

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
JUNE 14, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, June 14, 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
Dave F. Barbieri

OTHERS IN ATTENDANCE

Troy S. Bingaman, Manager/Secretary/Treasurer
John A. Hoffert, Jr., 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
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.

PUBLIC COMMENT

GLENN A. HOOVER, 131 S. Center Road, stated he came to the meeting to discuss the Solicitor's actions regarding the 2003 Host Fees. He felt the Solicitor was not paying as much attention to the matter as he should have. He was concerned since no discussion on the issue of the dispute about the Host Fees had taken place at a public meeting. Mr. Hoover stated he was unaware of a letter that had been sent to Pioneer Crossing regarding the fees and subsequently found out a letter had been sent. He stated several issues had been discussed at the Advisory Committee Meeting that had not been discussed at the Board Meeting. He cautioned the Board to not go soft on the Landfill and to pay better attention to the detail in making Pioneer Crossing adhere to the Host Agreement. He stated the vague nature of the Host Agreement required frequent clarification and, as a resident who lived close to the Landfill, he did not want to go back to the way things used to be. He stated 18 years were remaining in the Agreement, and if the Board did not address the issues now, they would compound. He asked if the Township had received the Host Fees, to which Mr. MacBean stated they had. Mr. Hoover then asked when the matter had been discussed at a public meeting. Mrs. Starr stated the matter had been discussed several months ago and he could refer to the minutes of the meeting for verification. Mr. Hoover continued to question the Board and the Solicitor about a Sewer Authority meeting on the EDU issue asking if the Solicitor was in attendance, to which the Solicitor responded, he was not. Mr. MacBean stated Fred Reigle was the Sewer Authority attorney present at that meeting. Dr. Ganas offered Mr. Hoover his copy of the host fee check for his records. Mr. Hoover felt he would be copied by Pioneer Crossing; but, had not yet received it. A general clarification discussion took place. The Solicitor stated Mr. Hoover had to understand that not everything discussed in executive meetings, particularly those matters that related to litigation, would be discussed in public meetings. He stated these were administrative functions and Mr. Hoover should not interpret this as meaning anything was being withheld. The Solicitor stated relevant matters were discussed at the Sewer Authority Meeting; but, there was nothing for him to discuss. He stated he then followed up with a

letter to Bill Fox notifying him installment payments were acceptable in accordance with the directive of the Sewer Authority. Mrs. Starr asked how long the original sewer fees were overdue as she felt they were about a year and a half overdue. The Wastewater Superintendent stated when they were originally invoiced there was a question about the value of the EDU's. The Superintendent stated the Sewer Authority made an adjustment as the demolition of buildings slightly lowered the fees that were due. Mr. Hoover stated in previous meetings he had heard the Solicitor report on monies collected for sewer liens, and these were small amounts compared to the large amount overdue from the Landfill. He stated he did not want to see the business get preferential treatment. The Solicitor stated he reported publicly on monies collected as directed by the Board, not on monies not yet collected. The Solicitor stated these matters were not being overlooked and were handled automatically on a monthly basis; not held up for discussion in a public meeting. He also stated the Board did know about these on a monthly basis. The Solicitor stated he hoped Mr. Hoover's apprehension was satisfied and if he ever had any questions he should feel free to call the Solicitor to get his questions answered.

THOMAS HOWELL, 4970 Hafer Road, deferred comments until the Motorized Scooter Ordinance and the Exeter Car Care waivers were discussed on the Agenda.

MINUTES OF MAY 24, 2004 MEETING

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the minutes of the May 24, 2004 meeting as amended on Page 4 under K-9, changing Mrs. Starr's comments from "felt he was very good dog" to "was impressed". Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

DISBURSEMENTS

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve for payment the bills presented on the Disbursement Lists dated June 11, 2004 in the amounts of \$93,787.69 in the General Fund; \$9,440.52 in the Utility Fund; \$108.00 in the Capital Expense Fund; \$106,243.19 in the Sewer Fund; \$4,214.00 in the Park Improvement Fund and \$8,699.69 in the State Fund. Motion carried with Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor; Mr. MacBean voting in favor with the exception of Check #52846 from which he abstained and Mr. Barbieri voting in favor with the exception of Check #52787 from which he abstained.

TREASURER'S REPORT

MOTION by Dr. Ganas, seconded by Mr. Barbieri, to accept the Treasurer's Report dated May 31, 2004 and file the same for audit. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri 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 June 14, 2004, were submitted for the Board's review. Mr. MacBean read a letter the Board received complimenting the Wastewater Treatment Staff for handling a matter in a professional and courteous manner at a resident's home. Mr. MacBean also thanked Mr. Hoover for attending the meetings at the Landfill stating his efforts were much appreciated.

SEALED BIDS: TROUT RUN FACILITIES

Bids were received for General Construction from: Perrotto Builders in the amount of \$67,710.00; Purcell Construction in the amount of \$69,459.00; Ciatto Construction in the amount of \$44,900.00 and Bertolet Construction Corp. in the amount of \$76,282.00; for Electrical from Alfred J. Fry, III, Inc in the amount of \$19,999.00; J.B. Electric Corp in the amount of \$29,328.00 and Warko Group in the amount of \$22,000.00; and for Plumbing from Warko in the amount of \$44,855.00.

MOTION by Mrs. Starr, seconded by Mr. Barbieri, to refer the Trout Run Facilities bids to the Parks & Recreation, and Engineering Departments for review and recommendation. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

UNFINISHED BUSINESS

MEISTER SUBDIVISION FINAL PLAN

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to approve the Meister Subdivision Final 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.

ADOPT MOTORIZED SCOOTER ORDINANCE #572

Mr. Howell stated he was concerned the Ordinance only banned motorized scooters on Township Property. He felt they should be limited to the rider's personal property or property they had permission to ride on. Ms. Ciotti felt if they were riding on personal property the Township could not do anything about that because it was private property. She felt putting those words in the Ordinance did not give the Township any more power and if the people did not call to complain, the Township would not have the power to enforce the Ordinance. She felt they would be words without impact. The Police Chief stated individuals could post no trespassing signs on their property. The Police Chief also stated according to PennDOT law, the use of motorized scooters on the highway was illegal and dangerous. It stated the scooters could not be driven on the highway unless they were licensed, inspected and insured. The Police Chief stated Pennsylvania has made it very difficult to use motor scooters and State law would supercede the Township Ordinance. He also stated he added sidewalks to the Ordinance. Mr. Howell felt it was unreasonable to ask a resident to get a lawyer to resolve the issue of someone riding motorized vehicles on their property when it could be written into the Ordinance. Mr. Howell cited the Bybel property as an example. The Solicitor stated a no trespassing sign must be posted in accordance with the law and the Board could not presume everyone did not want people to be able to ride on their private property. He stated the Township did not have that right; but, only had control of public property. He felt property owners could complain and the Police Department would respond accordingly. The Police Chief stated they had asked private businesses to write them a letter stating their wishes for enforcement on their property. The Solicitor stated the Ordinance had been duly advertised and was ready for the Board's adoption.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to adopt Ordinance #572 regulating the use of motorized scooters within the Township. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

TRAFFIC IMPACT STUDY

In referring to Pennsylvania State Act 209, which governs how Townships wish to levy impact fees on developers to ease the strain placed by new development on the Township's transportation system, Mr. MacBean asked the Board for comments on the recent GVC traffic study proposal. The Traffic Study would cost the Township \$75,000 to \$100,000 to conduct. Mr. MacBean clarified any fees levied from developers could only be used for intersection improvements. Since the Board would have to pay the \$75,000 to \$100,000 to conduct the study, Mrs. Starr felt she did not want to spend taxpayers dollars on this 18 month process for something that was so uncertain. She felt it was a little late and should have been done in the 80's. She felt the Township should do some research first to determine if and where there were going to be problems, and identify

where the 3,000 potential new houses could be built, what intersections would be involved and where the potential problems would be. She stated the parameters of Act 209 were very tight and the Township could not just take that \$1 million or more, and put it in the General Fund. Mr. Rogosky stated the traffic impact fees would only apply to the 7 mile radius from the area designated to be studied for where there would be a need for road improvements. Dr. Ganas asked Mrs. Franckowiak if the statistic of 7,300 lots still available in the Township was accurate, to which Mrs. Franckowiak stated approximately 3,100 lots were still available for development. The Township Manager stated the first step was to pass a Resolution of intent to do the traffic impact study. He stated once the Resolution was passed, the Board had 18 months to complete the entire process. Ms. Ciotti asked what would happen if the Board passed the Resolution to form a committee and found it not to be feasible. Mr. Rogosky stated if a good enough service area was not discovered, the Board could stop the process and not proceed with the project. Ms. Ciotti clarified that if it failed the Board would then not do anything. Mr. Rogosky agreed stating the 18 month time span began when the Board passed the Resolution. Mr. MacBean asked what the costs would be for the Board to pass the Resolution and form a committee. The Township Manager stated if the Board engaged GVC in this function, it would cost the price of their time and effort. Mr. Rogosky stated if the Township formed a volunteer advisory committee it would not cost anything. Dr. Ganas felt if Act 209 had been enacted 10 years ago, the Township would have gained \$10 million and, unfortunately, that time was wasted. Mr. MacBean questioned why the Board should invest in a survey that would cost between \$75,000 and \$100,000 if there were not enough intersections to spend the Act 209 money on. The Township Manager suggested, before the Board created a committee without a clear direction, the Township's GIS Manager could search the maps for the Township to determine where the 3,100 developable lots were located, and then decide whether or not a committee was needed. Dr. Ganas felt if the Township got one large development that needed \$500,000 worth of improvements, it would be missing out on an opportunity because it did not want to spend \$75,000 now. Mrs. Starr felt it was something to consider and the GIS Manager should look into identifying the lots for the Board. The Board noted if the development took place along Route 422 or Route 562, Act 209 money could not be used. The matter was deferred to the next meeting with the GIS Manager to map out the potential areas to be developed.

EXTENSIONS OF TIME:

PALMER WAREHOUSE, HAFER/KERN ANNEXATION, ROYAL VIEW ESTATES, SHELBOURNE SQUARE SHOPPING CENTER, HUBERT BRICKET SKETCH PLAN FOR RECORD & KUBOVCSAK SKETCH PLAN OF RECORD

MOTION by Dr. Ganas, seconded by Mrs. Starr, to accept the extensions of time for the following plans: Palmer Warehouse Land Development (90-days); Hafer/Kern Annexation (60-days); Royal View Estates Subdivision (90-days); Shelbourne Square Shopping Center Land Development (90-days); Hubert Brickey Sketch Plan for Record (90-days) & Kubovcsak Sketch plan of Record (90-days). Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

NEW BUSINESS

EXETER CAR CARE WAIVERS

Mr. Howell stated the Planning Commission had waived the shoulder on the side of Hafer Road and felt the lay of the land from Lorane Road to Gibraltar Road should require a shoulder all the way because the future development of those properties could not be predicted at this time. Mr. MacBean asked if curbs and sidewalks were put on Hafer Road for Exeter Car Care would all others be required to put curbs and sidewalks on the road to which Mrs. Franckowiak stated no. Mr. MacBean and Brian Boyer, from Bursich, who was representing Exeter Car Care, asked why the Board should start curbing Hafer Road now. Mr. Howell felt by curbing, water would be directed into the Anderson property located below Exeter Car Care. There was a general discussion of the various properties on Hafer Road. Mr. MacBean stated he disagreed with the recommendations of the Planning Commission on this issue. The Highway Superintendent felt curbing should be placed on the low side for approximately 150 feet. Mr. Boyer felt the water could be handled in a detention facility. Mr. Rogosky felt

if curbing was required, a storm water system also would have to be installed. Mr. MacBean asked if there were sewers on Hafer Road to which the Wastewater Superintendent stated, no. Mr. MacBean then asked if there were no sewers, how a collection system would be used there. Mr. Rogosky stated the water would flow onto the property. Dr. Ganas felt the Board had a dilemma. The Board decided to separate the first two waiver requests from the last two. They deliberated on how to handle the second two waiver requests without holding up the progress of the development of this commercial property within the Township. Mr. MacBean noted the delays involved with PennDOT, and the approvals required for two commercial ventures in the Township, Appleby's and Dunkin Donuts, and stated the Board did not want to delay the Township's much needed commercial development.

MOTION by Mrs. Starr, seconded by Mr. Barbieri, to approve waivers from SALDO Sections 5.98 (Traffic Impact Study); and 5.99 (Water Resource Study) for the Exeter Car Care Land Development 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.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to defer the waiver from SALDO Section 6.203 (curb adjacent to existing cartway edge) and Section 6.204 (curbs & sidewalks) for the Exeter Car Care Land Development Plan pending the adoption of an Ordinance requiring curb, sidewalks and shoulder widening in that area and add a note on the final plan subject to review of the Solicitor. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

AUTHORIZE HIRING OF ADDITIONAL PLAYGROUND LEADER

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to authorize hiring and additional playground leader for Community Park. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

SELECT DATE & AUTHORIZE ADVERTISING LIBRARY WORKSHOP MEETING

The Township Manger stated the Library Board had a new, scaled down version of the proposed new library and had requested a workshop with the Board to discuss it.

MOTION by Mr. Barbieri, seconded by Ms. Ciotti, to authorize advertising a Library Workshop meeting for June 28th at 6:00 P.M. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

DISCLOSURE SERVICES AGREEMENT – GENERAL OBLIGATION BONDS

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve the Disclosure Services Agreement with Concord Public Finance, for the General Obligation Bonds not to exceed \$2,100 annually. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ESCROW RELEASES:

LAUREL VILLAGE APARTMENTS #1 & #2; LAUREL VILLAGE ENTRANCE #1

Mrs. Franckowiak noted Verizon had been holding the project up; however, weather permitting, the access would open within the next two weeks.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Laurel Village Apartment Complex Release #1 in the amount of \$88,373.32 for erosion & sedimentation, earthwork, sediment basin and miscellaneous items; Laurel Village Apartment Complex Release #2 in the amount of \$115,417.33 for earthwork, sediment basin, sanitary sewers and miscellaneous items and the Laurel Village Entrance Release #1 in the amount of \$107,464.76 for erosion & sedimentation, earthwork, inspection fees and miscellaneous items. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

SOLICITOR'S REPORT

BLEISATH CASE

The Solicitor stated the Bleisath Case was listed before Judge Schmehl in July.

KARPATI

The Solicitor stated he met with Lon Seitz and informed him of the Board's decision.

EXETER CITIZENS ACTION COMMITTEE

The Solicitor stated he had received a Court Order from Judge Schmehl regarding Attorney Yatron's withdrawal of his representation of the Exeter Citizens Action Committee.

423 GRANDVIEW AVENUE

The Solicitor stated he received a notice of Sheriff Sale scheduled on August 6th for the property at 423 Grandview Avenue and alerted the Township Manager that claims must be dropped off prior to the sale.

5505 N. FAIRWAY DRIVE AFFIDAVIT

The Solicitor stated he would re-draft the document. He explained a construction permit was issued to erect a fence at 5505 N. Fairway Drive. He stated it was issued properly and in accordance with the Township's Ordinance; however, there was a private deed restriction and Mrs. Franckowiak would not have had that information. He stated the affidavit had to be changed indicating this private deed restriction information was not available to Mrs. Franckowiak at the time the permit was issued. The Solicitor stated the Township was not taking responsibility for private deed restrictions and the affidavit would state that.

BYBEL PRE-TRIAL

The Solicitor stated Dr. Bybel was not ready to make a commitment or decision, and the Solicitor took the position that, until he made a commitment, the Township would not entertain any waivers of any requirements of the plan. He stated the matter was listed before Judge Lash on July 23rd.

INDIVIDUAL REPORTS

FLAGS RETIRED

The Highway Superintendent stated since the Township put the flag box in the lobby of the Municipal Building, the Fire Marshal reported 1200 flags had been retired to date.

K-9 FUNDS

The Police Chief reported the State Grant for the K-9 would be received in 6 to 7 weeks.

MS UGLY BARTENDER CONTEST

Mrs. Starr stated the MS Ugly Bartender Contest had been scheduled for Thursday, July 15th, from 6:00 P.M. to 9:00 P.M. at Berties Inn, 160 Old Friedensburg Road at Five Points. She asked the public to come out and support the Township Supervisors as they raise funds for this charity.

BERKS COUNTY ASSOCIATION OF BOROUGH'S MEETING

Mr. Barbieri stated he attended the Berks County Association of Borough's Meeting, and both Democratic County Commissioners and Reading Mayor Tom McMahon also attended. He stated he learned about a sale of sturdy park equipment made by inmates, run by the Department of Corrections and marketed under the name "The Big House" has been planned for June 24th at the Morgantown Holiday Inn. He also stated Mayor McMahon spoke on his four-point program for the City of Reading and alerted those attending he was getting rid of crime in the city. He stated there were economic development topics as well which related to the Schuylkill-Valley Metro, 31 grass roots community organizations and infrastructure projects. Mr. Barbieri felt this was a good meeting to attend.

DETECTIVE BUREAU COMMENDATION

Mr. MacBean stated one of the unsung heroes of the Township was the Police Detective Bureau. He stated so far this year, of the 700 cases of armed robbery, assault and criminal mischief they were involved in, 584 had been cleared by arrest, 30 were essentially cleared and the remainder were still under investigation. He stated of the 120 criminal mischief to vehicles cases in March and April of this year, 94 arrests had been made and young adults and juveniles had been charged for their actions. He stated currently they were working on identity theft cases. Mr. MacBean stated the Detective Bureau operated under the direction of Sergeant Walter Godshall and they deserved to be recognized for their work in keeping the Township safe.

EXECUTIVE SESSION

An executive session was held after the meeting to discuss personnel and litigation matters.

ADJOURNMENT

MOTION by Dr. Ganas, seconded by Ms. Ciotti, 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 8:29 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary