

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
AUGUST 23, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, August 23, 2004, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Lachlan MacBean, Chairman, called the Meeting to order at 7:02 P.M., with the following in attendance:

SUPERVISORS

Lachlan MacBean, Chairman
Dr. Christ L. Ganas, Vice Chairman
Dona L. Starr
Lisa M. Ciotti
Dave F. Barbieri

OTHERS IN ATTENDANCE

Eva M. Waldman, Business/Personnel Administrator
John A. Hoffert, Esquire, Solicitor
Sergeant Walter Godshall, Detective Division
Cheryl A. Franckowiak, Zoning/Assistant Code Enforcement Officer
George Spanier, Highway Foreman
Joseph P. Rogosky, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.

PUBLIC COMMENT

THOMAS HOWELL, 4970 Hafer Road, commented on the proposed Burning Ordinance stating he objected to having to get a Permit to burn; to Section 2.02; to Section 4.01B; to Article V that referenced a neighbor's right to complain about the person who was burning as it opened up the possibility of abuse; Article V, Section B regarding what was allowed to be burned in a fireplace inside a person's home stating he would not want the Fire Marshal coming into his house to see what he was burning; Article VI which says it was lawful to burn combustible rubbish and materials within all zones of the Township by means of an enclosed outdoor or indoor incinerator, asking if that meant someone in Reiffton could have an incinerator; and Section 6.01 that provided a potential of being charged for a Burning Permit in the future. Mr. Howell stated he had received the Police Contract figures he had requested from the Township Manager; but, felt those figures were too low and would look at the Contract to get more information. Mr. Howell asked who was paying to fix the detention Pond behind the Valley Ridge Subdivision and also asked if Mr. Rogosky had an opinion regarding no parking areas along Hafer Road. Mr. Howell stated he had site distance concerns.

TODD ZIEMBA, 4590 Painted Sky Road, asked if the Township intended to do anything about the water problems he had on his property, to which Mr. Rogosky responded, he had looked into it and found that a catch basin had been installed on his neighbor's property to collect water. Mr. Rogosky stated because of that, the water was not coming from Mr. Ziemba's neighbor's property. Mrs. Franckowiak added the catch basin was not required by the plan; but, was put in as an extra by the builder. Mr. Ziemba felt the water was not coming from the neighbor; but, from the road. Mrs. Franckowiak stated the Highway Department addressed the road water by installing roll curbing. Mr. Rogosky explained the excessive amount of rain this year saturated the land causing the problem. He stated water problems were prevalent throughout the entire Township this year due to the massive amounts of rain falling on the area. Mr. Ziemba continued to explain when and how water came into his front yard, and he stated had holes in his yard and suggested he fill them in. Mr. MacBean stated he,

too, had looked at Mr. Ziemba's property, saw the holes and felt they looked like gopher holes. Both Mr. MacBean and Mr. Rogosky stated they would look into the matter further.

GARY KUBOVCSAK, 6841 Daniel Boone Road, Century 21 Realtor, referred to being denied Building Permits to build two houses on two lots located on Butter Lane and Prospect Street, and asked the Board to authorize issuing him Building Permits for these two lots. He stated he had applied and received a Building Permit on the third parcel of this land that was subdivided in November of 2003 and received an Occupancy Permit in 2004. He stated he had resubdivided the remaining two parcels and in December of 2003 was granted a variance by the Zoning Hearing Board. He felt the Planning Commission Chairman and Co-Chairman were adamant about not having more houses at that location. He read for the Board part of a six-page detailed statement making his case for being granted the requested Building Permits. He felt double standards were being applied and he was being discriminated against by the Planning Commission. He stated the Zoning Officer refused to issue additional Building Permits on the remaining two tax parcels. Mr. MacBean asked if Mr. Kubovcsak was going to submit this document to the Board to read for themselves. Mr. Kubovcsak felt he had been pushed to the side and that was why he took time out of his busy schedule to bring the matter to the attention of the Board. Ms. Ciotti stated there was a 5 minute limit to public statements in the public comment period of the meeting and asked Mr. Kubovcsak to please state his request. Mr. Kubovcsak then read the last paragraph of his statement highlighting the 20 permits granted in the last two years stating not one person was asked to put in new sidewalks or curbs, or make any municipal improvements. He felt a standard had clearly been established and tonight he was looking for closure to his problem. Mr. MacBean stated Mr. Kubovcsak had used up 10 minutes of public comment time and asked him to give his printed statement to the Board so the Solicitor and the Board could look into it.

WILLIAM BEURY, 115 Rodney Place, felt the Burning Ordinance should allow the burning of personal papers. The Board suggested he shred the papers.

SUSAN STANDEFER, 4910 Green Tree Road, stated her concern for herself and her neighbors due to the water that was flowing onto all of their properties. She stated the Township tried to remedy the problem about a year ago; but, it has not worked because the installed catch basin was too small to handle the volume of water. She stated water flowed down from behind the house, surrounded it creating a moat and then flooded the street. She gave pictures to Mr. Rogosky and Mrs. Franckowiak to review. Mr. Rogosky felt an easement might be required to resolve the problem as it involved another's property, and he and the Highway Superintendent would review the problem again.

LARRY RINKER, 205 W. 49th Street, stated he was Mrs. Standefer's neighbor and the catch basin she was referring to was on his property. He stated he would have no problem with expanding its size. He stated the existing pipe was about 8" in diameter. Mr. Rinker stated since the area sits low, he had concerns about sewer backups and would like the Sewer Department to look at the sewer lines and connections at his home. He explained during the last rain events he had a sewer back up in his basement. Mr. MacBean stated he would instruct the Wastewater Superintendent to look into it.

KARL SCHEMBERG, 207 Lisa Lane, asked if under the Burn Ordinance, waste oil heating burners were allowed. He then asked for the cost of the Police Contract to which Mr. MacBean stated the Township Manager had the figures and he was not at the meeting due to a death in his family. Mr. Schemberg had various questions about grants, to which the Board suggested Mr. Schemberg contact the D.E.P. for answers.

DONALD BAILEY, 107 Gibraltar Road, stated he had water problems on the back portion of his property. He gave pictures of the property to Mr. Rogosky and Mrs. Franckowiak. He also stated sewer had backed up into his basement three times and asked the Township to look into the problem, to which the Board responded it would.

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MICHAEL HART, 3404 Circle Avenue, stated he was concerned about the wording in Article V, Section D of the Burning Ordinance that suggested a persons objection, who might not have any expertise, could suspend or stop an individual from using their wood or coal burning stove. Mrs. Starr stated the language in that section of the Ordinance came from the existing Burning Ordinance and had been in place for a very long time. She stated it was geared to people who would burn things like shingles, etc. in their fireplaces.

PAUL ANGSTADT, 111 Gibraltar Road, stated he had problems with water on his property in the past and was instructed to raise his driveway to keep the water from running from the street into his driveway. He stated he had done that; however, the fully redesigned street had caused his driveway to be too low and again he was experiencing a water problem. He stated, in addition, water from Hafer Road was flowing to his property and there was too much water for the area. Mr. MacBean stated Mr. Rogosky would look at it again to see what could be done for him.

JOSEPH LUDWIG, 107 Gibraltar Road, suggested putting in a drain at Hafer Road and Gibraltar to prevent the water from getting to the properties on Gibraltar Road. The Board will look into that option. Mr. Ludwig also stated he had a problem with sewer backing up into his finished basement much like Mr. Rinker had and asked for some help with the problem. Mr. MacBean stated he would have the Sewer Department look into it.

MIKE HONSBERGER, 260 Rugby Road, asked if burning was being banned to which the Board stated burning was not being banned; but, burning had to be 100 feet from any structure, there would be no fee for a Permit, and a Permit had to be obtained each month to burn on the first weekend of the month.

MINUTES OF AUGUST 9, 2004 MEETING

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to amend the minutes of the August 9, 2004 meeting on Page 4, changing the second to the Trout Run Recreational Facilities Plumbing Contract Motion from Mr. Barbieri to Mrs. Starr, and eliminating Mr. Barbieri's name from the carried motion as he was out of the room when the vote was taken. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

DISBURSEMENTS

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve for payment the bills presented on the Disbursement Lists dated August 20, 2004 in the amounts of \$93,393.86 in the General Fund; \$1,292.00 in the Utility Fund; \$76,773.62 in the Sewer Fund; \$280.74 in the Capital Improvement Fund; \$530.00 in the Library Fund and \$30,693.54 in the State Fund. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

DEPARTMENT REPORTS

The Engineering, Highway, Police, Park & Recreation, Fire Marshal and Wastewater Treatment Monthly Reports, and reports of scheduled activities for the week of August 23, 2004, were submitted for the Board's review.

AWARDING OF BID: TROUT RUN RECREATIONAL FACILITIES – PLUMBING CONTRACT

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to award the Trout Run Recreational Facilities Plumbing Contract to Vision Mechanical, Inc., in the amount of \$28,540 as recommended by the Parks and Recreation Superintendent. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

UNFINISHED BUSINESS

LAND DISPLAYS SIGN APPLICATIONS

Deferred until the next meeting.

ADOPT D.R.O.P. PENSION ORDINANCE

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to adopt the D.R.O.P. Pension Ordinance for the Police Pension Plan. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ADOPT BURNING ORDINANCE

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to adopt the Burning Ordinance with the correction of the word “bum” to “burn” in the first paragraph of Article VI, and under Section D of the same Article change Section “2.03” to “2.02”. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ANTIETAM CREEK REVISED PLAN

Mrs. Franckowiak noted the Antietam Creek Revised Plan was now available for the Board of Supervisors to sign as it included the Board-requested Waiver of the 10 ft. emergency access road.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to accept the Antietam Creek Revised Plan with the Waiver of the 10 foot emergency access road. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

NEW BUSINESS

SEWER EXTENSION AGREEMENTS

Ms. Waldman noted the Sewer Authority had approved both the OrchardBrook Townhouse and Pease Subdivision Sewer Extension Agreements and had requested the Board of Supervisors’ approval.

ORCHARDBROOK TOWNHOUSES; PEASE SUBDIVISION

MOTION by Mr. Barbieri, seconded by Mrs. Starr, to approve the OrchardBrook Townhouse Sewer Extension Agreement and the Pease Subdivision Sewer Extension Agreement as recommended by the Exeter Township, Berks County, Sewer Authority. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

APPROVE BERKS COUNTY COOPERATIVE PURCHASING COUNCIL ROCK SALT CONTRACT

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to approve and authorize the Chairman to sign the Berks County Cooperative Purchasing Council Rock Salt Contract as recommended by the Highway Superintendent. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

CLOSED LOOP TRAFFIC SIGNAL SYSTEM HARDWARE/SOFTWARE REPLACEMENT

Mr. Rogosky explained the Controller that was installed in the closed-loop traffic signal system had to be maintained by the company who created it or their designee. He felt this was not cost effective and proposed swapping this software with Econolight software, which the Telco Company felt was compatible, at no cost to the Township.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to swap out the closed-loop traffic signal system software with another compatible software system at no cost to the Township. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ESCROW RELEASES:

***PALECEK COMMERCIAL OFFICE #1; ANTIETAM CREEK VALLEY PHASE I #10;
MEDICAP PHARMACY #2***

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to approve the Palecek Commercial Office, Release #1 in the amount of \$13,685.00 for demolition, erosion and sedimentation, stormwater management and stone; the Antietam Creek Valley, Phase I, Release #10 in the amount of \$34,301.21 for concrete work, detention pond and construction observation and the Medicap Pharmacy Release #2 in the amount of \$1,038.60 from monies held under contingency. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

CARE LOT LINE ADJUSTMENT SKETCH PLAN FOR RECORD

Mrs. Franckowiak stated the Planning Commission suggested approval of the Care Lot Line Adjustment Sketch Plan for Record; but, not to release the Plan for recording until the mobile home was removed.

MOTION by Mr. Barbieri, seconded by Dr. Ganas, to approve the Care Lot Line Adjustment Sketch Plan for Record as recommended by the Exeter Township Planning Commission with the understanding that the Plan not be released for recording until the mobile home was removed. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

EXTENSION OF TIME – SHELBOURNE SQUARE

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to accept the 90-day extension of time for Shelbourne Square. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

SOLICITOR'S REPORT

EARTH CARE SOLUTION

The Solicitor stated he received a call from Achley Ellis in Texas advising him that the Bankruptcy Trustee had approved our offer of settlement with the Earth Care Company in the amount of 50% and the money should be sent in about 10 days.

MODERN LANES, INC.

The Township Solicitor stated he received a Notice of Litigation involving Modern Lanes, Inc.; but, the Exeter they were referring to was not our Township; it was Exeter in Luzerne County. He recommended this notice be sent to the Township Insurance carrier and ask them to enter an affirmative defense stating we were not a party to this. He stated if that was not done, the Township could end up with a default judgment even though it was not involved.

SLUDGE CONTRACT

The Solicitor stated he talked with Bill Fox, Solicitor for J. P. Mascaro, and was going to set up a meeting to discuss the sludge contract and the \$4 surcharge. Mr. Fox stated he would talk to Mr. Mascaro about this in order to avoid a meeting and would get back to the Solicitor at the end of the week.

BYBEL CONDEMNATION

The Solicitor stated September 15th is the date for the Bybel Condemnation Hearing. He stated Ms. Fudeman would like to meet and discuss the matter before the Board's next regular meeting. The Board agreed to meet between 6:00 p.m. and 6:30 p.m. on September 13th. The Solicitor stated the courts looked favorably on pre-hearing meetings as an opportunity to discuss a possible settlement.

INDIVIDUAL REPORTS

PennDOT MEETING

Mr. Rogosky reminded the Board of the PennDOT Meeting scheduled for tomorrow at 1:30 p.m. to discuss the Exeter Road culvert.

REIFFTON FIRE COMPANY

MOTION by Mrs. Starr, seconded by Mr. Barbieri, to approve the Fire Department's listing of the events and activities they would be attending for the remainder of 2004 and inform the Township insurance carrier of the same. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ADOPT AMENDED FEE SCHEDULE RESOLUTION #04-13

Ms. Starr noted the fee schedule needed to be amended to delete the fee for burning permits and also to increase the rates for snow plowing for the 2004-2005 snow contracts.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to adopt the Amended Fee Schedule Resolution #04-13. Motion by Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

NOISE ORDINANCE

Mrs. Starr suggested the Board review the current Noise Ordinance. She felt it was too old and some of the portions might no longer be appropriate. The Board agreed to review the Ordinance.

ODOR SURVEY/PIONEER CROSSING LANDFILL

Mrs. Starr referred to the D.E.P.'s Report on odor complaints stating it indicated a complaint would occur one day; but, they did not look into it until several days later. ***GLENN HOOVER***, 131 S. Center Road, stated he reviewed the log book at the Landfill regarding recording odor complaints. He stated it was hard when a call came in at 10 P.M.; but, the odor occurred at 9:00 P.M. He stated it also was hard to get the D.E.P. to come out on the weekends. Mr. Hoover spoke about the difficulty in monitoring the Landfill. Mrs. Starr stated her problems were with the D.E.P. not Mr. Hoover. The Board noted Mr. Hoover was very dedicated. Mr. Howell commented about the difficulty in getting a Notice of Violation (NOV) from the D.E.P.

SUMMER PROGRAMS REPORT

Mr. Barbieri thanked the Parks and Recreation Superintendent for his report on the Summer Programs. He stated the Superintendent had done a very good job.

PATHFINDER MEADOWS/SECTION II

Mr. Barbieri asked the status of the violation notice to which Mrs. Franckowiak stated they were waiting for response.

PA ECONOMY LEAGUE

Mr. Barbieri referred to an article from the PA Economy League on tax collector issues and asked whether or not the Board had to do anything as a result. The Board will look into it.

THE MOBILE PIPELINE TRAINING SESSION

Mr. MacBean suggested the Highway and Sewer Department Superintendents attend the Pipeline Training Session. The Board agreed.

INFORMATION TRAINING SEMINAR

Mr. MacBean suggested the Board send a representative to the GSA Cooperative Purchasing for Information Technology Training Session on Tuesday, September 14th.

LIGHT EQUIPMENT OPERATOR/LABORER

Ms. Waldman informed the Board of Supervisors of the recent hiring to fill both the Light Equipment and Operator/Laborer positions in the Highway Department.

FEE SCHEDULE MODIFICATIONS

Mr. MacBean felt the Fee Schedule should be reviewed and adjusted in areas where fees may not be needed. He felt charging a resident \$50 to resurface their driveway when there would be no way it could be inspected, should be reconsidered. He stated the Board should look at this in December/January when the Fee Schedule is normally reviewed.

ENVIRONMENTAL HEARING SUBPEONA

Ms. Ciotti asked if the matter of the Environmental Hearing Subpoena served on Greg Koontz needed to be addressed, to which Ms. Waldman stated Mr. Koontz telephoned the hearing attorney and was told he could respond with a letter.

ADJOURNMENT

MOTION by Mr. Barbieri, seconded by Dr. Ganas, to adjourn the Meeting. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor. The Meeting adjourned at 8:30 P.M.

Respectfully Submitted,

Eva M. Waldman
Business/Personnel Administrator