

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
MAY 24, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, May 24, 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
Cheryl A. Franckowiak, Zoning/Assistant Code Enforcement Officer
Gerard A. Radke, Chief of Police
Craig Peifer, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.

PUBLIC COMMENTS

AUDREY MCMICHAEL, 160 Old Tulpehocken Road, asked how Exeter Township could apply for a D.E.P. Recycling Grant when it was not in compliance with Act 101. The Township Manager stated brush had to be collected curbside in order to be in compliance with Act 101. Mr. MacBean stated the Township was in compliance and provided a brush depository for residents at Trout Run.

MINUTES OF MAY 10, 2004 MEETING

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to approve the minutes of the May 10, 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 Dr. Ganas, to approve for payment the bills presented on the Disbursements List dated May 21, 2004 in the amounts of \$108,253.21 in the General Fund; \$1,726.92 in the Utility Fund; \$91,131.92 in the Sewer Fund; \$11,450.01 in the Capital Projects Fund; \$2,590.00 in the Park Improvement Fund; \$1,015.63 in the State Liquid Fuels Fund and \$8,524.52 in the Traffic Improvement 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 May 24, 2004, were submitted for the Board's review.

CONDITIONAL USE: BURIG – 1342 BUDD STREET

Mrs. Franckowiak stated Mr. Burig was proposing to operate a handy-man office in his home at 1342 Budd Street to receive calls and do paperwork for his business as a home occupation. She stated there would be no customers coming to the house.

MOTION by Mrs. Starr, seconded by Mr. Barbieri, to approve the home occupation conditional use for a handy-man home office at 1342 Budd Street as recommended by the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Mr. Barbieri voting in favor, and Ms. Ciotti abstained.

SIGN APPEAL: CHRISTIAN PUBLICATIONS

In a memo to the Board, the Reverend K.R. Paton, President of Christian Publication, Inc., requested a variance to increase the size of the sign in front of the Christian Publications Store in the Reading Mall. Ms. Ciotti questioned why the sign had to be bigger since there were only four more letters in the proposed sign than were in the current sign. Rev. Paton felt the current sign was too small for the space available. Ms. Ciotti felt the store owners wanted to double the size of the sign and the perspective of the photo given as an exhibit was not the angle from which the public would be looking at the sign. She felt it would not be visible from the bypass. Rev. Paton felt the issue was the current sign was out of proportion with the other signs on the other stores in the shopping center and since there was so much available space, it was logical to increase the size of the sign. **MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to deny relief from the dimensional requirements of the Sign Ordinance to allow Christian Publications to have a 137 square foot building sign. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor, and Mr. Barbieri opposed.

UNFINISHED BUSINESS

HANDICAPPED PARKING REQUEST – 3902 GRANT STREET

Mrs. Franckowiak stated the Burke's have a steep driveway that would necessitate their child, who is handicapped, to either walk up a flight of steps to the home or attempt to walk up the steep driveway to gain access to the living area of the home. She stated that was why the Burke's were asking for consideration to have a handicapped parking space in front of their home.

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to grant a handicapped parking space in front of the residence at 3902 Grant Street. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

KEMP SUBDIVISION SKETCH PLAN FOR RECORD

Mrs. Franckowiak stated the Planning Commission had recommended approval of the Kemp Subdivision Sketch Plan for Record subject to an approved review of the updated plan by GVC. She stated the request before the Board was to approve the Sketch Plan of Record or to give the Kemp's an extension of time. Craig Peifer, of GVC, stated all the stipulations had been met. Mrs. Franckowiak stated the only issue she saw as potentially problematic was the families shared one well, and should either one of the properties change hands to a non-family member, a problem could arise. Cindy Kemp stated, according the Family's Will, the property was to remain in the family.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Kemp Subdivision Sketch Plan for Record 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.

MILLER COMMERCIAL SUBDIVISION FINAL PLAN

Mrs. Franckowiak stated the purpose of the plan was to create one vacant lot which would be for sale.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Miller Commercial 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.

EXTENSIONS OF TIME: PATHFINDER MEADOWS SECTION 2 & GIESSUBEL SUBDIVISION

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to accept the 90-day Extensions of Time for Pathfinder Meadows Section 2 and the Giessubel Subdivision. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

APPROVE POSTING OF LIGHT EQUIPMENT OPERATOR POSITION & AUTHORIZE ADVERTISING TO REPLACE ONE UNION EMPLOYEE

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to approve the posting of the Light Equipment Operator Position and authorize advertising to fill the vacant position within the Union. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

AUTHORIZE ADVERTISING MOTORIZED SCOOTER ORDINANCE

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to authorize advertising a Motorized Scooter Ordinance as recommended by the Solicitor and Chief of Police. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

NEW BUSINESS

CHARLES & BRENDA CARE LOT LINE ADJUSTMENT WAIVER REQUESTS

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to approve waivers from sections 4.283 (Environmental Assessment Statement); 5.216 (additional right-of-way) and 5.523 (75-ft. rear yard requirement for lot 1 & 2) of the SALDO. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

COUNTRY CLUB II PHASE I ESCROW RELEASE

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to approve the Country Club II, Phase I Escrow Release #2 in the amount of \$46,708.93 for erosion & sedimentation, clearing & grubbing, earthwork, storm sewers, sanitary sewers and miscellaneous items, in accordance with the recommendation of GVC. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

PENNVEST FUNDING RESOLUTION #04-11

In a memo to the Board, the Township Manager said the Township was currently in the process of applying for a low-interest loan through PENNVEST for the E. Neversink Road Storm Sewer Project and as part of the process, the Board was required to pass a Resolution to authorize the submission for funding. He asked the Board to consider the prepared Resolution. The Board asked what the cost of the project would be to which the Township Manager responded, the latest estimate was \$248,633.00 and the current interest rate was 2%. The Board had various questions regarding the affordability and interest rate; but, felt the application process should proceed and the project could be reconsidered later.

MOTION by Mr. Barbieri, seconded by Ms. Ciotti, to approve PENNVEST Funding Resolution #04-11 for the E. Neversink Road Storm Sewer Project. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

SOLICITOR'S REPORT

WHARTON SEWER LIEN

The Township Solicitor stated he had collected \$4,400 in 2 sewer liens from the Wharton Property at 124 Kennett Place.

GIBRALTAR ROAD RIGHT OF WAY

The Solicitor stated he and the Township Manager met with the three property owners that would be affected by the addition of a right turn lane at Gibraltar Road and Route 422. He stated they were not happy about the project and requested GVC go out and mark the new curb line to show them what would be disturbed by the addition of another lane. The Solicitor stated he and the Township Manager felt that was a good idea as the plan did not give a clear impression of the location of the lane. He asked the Board for authorization for GVC to mark the curb line. Mr. MacBean felt needing a right turn lane off Gibraltar Road was not the problem at that intersection. He felt a left turn lane and a traffic signal arrow was needed at that intersection because of the

dangerous situation that currently exists when cars traveling southbound on Gibraltar Road try to either make a left turn onto Route 422, or attempt to go around those turning left in order to go straight across Route 422. He stated he had nearly missed being in an accident a few times at that intersection. Mr. MacBean stated since this was a heavy duty intersection, he was suggesting, along with the Solicitor, to have the staff review the traffic patterns at that intersection.

MOTION by Mrs. Starr, seconded by Mr. Barbieri, to have GVC mark the proposed new curb line on the properties in question. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

BLIESATH CONTEMPT

The Solicitor stated the Contempt Complaint had been filed against Bliesath and, at the request of Township Code Enforcement Officers, wrote a letter to Mrs. Piehl, the widow of Frank Piehl from the neighboring property, asking for her permission to access her land to carryout enforcement of the complaint and have the junk removed. He stated she had not yet responded.

INDIVIDUAL REPORT

SERVICE ELECTRIC CABLE CONSORTIUM

Ms. Ciotti asked the status of the Service Electric Cable Consortium to which the Township Manager stated, he planned to go to the meeting and stay involved to see where it would lead.

FRITZ USED CAR MUSEUM

Dr. Ganas stated a report had been written by the Code Enforcement Office due to the many violations at what he called the Fritz “used car museum” or junkyard, and Met Ed, who is the owner of the property, would like to terminate their month to month lease with Fritz. He stated the Township was working to clean up this eyesore along Route 422 and encourage new commercial business development at that location.

POLICE CAR REPLACEMENT

Dr. Ganas reported \$10,000 was left from the insurance settlement related to the recent two police car accidents in which the cars were totaled. He stated one car had already been purchased from the settlement and it was time to purchase the second one. He stated two police officers had been out on sick leave and there was no need to purchase the other car until now, because they had both returned to work. Ms. Ciotti asked if the Township was down one vehicle to which Dr. Ganas stated, yes. Dr. Ganas suggested the Board purchase a new Crown Vic, with all the necessary equipment, through State Contract. The Board agreed.

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to authorize the purchase of a new Crown Vic and the necessary equipment through State Contract using the \$10,000 left from the insurance settlement. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

K-9 GRANT

The Police Chief reported a \$10,000 Grant had been received to pay for the new dog, its training, and for the Police Officer’s overtime. He stated that Grant came through Senator Michael O’Pake. The Board thanked the Police Chief for his efforts. Mrs. Starr stated she saw Jago’s performance at the Police Academy and felt he was very good dog. Dr. Ganas suggested the Board send a letter to Senator O’Pake thanking him and asking him to present the Grant check to the Police Chief during an upcoming Board Meeting. The Board agreed.

2003 HOST FEE BALANCE

Mrs. Starr asked if the Township had received the approximately \$8,800 in Host Fees. The Solicitor stated a letter was recently written reminding them to pay what was due. Mrs. Starr felt the Township should have gotten the money at year end according to the Host Agreement. She also asked if the Township had received any of the sewer fees, to which the Solicitor responded, no. The Board agreed to pursue the matter further.

VANDALISM

Mr. Barbieri asked if the second set of individuals who vandalized the Township were caught to which the Police Chief stated they had been, and since they were adults they would be charged and would not just receive a slap on the wrist. He stated restitution would be required in this case. Mr. Barbieri commended the Police on their efforts in this matter.

BERKS COUNTY ASSOCIATION OF BOROUGHES

Mr. Barbieri stated he would attend this meeting which is scheduled for June 11th.

YOUTH ROUNDTABLE DISCUSSION

Mrs. Starr stated she planned to attend this discussion.

BUSINESS DEVELOPMENT

GAIL HART, from Buddies Nursery, felt the Board was encouraging residential development by their actions tonight, and discouraging and hassling business with the Sign Ordinance. She also felt no one was coordinating and encouraging businesses to come to the Township, nor was there any incentive or plan in place. She felt the Sign Ordinance needed to be looked at and Mr. MacBean asked Engineering to look into other Sign Ordinances. Dr. Ganas stated the Board was in the process of encouraging business development in the Township. He stated he had been talking to developers and their first questions were about the availability of water and sewer, and available land for commercial development. He stated the marketing phrase being used was “We are business friendly”. He cautioned it would take a while to develop more businesses in the Township. Mr. Barbieri asked Ms. Hart what types of businesses she would like to see to which she responded, better restaurants and businesses that would contribute to the tax base. Ms. Hart objected to having to go to the other side of town to get to better restaurants. Mr. Barbieri felt it was easier to get businesses interested in the other side of town because there was a difference in the size of the population between the other side of town and this side. Dr. Ganas stated population was a key factor for business when they consider an area for development. Ms. Hart felt there could be more business complexes in the Township. Mrs. Starr asked where in the Township businesses could be located, and the village concept of putting businesses in the Township vs. the strip mall concept has been discussed and favored. Ms. Hart felt these ideas should be on paper, and should not just be conceptual. The Board asked Ms. Hart if her family would be willing to sell their land for the purpose of business development, to which she responded no, their land was not for sale; however, they would lease it. Mr. Barbieri felt Ms. Hart was being a little unfair with her criticism, stating if a chemical plant was asking the Board for approval to build in the Township, the residents would be opposed to it. There was a general discussion about the parcels of property available for development and the types of businesses that should be encouraged. Ms. Hart stated she was trying to help the Township; but, the Sign Ordinance was a problem. Ms. Ciotti stated the Township had to be careful what it allowed and what it did not, because without controls, Exeter Township would look like the Fifth Street Highway. She stated if the Board allowed exceptions, it would be like opening a can of worms because developers were constantly asking for expanded sign variances. Ms. Ciotti stated she felt what the Board did tonight was appropriate. Dr. Ganas stated the Board was on the same page as Ms. Hart and her comments were not falling on deaf ears. He stated the Board was working on it; but, it would take some time to accomplish.

TEMPORARY ADJOURNMENT- EXECUTIVE SESSION

MOTION by Ms. Ciotti, seconded by Mr. Barbieri, to temporarily adjourn the meeting to discuss personnel and potential litigation issues. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

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

The Meeting reconvened at 8:08 P.M.

HIRING OF HIGHWAY FOREMAN

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to hire George Spanier as Highway Foreman at an annual salary of \$46,200.00. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

ADJOURNMENT

MOTION by Dr. Ganas, 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 8:09 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary