

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
MARCH 22, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, March 22, 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

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
Joseph Rogosky, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.
Township Supervisor Dave Barbieri was absent from the meeting.

PUBLIC COMMENTS

TOM HOWELL, 4970 Hafer Road, distributed a six-page handout, stated we live in a Democratic society and proceeded to comment on the highlighted portions of the handout. Mr. Howell referenced comments he made during the August 26, 2002 Board meeting, comments from two recent letters to the editor in the Reading Eagle regarding the Township Supervisors gathering socially after public meetings, a letter to the Postmaster written in October of 1999 by Cindy Palecek which he felt was a harassment letter, a copy of a Reading Eagle article regarding the Pioneer Crossing power plant issue, and a copy of an article quoting Federal Reserve chairman Alan Greenspan who stated the country did not have enough resources to meet the promises of social security for baby boomers of which Mr. Howell stated he was one. He felt the Township had committed to paying retired Policemen's benefits and the taxpayers in Exeter Township would actually be paying for all the Police Officer's retirements based on the current contract, and just like Social Security, there would not be enough resources to pay them in future years. Mr. Howell stated he called the D.E.P. to inquire about Pioneer Crossing's Power Plant Permit and to ask if Pioneer was planning to modify it, and was told Pioneer had scrapped the idea to put the Plant in Exeter and was going to move it to Birdsboro. He then complained the D.E.P. had changed its story during a subsequent call. Mr. MacBean stated Mr. Howell's five minutes were up to which Mr. Howell asked why he was being stopped at five minutes when Mr. Nguyen, at the last meeting, talked for a half an hour on his problem at Exeter Golf Club Estates. Mr. MacBean stated Mr. Nguyen was talking about an issue that concerned the Township and Mr. Howell was rambling on about Social Security and other things that were not on the Township's agenda.

KENNETH GOLEMBIEWSKI, 4540 Green Tree Road, complained about snow removal during the last snowstorm. He felt there was no reason to plow the roads, curb to curb. He stated doing so pushed the salt and cinders over the sidewalks and they were being eaten away by the cinders. He stated he did not have the resources to replace the concrete in the sidewalk in front of his home. Mr. MacBean asked the Township Manager to look into the matter. The Township Manager stated the road crew's goal, for liability purposes, was to get the snow and slush off the road before it would freeze at night. Mr. MacBean stated he would discuss the matter with the Highway Superintendent.

MICHELLE KIRCHER, 9 Craig Drive, stated she had two items to discuss. The first was the trash removal from the Smith Trailer Park and asked what precautions were taken when the trash was removed and used for daily cover to protect against explosions from the methane gas. She questioned if this use was approved by the D.E.P. She stated people had to be rushed out of there due to methane gas, questioned if the Township was notified, and what precautions were taken for the safety of the workers and residents in the area. She stated the Host Agreement required precautions to be taken and the Township to be notified. Mr. MacBean stated he did not have an answer for Mrs. Kircher and only knew what he had read in the D.E.P. inspection report submitted to the Board. She stated the second issue dealt with Pioneer Crossing's application to install a new enclosed flare. She felt the emissions would blow across the residential area, and she had real concerns for the health and safety of the residents in the area. She also stated running the flare and a power plant at the same time was not allowed. She requested the Board comment within the 30-day comment period about the emissions from the flare blowing over into the residential area, and asked the Board to take some action to protect and insure the health and safety of the residents. Mrs. Starr stated the Board would look into it.

MICHAEL KERN, 259 Gibraltar Road, spoke in opposition to the Balthaser Conditional Use Application for the Lane off Hafer Road. He stated he hoped the owners had not been deceived into thinking this was a commercial property. He stated his concerns were: the privately owned driveway was narrow; it was a one-way in and one-way out Lane; the potential growth of the business could cause increased use of the Lane; and the safety of residents and children, who use and play in the area. He stated speed bumps currently existed on the Lane. He asked, if the Conditional Use was approved, who would police the Lane, provide weed control and road maintenance. He stated he had asked for weed control in the past and the Township did nothing to take care of the problem. **TAMMY SOWERS**, 10 Gunpowder Lane, stated if safety was a concern, why were the children allowed in the street, to which Mr. Kern stated this driveway was their private property.

DAVE HAFER, 299 Gibraltar Road, deferred his comments until the Balthaser Conditional Use discussion on the agenda.

DONNA POWELL, 1350 Pineland Road, stated as a horsewoman, she understood what Mr. Kern was saying and asked the Board to think about the matter. She stated she called Mr. Mascaro to offer her assistance, however, he did not respond. She stated the only objection she had was that Mr. Mascaro was accepting trash from other states. She informed the Board she was moving to Boyertown Heights as of 3/31. She stated, in the past, she and her husband were active in Amity Township activities. She stated she circulated a petition to ban the creation of new wells in Exeter and thought it should be done now because we were headed for another drought. She reiterated her efforts to assist in eliminating malpractice suits and commented again that receipt of the D.E.P. Grant would drive farmers out of the area. Mr. MacBean reminded Mrs. Powell her five minutes were up.

TOM SCHLEGEL, 4703 Mays Avenue, in commenting on a possible library tax stated he was not against the library; but felt community facilities should not be funded by the Government; but should be done privately. He urged the Supervisors not to impose the library tax. The Board stated they had decided they would not float a referendum on the issue and did not plan to raise taxes to pay for it.

ROBERT JORDAN, 14 Ironstone Drive and Reiffon Fire Company Fire Chief, presented the Fire Company's 2003 annual report to the Board of Supervisors. He stated the fire company rolls had increased to about 60 Senior and Junior members, and the 5-year-plan had been rolled over to a 10-year plan. He reported the total number of fire and emergency incidents were 479; total time in service was 273.4 hours; total number of personnel per incident was 12; the estimated property damage was \$521,855, four fighters received minor injuries, none were seriously hurt and there was one civilian fatality on March 5th in a fire at 1100 Fox Run in Mountain Park. He stated a number of action items were completed in 2003 and among them were the awarding of the Ladder Tower Bid to Pierce Manufacturing, receiving a FEMA Grant for approximately

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\$63,000 and establishing a Website (www.reiffonfire.com). Chief Jordan stated, among their 2004 goals were to implement a direct delivery training program for at least 50% of the firefighters, to install a vehicle exhaust system with the 2003 FEMA Grant money, to place in service the new Ladder Tower 2 and to acquire a four-wheel drive vehicle. He thanked the Board and stated he looked forward to working with them in the future.

MINUTES OF MARCH 8, 2004 MEETING

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve the minutes of the March 8, 2004 meeting, as amended to show on Page 4 that Mrs. Starr left the meeting after “Sign Appeal-Lamar Advertising” and returned after “2004 Asphalt & Stone Sealed Bid”, not voting on that motion; on Page 2 under “Mark Saunders”, the last sentence should read “Mrs. Franckowiak replied they could call the Engineering Department or use the on-line complaint form and Mr. MacBean stated Engineering would also work with the County.”; and on Page 8 under “2004 Strong Waste Surcharge Resolution #04-08” the motion was made by Dr. Ganas not Mr. MacBean. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, and Ms. Ciotti voting in favor.

DISBURSEMENTS

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve for payment the bills presented on the Disbursements List dated March 18 in the amounts of \$87,603.20 in the General Fund; \$5.26 in the Utility Fund; \$19,132.13 in the Sewer Fund; \$873.18 in the Capital Projects Fund; \$393.95 in the State Liquid Fuels Fund and \$2,000.00 in the Traffic Improvement Fund; plus Check #52287 and #52288 in the amounts of \$17,451.84 from the General Fund and \$88.32 from the Sewer fund, respectively. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

DEPARTMENT REPORTS

The Engineering, Highway and Wastewater Treatment reports of scheduled activities for the week of March 22, 2004, were submitted for the Board’s review.

SIGN APPEAL – LAMAR ADVERTISING

Deferred as the matter was to be worked out through Court proceedings.

CONDITIONAL USE: BALTHASER – 4966 HAFER ROAD

Mrs. Franckowiak stated the packet of information provided for them included the opinions of the neighbors regarding the Conditional Use Application from the Balthaser’s at 4966 Hafer Road. She also stated the Planning Commission recommended the Board grant a Conditional Use for George and Diane Balthaser with restrictions being placed prohibiting employees from going to the home to get access to business vehicles or equipment, and suggested the vehicles be stored elsewhere for employees to gain access to them. Scott Painter, the attorney representing the Balthaser’s, stated the only parties using the Lane were the Balthaser’s and the Palecek’s. He stated the other parties did not use the Lane for ingress and egress. Mr. MacBean disagreed, as did others in the room. Ms. Ciotti called for order and asked that Mr. Painter, on Mr. Balthaser’s behalf, be given the chance to complete his presentation. Mr. Painter stated this was a small business and there were no plans to expand it. He stated there would be two ingresses and egresses a day, and as this was a seasonal business, there would be no ingress and egress during the winter months. He stated this business was not Mrs. Balthaser’s primary job, she was employed by Carpenter Technology and was at that location during the day. He stated noise was not a significant issue as the truck used would be a pick-up truck. He stated Mr. Palecek was not objecting to use of the Lane and noted he was not at the meeting to protest the application. He felt the proposed use was not an invasive use of the Lane and presented several common uses that would be more invasive. Mr. Painter stated the Balthaser’s were concerned about the Planning Commission’s recommendation that no employee access be granted and would like to see access granted to the one employee. Mr. MacBean called for the other side to speak. **DAVE HAFER**, 299 Gibraltar Road, stated he and Mr. Howell own the Lane, and because of some decisions the previous Board made, it cost him in excess of \$40,000. He stated the Kerns, the Lavender’s, the Howell’s and he use the Lane. He felt it was logical to think that as sales increased in a business, so would employees. Mr. Painter stated the Balthasers contracted out to other people to

do the work. Mr. Painter stated the Planning Commission voted against it, however, the Board stated the Planning Commission voted for it with conditions. Mr. Hafer closed by stating this was a privately owned Lane in a residential area and preferred it stay that way. Tom Howell stated his father from 1947 until he passed away maintained the 40-foot strip. He stated he uses the Lane because his garage was located 175 feet from the beginning of the Lane making it necessary to use it. Mr. Howell stated he was not notified about the hearing regarding use of this Lane and did not approve the Decree NISI because he was not present at the hearing. He began to give a detailed accounting of the steps he took with Judge Schmehl to explain his position on the matter and was stopped by Ms. Ciotti who stated the Board's only interest tonight was to determine whether or not Mr. Howell was in favor of the Conditional Use Request so it could make a ruling on it. Dr. Ganas asked him directly if he was in favor to which he responded, he was at a loss to explain why the Balthaser's wanted to change things and he was not in favor of the Conditional Use. Mr. Howell also presented photographs of the properties surrounding the Lane and explained them to the Board. Mr. Balthaser said there was no intention to move the stones for landscaping purposes to which Mr. Howell referred. Mr. Howell and Mr. Balthaser began to argue over the trees that were on Mr. Balthaser's property. Mr. Balthaser stated those trees were to be planted on his property and were not associated with his business. Mr. MacBean noted the Planning Commission had placed conditions on their approval stating no business related vehicles were allowed to be used on the road. Dr. Ganas asked why his employee had to go to him to get the truck instead of keeping it at his house to which Mr. Balthaser responded, to control the use of the truck. Mrs. Starr asked where he kept his equipment to which he stated, he kept in his garage and on his property; but emphasized there was no excavating equipment there. Mr. Balthaser stated he had two trucks, one for personal use and one for work. Ms. Ciotti stated if the Balthaser's wanted to amend their application for a "home office", not "a home occupation" it would be not be objectionable to her and suggested they consider her opinion and resubmit. **MOTION** by Mrs. Starr, seconded by Dr. Ganas, to deny the home occupation conditional use for a landscape business at 4966 Hafer Road, due to the issues that have been raised. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

AWARDING OF CONTRACTS:

2004 STONE & ASPHALT

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to award the 2004 Asphalt & Stone Contracts as follows: Items #1 through 5 and 12 through 15 to Eastern Industries, Inc. and Items 6 through 11 and #16 to Dyer Quarry, in accordance with the recommendation of the Highway and Engineering Departments. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

2004 TRAFFIC LINE PAINTING, 2004 INTERSECTION MARKINGS, 2004 RALUMAC, 2004 FUELS & 2004 LIQUID PROPANE

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to award the 2004 Traffic Line Painting Contract to A-1 Traffic Control Products in the amount of \$14,289.50; the 2004 Intersection Markings Contract to Interstate Road Management in the amount of \$5,790.00; the 2004 Ralumac Contract to Asphalt Paving Systems in the amount of \$66,900; the 2004 Fuels Contract to Automotive Services Inc., in the amount of \$110,790.00 in accordance with the recommendation of the Highway and Engineering Departments; and the 2004 Liquid Propane Contract to Penn Fuel Propane in the amount of \$31,389.00 in accordance with the recommendation of the Highway, Wastewater and Engineering Departments. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

UNFINISHED BUSINESS

ADOPT VECTOR CONTROL ORDINANCE #567

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to adopt the Vector Control Ordinance #567 in accordance with the recommendation of the Solicitor and Engineering Department. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ADOPT REPLACEMENT SEWER USE ORDINANCE #568

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to adopt Replacement Sewer Use Ordinance #568, in accordance with the recommendation of the Wastewater Treatment Superintendent. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ADOPT PERSONNEL RULES AND REGULATIONS

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to adopt the Amended Personnel Rules and Regulations. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ADOPT MANAGEMENT HANDBOOK

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to adopt the Exeter Township Management Handbook for non-uniform, non-union employees. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

APPROVE AMENDMENTS TO REIFFTON APPARATUS CONTRACT

The Township Manager reported that Reiffton requested several amendments to the Ladder/Tower Contract and requested formal authorization to amend the original contract. He noted with the prepayment discounts being offered, the net result was a decrease of \$305.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to approve the amendments to the Reiffton Tower/Pumper Contract in accordance with the letter from Pierce Manufacturing dated March 3, 2003. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

EXETER GOLF CLUB ESTATES PHASE V SEWER EXTENSION AGREEMENT

The Township Manager stated the Sewer Authority approved the sewer extension agreement for the sewer lines in the new phase of the Exeter Golf Club Estates development and requested Board approval.

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve the Exeter Golf Club Estates Phase V Sewer Extension Agreement in accordance with the recommendation of the Sewer Authority. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

NEW BUSINESS

WAIVER REQUESTS

LIMEKILN HEIGHTS PRELIMINARY PLAN

The Board questioned why a waiver was necessary. Andy Kent, from Kent Surveyors, stated Mr. Burkhardt, the property owner, was putting in a private road to access several other houses. Joe Rogosky, from GVC, felt this would not be a problem because Curtis Drive was going to be a private road and would not be offered for dedication.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the waivers for the Limekiln Heights Subdivision from SALDO Sections 5.2352 (private street cartway width) and 5.514 (lot depth to width ratio), in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

MILLER COMMERCIAL PRELIMINARY PLAN

Mrs. Franckowiak stated this was a deferral until such time as the property was developed. Mr. MacBean asked if this was a waiver of deferral to which Mrs. Franckowiak stated, yes.

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve waivers for the Miller Commercial Subdivision from SALDO Sections 4.26 (Erosion & Sedimentation), 4.273 (Stormwater Management Report), 4.283 (Environmental Assessment Statement), 5.98 (Traffic Impact Study), 5.99 (Water Resource Study) and 6.203 & 6.204 (Curbs & Sidewalks) until such time as Lots 1 and 2 are developed, in accordance with the recommendation of the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

MILLER COMMERCIAL PRELIMINARY PLAN

John W. Hoffert, surveyor, stated this was a two-lot subdivision that would create two, two-acre lots. Mr. MacBean objected stating there had been a history of problems with this sort of thing because of item number four in GVC's review which says an Erosion and Sedimentation Control Plan was deferred until the entire tract was submitted as a Preliminary Plan if it is anticipated that land disturbance will begin under Preliminary Plan approval. Dr. Ganas asked Mr. Rogosky for his input to which he stated, this was just a simple subdivision with no development was being proposed. These requirements will be addressed at Land Development stage

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Miller Commercial Subdivision Plan in accordance with the recommendation of the Planning Commission. Motion carried with Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor, and Mr. MacBean opposed.

YEAKLEY SUBDIVISION PRELIMINARY PLAN

An unidentified representative of the Plan stated he was not sure why the Planning Commission wanted the developer to put in a cul-de-sac instead of a private driveway. He felt it was a waste of space and an inefficient use of land, with the same access and same amount of driveways either way. He stated the proposal for the 35-foot driveway, with maintenance agreements, exceeded the Township requirements of a 30-foot driveway in the Township Ordinance. Mrs. Starr asked if this proposal was the one presented to the Planning Commission to which Brian Boyer, of Bursich, Inc. stated, yes. He requested the Board not reject the plan if they preferred the cul-de-sac; but remand it back to the Planning Commission for consideration. Ms. Ciotti asked if that could be done to which the Solicitor responded, if they wanted the Board to consider the alternative, a time extension had to be done. Ms. Ciotti stated there was also a site distance issue. Dr. Ganas asked what the result of rejecting the plan would be to which the Solicitor stated, they would have to start all over again.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to reject the Yeakley Subdivision Preliminary Plan in accordance with the recommendation of the Exeter Township Planning Commission dated March 18, 2004. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr voting in favor, and Ms. Ciotti opposed, in that she would have remanded this back to the Planning Commission; but, agreed with the concerns of why it was rejected by the other Board Members.

NOLEN GROUP TRAFFIC IMPACT STUDY

Mrs. Franckowiak reported to the Board the results of the Planning Commission's review of a proposed 132-townhouse subdivision on Rugby Road. She stated after input from community residents at the last Planning Commission Meeting, the Commission suggested additional intersections be added to the GVC study of previously requested intersections, as well as speed studies and vehicle counts, and she was asking the Board for approval. **PAT VLASAK**, 211 Rugby Road, requested the Board read the additional intersections proposed for study. Mrs. Starr responded stating, Rugby Road and Valley Drive; Rugby Road and Green Road; Rugby Road and Lincoln Drive; and Rugby Road and Glamour Avenue. Mrs. Vlasak felt speed studies should be done as well due to the many accidents occurring on this road. She also felt the additional impact of 200+ cars on the road would warrant a traffic study. Police Chief Radke cautioned with a 40 MPH speed limit, Police could not ticket until a car was traveling 50 MPH. Mrs. Vlasak questioned why a ticket could not be given until then to which Mr. MacBean stated the court system allowed 10 miles either way before it agreed to prosecute. Mrs. Vlasak asked how the speed limit could be changed to 30 MPH to which, the Police Chief stated, by doing a traffic study. The Board stated that was what they were going to do now. Mrs. Vlasak asked who would review the Traffic Impact Study done by the developer to which Mr. Rogosky stated, an engineer and a consultant would be hired to do the traffic study, which would be submitted as part of the Subdivision and Land Development process, and it would be reviewed by the Township as well as GVC. **DAVID HURLBRINK**, 12 Longview Drive, felt the scope of the study should be increased for traffic and asked if expanded studies could occur for other issues. Mrs. Starr stated the developer must follow the Township Ordinance and would not be required to go above and beyond it. Mrs. Vlasak asked if sequential steps had to be followed during the approval process. Mr. Rogosky explained the procedure. She asked if the public could view the plan. Mr. Rogosky stated, to date, the developer had only informally reviewed a sketch of their plan and it had not yet

been submitted for public record. Mr. Hurlbrink asked if there was a degree of difficulty that should be considered based on the size of the plan because the 132 townhouses occupied as much land as the group of single-family houses occupied. Mr. Rogosky stated if they found there would be problems based on the traffic study, the developer would be required to make public improvements. He stated the Engineering Department would not know anything until those areas were studied and the results were known. Dr. Ganas stated the Board understood Mr. Hurlbrink's concerns and Mr. MacBean stated the Board was diligently looking into this proposed subdivision. **KENNETH LONG**, 80 Kinsey Hill Road, asked how long this property had been zoned MDR to which Ms. Ciotti replied, that information could be found in the Township's Engineering Department and recommended Mr. Long look into it during regular business hours at the Township Building.

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to do a Traffic Impact Study to those intersections outlined in the GVC letter of February 19th and those outlined in the Planning Commission letter dated March 18th, plus speed studies and movement counts, as well as consider all the other developments outlined in the February 19th GVC letter. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

APPROVAL OF STAND-BY AT PAGODA MOTORCYCLE CLUB JUNK CAR RACES

The Township Manager stated any function the fire company personnel wanted to attend had to be approved by the Board in order for them to be covered for worker's compensation.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to acknowledge and approve, for insurance purposes, the stand-by activities of Stonersville and Reiffon Fire Company at the Pagoda Motorcycle Club Junk Car Races. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ADOPT HOFFMAN OLEY AGRICULTURAL SECURITY AREA RESOLUTION #04-09

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to adopt the Hoffman Oley Agricultural Security Area Resolution #04-09. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

CIOCOIU SKETCH PLAN OF RECORD EXTENSION OF TIME

MOTION by Ms. Ciotti, second by Dr. Ganas, to accept the Ciocoiu Plan of Record 90-day Extension of Time. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ESCROW RELEASES:

LAKEVIEW AT GLEN OLEY, SAGEBROOK SUBDIVISION & WAWA, INC.

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve the Lakeview at Glen Oley Escrow Release, requisition #6, release #8 in the amount of \$80,925 for sanitary sewers and miscellaneous items, in accordance with the recommendation of GVC; the Sagebrook Subdivision Escrow Release, requisition #10, release #11 in the amount of \$69,193.13 for erosion & sedimentation, clearing & grubbing, asphalt paving, mobilization & supervision and construction observations, in accordance with the recommendation of GVC; and the WAWA, Inc. Escrow Release, requisition #2, release #2 in the amount of \$26,005.46 representing the 10% one year guarantee, in accordance with the recommendation of GVC. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

AUTHORIZE EXECUTION - PA UNIFORM CONSTRUCTION CODE MUNICIPAL ELECTION FORM

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to opt in to enforcing the Uniform Construction Code and authorize the Chairman to execute the Municipal Election Form. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

AUTHORIZE ADVERTISING – UCC ADOPTING & UCC APPEALS BOARD ORDINANCES

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to authorize advertising the UCC Adopting Ordinance and the UCC Appeals Board Ordinance. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

SOLICITOR'S REPORT

SOLICITATION ORDINANCE

The Township Solicitor felt the Township's Solicitation Ordinance should be amended due to the recent Supreme Court decisions and asked the Board's permission to work with the Township Manager on it. The Board had no objection.

INDIVIDUAL REPORT

EXECUTIVE SESSION: PERSONNEL

The Township Manager requested a brief executive session following the meeting to discuss personnel matters.

ALLEGED SUNSHINE LAW VIOLATION

Dr. Ganas felt if things were not addressed some might think we were in violation of the Sunshine Law so we sought to assure our citizens by seeking feedback from the Pennsylvania State Association of Township Supervisors (PSATS), an association of supervisors to which they belonged, regarding our socializing. He stated PSATS response was, "Tell your citizen to get a life. The burden of proof should be upon him to bring action against the Board or members for possibly violating the Sunshine Act by discussing Township business and making decisions outside an advertised public meeting. Your Board members are not violating any law by socializing outside the public meetings just as long as deliberations on Township matters are not held and no decisions are made." Dr. Ganas stated he wanted to assure our citizens that when we socialize, we are not violating any sunshine laws. He stated, "The last thing we do is make any decisions or discuss anything that would be brought before us."

PSATS COMMUNICATION & CONFLICT

Mrs. Starr thanked everyone for letting her go to the PSATS session on Communication & Conflict. She hoped everyone got the booklet of information she put together for the Board members.

BUSINESS PRIVILEGE TAXES

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to direct the Township Tax Collector to send a Delinquent Notice and a Bill to Pioneer Crossing Landfill, according to the Township's Business Privilege Tax Ordinance, to pay all business privilege tax, with all interest, penalties and fines, dating back to 1992 as advised by the Township's Environmental Attorney. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

WATER PRESSURE

Mr. MacBean referred to a memo from Greg Koontz of March 9th asking if something could be done about the water pressure in Cynthia Nesbitt's home at 87 Linree Avenue. He stated the Fire Marshal and Fire Chief took a water pressure reading from a fire hydrant in front of her home that resulted in a measurement of 40 pounds of pressure and it should have been 70 pounds of pressure. He asked if there was a way to get the water company to boost the pressure. Mr. Rogosky stated Pennsylvania American Water should be contacted to see if they can boost the pressure and there may be recourse through the Public Utility Commission (PUC). Mrs. Starr asked the Solicitor if the Township could do anything about this to which the Solicitor responded, individual property owners along with the Township could file a complaint with the PUC if the water company was not meeting the regulatory requirements. Mr. MacBean stated he was concerned because as the Board was considering new developments, the water company could report that plenty of water was available; but it would be a problem if the water could not get to its destination.

AGRICULTURAL ZONING SEMINAR

Mr. MacBean asked for a volunteer to attend the Agricultural Zoning Seminar to which Mrs. Starr stated she would attend.

HOST FEES

Mr. MacBean asked if the balance of Host Fees for 2003 had been paid by Pioneer Crossing Landfill to which the Township Manager responded, they had not been paid. Mr. MacBean asked the Solicitor to send them a Notice.

SEWER LIEN COLLECTED

The Township Solicitor stated he had collect about \$7000 in sewer liens and would turn the money over to the Township Manager.

ROCKHAVEN COURT DRAINAGE ISSUE

Mr. Rogosky stated he and the Highway Superintendent met with Mr. Forino and found there had been a delay with Laurel Village getting the easements right-of-way. He stated they would be hooked up by May.

VALLY RIDGE FARMS POND

Mr. MacBean asked if Forino had been asked to put a fence around the retention pond. He felt since there was a lot of water there and children play in the area it was a danger to them. Dr. Ganas felt it was an accident waiting to happen; but, was not sure the Board had any authority to make them fence the area. Mr. MacBean asked the Solicitor if a letter could be sent to the owner to find a way to surround the pond or put a warning sign there. The Solicitor stated he would draft and send a letter to Forino on the matter.

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 8:55 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary