure the safety of the clientele and the Township residents. If there are safety issues, they will refer the matter to the Police Department and the rental agency.

William Clark, 251 Shelbourne Road, thanked the Board for its improved website. He stated that it was much needed. He believed that the Township and Board have been poorly served by prior management at the Wastewater Treatment Plant after he had the opportunity to review the Sewer Report. He asked whether or not that the debt incurred by the Sewer Plant would be paid by the proceeds.

Mr. Cortes stated that yes it would as it was the law.

Leroy Reinert, 85 Thayer Road, asked how the sewer bills were calculated and if it took into account the fact that not all water that goes to the water meter ends up in the sanitary sewer system.

Ms. Savage stated that the usage amount is provided to the Township by PA American and the rates that the consultant recommended for the Township does take into consideration that not all of the water which goes through the water meter ends in the sanitary sewer system.

Karl Schemberg, 207 Lisa Lane, questioned the 2017 and 2018 bonus provided to the Township Manager and the goals and objectives.

Mr. Cusatis stated that he would provide the information.

SUPERVISOR REPORTS

Mr. Biancone offered his sympathy to the family on West Neversink Road. He stated that he and the Board have been frustrated by the lack of action from Norfolk Southern.

He stated that the 12 and under Exeter Little League Team has won the sectional championship. He stated that Crime Watch was beginning to operate in the Township. Sergeant Behm has been assigned to work with this organization.

Ms. O'Donald thanked the Highway Department for their work on Butter Lane.

Mr. Anderton stated that he is looking into a Dog Park initiative either to redo the existing Dog Park or to relocate it to Daniel Boone Homestead.

Mr. Speece reiterated the Board's frustration with respect to the inability of Norfolk Southern to undertake the necessary work. He offered his condolences and sympathy to the family who had the recent emergency. He thanked the Highway Department for their excellent work and the Chief of Police for his review of Beechwood Drive work.

Mr. Anderton stated that he was looking forward to having the Crime Watch organization have a positive impact on the Township.

ADJOURNMENT

MOTION of Mr. Cusatis, seconded by Ms. O'Donald, the meeting adjourned at 8:56 P.M.

Respectfully Submitted,

John A. Granger
Township Secretary