

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
MAY 10, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, May 10, 2004, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Lachlan MacBean, Chairman, called the Meeting to order at 7:00 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
Christopher L. Neidert, Police Lieutenant
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.
Supervisor Dave Barbieri was absent from the meeting.

PUBLIC COMMENT

MARK SAUNDERS, 317 Forest Hill Circle, stated on April 29th, the Parks and Recreation Superintendent; the Highway Superintendent; an entomological expert from the Berks County Conservation District and he walked the Trail as it was treated for mosquitoes. He then asked what would be done along the Trail to continue to control mosquitoes. The Township Manager stated the Trail had been treated and they were waiting to see its effectiveness. He stated the tire clean up had been completed as well. Mr. Saunders asked about surveillance efforts. The Township Manager stated the County would be doing the trapping and would let the Township know if there was anything the Township had to do to support their effort or to pay for the materials. He stated the cost for treatment had been budgeted and would be expended on an as needed basis. The Parks and Recreation Superintendent verified mosquito treatment took place on April 29th and they had to wait for the results. The Township Manager felt sure the treatment process would not stop, and Interns would work with the Township even though there was no one to fill the key role that Ryan Zerbe had last year.

CAROLYN BRUNSCHWYLER, 525 S. Baumstown Road, referred to her two years of work on the Comprehensive Plan and asked if there was a vision for the development of Exeter Township or if the Board was going to be reactionary. She felt there was an opportunity for Exeter to be the gateway to Berks County, and a plan should be developed to provide for mixed use land development to generate revenues for the Township. She stated Montgomery County had a plan for its development until 2025 and that was primarily because they knew what would happen to Route 422. She felt there were some unknowns regarding the development around Route 422 in Berks County. She stated the Comprehensive Planning Committee had looked at what could happen and proposed the Metro Rail Station; but, felt none of this would happen if the

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Township reacted to things that came before it instead of planning ahead of the development. She felt the Metro Rail Station provided opportunities for businesses to flourish around it to generate revenue and felt if planning did not occur there would only be more housing developments. Dr. Ganas stated the Board was working on commercial growth in the Township by seeking tax producing businesses and restaurants; not more houses. Mrs. Brunschwyler stated a ½ day bus trip for politicians, developers and land owners to Route 100 to see how that area had changed, had been planned; but, did not come to fruition. She felt that still was a good idea, the wheel did not have to be reinvented and the Township should use the knowledge gained by other municipalities. Dr. Ganas stated the Board was working on removing some “eyesores” along Route 422 to which Mrs. Brunschwyler stated she appreciated that. Mr. MacBean felt one of the problems the Township was having was with PennDOT. He stated they had delayed the construction of a new motel and Appleby’s restaurant at the intersection of Route 422 and 47th Street over concerns of increased traffic even though the old gas station at that location had generated traffic. He also cited the issue with the jug handle at Shelbourne Road and Route 422 that was on PennDOT’s 12-year-plan and even though it was now the 17th year, it was not completed. Mrs. Brunschwyler stated there was some talk about extending the bypass and about widening Route 422, and asked if the Township had any knowledge about the progress on those issues. Mr. MacBean stated the Township was not a part of those issues and he had no knowledge of them at this time.

MINUTES OF APRIL 26, 2004 MEETING

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve the minutes of the April 26, 2004 meeting as amended on Page 8, under “Bybel Property” changing “the Board” to “Bybel” on the 12th line; and on Page 6, to change the words “Air Cleaning Device” in the title to “Pioneer Crossing Flare Application” and on line 8, delete the words “its air cleaning device” and to change the word “for” to “of”. 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 Disbursement Lists dated May 7, 2004 in the amounts of \$101,531.20 in the General Fund; \$9,457.44 in the Utility Fund; \$90,333.50 in the Sewer Fund and \$28,092.57 in the State Fund. Motion carried with Mr. MacBean, Mrs. Starr and Ms. Ciotti voting in favor, and Dr. Ganas voting in favor with the exception of Check #52590 from which he abstained.

TREASURER’S REPORT

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to accept the Treasurer’s Report dated April 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 May 10, 2004, were submitted for the Board’s review.

UNFINISHED BUSINESS

AUTHORIZE ADVERTISING TROUT RUN FACILITIES SPECIFICATIONS

MOTION by Mrs. Starr, seconded by Dr. Ganas, to authorize advertising specifications for the Trout Run Facilities Project. Motion carried with Mr. MacBean, Dr. Ganas and Mrs. Starr voting in favor, and Ms. Ciotti opposed.

EXTENSIONS OF TIME:

FR&S GAS TO ELECTRIC POWER PLANT, WAHL SUBDIVISION, KARPATI SUBDIVISION, EXETER GOLF CLUB ESTATES PHASE VI, COSTICA CIOCOIU, LIMEKILN HEIGHTS & MCGINNIS/BEAVER ANNEXATION

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to accept the 90-day Extensions of Time for the FR&S Gas to Electric Power Plant, the Wahl Subdivision, Karpati Subdivision, Exeter Golf Club Estates Phase VI, Costica Ciocoiu, Limeklin Heights and the McGinnis/Beaver Annexation. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

NEW BUSINESS

FAIRVIEW PARK SUBDIVISION TRAFFIC STUDY LIMITS

Mrs. Franckowiak stated the Planning Commission was asking the Board's permission to accept the scope of the traffic study limits for the 82-lot Fairview Park Subdivision located off Fairview Chapel Road. Ms. Ciotti asked if it made sense to take into consideration the proposed development by the Nolen Group to which Mr. Rogosky replied, it was far enough away from this traffic service area not be a consideration in this traffic study. He also stated the Nolen Group's study would include the impact study of using a shortcut through a development to get to Lincoln Road.

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to accept the recommendation of Exeter Township Planning Commission and GVC for the scope of the Fairview Park Subdivision Traffic Study. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

EASEMENT AGREEMENTS:

**4961 DUNHAM DRIVE – STORM SEWER; 4827 BRIARWOOD CIRCLE – STORM SEWER;
24 IRONSTONE DRIVE – SANITARY & STORM SEWER**

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the easement agreements for 4961 Dunham Drive, 4827 Briarwood Circle and 24 Ironstone Drive. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ACCEPT RESIGNATION OF JOHN J. MITCHELL, JR.

MOTION by Mrs. Starr, seconded by Ms. Ciotti, to accept, with regret, the resignation of John J. Mitchell, Jr. effective May 7, 2004. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

AUTHORIZE POSTING OF HEAVY EQUIPMENT OPERATOR POSITION

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to authorize posting a Heavy Equipment Operator Position. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

APPROVE HIRING OF 2004 TEMPORARY/SEASONAL STAFF

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve the hiring of the 2004 Temporary/Seasonal Staff in accordance with the memo dated May 7, 2004. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

SOLICITOR'S REPORT

GIBRALTAR ROAD CONDEMNATIONS

The Solicitor stated he had received approval from Penn DOT to proceed with the Gibraltar Road Condemnation and asked the Board's permission to contact the three property owners, to offer the amounts approved by PennDOT, and to schedule a time with the Township Manager and the property owners to show them the plan. The Solicitor stated the total amount offered for all three properties would be approximately \$6,000.

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to authorize the Solicitor to contact the three Gibraltar Road property owners, to offer the amounts approved by PennDOT and to show them the plan. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

MOTORIZED SCOOTER ORDINANCE

The Solicitor presented a draft of the proposed Motorized Scooter Ordinance to the Board and Police Chief for their review and recommendations.

BLIESATH COMPLAINT

The Solicitor stated he met with Mr. Koontz who had supplied him with the necessary information and pictures of the Bliesath Junkyard to bring the Contempt Action against Bliesath. He felt the pictures were evidence of the violations on that property.

VALLEY RIDGE FARMS POND

The Solicitor stated he heard from Tony Forino that the Valley Ridge Farms Pond would be re-graded and re-sodded within the next week.

BYBEL PRE-TRIAL

The Solicitor stated he would be meeting with Judge Lash next Friday at 10:00 A.M. on the Bybel matter and would report the results to the Board at the next meeting.

INDIVIDUAL REPORTS

WATER REEL SEALED BID

The Township Manager stated the matter of the sealed bids for the Water Reel was not on the Agenda, and opened and read the one bid received in the amount of \$8295.00 from Watson Irrigation. The Board decided to defer the bid as it was not as much as was expected.

OLD TULPEHOCKEN ROAD CLOSING

The Township Manager stated PennDOT had advised the Township of its intention to close Old Tulpehocken Road to repair the bridge that had been damaged in an auto accident and had fallen into the creek.

UTILITECH INC.

The Township Manager suggested the Board accept the offer by Utilitech, Inc. to allow them to do a free audit of the Township's utility bills. He stated if any discrepancies were found, Utilitech would get a percentage of the savings. The Board agreed.

MULTIPLE SCLOROSIS (MS) UGLY BARTENDER CONTEST

The Township Manager stated the Board received a request from Bertie's Inn to participate in this year's Ugly Bartender Contest to benefit MS. He would like to know if the Board wanted to participate and when. The Board agreed to participate on Friday, July 16th as a possible date, but; Thursdays would be looked into.

BB GUN DAMAGE

Lieutenant Neidert stated there had been another round of vandalism in Exeter Township that included 93 incidents of BB Gun damage to car windows on Friday and Saturday night, and two 19-year-old men were arrested in connection with the incidents and were currently being held in Berks County Prison. Lieutenant Neidert stated in addition to the incidents in Exeter, the two men being held are suspected of being linked to more than 20 incidents in Central Berks' area and more in Earl Township as reported by the State Police. He stated the pair had approximately 6,000 BB's, with one of the men shooting from the passengers side and the other from the driver's side as they drove along.

THE LATE STANLEY J. BILSKI

Lieutenant Neidert thanked the Board, especially Dr. Ganas and Mr. MacBean, for attending the funeral of former Exeter Township Police Chief Stanley J. Bilski, who died last Wednesday. He stated the interment was today in Forest Hills Cemetery and the service was very well attended.

NOLEN GROUP

Mrs. Franckowiak stated the Nolen Group was holding an “informal meeting” with the residents that surround the Cohen Tract on Wednesday, May 19th from 6:30 P.M. to 8:00 P.M. in the Dunn Community Center and had invited Township officials to attend. She stated the purpose was to discuss their plans for a new housing community, to offer some information about their company and the type of buildings they were planning.

PARK VANDALISM

The Parks and Recreation Supervisor stated four youths had been caught on tape vandalizing Community Park as they broke a water pipe in the men’s bathroom. He also stated two 19-year-old youths had been arrested for vandalism when they were caught tearing shingles off one of the pavilions at Community Park. He stated security cameras were now in place at Lorane Hollow Park to find out who was vandalizing that Park.

BURKE FAMILY HANDICAPPED PARKING SPACE REQUEST

Ms. Ciotti noted the May 5th request from the Burke Family for a handicapped parking space was being looked into by both the Police Department and Engineering, and would be on next meeting’s Agenda.

1103 PEPPER RIDGE DRIVE

Ms. Ciotti asked Mr. Rogosky about the progress on the grading of the land at 1103 Pepper Ridge Drive. Mr. Rogosky stated the contractor was to mobilize today, and he would inspect the site later this week to see if the work had been done. He felt it should not take him more than one day to grade it. Bill Dengler stated he lived at 1103 Pepper Ridge Drive and his was the property being regraded. He stated several ditches were created and he felt he should be allowed a reasonable access to his back yard. He stated he would like a letter of confirmation stating the grading met the requirements. He stated he was not happy about what was occurring because he had graded the ground and seeded it, and then it was dug up again. Ms. Ciotti stated the Board had been consistent about its requirements. She stated the builder was told what had to be done, he did not do it and had to redo it because it was incorrect. Mr. Dengler felt he should not have to live with ditches everywhere. Mr. MacBean stated he sympathized with Mr. Dengler and suggested the corrections be supervised so they would be done correctly. Mr. Rogosky stated he and Mr. Koontz went to the site at the direction of the Board and recited the sequence of events. Mr. Rogosky stated at the last inspection, Mr. Koontz felt the grading had been corrected. Mr. Dengler ask the Board for something in writing to assure him everyone was happy with the changes. Mr. MacBean asked if the Temporary Certificate of Occupancy had been revoked to which Mrs. Franckowiak stated, it had. Mr. Dengler objected stating he was living in the house. Mrs. Franckowiak stated Mr. Dengler’s builder was well aware of the Township’s requirements and unfortunately chose not to follow them. She stated the Township was just looking out for Mr. Dengler and his neighbors to make sure every thing was done right to which Mr. Dengler responded, they should stop looking out for him and get it done. Ms. Ciotti stated she was a little offended that Mr. Dengler was directing his angst at the Board. She stated the Board’s job was to enforce Township Ordinances of which his builder was aware. She stated it was an accommodation to give the builder a Temporary Occupancy Permit, he did nothing after that, and chose not to follow the direction that was given to him. Mr. Dengler felt the builder, the engineer and the Board were equally responsible. Ms. Ciotti stated the Board understood he was upset with all the digging going on in his yard, but; the Board had to be assured the water from Mr. Dengler’s property was not going onto his neighbor’s yard. Mr. Dengler spoke in support of the builder stating it was not true that he did nothing. There was a further exchange of words which ended in Ms. Ciotti stating she wanted it made clear for this record, that the Board was not the source of Mr. Dengler’s problem. She stated the Board gave the builder clear direction, provided a concession with a Temporary Certificate of Occupancy, that the builder did not follow through, and

Mr. Dengler and his neighbors were paying the price. There was a further exchange of words between Ms. Ciotti and Mr. Dengler with Ms. Ciotti stating the builder needed to comply and make sure the water did not come off Mr. Dengler's property. Mr. Rogosky stated he would meet with Mr. Koontz and would send a memo to the Board, notify the builder and all parties involved including the property owner and the neighbors.

HOME OCCUPANCY ORDINANCE

Dr. Ganas suggested when the Home Occupancy Ordinance was revised it should specify only no impact home businesses be allowed. He also felt consent of the neighbors should be a part of it. He stated the Board would be the deciding factor should all neighbors but one or two agree.

TRAFFIC IMPACT ORDINANCE

Dr. Ganas asked the Traffic Impact Ordinance be expedited to which the Township Manager stated it would require more than just advertising the Ordinance and was an 18-month process. The Township Manager suggested two Board Members meet with Tony Maize to discuss everything that needed to be done. Dr. Ganas asked that he be one of them.

THANKS TO COLLEAGUES

Mrs. Starr thanked all those sitting around the table for their expertise, assistance and hard work.

EXETER ROAD CULVERT

Mr. MacBean stated the Board requested Senator O'Pake write a letter to PennDOT so the Township could proceed with the Exeter Road Culvert. Mr. MacBean stated nothing had happened yet.

TEMPORARY ADJOURNMENT – EXECUTIVE SESSION

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to temporarily adjourn the meeting to hold an Executive Session to discuss matters of personnel and potential litigation. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

The meeting temporarily adjourned at 7:50 P.M.

The meeting reconvened at 8:15 P.M.

HIGHWAY FOREMAN POSITION

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to authorize making an offer of employment for the Highway Foreman Position, subject to successful completion of the appropriate physical and background checks. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms Ciotti voting in favor.

ADJOURNMENT

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to adjourn the Meeting. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor. The Meeting adjourned at 8:16 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary