

**MINUTES**  
**EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**NOVEMBER 22, 2004**

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

***OTHERS IN ATTENDANCE***

Troy S. Bingaman, Manager/Secretary/Treasurer  
John A. Hoffert, Esquire, Solicitor  
Walter Godshall, Sergeant, Police Department  
Cheryl A. Franckowiak, Zoning/Assistant Code Enforcement Officer  
Paul A. Herb, Wastewater Treatment Superintendent  
Clarence D. Hamm, Highway Superintendent  
Joseph P. Rogosky, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.

***PUBLIC COMMENT***

**THOMAS HOWELL**, 4970 Hafer Road, commented on several items from the previous Board Meeting as he referred to pages of the Meeting's Minutes. He felt anything burned at the Wastewater Treatment Plant should fall within the Township Burn Ordinance; that if the Supervisors were employees of the Township, citizens had the right to fire them; and to Mrs. Starr's comment regarding not being paid a lot as a Supervisor; he stated when individuals ran for public office, they should know what was involved. He also felt Fire Chief Robert Jordan deserved more respect than Mr. Barbieri gave him during the last meeting and that Chief Jordan was just trying to protect the people. He felt the Board was not as harsh with Police Chief Radke at the recent Budget Meeting when he was asking for more money to pay for ammunition. Mr. MacBean and Mr. Barbieri commented that they questioned the Police Chief at that time. Mr. Howell stated the difference was members of the Police Department were paid and the fire company was made up of volunteers.

**ANNE SHAEFFER**, 202 Wood Lane, stated since the last meeting, the residents contacted their homeowner's insurance companies again and the carriers would not give them the insurance riders unless the Board sent them a letter telling them the sewer line had been fixed. Mrs. Shaeffer stated the insurance companies felt this was a pre-existing condition. She stated the insurance company they contacted was Essig and Barr upon Mr. MacBean's recommendation. She asked why the Board was improving all the sewer expansions, like the one for Woodgate that would be discussed on tonight's agenda, if there were problems with the existing sewer system and the Township was not upgrading the existing lines. The Wastewater Treatment Plant (WTP) Superintendent stated the proposed new lines did not feed into the sewer lines in her area, and engineering studies concluded the new lines were being connected to existing lines that were large enough to take the increased flow. She then asked for a concrete timeline to correct their problem. The WTP Superintendent stated the D.E.P. was reviewing the permit, had 60 days to complete this and, realistically, there would be no solution until the middle of next summer. She asked what would have happened if she had taken a sample of the stream during the July 13<sup>th</sup> rain and found sewage, of the nature that came up into their basements, also was

creating an environmental problem. The WTP Superintendent stated, during that rain, manhole flows were sampled for discharge as per the conditions of the D.E.P. Permit. Ms. Ciotti stated this matter was with the D.E.P. and out of the Board's control.

**PATRICIA GROVE**, 115 Wood Lane, asked if the Board would provide a letter once the project was done. The Solicitor stated the Board could provide a letter indicating what improvements had been made; but could not guarantee that the work would resolve all the issues. She asked what she was supposed to do if this happened again and she had no insurance to cover it. The WTP Superintendent suggested a backflow valve to which the residents stated would not work in their case. Mrs. Grove stated she did not have the money to have the basement fixed, could not get insurance and the Township would not provide coverage. The Solicitor stated the only thing left for the Township to do was to attempt to expedite corrections, additions and changes for the D.E.P. permits. The Solicitor stated he had spoken to the Township's insurance company explaining the Township knew of the problem; but was delayed in making the corrections by having to wait for the various permits. He stated that was about three weeks ago and he had not heard from her since then. Mrs. Grove asked how the Township could not have anticipated this problem to which the WTP Superintendent stated, no one could have anticipated the amount of rain that fell. The Board and the residents continued a general discussion for a short time.

**JOHN DIMINICIS**, 6220 Perkiomen Avenue, stated he believed the Board's responsibility was to arrive at a fair decision that would benefit the majority of the people. He stated when he attended the last meeting; he tried to bring to the attention of the Board that individuals were driving around the Township as self-appointed inspectors who filed complaints about anything and anybody. He stated he planned to give examples; but found he did not have to because, as he sat through the meeting, someone made a complaint about someone who was coming through a wrong door, followed by a complaint that someone was parking in a wrong parking space. He asked if the gentleman who made the complaints believed, for one second, that the majority of the people who lived in the Township cared where someone came in a door or parked a car. He stated these were examples of the types of complaints he was talking about. He stated nobody cared and nothing was accomplished for the Township.

**EDITH FITZGERALD**, 95 Spruce Avenue, asked why the road on which she lived could not be plowed in the winter so ambulances and fire trucks could get through, to which Mrs. Franckowiak responded, it was a private road. Mrs. Franckowiak stated residents would be getting a letter explaining the problems with the road and the sewer lines. The WTP Superintendent made a brief presentation outlining the severe problems with the sewer system under the road; the several break-in connections that existed including a grinder hookup; an area where caving in had taken place, and would again; and that there was no manhole on the road where there should be. He stated low-pressure systems had to be installed because the necessary pitch was not possible for some homeowners' properties unless revisions in the existing connections were made. He stated that was why paving the road at this time was not prudent, as it would probably cave in again.

**JILL WILLMAN**, 93 Spruce Avenue, asked what could be done to correct the sewer issues. She stated she would like to do what needed to be done so there would not be any potholes in the road. The WTP Superintendent referred her to the Sewer Authority Meeting on Monday, December 13<sup>th</sup> at 6:00 P.M. stating the homeowners would have to meet the Code before he could install a sewer line and it would cost the homeowners additional money. Mrs. Fitzgerald continued to complain about the lack of service, to which Mr. MacBean repeated it was a private road and the Township could not plow private roads. The Solicitor stated, at the present time, the street was not dedicated to the Township and the Township was limited to the services it could perform in this circumstance. He asked Mrs. Fitzgerald whom the developer of the land was to which she replied, she did not know because there were 7 properties on the street. The Solicitor stated he would have to look into who the developer was, as the developer should have maintained the private street. He stated Mrs. Fitzgerald should follow the WTP Superintendent's advice and go to the Sewer Authority Meeting. He felt

if the parties could agree to correct the situation, they could escrow the proper amount of money to correct the sewer, then the Township could act on the petition signed by 51% of the property owners on the street, the street could be paved and it would then be plowed next year. Mrs. Fitzgerald again protested; however, the Solicitor again referred her to the Sewer Authority.

**CHRIS JORDAN**, 3 Golfview Lane, and a volunteer at the Reiffon Fire Company, suggested the Board allow both fire companies to have representation at the table or at least allow a mechanism of communication to exist between the people and the companies. Dr. Ganas stated the Board would take it under advisement. In addition, Mr. Jordan stated he sat through some of the budget workshops and suggested volunteers from the fire company could handle the library move. The Board suggested Mr. Jordan contact the Library Board or attends one of its meetings to volunteer their services. Mr. Jordan also asked how Mr. Barbieri would like to have the fire company's needs presented and asked what type of mechanism would be necessary. Mr. MacBean explained the Board only saw the same things once a year, every year in the budget and never saw what happened to the money for the items not purchased. Mr. Barbieri stated that was part of it; but there was another part, which was taking a longer-term look at financing. He stated there were large balances in both fire departments' accounts and felt someone might question why the Board needed to give \$50,000 or \$100,000 of taxpayers' money to an organization that had \$200,000 or 300,000 or \$400,000 in the bank when other organizations in the Township, like the Library, had no money in the bank. He suggested following the Township Manager's budget process would be very helpful to the Board because it would indicate what was budgeted, what was spent and indicate what was wanted in the budget for next year. He stated it would make it a lot easier to try to forecast what would be needed when budgeting for the next year. He suggested projecting expenditures out would be helpful, especially because the fire company had capital requirements, which were an issue for the Board. Mr. Jordan invited each Board member to stop by the Fire Station to see what kind of equipment was there and to get an understanding of how they operated.

**KARL SCHEMBERG**, 207 Lisa Lane, asked what happened to the idea of charging rent for the use of the Tower at the Township building. Dr. Ganas stated the Board looked into that and since they were a subsidiary of Conestoga, the parent company, the Township could not collect rent. Mr. Schemberg then asked Mr. Dominicis if he was aware the Township only acted on complaints that were filed and did not initiate inspections. Mr. Dominicis felt that was not correct. Mrs. Franckowiak agreed stating Code Enforcement did act on observed violations that were involving health and safety issues without having someone come in and file a complaint. Mr. Schemberg asked if Act 30 Killed-in Service Insurance was something new to which the Township Manager replied, it was new state law. Dr. Ganas stated the insurance matter was on the Agenda.

**MINUTES OF NOVEMBER 8, 2004 MEETING**

**MOTION** by Dr. Ganas, seconded by Mrs. Starr, to approve the minutes of the November 8, 2004 meeting as amended on Page 1, changing the word "Alcohol" to "Abuse" under "Dare Presentation". Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Mr. Barbieri voting in favor, and Ms. Ciotti abstaining.

**DISBURSEMENTS**

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to approve for payment the bills presented on the Disbursement Lists dated November 19, 2004 in the amounts of \$78,753.50 in the General Fund; \$6,205.27 in the Utility Fund; \$37,020.88 in the Sewer Fund; \$1,766.87 in the Capital Projects Fund; \$860.13 in the Parks Fund; and \$947.20 in the State Fund. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**DEPARTMENT REPORTS**

Reports of scheduled activities by the Engineering, Highway and Wastewater Treatment Plant for the week of November 22, 2004 were submitted for the Board's review.

**INCOMING AND OUTGOING COMMUNICATIONS** were submitted and are available for public inspection in the Township Office.

**GENERAL OBLIGATION NOTE & INTEREST RATE BASIS SWAP PRESENTATION**

Mike Setley and Jamie Schlessinger presented potential Note refinance scenarios for the Board to consider, and to accomplish general sewer & storm sewer projects as well as potential short term funding for the Library. Mr. Setley proposed the financing be done as a construction drawdown loan with 2 years to draw down the funds. In this scenario a rate would be fixed for the entire amount; however, the Township could take what it needed as it needed it and not finance the entire amount at the beginning. He felt this method had more flexibility and was less costly than a bond issue. Mrs. Starr asked if the cost amounts were fixed to which the Township Manager replied, the amounts for all the projects were just estimates at this point. Mr. Barbieri asked if there would be any prepayment penalty in this scenario. Mr. Setley stated many times there would be no penalty or there could be a penalty for a short time. He stated his firm just completed one for the Reading Parking Authority and they received a no-prepayment penalty offer. Mr. Barbieri stated he would be more interested in the no-prepayment penalty because the financing of the library would go away in five years as the promised contributions were made to the project. Mr. Setley felt bank proposals were usually good for 45-60 days. Dr. Ganas asked what the risks were to which Mr. Setley stated, there was a risk in that the cost could go up after the initial fixed rate period; but none beyond that. He stated there was an interest cap on the money no matter how the rates went. Mr. Rogosky stated the summer of 2005 would be the first time there would be a need for money for the Oley Turnpike sewer project, and other projects would require spending money over a period of two years. Mr. Setley stated the loan would not be closed until all the procedures were completed and that would not be until around February 1<sup>st</sup>. The Board was in agreement with seeking proposals.

On the Interest Rate Basis Swap, Mr. Setley stated many schools and municipalities have done these recently, trading one variable rate with another variable rate calculated on two different indices. He stated the opportunity to do this might be now for the Township. He stated it works by taking a portion of net cash received for rainy days when the municipality might owe additional monies due to rate variances and paying it back as tax exempt interest. He stated because the Township would be paying based on tax exempt interest and receiving based on taxable interest, it was the historic spread between the two that worked. He cautioned the Township would be at risk and could be paying more than it received. However, he felt that would only be if there was a very substantial change in federal tax law with the most obvious being the repeal of the current tax structure and replacing it with a flat tax or something of that nature. He stated this scenario would be worth about \$400,000 in cash up front and the Township would get additional cash flow on the transaction. Currently, the rate at which money would be received would be 2.285%, and the average at which money would be paid would be 1.975% so long as there was not a major change in the tax law. He stated there might be times the Township would be paying more than it would be receiving, and for those instances, some portion of that money should be set aside in the General Fund to cover this eventuality. He stated these were very sophisticated transactions that needed close moderating; but they were becoming more prevalent. He stated his firm could moderate this process under contract for a set fee. He stated several years down the road if the spread grows, the Township could tear up the deal and move on. He referred to this action as "called in and out of the market". The Board had no objections to proceeding with this deal as long as the reserve was set aside.

**UNFINISHED BUSINESS**

**KUBOVCSAK SUBDIVISION SKETCH PLAN OF RECORD**

Mrs. Franckowiak stated the Planning Commission recommended the Board reject the Kubovcsak Subdivision Sketch Plan of Record if a time extension was not granted to extend the date beyond the December 6<sup>th</sup> expiration date.

**MOTION** by Mrs. Starr, seconded by Ms. Ciotti, to grant an extension of time if one is received by December 6<sup>th</sup> and; if not, to reject the Kubovcsak Subdivision Sketch Plan of Record. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***NEW BUSINESS***

***PAULEY ANNEXATION WAIVER REQUEST***

Mrs. Franckowiak stated the Planning Commission recommended the Board of Supervisors waive the requirement of SALDO Section 5.216 to allow the Pauley Annexation to maintain the current right-of-way width of 33 feet for Klapperthal Road since it would be unlikely the Township would need to widen the road. The Solicitor stated he had seen the draft of the review and it looked fine.

**MOTION** by Ms. Ciotti, seconded by Ms. Starr, to approve the waiver request of requirement of SALDO Section 5.216 to allow the Pauley Annexation to maintain the current right-of-way width of 33 feet for Klapperthal Road subject to a note being placed on the Plan stating "no further subdivision of the parcel". Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***WOODGATE SECTION 3 (WOODSIDE VILLAGE) SUBDIVISION  
SEWER EXTENSION AGREEMENTS***

The Township Manager stated these were sewer extension agreements to add Woodgate Section 3 onto the sewer system and had been approved by the Sewer Authority. Mr. MacBean asked if the existing sewer lines were big enough to handle the increase in sewage to which the WPT Superintendent responded, yes.

**MOTION** by Mrs. Starr, seconded by Mr. Barbieri, to approve the sewer extension agreements for Woodgate Section 3 and authorize execution of the same. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***AUTHORIZE ADVERTISING 2005 BUDGET/ BOARD & COMMISSION VACANCIES***

**MOTION** by Dr. Ganas, seconded by Ms. Ciotti, to authorize the Township Manager to advertise the 2005 Budget and the Board & Commission vacancies. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***ACT 30 KILLED-IN-SERVICE INSURANCE***

The Township Manager stated he was recommending the Board purchase a "Killed-in-Service Accidental Death Benefit Policy" in accordance with the Police Pension Ordinance Amendment the Board recently adopted to comply with Act 30. He stated the Municipal Employers Insurance Trust Policy would pay 100% of the insured member's earnings to his or her survivors in accordance with the law. He stated the cost of this policy for 2005 would be approximately \$800 per month and would be paid from the Police Pension Fund. He stated should the Pension Plan be required to pay this benefit to any of our members, it would be a financial burden to the Plan. He then asked for the Board's approval to purchase this insurance policy with the premiums being paid from the Police Pension Account.

**MOTION** by Mr. Barbieri, seconded by Ms. Ciotti, to authorize the Township Manager to purchase the "Killed-in-Service Accidental Death Benefit" with premiums being paid from the Police Pension Account. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***POLICE PENSION CONTRIBUTION RESOLUTION #04-24***

The Township Manager stated a motion was required to adopt Resolution #04-24 amending the Police Pension Ordinance to set the Pension Contribution rate for the Police officers for the year 2005. He stated the rate was calculated based on the costs of the plan established in the MMO the Board adopted in September. He stated the new rate was 7.9%.

**MOTION** by Mrs. Starr, seconded by Mr. Barbieri, to adopt Resolution #04-24 amending the Police Pension Ordinance to set the Pension Contribution Rate for the Police Officers for the year 2005. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voted in favor.

***SOLICITOR'S REPORT***

***REIFFTON HOLDINGS***

The Solicitor stated the hearing for Reiffton Holdings vs. James Bucci et. all, had been scheduled for December 6<sup>th</sup> before Judge Schmehl. He stated he would be attending the hearing.

***SHELBOURNE SQUARE IMPROVEMENTS AGREEMENT***

The Solicitor stated the Shelbourne Square Improvements Agreement was in draft form and he would be submitting it to GVC for review tomorrow. He felt it should be ready for the next Board Meeting along with a letter of credit from the Norfolk Bank in the amount of approximately \$181,000.

***INDIVIDUAL REPORTS***

***VOLUNTEER INCENTIVE DISTRIBUTION***

The Township Manager referred to his memo to the Board regarding the Volunteer Incentive Distribution and wanted to make sure the Board was okay with his calculations. The Board had no objections.

***POLICEMAN OF THE YEAR AWARD***

Sergeant Walter Godshall recognized Officer Andrew Walbert for receiving the Officer of the Year Award from the Fraternal Order of Police. Mr. MacBean stated Officer Walbert was a Township Police Officer who worked with his K-9 partner who also was recognized.

***FLYER FOR FARMING RIDGE AREA RESIDENTS***

WTP Superintendent submitted, for Board approval, a draft of the flyer his department prepared to be sent to the Farming Ridge Area Residents whose sewer vents were below grade and taking in water during heavy rains. He stated he planned to send them out in two weeks after he had received the ordered dish vents. Mr. MacBean suggested an article be placed in the upcoming Township Newsletter explaining this situation to the residents. The WTP Superintendent stated that had already been planned. He also stated his department found 63 of 71 vents they could not initially locate by using a metal detector. He stated they, too, would be in need of dish vents and asked the Board's permission to purchase enough for those residents as well. The Board agreed.

***WALBERT-OFFICER OF THE YEAR***

Dr. Ganas referred to the article on Officer Andy Walbert written in the Reading Eagle by Keith Mayer and stated this was another example of the fine quality of the Police Officers working for the residents in Exeter Township. He stated the Board would always support the Police Department. He stated he had heard about several Police Officers who had performed well and asked the Police Chief if special commendations should be made for them. Dr. Ganas stated the Police Chief replied that would not be necessary because it was their job to perform well.

***UPPER WEST MORELAND TOWNSHIP REQUEST/BUSINESS PRIVILEGE TAX***

Mrs. Starr asked if there were a way to give them the requested \$2,000 when they were sure the matter would be heard by the court. The Board felt a motion for consideration could be offered when the Board knew the matter would be heard.

***CELL TOWERS TAXABLE***

Mrs. Starr asked if the Township Manager gave to the Tax Assessors Office the information regarding Cell Phone Towers being taxable, to which he responded, yes. She stated there was a possibility that property tax revenue might be generated for the Township.

***SUPERVISOR BARBIERI***

Mr. Barbieri informed the Board he would be absent from the December 13<sup>th</sup> Board Meeting.

***COUNTY & CITY TAXES TO BE RAISED***

Mr. Barbieri stated according to the recent newspaper articles reporting increases in taxes for both Berks County and the City of Reading, he was pleased that taxes would not be raised in Exeter Township. He stated the people who work for our Township were doing a great job and the volunteers were doing a great job. He stated anyone who thought the Township was doing a bad job should reconsider because not raising taxes means they were doing a good job. He stated he wanted to thank all the people who provide services for the Township because they work in a very economic fashion.

The Board held an Executive Session to discuss personnel and potential litigation after the meeting.

***ADJOURNMENT***

***MOTION*** by Dr. Ganas, seconded by Mrs. Starr, 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 8:00 P.M.

Respectfully Submitted,

Troy S. Bingaman  
Township Secretary