

**MINUTES**  
**EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**JULY 26, 2004**

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, July 26, 2004, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Lachlan MacBean, Chairman, called the Meeting to order at 7:01 P.M., with the following in attendance:

***SUPERVISOR***

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, Jr., Esquire, Solicitor  
Cheryl A. Franckowiak, Zoning/Assistant Code Enforcement Officer  
Gerard A. Radke, Chief of Police  
H. David Miller, Assistant Wastewater Treatment Superintendent  
George B. Spanier, Highway Foreman  
Joseph P. Rogosky, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.

***PUBLIC COMMENTS***

***KARL SCHEMBERG***, 207 Lisa Lane, asked Mrs. Starr if she had been fighting people for ten years trying to ban burning in the Township. Mrs. Starr began to reply when Ms. Ciotti interjected by reminding Mr. Schemberg this time was reserved for public comments, and if the question and answer game were played tonight they would not get anywhere. Ms. Ciotti stated the Board was researching the Burning Ordinance, not controlling fireplaces (except for burning construction trash, which some people were doing). She stated the Board was trying to address all the concerns that were raised at the last meeting. She stated the Ordinance was available for Mr. Schemberg to review and while it was not completely revised, it would contain the fireplaces provisions. She stated when the Ordinance was completed, it would be re advertised and he could speak on it at that time. Mr. Schemberg repeated Mrs. Starr had been trying to ban burning in fireplaces and woodstoves for the past 10 years. Mr. MacBean stated the Ordinance did not ban fireplaces, wood burning stoves or barbeques. He also stated, at the last meeting, residents were concerned with agricultural burning. Mr. Schemberg asked for clarification on Act 101 and the two brush pick ups a year. Mrs. Starr stated the D.E.P. only required two brush pick-ups a year because the Township had a brush depository available for residents.

***THOMAS HOWELL***, 4970 Hafer Road, gave the Secretary a packet of information for the record and stated we lived in a capitalistic society and those who paid taxes should have the law followed. He stated Dr. Ganas was parking in a restricted area marked for "Police purposes only" beside the Township Building. Mr. Howell suggested the stickers on Dr. Ganas' car showing he was a member of the FOP might not be authorized and questioned where he got them. He stated he was opposed to granting Mr. Mascaro's request for purchasing EDU's at a reduced rate, as it would take money away from taxpayers. He stated money should not be wasted and given to a Landfill that already had a lot of money. He felt it was time the people were served and not the government. Mr. MacBean stated the Sewer Authority, not the Board of Supervisors, was handling the EDU matter.

**STUART DICKIE**, 5510 Boyertown Pike, asked if the Board had worked on any fees regarding the Burning Ban and questioned the cost study to which the Board referred. Mr. MacBean explained the Board was awaiting a response from the D.E.P. to see if it had accepted the wording in the Burning Ordinance. Mr. MacBean stated when the changes were made; the Ordinance would be available for review in the Township Office. Mr. Dickie asked if the leaves would be the only item picked up in the fall to which the Board stated, so far they would. Mr. Dickie asked if there were sealed bids for the Tub Grinder to which the Township Manager responded, yes; however, a decision on the Tub Grinder would be deferred until the Township was assured it had the money for the purchase from the grant. Mr. Dickie felt tub grinders were costly and suggested they could cost \$300,000.

**WILLIAM BEURY**, 115 Rodney Plaza, stated the articles regarding the Burning Ban Ordinance in the newspaper were confusing and it appeared that all things were going to be banned even papers that could not be shredded. The Board explained that only brush could be burned and suggested Mr. Beury put the papers out to be recycled. Mr. Beury questioned why recycling did not take plastics beyond #2. The Township Manager explained there were no places for Coogle's to market plastics beyond #1 & #2. Mrs. Starr felt there were other places Mr. Beury could go to have items recycled and she would check into it for him.

**PAUL GORDON**, 200 W. 49<sup>th</sup> Street, complained his sewage backed up several times in his basement over the past two years and asked who he could call to help him with the problem. The Board referred the question to Dave Miller from the Sewer Department who stated the recent rain events had caused many problems of this nature. He suggested Mr. Gordon contact the Sewer Department the next time it happened and they would inspect the sewer line to see if it had a blockage. Mr. Miller stated three people maintained 90 miles of sewer line and they tried to get to everyone; but the last rain event was overwhelming. Mr. Miller asked for Mr. Gordon's phone number and stated he would call and come to investigate his problem.

**JAY WOLFE**, 271 Shelbourne, stated he objected to the proposed Burning Ordinance because he had one half of an acre and if he could not burn, he would have to drag brush and plant material out into the street through his very narrow driveway. He felt rural areas needed more leeway in the Burning Ordinance. He also objected to the price for a burning permit. Mr. MacBean stated the price for a burning permit had not yet been set. Mr. Wolfe asked how long it would take for the changes in the Ordinance to take place. Mrs. Starr stated the Board hoped to have an answer by the August 9<sup>th</sup> meeting. Mr. Wolfe stated he had been burning for 50 years and never had a problem. He felt \$100,000 would run out quickly with equipment purchases and it seemed kind of silly to spend the money for equipment to be used only two times per year. He felt the amount of money coming in the grant was not enough to handle the job of collecting brush in the Township.

**WILLIAM BAUER**, 130 Limekiln Road, stated he owned and operated a farm when he cleared a fencerow there was a huge amount of brush. He asked what he was supposed to do with it stating if he took it all out to Limekiln Road he would have the whole road blocked up with it because he had no property at the road's edge to put it on. Mr. MacBean stated he would continue to be able to burn the brush in the new Ordinance. Mr. Bauer stated the recycling trucks would not take his 5 gallon buckets with the #2 on them. The Board suggested he remove the handles and lids and then they might be taken. Mr. Bauer suggested people might think he was silly; but, if the Township wanted to eliminate air pollution, they might consider eliminating smoking in the Township. The audience applauded.

**E.K. HEFFNER**, 140 Limekiln Road, made comments on Burning Ordinance.

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**MITCH MILANEK**, 3660 St. Lawrence Avenue, stated he did not understand why the D.E.P. would not give the Township the money and still allow people to keep burning. The Board stated those were the D.E.P.'s rules. He stated he did recreational burning and had a campfire every month. He stated he looked forward to that and objected to the burning ban because now that was going to be taken away from him. He also felt burning was not polluting the air.

**MARTHA LUBAS**, 201 Moyer Road, stated she read the article in the newspaper last week, which she now understands was not entirely correct; however, she felt fees for burning were just another tax. She stated we did this for free and now we would have to pay for it. She felt since it was confusing, she asked for clarification on whether or not people with two acres and over were going to be able to burn. The Board stated, yes. She asked if there were storm damage would they be allowed to burn to clean up their properties, to which the Board responded that was what they were looking to do with a permit. Mrs. Lubas felt having a paid permit to burn was not right. Mrs. Starr stated the Fire Marshal had recommended a \$10 per burn fee. Mrs. Lubas stated people in the rural areas of the Township should be allowed to burn. She questioned why it was necessary to have grant funds for communication. The Township Manager stated grant money's had always been used for communications and had been applied for since the mid 1990's. He explained they were used for "The Environmental Advisor", other recycling literature, the recycling containers, and certain other things that were eligible under the grant.

**MIKE LUBAS**, 201 Moyer Road, stated the reason he signed up to speak separately was that he had been asked to make some comments on behalf of three elderly property owners who also were his family members. He stated 80 acres of the land were owned and farmed by his two aunts and Joseph Lubas. He stated the Rural Conservation Ordinance and the Agricultural Preservation Ordinance were put in place by the Board years ago and were important because they helped protect agriculture and the aesthetics of the Township. He felt the potential for a Burning Ban as was proposed and as explained in the newspaper would be an onerous expense and an inconvenience to the property owners who were farming. He asked the Board to seriously consider insuring farming and the preservation of rural conservation areas. Mr. Lubas also asked the Board not to do something that distracted from the Township's ability to maintain the open space it now had. Mrs. Starr stated the D.E.P. was allowing agricultural burning. Mr. Lubas then asked that fees not be required to burn.

**JOHN MOYER**, 402 S. Baumstown Road, explained he lived in Baumstown and had slightly less than one acre, which he cleared and burned. He stated it amounts to a truckload full of brush 6 to 8 times a year in order to keep the area clear. He felt restricting burning to more than two acres was arbitrary and the stipulation on acreage should be less. He stated he was glad to see the fee would be reduced from \$250 to \$10; but still felt it was a nuisance fee and was awkward to obtain. He felt the Board should rethink the entire thing. Mrs. Starr stated she contacted several large trash haulers, BFI, Waste Management, Blosenski and J. P. Mascaro, and learned they would pick up 5 bags of brush per collection. Mr. Moyer felt that would not be enough to clear his land.

**MINUTES OF JULY 12, 2004 MEETING**

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to approve the minutes of the July 12, 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 Ms. Ciotti, seconded by Mrs. Starr, to approve for payment the bills presented on the Disbursements List dated July 23, 2004 in the amounts of \$89,568.84 in the General Fund; \$321.1 in the Utility Fund; \$35,159.05 in the Sewer Fund; \$1,700.26 in the Capital Projects Fund; \$3,771.09 in the Park Improvement Fund and \$21,014.86 in the State Liquid Fuels 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 July 26, 2004, were submitted for the Board's review.

**CONDITIONAL USE: ZOOK – 8 EAST 34<sup>th</sup> STREET**

Mrs. Franckowiak stated Mr. Zook was proposing to operate a construction business office in his home at 8 East 34<sup>th</sup> Street, and noted the neighbors had concerns with outdoor storage of materials and equipment.

**MOTION** by Ms. Ciotti, seconded by Mr. Barbieri to grant the Conditional Use for Donald Zook to operate a construction business office at 8 E. 34<sup>th</sup> Street subject to there being no visible signage or outdoor storage of materials and/or equipment, including tools, ladders, scaffolding and that no noise from the business should be audible beyond the building. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**SEALED BIDS: 2004 TUB GRINDER**

Bids were received from: Granturk Equipment in the amount of \$178,804.00 and from Mid-Atlantic Waste Systems in the amount of \$221,686.00.

**MOTION** by Ms. Ciotti, seconded by Mrs. Starr, to table action on the 2004 Tub Grinder bids and refer them to the Highway and Engineering Departments for review. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**UNFINISHED BUSINESS**

**REQUEST FOR PROPOSALS – PREPARATION OF SLUDGE CONTRACT SPECIFICATIONS**

Deferred to end of meeting.

**ACCEPT PENNVEST LOAN – EAST NEVERSINK ROAD STORM SEWER PROJECT**

The Township Manager stated the Board had to act to accept the awarded loan. Mr. Barbieri referred to the below market interest rate and asked how much additional money we could borrow in gest.

**MOTION** by Mr. Barbieri, seconded by Dr. Ganas, to accept the PENNVEST Loan in the amount of \$299,193.00 for the E. Neversink Road Storm Sewer Project and have the necessary officers execute the loan documents. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**ADOPT ORDINANCES:**

**GIBRALTAR ROAD RIGHT-OF-WAY CONDEMNATION #573**

**MOTION** by Ms. Ciotti, seconded by Mrs. Starr, to adopt the Gibraltar Road Right-of-way Condemnation Ordinance #573 as recommended by the Solicitor. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**AMENDED TRAFFIC ORDINANCE #574**

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to adopt the Amended Traffic Ordinance #574 setting the speed limit for Hartman Road at 40MPH. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**NEW BUSINESS**

**EXETER CAR CARE II PRELIMINARY/FINAL LAND DEVELOPMENT PLAN**

Mrs. Franckowiak reported everything except the Improvements Agreement had been completed and the plan met all the Ordinances. The Solicitor suggested the plans could be approved subject to completing the Improvements Agreement. Mr. Howell asked to speak on this matter to which Ms. Ciotti asked if he had reserved time to do so during the public comment session and also stated he had used up his five minutes.

Mr. Howell felt, under the Sunshine Law he had a right to speak on this matter. The Board and the Solicitor disagreed. The Solicitor suggested Mr. Howell turn over whatever information he had to GVC and if it were important, it would be addressed.

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to approve the Exeter Car Care II Preliminary/Final Land Development Plan in accordance with the Planning Commission recommendation, conditional upon execution of a Municipal Improvements Agreement with the appropriate letter of credit and subject to the plans meeting the Ordinances. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***ACCEPT RESIGNATION OF JAMES J. SHURR***

**MOTION** by Dr. Ganas, seconded by Mrs. Starr, to accept, with regret, the resignation of James J. Shurr effective August 17, 2004. Dr. Ganas suggested a letter be sent to Mr. Shurr thanking him for his 20 years of service to Exeter Township. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***AUTHORIZE POSTING OF POLICE CLERK POSITION***

Mrs. Starr asked why the Police Department had to spend this money at this time. Mr. MacBean stated they needed staff in the office. The Chief indicated overtime was currently being paid.

**MOTION** by Dr. Ganas, seconded by Mr. Barbieri, to authorize the posting of a full time police clerk position in accordance with the request of the Chief of Police. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***SOLICITOR'S REPORT***

***EASEMENT AGREEMENT FOR MULBERRY CHILDCARE***

The Solicitor stated he met with First American Title Company last Thursday; however, he had to have one more meeting with the Sewer Authority Solicitor and the Solicitor from the Title Company to discuss the Right-of-way Easement Agreement for the Mulberry Childcare private sewer line.

***EARTHCARE BANKRUPTCY***

The Solicitor stated he attended the pre-trial hearing, which was held in Texas, over the phone and would divulge the settlement to the Board in Executive Session. He stated Earthcare had asked for a refund of \$70,000 and the settlement would be about one half of that amount. He thanked Ms. Ciotti for her assistance in this matter.

***BRINTZENHOFF INSURANCE***

The Solicitor stated he responded to Virginia Brintzenhoff informing her time limitations had expired, and since her husband did not complete the requisite life insurance application between his retirement and his death, the statute of limitations had expired with the insurance company and the Township could not do anything retroactively. He stated he would turn over this information to the Township Manager and hoped Mrs. Brintzenhoff understood the circumstances.

***BYBEL CONDEMNATION***

The Solicitor stated he planned to review the latest information he received.

***INDIVIDUAL REPORT***

***EDDIE SMITH DEWATERING PROJECT***

Ms. Ciotti asked whether or not any action was required by the Board regarding this project to which Mr. Miller responded none was required as it was being metered and would be billed.

***NOTE FOR THE RECORD - EXECUTIVE SESSION***

The Board met immediately after the meeting to discuss personnel and potential litigation issues.

***ADJOURNMENT***

***MOTION*** by Ms. Ciotti, seconded by Mr. Barbieri, 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 7:59 P.M.

Respectfully Submitted,

Troy S. Bingaman  
Township Secretary