

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
DECEMBER 27, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, December 27, 2004 at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Lachlan MacBean, Chairman, called the Meeting to order at 7:04 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

Troy S. Bingaman, Manager/Secretary/Treasurer
John A. Hoffert, Esquire, Solicitor
Gerard A. Radke, Police Chief
Linda Cusimano, Assistant Zoning/Code Enforcement Officer
H. David Miller, Assistant WTP Superintendent
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, reserved time for the budget discussion.

MINUTES OF DECEMBER 13, 2004 MEETING

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve the minutes of the December 13, 2004 meeting as presented. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor, and Mr. Barbieri abstaining.

DISBURSEMENTS

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve for payment the bills presented on the Disbursement Lists dated December 21, 2004 in the amounts of \$66,081.77 in the General Fund; \$73,160.16 in the Sewer Fund; \$2,064.16 in the Capital Projects Fund and \$147.57 in the Parks & Rec. Fund. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

DEPARTMENT REPORTS

The Engineering, Highway and Wastewater Treatment reports of scheduled activities for the week of December 27, 2004 were submitted for the Board's review.

TREASURER'S REPORT

MOTION by Mrs. Starr, seconded by Mr. Barbieri, to approve the Treasurer's Report dated November 30, 2004 and file the same for audit. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

AWARDING OF CONTRACT: SLUDGE AND GRIT HAULING, AND DISPOSAL

The WTP Assistant Superintendent stated the bids were reviewed for the Sludge, Grit and Screenings Disposal Contract and recommended the Board award the contract to the lowest bidder, JP Mascaro & Son.

MOTION by Mr. Barbieri, seconded by Mrs. Starr, to award the contract for Sludge and Grit Hauling/Disposal to J.P. Mascaro & Sons in accordance with the recommendation of the Wastewater Treatment Superintendent. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

CONDITIONAL USES:

JOSEPHINE ROVAGGI, 560 LINCOLN ROAD

Mrs. Rovaggi proposes to do seamstress work in her home at 560 Lincoln Road. There were no objections from the neighbors. The application included a request for a small sign. Ms. Ciotti stated the Board did not typically allow signs for home businesses; however, because this was a very small sign and given this particular setting, she had no objection to allowing it. Dr. Ganas stated he hoped this would not set a precedent because the Board would not like to see signs in residential areas.

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to approve the Rovaggi Conditional Use for a seamstress business in her home at 560 Lincoln Road including the use of a small sign on the premises in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

KELLY LORD, 207 CORAL LANE

Kelly Lord proposes to operate an errand and delivery service from her home at 207 Coral Lane. There were no objections from his neighbors. Ms. Lord would like to have a magnetic sign on her vehicle; however, the Board stated they had no control over that.

MOTION by Ms. Ciotti, seconded by Dr. Ganas to approve the Lord Conditional Use for an errand and delivery service from her home at 207 Coral Lane with no customers coming to the home and no signage on the premises in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

RICHARD WEILACHER, 201 SCHOFFERS ROAD

Richard Weilacher proposes an office for his contracting business in his home at 201 Schoffers Road. There were no objections from his neighbors.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Weilacher Conditional Use for a contracting business office in his home at 201 Schoffers Road with no signs being posted on the premises with the times of business being from 8:00 A.M. to 5:00 P.M. in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ROBERT & TRICIA SZURGOT, 4 PICKWICK PLACE

Mr. & Mrs. Szurgot propose to operate an in-home gourmet bakery at their residence, 4 Pickwick Place. There were no objections from the neighbors.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Szurgot Conditional Use for an in-home gourmet bakery at 4 Pickwick Place provided this home is approved by the Department of Agriculture and remains approved, with no deliveries to the home, no signage and sales to be made off premises and that the hours of operation comply with the Township's Zoning Ordinance in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

UNFINISHED BUSINESS

ADOPT 2005 BUDGET ORDINANCE #589

The Manager noted several modifications to Police wages. He indicated the first three line items would be modified with an overall increase of \$91,792. The Manager also noted the sludge removal line item within the Sewer Fund was increased by \$200,000 to reflect the new contract pricing. He stated the budget required no increase in taxes for 2005. Mr. Howell stated the budgets for 2004 and 2003 had more information than the

2005 budget had and he needed clarification on what was included for Police Chief Radke's salary since he had heard the Chief planned to retire. Mr. Howell stated the previous budget showed \$88,000 was budgeted for Chief Radke and the number changed to \$79,500. The Board stated the first number was a projection and the current number represented his salary. Dr. Ganas stated if the Police Chief decided to retire, the Lieutenant would have to be compensated at the same amount as the Police Chief according to the Police Contract. Mr. Howell then objected to the way the Highway Superintendent's salary was stated in the budget and asked if it was combined with another salary to which the Township Manager stated yes, it was the Highway Foreman's salary. The Solicitor stated he wanted to assure Mr. Howell that the 65 cents he paid to the Township was well spent. Mr. Howell then questioned the debt service number to which the Township Manager stated he broke out the numbers from the miscellaneous category as an improvement on the way they were previously reported so Mr. Howell could clearly see exactly what the debt service was. Mr. Howell then questioned where the earned income tax money went to which, the Township Manager stated it was there. Mr. Howell stated he could not see it to which the Township Manager, stated it was there and the Board would know if they were missing \$2.6 million. The Board stated there would be no tax increase in the Township.

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to adopt the 2005 Budget Ordinance #589 as amended. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ADOPT ORDINANCES:

2005 REAL ESTATE TAX ORDINANCE #583; 2005 PER CAPITA TAX ORDINANCE #584; 2005 REAL ESTATE TRANSFER TAX ORDINANCE #585; 2005 BUSINESS PRIVILEGE TAX ORDINANCE #586; 2005 EARNED INCOME TAX ORDINANCE #587; AND 2005 STREET LIGHT & HYDRANT TAX ORDINANCE #588

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to adopt 2005 Real Estate Tax Ordinance #583; 2005 Per Capita Tax Ordinance #584; 2005 Real Estate Transfer Tax Ordinance #585; 2005 Business Privilege Tax Ordinance #586; 2005 Earned Income Tax Ordinance #587; and 2005 Street Light & Hydrant Tax Ordinance #588. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

NEW BUSINESS

AUTHORIZE ADVERTISING: REORGANIZATION MEETING, AUDITOR'S MEETING & ZONING BOARD INTERVIEWS

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to authorize advertising the Reorganization Meeting for January 3, 2005 at 7:00 P.M.; the Auditor's Annual Meeting for Tuesday, January 4, 2005 at 7:00 P.M.; and the Zoning Board interviews for January 3rd at 6:00 P.M. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

DEMOSS ROAD EXTENSION

The Township Manager stated there was a question as to whether or not the Board wanted to consider extending DeMoss Road from where it currently ends to the area where potential commercial development could take place. He suggested GVC look into it and advise the Board on a direction.

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to authorize GVC to look into the DeMoss Road Extension and advise the Board on a direction it should take. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

MCGINNIS/BEAVER SUBDIVISION WAIVER REQUESTS & PRELIMINARY/FINAL PLAN

Ms. Cusimano stated the McGinnis/Beaver Preliminary/Final Plan applicant requested waivers of Sections of SALDO Sections 4.283, 4.281, 4.285, 4.286, 5.514, 5.305 & 5.238 for a proposed subdivision located at the end of Ogden Drive to create a non-building lot known as "Parcel A".

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to approve the McGinnis/Beaver Waivers from SALDO Sections 4.283 (Environmental Assessment Statement); 4.281(Wetland Delineation); 4.285 (Habitats Threatened & Endangered Species); 4.286 (Historic & Archaeological Resources); 5.514 (Depth to width ratio); 5.305 (Paved radius and ROW) and 5.238 (curbing). Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to approve the McGinnis/Beaver Preliminary/Final Subdivision Plan in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ROYAL VIEW ESTATES MUNICIPAL IMPROVEMENTS AGREEMENT

The Solicitor stated the Royal View Estates Municipal Improvement Agreement and the Letter of Credit in the amount of \$80,103.92 were in place. He requested a motion to approve same.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to approve the Royal View Estates Municipal Improvements Agreement, and authorize the Chairman and Secretary to execute the same. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ROYAL VIEW ESTATES PRELIMINARY/FINAL PLAN

MOTION by Mr. Barbieri, seconded by Mrs. Starr, to approve the Royal View Estates Preliminary/Final Subdivision Plan in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

PAULEY ANNEXATION SKETCH PLAN OF RECORD

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to approve the Pauley Annexation Sketch Plan of Record in accordance with the recommendation of the Planning Commission subject to the Easement Agreement being recorded by the Township Solicitor. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

FOREST HILLS SUBDIVISION SKETCH PLAN OF RECORD WAIVER & PLAN APPROVAL

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve a waiver of the Forest Hills Subdivision Sketch Plan of Record from Section 4.214 (Plan size) of the SALDO. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to approve the Sketch Plan of Record in accordance with the recommendation of the Planning Commission subject to the Cross Easement Agreement being executed and recorded. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

EXETER VILLAGE REVISION TO OPEN SPACE FINAL PLAN

Steve Bensinger, of Stackhouse Bensinger, felt an agreement to subdivide the open space in Exeter Village, bring the Detention Pond up to specs and dedicate it to the Township had occurred to which the Board responded, they were not aware of any agreement.

MOTION by Dr. Ganas, seconded by Mr. Barbieri, to reject the Exeter Village Revision to Open Space Final Plan because it violates SALDO Section 5.96 (Recreation & Open Space Areas and Fees) in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

BOARD & COMMISSION APPOINTMENTS

The Manager noted the Zoning Hearing Board requested a temporary extension of Robert Kogut's term through the end of the Kubovsck Hearing. A replacement will be appointed once the interviews are completed.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to appoint Dona L. Starr & Dave F. Barbieri to the EAC through 2008; and to reappoint the following members to various Boards & Commissions: Lawrence Drogo, Sewer Authority through 2009; John W. Bittig & Dottie Geiger, Planning Commission through 2008; Rodney A. Breyer & Donald G. Hartenstine, Police Pension through 2009; Timothy R. Schell, UCC Appeals through 2009; James I. Killian, Historical Commission through 2009 and Robert Kogut, Zoning Board through the completion of the Kubovsck Hearing. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

OLEY AGRICULTURAL SECURITY AREA REQUEST

The Township Manager stated a request had been made by Oley Township asking Exeter Township to bear the cost associated with the hearing process regarding an application of David and Louise Swartley for inclusion of approximately sixty-four acres of property located at 31 Troxel Road into the Oley Township Agricultural Security Area. He stated the anticipated cost of the application would be between \$300 and \$400.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the request to cover the expense of the hearing process regarding the application of 64 acres located at 31 Troxel Road, in Exeter Township, into the Oley Township Agricultural Security Area. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

SOLICITOR'S REPORT

HUFF- ENCHANTED ACRES

The Solicitor stated the written decision on Huff-Enchanted Acres had been received, and it was favorable as the courts had dismissed the action and the matter was sent back to the Zoning Hearing Board.

BLIESATH CASE

The Solicitor stated the review hearing for the Bliesath had been set for tomorrow morning at 10:00 A.M. to insure compliance. He felt the one thing the Board should insist upon was fencing the property that bordered residential areas.

SHELBOURNE SQUARE

The Solicitor stated he had received all the properly executed documents on Shelbourne Square and would turn them over to the Board tonight.

BRICKEY

The Solicitor stated he had still not received the Letter of Credit to accompany the Brickey Municipal Improvements Agreement. He suggested the Board hold all releases of any Plan until the Letter of Credit was received. He stated it was on hold until January 10th.

INDIVIDUAL REPORTS

AUDITS OF FIRE SERVICES

The Township Manager stated he had been asked if an audit of the Fire Companies was necessary before any funds were released to them and asked for the Board's decision. He stated audits were already received from the library, the ambulance association and the tax collector. Mr. Barbieri felt any organization receiving taxpayer funding should be subjected to an audit and that would include both the Stonersville and Reiffon Fire Companies. Chris Jordan, Captain of the Reiffon Fire Company, asked if all the Fire Company's accounts would be subject to audit including the Christmas Tree Fund to which the Board stated, all accounts would be included in the audit. Mr. Jordan felt that could be an issue based on what the Amity Township Fire Company

was going through. He stated information on what was in the budget accounts had already been turned over to the Board during the budget workshop to which Dr. Ganas stated, information had not been received on all the accounts. Dr. Ganas stated he asked Fire Chief Robert Jordan for information on the accounts including the \$100,000 that had been embezzled from the Fire Company and Chief Jordan stated he had no knowledge of them. Dr. Ganas also stated the Stonersville Fire Company had handed over all their account information including copies of their financial CD's. Mr. Jordan asked why the Township had to know about the Social Quarter's account as it was a separate entity, even though Reiffon operated under one charter. Mr. MacBean stated it was part of the Fire Company and asked who audited the Social Quarter. Mr. Jordan felt the trustees might object if the Township asked to look at the Social Quarter's books because it was a private entity, not a publicly held company. Ms. Ciotti stated the Fire Company did not have to tell the Board anything; however, if they wanted public money, they had to tell the Board how the money was being spent. Ms. Ciotti stated the Board was concerned because there was a huge issue to be addressed, and the Board had a responsibility, which she characterized as a fiduciary duty, to the taxpayers before any funds were released. Dr. Ganas noted the court case involving the \$100,000 embezzlement from the Fire Company would require the Township to provide an audit of the funds it supplied to the Fire Company as part of the case. Dr. Ganas stated he asked for budget information from the Fire Company auditor, who would not give it to the Board and referred him to the Fire Chief. Mr. Jordan felt Dr. Ganas should have asked the Fire Chief for the information, not the auditor. He further stated he felt a lack of proper communication was the problem between the Board and the Fire Company. Ms. Ciotti then stated she, personally had asked for "detailed information" from the Fire Company four times during the budget process and felt there had been no lack of communication. She stated she did not care how much information or how much paper they wanted to provide, the Board would look at it all. Ms. Ciotti also stated the Board was asking for detailed information from everybody, not just the Reiffon Fire Company. Mr. Jordan stated the Board should have contacted Reiffon to discuss this matter more often. Ms. Ciotti felt it was the responsibility of the Fire Company to provide the information as it had been asked for. She stated the Board was not to chase it down.

MOTION by Dr. Ganas, seconded Ms. Ciotti, to require audits of the Township Fire Services and to pay for same. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

HURBERT BRICKEY

Mr. Brickey recollected that Mr. Brennan's lawyer was to have given the Municipal Improvements Agreement to Mr. Hoffert after the last meeting. The Solicitor stated he had received the Plan; but, had not received the bank's written Letter of Credit that would guarantee performance. He stated the moment he got it, the Plan would be released. Mr. Brickey stated he would check into the hold up.

CROSSTOWN CONNECTOR LETTER

The Township Manager asked if all the Board Members had received a draft of the letter regarding the Crosstown Connector to which they replied they had not received the letter.

EXETER ROAD CULVERT

Mr. Rogosky stated the box for the Exeter Road Culvert was installed this week and paving will be done in the spring.

HAPPY NEW YEAR

Mr. MacBean and all the Board members wished everyone a Happy New Year.

EXECUTIVE SESSION

The Township Manager requested an Executive Session following the meeting to discuss personnel matters.

ADJOURNMENT

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to adjourn the Meeting. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor. The Meeting adjourned at 8:01 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary