

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
JULY 12, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, July 12, 2004, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Lachlan MacBean, Chairman, called the Meeting to order at 7:03 P.M., with the following in attendance:

SUPERVISORS

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

OTHERS IN ATTENDANCE

Troy S. Bingaman, Manager/Secretary/Treasurer
Brett Huckabee, Esquire, Solicitor
Gerard A. Radke, Chief of Police
Cheryl A. Franckowiak, Zoning/Assistant Code Enforcement Officer
Paul A. Herb, Wastewater Treatment Superintendent
Clarence D. Hamm, Highway Superintendent
Terry L. Francis, Fire Marshal
Joseph I. Seltzer, III, Parks & Recreation Superintendent
Joseph P. Rogosky, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.
Absent from the meeting: Supervisor Dave F. Barbieri

Mr. MacBean called for action on two agenda items to relieve the concerns of some residents.

ANTIETAM CREEK VALLEY EMERGENCY ACCESS ROAD

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to waive the requirement to build the Antietam Creek Valley Emergency Access Road; but the area of disturbance must be reseeded. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to require an amended plan to be submitted and recorded to reflect the removal of the access road. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

PUBLIC COMMENT

BRIAN BOYER, Bursich Associates representing Exeter Car Care II, asked the Board's permission to connect into the existing lateral for the proposed car care facility rather than tearing up Route 422 to make a second lateral. The Board requested a shared maintenance note be placed on the Deed, the Plan and the Easement Agreement. The Solicitor suggested granting a waiver to avoid a violation of the Plumbing Code when one lateral was installed.

MOTION by Dr. Ganas, seconded by Mrs. Starr, to grant a waiver of the Plumbing Code to allow Exeter Car Care II to connect into an existing lateral. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

MICHELLE KIRCHER, 9 Craig Drive, thanked the Board for working with the Library Board and the Capital Campaign Committee. She reported the quality of water provided by the PA American Water Company had gotten really bad again and her daughter had been calling about it. Mrs. Kircher felt the flooding in the area of her home was occurring because of the water coming from the Alpine Court Condos and asked if the Township could check the swale. Mrs. Kircher referred to the request for proposals for the Sludge Contract on tonight's agenda and asked the Township to continue having the sludge landfilled and not put elsewhere. She felt the Township had worked hard to have its Sludge Ordinance adopted and it was a model Ordinance widely used by others. She felt our sludge should not be taken to another location to be composted.

CHARLIE LEAZIER, 260 Pathfinder Drive, asked the Board to reject the 40 MPH speed limit scheduled to be adopted for Hartman Road based on a speed study done last Friday. He felt that speed was too fast and too dangerous for that road as it had a lot of curves and sight distance problems. He felt it would be especially dangerous in inclement weather. The Chief of Police stated according to the speed study conducted on Hartman Road, a 40 MPH speed would be appropriate. He stated setting the speed at 40MPH was not their desire; but was dictated by the speed study. The Board stated no speed was currently posted on Hartman Road and when the speed was not posted, cars could travel 55 MPH. Mrs. Franckowiak stated the study indicated the 85th percentile was 43MPH. She stated Tony Maize at GVC stated the speed could be adjusted up or down by up to 5 miles and the Police Chief recommended the speed be set down to 40MPH. Mr. Leazier stated he wanted it understood he was not bashing the Police; but felt the speed limit was too high given the condition of the road and the deer in the area. The Police Chief stated the speed could not be set arbitrarily and must be supported by a speed study. He stated he was open to any recommendations from the Board or the Solicitor. Mr. MacBean stated the matter was on tonight's agenda and the Board would look at it then.

JACK BITTIG, 181 Boone Road, member of Exeter Township's Planning Commission, stated he had questions on the proposed Burning Ordinance. Mr. MacBean stated he just received a copy of Mr. Bittig's letter containing his questions. Mr. Bittig asked if the Burning Ordinance would prohibit developers from open burning to which the Board answered, yes. He asked if this would apply to the Commonwealth i.e. the Daniel Boone Homestead to which, the Fire Marshal stated, they were exempt. He asked what the projected monthly costs for the collection equipment and operations to collect brush curbside were to which the Board answered, they did not yet know; but, would be looking at that. He asked whether or not there were provisions for a weather calamity to which the Fire Marshal stated, not at this time. He urged the Board not to take money if they did not know the ultimate result. He stated he was active in the preservation and maintenance of 850 feet of Limekiln Creek, as the D.E.P. owned these waterways; but did not maintain them. He further explained he worked with the Highway Department, who helped him remove debris from the creek and left it for Mr. Bittig, who dried it out and burned it. He asked if under the Ordinance this would be allowed to continue or if the Highway Department would take on the entire responsibility and expense of removing the debris. He felt the Township should do the right thing for the residents who live in the urban, suburban and the rural areas, and asked that those who live in the rural areas, like him, be given the tools to maintain the properties and the stream ways.

FRANK HIGGINS, 35 E. 46th Street, asked if coal burning or wood burning stoves were going to be allowed to which the Board stated, yes. Mr. Higgins stated he did not read anything about it in the Ordinance. Mrs. Starr stated the Board would have to re advertise the Ordinance because two sections were inadvertently left out. She stated there were no changes in that portion of the Ordinance. The Fire Marshal stated wood burning or coal burning stoves were no problem.

MARY DEANGELO, 17 Calkins Drive, commended the Board on its swift action on waiving the requirement to build the Antietam Creek Valley emergency access road and asked if it would be possible to place boulders at both ends of Hayden and Calkins Drives to discourage drivers from use of the unpaved area. Ms. Ciotti asked Mrs. Starr if she wished to amend her Motion to include barricades and to block anyone from driving through.

ANTIETAM CREEK VALLEY EMERGENCY ACCESS

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to amend her previous motion on the Antietam Creek Valley Emergency Access Road to include the placement of barricades to block vehicles from using or driving through the unpaved area. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ROBERT DEANGELO, 17 Calkins Drive, had no comment since this issue had been resolved.

JAMES WAGNER, 17 Sycamore Drive, stated the Emergency Access Road issue had already been addressed.

STUART DICKIE, 5510 Boyertown Pike, asked if, with the new Burning Ordinance, the Township would be picking up leaves all over the Township. The Board responded the Township already collected leaves. Mr. Dickie stated, not in his area to which the Board stated, residents who live in rural areas were to call the Township when their leaves were ready to be picked up. He asked if the Township used the leaf vac along Route 562 to pick up leaves to which the Board responded, yes. Mr. Dickie felt while he liked the benefit of getting free mulch at Trout Run, most residents did not have pick-up trucks to bring brush to Trout Run to be mulched and asked what the Board intended to do about that. Mrs. Starr responded the grant would provide curbside brush pick up. He asked what next year's grant would be to which the Board responded, that depended on what the Township asked for. He asked if there were any other ways to raise money without denying residents what they had to do. Mr. Dickie asked if someone would look into that for him. He also asked if the Township would pick up brush if he had an accumulation of it more than twice a year. Mrs. Starr stated when Mr. Dickie bought the property he knew he had to maintain it to which Mr. Dickie responded, when he bought the property he was allowed to burn. Mrs. Starr stated the laws were changing and the D.E.P. was asking compliance with them. Mr. Dickie felt the Board was gaining by changing the laws of the Township so it could benefit by getting a grant. Mrs. Starr referred to an article in the Reading Eagle regarding the elimination of open burning and federal government moves to require the State to follow suit. She stated the Township would have to follow that. Mr. Dickie stated it would be hard for the Township, which he felt, was stressed now, to go 100 miles on country roads picking up everyone's twigs.

J. D. JEFFERSON, 610 Calkins Drive, stated his comments were about the Antietam Creek Valley road.

GREG SWAVELY, 15 Calkins Drive, thanked the Board for its actions regarding the Antietam Creek Valley emergency access road.

ALETA SCHAEFER, 170 Boone Road, felt if brush was left to pile up and not picked up, skunks, snakes and other rodents would become a problem. She stated she was under the impression that the fireplace had to be inspected to which the Board responded, no.

AL LEE, 7 Calkins Drive, stated his comments were about the Antietam Creek Valley road.

FRED KLEIN, 8 Calkins Drive, stated his comments were about the access road.

KEN GOODMAN, 12 Calkins Drive, thanked the Board for handling the Antietam Creek Valley Road situation so quickly.

RICHARD GROMIS, 4503 Edgewood Drive, stated he had a problem with regulating the indoor fireplaces, to which the Board stated they were not regulating indoor fireplaces. The Fire Marshal stated the Ordinance had to do with health and safety issues and with people burning their garbage. Mr. Gromis stated he saw a big difference between the suburban areas and the rural areas of the Township, and felt there were many areas that were rural. He stated in order for people to maintain those properties, and not waste the kind of money the Township was going to waste by picking up brush in those rural areas; it was ridiculous not to allow some sort

of burning for those areas. He also felt there had to be a model Ordinance somewhere in this country that would allow some sort of burning in rural areas. He stated he could not believe the D.E.P. would be so strict with this as to not allow rural burning. He also objected to the fees that had to be paid to burn, to which Mrs. Starr stated the \$250 fee would change to \$50 per burn. Mr. Gromis felt that could amount to \$600 a year and that also was too much money. Mrs. Starr stated the D.E.P. had mandated that anyone who makes a living out of their parcel with a minimum of 2 acres could burn. Mr. Gromis stated the Campfire Girls would probably become criminals if they built a campfire to which the Fire Marshal stated, campfires were allowed and no fee was required.

JOHN TIBBITTS, 250 Boone Road, referred to Act 101, which says brush, must be picked up on a specific day once a month. The Highway Superintendent stated that Act 101 required a minimum of two brush pick ups a year. Mr. Tibbitts felt the rules were not right and cited the State's recommendation a few years ago to promote multi-floral rose plants to be used as fences to keep cattle in. He stated he now had the problem of getting rid of the abundance of Multi-Floral Rose brush and if he could not burn it would be a mess to pick up. He stated the Board had to allow burning. He then asked about the fees for an annual permit to which the Fire Marshal stated the fee at the moment was \$500. Mrs. Starr stated the Board had not adopted new fees yet; but would address the matter. Mr. Tibbitts stated if anyone thought the Township could pick all this brush up it would never happen, as it was just too big a job for this Township to be able to do it. He then felt the brush would sit and accumulate.

MARY WALKER, 5400 Boyertown Pike, confirmed what both Mr. Tibbitts and Mrs. Schaefer said because Russian olive and Multi-Floral Rose are two very invasive non-native plants. She stated Russian olive had big jiggers that had cut through tires on pastures and were horrible to work with. She stated it had to be cut and dragged to a pile to burn as much as she did not like to burn. Mrs. Walker stated the Multi-Floral Rose is a prolific grower and no matter how small the pieces were cut, they would grow in a mulch pile. She stated both were very difficult plants to deal with and there was no other way to handle them than to burn them or to use herbicide. Mrs. Walker stated she was a small farmer faced with a problem. Mrs. Starr asked if she made money from her farm to which Mrs. Walker answered, no. Mr. MacBean felt there was something the Board could do to rework the Ordinance to accommodate those situations. However, Mrs. Starr stated no, she spoke to the D.E.P. today and they were very definite about it. Ms. Ciotti stated the Board could say they were not going to vote on this tonight.

Mr. Dickie stated he ran a green house and was concerned about the fee for annual burning. Mrs. Starr stated the amounts on the fee schedule were going to be discussed by the Board in the future. Mrs. Starr stated if he were generating income he would be allowed to burn and asked the Fire Marshal to explain it to Mr. Dickie. The Fire Marshal stated the D.E.P. said they were exempt from the ban on burning. Mr. MacBean stated they could get a permit to burn to which Mrs. Starr stated the D.E.P. said it would be up to the Township as to whether or not a permit would be required. Mr. Dickie stated he read in the newspaper the Ordinance was going to be voted on at the July 26th Meeting. He asked if the Board had already made the decision to which the Township Manager explained that the Ordinance had been advertised; but not adopted. He further explained the grant had been awarded to the Township; but the grant monies could not be collected until the Board adopted a Burning Ordinance. Mr. MacBean stated the Board had not adopted an amended Burning Ordinance yet. He stated it had been advertised in order to get public comment.

The Board thanked the residents for coming to the meeting.

MINUTES OF JUNE 28, 2004 MEETING

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve the minutes of the June 28, 2004 meeting as presented. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

Two members of the audience asked to make comments as they were delayed in getting to the meeting due to a detour.

FRANCES DAILEY, 5031 Oley Turnpike Road, stated speeding was terrible on Oley Turnpike Road and the water was terrible today. She asked if something had happened again that was blocking the water from draining. Mr. MacBean stated Oley Turnpike Road was not the only road with which the Township had speeding problems and Exeter had issued more speeding tickets than any other Township. She further complained about the water problems. The Highway Superintendent stated he had her note and intended to look into it.

JENNIE PALKON, 5051 Oley Turnpike Road, stated water was washing out the stones along her driveway and the front was like a pond with water coming into her garage. She stated the new storm sewer system was supposed to be started in the fall. Mr. Rogosky stated the preliminary design was done however; the sanitary sewer system needs to be relocated to put in a subsystem sewer. He stated there was a conflict with UGI over the gas line, a conflict with the sanitary sewer and a possible conflict with the water line. In order to alleviate the problem, a rolled curb and storm inlet had to be installed; however that was where our sanitary sewer was located and it had to be moved. In response to Mrs. Palkon's request for a short-term fix, Mr. Rogosky stated he and the Highway Superintendent would take a look at it; but, felt a lot of water was coming off the mountain and there were low areas where the road was flooded. Mrs. Palkon gave a lengthy presentation on her water problems.

DISBURSEMENTS

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve for payment the bills presented on the Disbursement Lists dated July 9, 2004 in the amounts of \$395,623.02 in the General Fund; \$9,409.35 in the Utility Fund; \$1,629,621.79 in the Sewer Fund; \$1,336.36 in the Capital Improvement Fund; \$31,231.37 in the State Fund and \$6,673.15 in the Traffic Improvement Fund. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

TREASURER'S REPORT

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

INCOMING AND OUTGOING COMMUNICATIONS were submitted and are available for public inspection in the Township Office

DEPARTMENT REPORTS

The Engineering, Highway, Police, Park & Recreation, Fire Marshal and Wastewater Treatment Monthly Reports, and reports of scheduled activities for the week of July 12, 2004, were submitted for the Board's review. Mrs. Starr noted owners of many new homes with alarm systems were not aware they needed a permit from the Police. It was suggested the Engineering Department provide this information and the information could be included in the newsletter. Ms. Ciotti suggested it would be helpful to mail regulations to the alarm companies to advise purchasers of the systems that a permit was needed for them in the Township.

UNFINISHED BUSINESS

APPROVAL OF REVISED LIBRARY PLAN

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve the Revised Library Plan in accordance with discussions at our workshop. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

AMENDED BURNING ORDINANCE

Mr. MacBean stated the Burning Ordinance would not be approved tonight. Mrs. Starr asked the Solicitor if the Ordinance needed to be re-advertised since two sections were missing, to which the Solicitor advised, anytime there were significant changes, the document should be re-advertised. Ms. Ciotti stated, given input from the residents tonight, there may be additional changes and felt the Board was not at a point to re-advertise the Ordinance.

AMENDED SICK LEAVE POLICY – MANAGEMENT HANDBOOK

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve an amended Sick Leave Policy within the Management Handbook. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

NEW BUSINESS

ANTIETAM CREEK VALLEY EMERGENCY ACCESS ROAD

See the beginning of the meeting where the matter was resolved with motions.

HARTMAN ROAD SPEED LIMIT ORDINANCE

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to authorize advertising an amended Traffic Ordinance setting the speed limit for Hartman Road at 40MPH. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

REQUEST FOR PROPOSALS – PREPARATION OF SLUDGE CONTRACT SPECIFICATIONS

The Wastewater Treatment Superintendent felt more study should be given to the preparation of the sludge contract specifications. Ms. Ciotti stated the \$4 State surcharge on the sludge contract was being argued in September. The Board had a general discussion on the contract and the costs. Ms. Ciotti stated the Board had invited Mascaro to come and discuss the fee with us and they filed a lawsuit. In response to the suit, the Board stated we would wait until the Commonwealth Court argued the case in September. The Wastewater Treatment Superintendent stated they were working on a request for proposals to prepare specifications for the sludge contract. He stated this was a major contract and the current contract was up at the end of the year. He also stated they had received a 3% fuel Surcharge from Mascaro and asked the Board how they wanted to handle it. Mr. MacBean stated if a surcharge was not defined in the contract, the Board would not agree to it. The Board deferred the Sludge Contract matter until the contract was reviewed and a sludge survey was done.

EXTENSIONS OF TIME:

CARE SUBDIVISION & DUTCH COLONY LAND DEVELOPMENT

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to accept the extensions of time for the following plans: Care Subdivision (90-days) and the Dutch Colony Land Development Plan (90-days). Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ESCROW RELEASES:

LAUREL VILLAGE APARTMENTS #3; LAUREL VILLAGE ENTRANCE #2; & ANTIETAM CREEK VALLEY PHASES II, III, IV, V & VI

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Laurel Village Apartment Complex Release #3 in the amount of \$55,843.67 for erosion & sedimentation, earthwork and sanitary sewers; the Laurel Village Entrance Release #2 in the amount of \$39,414.86 for erosion & sedimentation, earthwork, storm sewers, asphalt paving and miscellaneous items; Antietam Creek Valley Phase II in the amount of \$7,855.30 for concrete work and miscellaneous items; Antietam Creek Valley Phase III in the amount of \$12,801.69 for concrete work, erosion & sedimentation and miscellaneous items; Antietam Creek Valley Phase IV in the amount of \$27,394.67 for concrete work, asphalt paving, erosion & sedimentation and miscellaneous items; Antietam

Creek Valley Phase V in the amount of \$14,988.96 for concrete work, erosion & sedimentation and miscellaneous items; and Antietam Creek Valley Phase VI in the amount of \$14,723.31 for concrete work, erosion & sedimentation, sanitary sewers and miscellaneous items. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

SOLICITOR'S REPORT

GIBRALTAR ROAD ROW CONDEMNATION

The Solicitor stated he had given to the Township Manager the proposed ordinance authorizing condemnation of the Gibraltar Road ROW to advertise for the next meeting.

INDIVIDUAL REPORTS

LANDFILL TONAGE

Mrs. Starr noted that 29% of the Trash going to the Pioneer Crossing Landfill was coming from within Berks County and 71% from outside Berks County. She stated she reported these numbers because the Board was told the trash was going to come from Berks County.

AGRICULTURAL PRESERVATION AREA

Mrs. Starr asked if the Township had received any applications for land preservation to which the Township Manager answered, none had been received yet.

MINOR ALTERATIONS TO UNIFORM CONSTRUCTION CODE (UCC)

Mr. MacBean stated a communication had been received regarding minor alterations to the UCC and asked the Engineering Department to look into it.

240 DAUTRICH ROAD FAILED SEPTIC SYSTEM

Mr. MacBean referred to a letter received from a resident that lives at 240 Dautrich Road asking if a sewer line had been extended along Dautrich Road and suggesting it be extended further. The Wastewater Treatment Plant Superintendent stated he would respond to the letter.

REGIONALIZATION OF POLICE SERVICES

Mr. MacBean stated he would like to respond to the county informing them the Township would not like to receive any more information on regionalization, as it would not be the best thing for Exeter.

NOTE FOR THE RECORD: EXECUTIVE SESSION

An executive session was held after 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 8:14 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary