

MINUTES
EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING
OCTOBER 25, 2004

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, October 25, 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, Esquire, Solicitor
Gerard A. Radke, Chief of Police
Cheryl A. Franckowiak, Zoning/Assistant Code Enforcement Officer
Joseph P. Rogosky, P.E., Great Valley Consultants

The Meeting was opened with the Pledge to the Flag.

Absent from meeting: Dave Barbieri, Supervisor

PUBLIC COMMENT

THOMAS HOWELL, 4970 Hafer Road, first stated his personal beliefs, and then stated he felt the Chief of Police had betrayed the trust of taxpayers when he allowed Dr. Ganas & Mr. MacBean to possess keys to the Police Department. He stated on October 18th he and another resident witnessed Dr. Ganas taking a key from his pocket and unlocking the door to the Police Department. Mr. Howell felt the Police Department contained sensitive information that had now been compromised. He called for all Supervisors who had keys to turn them in now. Mrs. Starr stated she did not have a key. For the others, Mr. Howell stated he would take the appropriate action.

ANNE SCHAEFFER, 202 Wood Lane, stated she was here again tonight regarding the sewer backup situation in her home and other homes on Wood Lane. She stated no one had contacted them about how they could help. She stated the owners of the six residences on Wood Lane would be willing to pay for a backflow valve on each of their homes to help solve the immediate problem and asked if the Township would be able to install them for the residents. She stated this compromise option was the only thing the residents could afford to offer. The Solicitor asked Mr. Rogosky if the valves would be installed between the main and the house to which he answered, they could be installed and felt they should have these installed inside their homes so they could control them. **WILLIAM HEDL**, 479 Pennsylvania Avenue, from the audience stated the backflow valve was an automatic, non-control unit that had to be installed in a ditch in the ground outside the home and there was a flap on the inside that stopped the sewage from coming back into the house. The Solicitor asked what size the excavation had to be to accommodate the pipe to which Mr. Hedl stated, the ditch had to be 6' long X 4' wide. Mr. MacBean stated the Engineer from the Sewer Authority explained at the last meeting what had to take place to get the authorization to correct the sewer problem. Mrs. Schaeffer stated that would take time and this option would be an interim solution. She then stated she had dealt with 6 inches of sewage in her basement and it was not pleasant. She stated she lost everything she had and it was not fair to her as a taxpaying resident to have to worry about this. Mrs. Schaeffer stated she did not come to the meeting to fight; but, to ask for the help of the

Supervisors who were here to provide to the public. She further stated she was appalled at the behavior of the perpetrator of the vandalism that took place in the Township Building bathroom. She professed neither she nor anyone of the residents performed that act of vandalism and they were willing to take a DNA test to prove it. Mr. MacBean stated he did not suggest she was responsible for the vandalism he just said it was done, and he really wanted to help the residents solve their problem. Mrs. Schaeffer stated she still needed to be assured she could go through the winter without experiencing any sewage coming into her basement. She then thanked both the Solicitor and the Board for their assistance. The Solicitor stated the Board had authorized him to proceed doing anything he could to speed along the permit process to have the sewer lines replaced and he had begun by writing the letter he promised to write. Dr. Ganas stated the Board wanted to help the residents with this problem. The Solicitor stated the Township would consider the resident's suggestion of having backflow valves installed and would contact a plumber to see exactly what was involved with the installation of a backflow valve.

* Ms. Ciotti arrived at this time.

ROBERT F. JORDAN, Chief of the Reiffton Fire Company, reviewed his memo regarding the replacement of the Fire Marshal and suggested this would be an opportunity to formally review future planning for the Exeter Township Fire Department by having a workshop with Township Officials and Fire Department members. He suggested the topics that could be discussed and asked the Board to consider his request.

JASON BELLOVICH/ ANTHONY "TONY" MARAS, from Bellovich Construction and JENMAC, the Laurel Springs Development, stated there were issues that needed discussion. The Board stated this portion of the meeting was for public comment and suggested they request a place on the agenda. Mr. Maras then asked to be put on tonight's agenda; however, the Board stated it needed an opportunity to look at the materials prior to a meeting so as to be prepared to discuss the issues. The Board felt this matter should be deferred to the next meeting. Ms. Ciotti asked for a memo from the Engineering Department. Mr. Maras then requested this matter be put on the next meeting's agenda with regard to the Engineering Department's refusal to issue building permits for three buildings, and stated a letter regarding Laurel Springs would be forthcoming to Engineering, the Solicitor and the Supervisors.

BILL HEDL, 479 Pennsylvania Avenue, thanked the Police Chief for setting up the speed trap on Pennsylvania Avenue. He also thanked the Solicitor for coming out and seeing the deteriorating sidewalks. The Solicitor stated what he saw was horrendous and the matter would be pursued. Mr. Hedl asked if the paving on Pennsylvania Avenue was complete because the manholes and valve boxes were not raised up, and 12 houses no longer had curb reveals. He was concerned about snow, ice and water filling up the end of their driveways. The Board stated the Engineer and Highway Departments would look into the matter. The Chief of Police stated there would be a complete report on the speeding matter at the end of the meeting.

MINUTES OF OCTOBER 11, 2004 MEETING

MOTION by Dr. Ganas, seconded by Mrs. Starr, to approve the minutes of the October 11, 2004 meeting as presented. 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 October 22, 2004 in the amounts of \$512,644.90 in the General Fund; \$297.00 in the Utility Fund; \$258,888.06 in the Sewer Fund; \$638.40 in the Capital Projects Fund; \$4,784.18 in the Park Fund and \$67,276.34 in the State Fund. Dr. Ganas asked how much it cost to clean the lady's room after the vandalism to which Mr. MacBean answered, \$609 to have the hazmat team decontaminate it because hazardous materials were involved. 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 October 25, 2004 were submitted for the Board's review.

UNFINISHED BUSINESS

ADOPT AMENDMENT TO NON-UNIFORMED PENSION PLAN #580

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to adopt the Amendment to the Non-Uniformed Pension Plan #580. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ACCEPT RESIGNATION (RETIREMENT) OF FIRE MARSHAL

Dr. Ganas, on behalf of the Board, accepted the resignation of Terry Francis, the Township's Fire Marshal, with deep regrets and called Mr. Francis "an excellent Fire Marshal who had devoted 45 years of his life to firefighting".

MOTION by Dr. Ganas, seconded by Ms. Ciotti, to accept, with deep regret, the resignation of Terry L. Francis for retirement purposes. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

AUTHORIZE ADVERTISING PART-TIME FIRE MARSHAL POSITION

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to authorize advertising a part-time Fire Marshal position. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

FOREIGN FIRE INSURANCE DISTRIBUTION (VOLUNTEER RELIEF ASSOCIATIONS)

Mrs. Starr stated there were two State funds that were calculated on a 2000 census basis- one for fire insurance and the other for liquid fuels. She stated another census would not be done until 2010, and noted there were more residence to take care of now than there were in 2000 and the Township would not get enough money. The Solicitor stated this distribution was statutory, was based on the last available census and he was not sure an amendment would be possible. He suggested the Board could ask if there was a way to calculate the number of residents in the Township to accurately supplement the census numbers. He suggested writing and asking if this was possible. The Township Manager suggested the alternative of putting a resolution into PSATS for the next convention asking them to try to change the legislation. Mrs. Starr asked what the 2000 census showed the Township population to be, to which the Township Manager stated the population at that time was 21,161. Now, there were approximately 24,000 people living in the Township. Mrs. Starr asked how much money the State had given to the Township, to which the Township Manager responded \$139,588.83 was given and \$157,143 was requested by the two fire companies causing a shortfall of \$17,554. Mrs. Starr reviewed the amounts given to both the Stonersville Fire Company and the Reiffon Fire Company from 2000 until now. She also noted many residents have a Birdsboro address that actually live in the Township. She requested a letter be sent to the Volunteer Relief Association regarding the appropriate Birdsboro addresses being included in the Township count. The Board deferred the Foreign Fire Insurance Distribution matter for further calculation.

NEW BUSINESS

SHAW BRIEF SUBDIVISION FINAL PLAN

Mr. Howell asked a question about the property that borders Gibraltar Road and stated it was not in compliance with the weed Ordinance. Mrs. Franckowiak stated it did meet the Ordinance and the Board felt this had nothing to do with the Shaw Brief Subdivision Final Plan. Kevin Bensinger, of Bursich Associates, stated the trees were scheduled to be planted on Wednesday and requested conditional approval.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to approve the Shaw Brief Subdivision Final Plan in accordance with the recommendation of the Planning Commission contingent upon plans being held until trees were planted and inspected. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

WAIVER REQUESTS:

EXETER COMMUNITY LIBRARY

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to grant a waiver request for Exeter Community Library from the requirement of SALDO Section 4.283 (Environmental Assessment) as recommended by the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

KERSCHNER ANNEXATION

Mrs. Franckowiak asked the Board to review the plan and stated there was no point in having Mr. and Mrs. Kerschner spend \$750 to go before the Zoning Hearing Board if the Board was not going to entertain the idea of granting a waiver of the minimum lot depth to width ratio for the three subject lots. She stated these were very long lots and the annexed property was going to be combined with the already existing residential properties that were non-conforming.

MOTION by Ms. Ciotti, seconded by Dr. Ganas, to grant a conditional waiver of the minimum lot depth to width ratio (SALDO Section 5.514) for the Mahlon A. & Vera M. Kerschner Annexation of which the Board expressed no opinion. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

ESCROW RELEASES:

LAUREL VILLAGE APARTMENT COMPLEX, REQ. #6

MOTION by Ms. Ciotti, seconded by Mrs. Starr, to authorize an Escrow Release for Laurel Village Apartment Complex, Req. #6 in the amount of \$132,774.56 for the water distribution system. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

SOLICITOR'S REPORT

SEWER LIEN COLLECTIONS

The Solicitor stated he had collected in excess of \$4,000 in sewer liens and would turn the monies over to the Township Manager.

CROSS ACCESS EASEMENT/SHELBOURNE SQUARE

The Solicitor reported the Cross Access Easement Agreement he received from the attorney for Shelbourne Square has been forwarded to the Engineering Department and GVC, both of who plan to send their comments back to him and he would proceed from there.

G & M HOUSING NOTE

The Solicitor stated he sent another letter to G&M Housing Incorporated reminding them they still owed the Township \$25,000 on the Note they executed from the time when they took over the facility. He stated the money was due June 1, 2004. Brad Kissam, from the Zoning Hearing Board noted a hearing with G&M will be scheduled and asked if this matter would have an impact, to which the Solicitor stated this would not; but, asked Mr. Kissam to remind them they owed the money.

COUNTRY CLUB ESTATES II PHASES 2 & 3 MUNICIPAL IMPROVEMENTS AGREEMENT

The Solicitor stated he needed a motion to execute the Municipal Improvements Agreement. He stated Forino was putting up a bond in the amount of \$1,345,860.

MOTION by Mrs. Starr, seconded by Dr. Ganas, to execute the Municipal Improvements Agreement for Country Club Estates II Phases 2 & 3 in accordance with the review by GVC. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Ms. Ciotti voting in favor.

EXETER AUTOMOTIVE INC. MUNICIPAL IMPROVEMENTS AGREEMENT

The Solicitor stated the name of this company had been changed from Exeter Car Care to Exeter Automotive Inc. and he needed a letter of credit from Leesport Bank before he could execute the Municipal Improvements Agreement. He stated everything else was in order and can be executed when he receives the original letter of credit.

WV ASSOCIATES MUNICIPAL IMPROVEMENTS AGREEMENT

The Solicitor stated the Municipal Improvements Agreement was ready; but, not executed at this point for Woodgate Section III Phases 2, 3, 4 & 5. He stated they put up a performance bond in the amount of \$866,631 from Lexon Insurance; however there was not a lot of credit there, and he did not know whether or not the insurance company had other outstanding letters of credit.

EARTHCARE SETTLEMENT

The Solicitor stated he received the Earthcare final papers from Texas and the settlement was ready to be executed for 50 cents on the dollar. The Township Manager stated this had already been executed and the Township had paid the money.

INDIVIDUAL REPORTS

PENNSYLVANIA AVENUE TRAFFIC

The Police Chief stated, after giving Pennsylvania Avenue some study using the book given to him by a resident of Pennsylvania Avenue, there were three typical devices that could be used to slow down traffic. He stated the first would be to install “Chicanes”, or artificial cul-de-sacs that would be like small islands on the sides of the road and would essentially make a curved road out of a straight road. He stated trees or grass could be planted on these islands and a study would be necessary for site distance. He stated this would slow down traffic because the street would be narrowed. The second device to deter speeding would be to install larger “speed humps” that could be 20 or 30 feet across the street. He stated they would require the street to be graded going up to the speed hump, a study had to be done and a sign had to be posted. He said “speed bumps” were illegal. The Police Chief stated the third option would be to build a raised cross walk which was even with the sidewalk. The raised cross walk option would require a sign posted that said “Danger... raised cross walk” and that would slow people down; however a study showing a high level of pedestrian traffic would be necessary for this option, and he felt this option would not work. The Police Chief stated, considering these options there were some questions that should be asked. He did not know what this would cost; felt doing this might encourage requests from several other sections of the Township stating the Township could not just do this for Pennsylvania Avenue; and these devices could cause some problems with water flow and snow plowing. He noted Laurel Springs had to replace their speed hump every year because of plowing. The Police Chief felt the report should be referred to GVC for review and to the Solicitor for the legalities to be looked at. He stated this project could not be started without first having it studied by a committee that included a member of the Board, two members of Engineering Department, a member of the Police Department and some residents. He felt proper studies had to be done for everything and there were many issues to be considered including accommodating individuals with disabilities. Mr. Hedl felt the presence of Police for two or three days worked and slowed things down. He stated if this was done on occasion and might solve the problem. The Police Chief stated that was the first recommendation in the book and he was aware of the deterrent. He stated Exeter roads were patrolled; however, there were many streets in the Township to patrol and patrol cars could not be everywhere all the time. Mr. MacBean asked Chief Jordan if Chicanes would hamper fire personnel from handling a raging fire on Pennsylvania Avenue. The Chief responded probably not very much, although, fire apparatus would have to slow down. Mr. Howell referred to speed humps that had been placed on roads in other communities and suggested the Board contact other municipalities to see how they were working. A resident asked the Police Chief how many traffic violation tickets were written for people speeding on Pennsylvania Avenue to which he responded, a least 50 tickets. One resident suggested inverted speed humps; however, the Chief felt that would not be practical.

LEGAL REPRESENTATION- G & M HOUSING

Mrs. Franckowiak asked for legal representation during the upcoming G & M Housing Zoning Board Hearing. The Solicitor stated he would be away; however, his office would provide legal counsel for her.

EXETER LIBRARY GRANT

Mrs. Starr reported the Library had received a \$25,000 Grant from Senator O’Pake’s office for the upcoming construction.

PROPOSED LEGISLATION

Mrs. Starr felt a letter should be sent to State Congressional Representatives and Senators asking for copies of proposed legislation when the legislation would directly affect local government. Mrs. Starr referred to House Bill 2250 which she felt might have prevented the Board from restricting alternative energy sources as an example of the proposed legislation to which she was referring. She felt the Board could have sent letters to either support or not support these issues. The Township Solicitor stated update letters were already being received on legislative matters and Ms. Ciotti stated there were official websites where this information could be gotten, as well. Mr. MacBean then stated the newspaper should have covered the Thursday night meeting of the Berks County Convention of Supervisors that was attended by nearly everyone who held office throughout the County and the State. He felt most everyone at the meeting was against the regionalization concept that had recently been presented.

JOINT COMPREHENSIVE PLAN

Mrs. Starr felt the Board should take action on the Joint Comprehensive Plan. She also felt the Board should send letters to Senator O’Pake and Representatives Rohrer, Leh and Santoni on County Regionalization because the Joint Comprehensive Plan would take away local government. There was a general discussion on combining the governments into one County government. The Township Manager stated the committee had a meeting scheduled in November. The Township Manager asked if he should send letters sharing the Board of Supervisors' sentiment, and the Board stated he should.

SEWAGE TO FUEL

Mrs. Starr asked the Board to consider sending a letter to the County Commissioners inquiring about the Sewage to Fuel Project and suggesting the County EAC to look into it. After a lengthy discussion, the Board suggested Mrs. Starr send the letter to both the city and the county.

ACT 90 SURCHARGE

Mrs. Starr asked to rescind her vote on the Act 90 Surcharge payment. She stated she had not fully read the agreement and after doing so decided to rescind her vote. Mr. MacBean noted there were still enough votes to pass the motion.

DARE GRANT

Mr. MacBean noted a letter sent to Sergeant Lis of the Exeter Township Police Department stated the Township’s application for funding from the Pennsylvania Commission on Crime and Delinquency had been approved for State funds under the PA Drug and Educational Law Enforcement Program. The Police Chief stated the \$14,827 award would pay for the Township’s DARE Program.

SENATOR EDWARDS

The Police Chief stated Senator John Edwards planned to be in Reading tomorrow and had asked for four of the Township’s bomb dogs to search the Sovereign Center prior to his 2 P.M. visit.

EXECUTIVE SESSION

The Township Manager asked for a short executive session following the meeting to discuss a personnel 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 8:23 P.M.

Respectfully Submitted,

Troy S. Bingaman
Township Secretary