

**MINUTES**  
**EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**OCTOBER 11, 2004**

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, October 11, 2004, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Mr. 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  
Dave F. Barbieri

***OTHERS IN ATTENDANCE***

Nancy L. Jack, Assistant Secretary  
John A. Hoffert, Esquire, Solicitor  
Gerard A. Radke, Chief of Police  
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 P. Rogosky, P.E., Great Valley Consultants  
William Smyers, Gannett Fleming

The Meeting was opened with the Pledge to the Flag.

***PUBLIC COMMENT***

**THOMAS HOWELL**, 4970 Hafer Road, objected to the characterization of his comments with the use of the word "chastised" in the last meeting's minutes when referring to the way he addressed the Board regarding not doing a study of Reiff Place parking before they decided to ban parking. He stated he never used that word and he wanted the government to name the person who was changing the things he said. He then referred to the October 4<sup>th</sup> Preliminary Budget Meeting stating he was the only member of the public attending. He stated the Board discussed a \$600,000 shortfall with \$411,000 in new expenses for 2005, and referred the proposed budgets to their respective departments to find places to cut back expenses. He stated if the Board did not raise taxes they would take the money from some other place in the Township's budget. He then passed around an old picture of the intersection of Gibraltar Road and Green Tree Acre Road that showed there were water problems with that property long before anyone purchased those lots. He felt it was the government's responsibility to fix the problems as they knew about the situation. He reserved his right to speak on the Wagner Home Occupation Conditional Use and FR&S/Gas to Electric Power Plant.

**PATTY SPLEEN**, 421 Pennsylvania Avenue, commented on how well this year's Hayride went and hoped it would be held again next year. She then stated there was a speeding issue on Pennsylvania Avenue and there were a number of incidents in which children were put in harms way, her daughter being one of them. She stated cars would pass her husband who travels at the speed limit of 25 MPH because they were in a hurry to get somewhere. She felt there were children living in most houses on that street and with the addition of 280 new homes being build at the end of Schoffers Road by Berks Construction, the increased traffic on that street would increase the danger. She also stated she understood Police can not always patrol that street and the limitations

of the Board regarding the building of new developments. She gave the Board a handbook on how to help slow down traffic on the street. She stated she and her neighbors had signaled to speeding drivers to slow down and some of those attempts had resulted in altercations. She stated she would not attempt to slow down speeders again. She suggested the options of putting up signs that say children at play or installing speed bumps should be considered in addition to more frequent Police patrols. She asked the Board to do what it could to assist in solving the speeding problems.

**MINUTES OF SEPTEMBER 27, 2004 MEETING**

**MOTION** by Dr. Ganas, seconded by Ms. Ciotti, to approve the minutes of the September 27, 2004 meeting as amended on Page 6 changing “grade 2 to 11” to “grade 5 to 11” under “**EXETER YOUTH ALLIANCE**”. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**DISBURSEMENTS**

**MOTION** by Mr. Barbieri, seconded by Mrs. Starr, to approve for payment the bills presented on the Disbursement Lists dated October 8, 2004 in the amounts of \$259,179.53 in the General Fund; \$9,766.60 in the Utility Fund; \$1,056.84 in the Capital Improvement Fund; \$72,800.62 in the Sewer Fund; \$56,879.80 in the State Fund; and \$5,657.35 in the Traffic Improvement Fund. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**TREASURERS REPORT**

**MOTION** by Mrs. Starr, seconded by Mr. Barbieri, to accept the Treasurers Report dated September 30, 2004 and file the same for audit. 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 October 11, 2004 were submitted for the Board’s review.

**CONDITIONAL USE: HOME OFFICE/JAMES WAGNER - 17 SYCAMORE DRIVE**

Mr. Howell asked Ms. Ciotti since she lived there if she had anything to do with this business to which she answered, she had nothing to do with this business and stated she would abstain from the vote.

**MOTION** by Dr. Ganas, seconded by Mr. Barbieri, to grant a conditional use for a Home Office to James Wagner at 17 Sycamore Drive. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr and Mr. Barbieri voting in favor, and Ms. Ciotti abstaining.

**INFORMAL DISCUSSION – G & G POULTRY \***

No one from G & G Poultry was present. Ms. Ciotti stated she looked at the memo and felt this was an issue that should go before the Zoning Hearing Board and the Planning Commission for any construction issues. The Solicitor felt this probably was more of a Zoning Issue than a Planning Commission issue, and concurred with both Ms. Ciotti and the Engineering Department on that point. He suggested the applicant first make a request for an appearance before the Zoning Hearing Board and if the Zoning Hearing Board preferred, it could refer the matter back to the Planning Commission as a courtesy.

**POLICE REPORT READ BY MR. MACBEAN**

Mr. MacBean read from a Police Report, which gave detail on an incident that occurred in the Women’s Rest Room of the Township Building. He stated an officer was called to inspect the room after a Township employee discovered a substance smeared on the walls and floors of the restroom on the morning after the last Township Meeting. The substance was determined to be human feces and the perpetrator was unknown. Mr. MacBean stated some Township residents had a problem with sewage backing up into their homes and came to the Township that night to ask for our help in solving the problem. Mr. MacBean stated the

Board told the residents they would do what had to be done to solve the problem. He felt it was very childish for someone to do this. Two residents, **ANN L. SHAFFER**, and **DONNA BLANK**, said they were offended by Mr. MacBean's remarks. Mrs. Shaffer stated she was in the hallway and she did not see one female go into the woman's restroom. Mr. MacBean stated the perpetrator was not necessarily a woman.

**UNFINISHED BUSINESS**

**WOOD LANE SEWER ISSUES:**

The Wastewater Superintendent introduced William Smyers, from Gannett Fleming, the Township's Sewer Authority Engineer who gave an update on the Kerr Road Sewer Project. He stated sometime ago the Sewer Authority began a project to replace a 8" to 10" pipeline or cup line that started near Boyertown Road, traveled along a right of way on Kerr Road and then across Shelbourne Road into a manhole along the Antietam Creek. He stated under normal conditions the flow is 250,000 gallons a day. He stated the sewer was capable of handling 830,000 gallons a day. During peak periods the flow can be between 320,000 to 800,000 gallons a day making the pipe only half full under normal conditions. With substantial rains, which Mr. Smyers stated were ones with high intensity and long duration, the interceptor would immediately go to 1 million gallons a day and within 8 hours would be down to a normal flow as it was during one metering incident. He stated that was a classic indication of an inflow problem from illegal connections like sump pumps, down spouts etc. Mr. Smyers stated this project had not gone smoothly because the Antietam Creek was a Trout stream, which only allowed the interceptor to be completed during specific periods of time so as not to interfere with the Trout's life cycle. He stated this was one of the regulatory issues the Township was dealing with which also included Bog Turtle and Wetland concerns, stream crossings and the PennDOT Highway permit for which they applied. He stated the Berks County Conservation District approved the plan and the stream crossings then sent it to the Army Corp of Engineers asking for a complete review, which was where the project was now. Mr. Smyers explained the D.E.P. informed him they were inundated with calls, faxes and e-mails from Exeter Township residents and now they were going to require an Infiltration Inflow Study (I&I) to determine what size pipe would be needed to accommodate the size of hurricane rains that produced all the flow we experienced recently. He stated if the study were required, it would take 6 months to a year, and quite a bit of money. He stated he expected a call from the D.E.P. tomorrow to know whether or not an I & I study had to be done. He noted with 1,000 connections it only took 6 illegal sump pumps to overload an aging pipeline and a lesser number of downspouts. Mr. Smyers stated he did not know at this time what size pipe should be installed. He also stated given all these permits, there was still no guarantee it would handle all the flow. An unidentified resident asked whether or not there was an Ordinance prohibiting sump pumps from dumping water into the sewer system to which the Wastewater Superintendent stated, there was. He stated the Township had inspected and many were found and corrected. He also stated many of the residents reversed them afterward and he was going to inspect again. Mr. MacBean then read a letter from Essig and Barr Insurance Company saying it offered sewer back up insurance for \$30 a year and suggested the residents contact this insurance company or any others offering this kind of insurance. Mr. Rogosky stated, right now, the Township was involved in doing a storm sewer project on Oley Turnpike Road. He also stated they submitted three or four projects for public funding to correct the problem. **SHAWN HUNTZINGER**, 201 Wood Lane, stated Wood Lane was in a flood plain and money was available for the Township because of it. He wanted to know what happened to the money allocated. Mr. Rogosky stated there was a flood plain on this tributary to Antietam Creek; but, he knew of no money received by the Township. The Solicitor stated he wrote the letter the Board authorized him to write to Kim Okonieski, Claims Examiner at Integrated Risk Management, the Township's Insurance Company, and asked, on behalf of the Board, to consider reviewing the issues of sewer flooding on Wood Lane, Center Lane, Mays Avenue and Circle Drive to provide some financial relief for the residents involved. He stated he was awaiting a response. Mr. Howell asked how many people were fined for illegal hook-ups in the last 5 years, to which the Wastewater Superintendent responded none were fined; however, they were given 30 days to unhook them. He then asked why they were not getting fined. The Solicitor noted in order to do an I&I, they had to get court permission via subpoenas to get into the houses if residents would not let them in to do an inspection. He stated legal costs were one of the costs involved.

***PLUMBING INSPECTOR APPOINTMENT***

***MOTION*** by Ms. Ciotti, seconded by Dr. Ganas, to appoint Gregory G. Koontz to fill the vacancy of Plumbing Inspector effective October 16, 2004, with the stipulation that there is no additional cost to the Township. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

\* Ms. Ciotti acknowledged the presence of Rabbi Mayer Greenbaum, from G&G Poultry, who entered the meeting at this point. She informed him the Board had addressed this matter earlier in the meeting through an informal discussion in which it was determined this issue was not properly before the Board of Supervisors at this time, and was more suited for Township's Zoning Hearing Board interpretation. She thanked Rabbi Greenbaum for coming.

***NEW BUSINESS***

***PENNSYLVANIA AVENUE RESIDENT CONCERNS:***

***JUSTIN T. PERELLA***, 492 Pennsylvania Avenue, echoed Mrs. Spleen's comments about the ongoing problems with traffic on Pennsylvania Avenue and presented a petition to the Township asking that deteriorating sidewalks be replaced. He also presented pictures of the sidewalks that were splitting and chaffing. Mr. Perella felt the reason for this was due to the use of salt on the roadways. ***WILLIAM HEDL***, 479 Pennsylvania Avenue, asked if the Township had any regulations in place governing the materials used to build sidewalks and porches, and felt this should not have happened in a period of two or three years. Mrs. Franckowiak stated that the sidewalks were inspected as part of the Public Improvements Inspections by the former Township Engineer, and the one-year guarantee period had expired; therefore, the Township was no longer responsible for this issue. The Solicitor suggested this might be a private contractual right between the property owner and the contractor, and there could be a private remedy for breach of contract. Dr. Ganas asked if they had approached the contractor with the problem to which Mr. Hedl and Mr. Perella stated the contractor said this was the Township's responsibility. Mr. Rogosky stated in looking at the photos it appeared there was premature deterioration of the concrete; however, it was not necessarily the result of road salt. He stated salt could aggravate concrete because it attracted water and could freeze. Mr. Rogosky stated this was a common problem and could be as a result of the substitutions being used in the concrete or from too much water being used in the mix. He stated a laboratory could test the concrete to determine its content and its structural integrity. All agreed there were a lot of variables in mixing the concrete. Mr. Perella stated the cement sidewalks at WalMart had been there for 10 years and had not deteriorated like the cement had on his street. He was concerned because if he ever had to sell his home it would cost thousands of dollars to replace the sidewalk. ***FRED THRUSHER***, of Wingspread, stated they had the same problem with some sidewalks deteriorating and not others. ***DON CHECK***, 448 Pennsylvania Avenue, stated his front stoop and his driveway were poured at the same time and referred to the pictures that showed both deteriorating equally. He stated in one picture the walkway up to the stoop was perfectly fine and, therefore, there was something wrong with the concrete when it was poured for the stoop and driveway. He felt it was poor workmanship. He also commented about the speeding on Pennsylvania Avenue. Police Chief Radke stated he would like to address the issue at the end of this public comment. Mrs. Spleen stated there was heavy water runoff onto her sidewalk that froze in the winter and she had to remove the ice with salt as the Township required sidewalks to be kept clear. Mrs. Starr stated there were other products available to put on icy sidewalks. The Solicitor stated as far as the Municipal Improvements Agreement was concerned, the time had past. He stated the defects, because they were on their properties as well as the municipal portions of the development, could constitute a class group action against the developer for improper construction. Some residents claimed there were no inspections. The residents again asked the Township for help detailing the contact that had been made with the concrete providers and Berks Construction the Developer. Another resident asked the Board what it intended to do with the developer who was building over 200 homes behind them. Mr. Rogosky stated one action would be to put Berks Construction on notice that there had been "failure concrete" and our Ordinance had provisions for faulty workmanship. The Board felt this should be done. He stated there were a lot of factors and a lot of contractors involved in this, and

asked if everyone on the street was experiencing this problem to which the residents answered, yes. Mr. MacBean asked the Solicitor if the Township could initiate any action to which the Solicitor responded, the Township could assist; but, it did not have any specific cause of action because it had completed the contractual commitment that they had executed with us under the Municipal Improvements section of the law. He stated the Township could aid and assist in the form of helping to get some testing done. The Solicitor again stated it sounded like the residents had a class action case. He stated he would be happy to help in that regard; but, needed names and addresses. Residents had many questions asking if it was mandatory to have a sidewalk to which Mr. Rogosky stated, it was in the Plan of the development. The Police Chief stated he planned to go through the handbook and make a verbal report to the Board. He also stated he was here to help the residents and asked them not to go out and have an altercation with the speeders. He stated you don't know whom you are stopping. He stated it was called Road Rage and people who were stopped, assault Police Officers and they were wearing guns. He asked the residents, no matter how mad they got, to leave it alone and leave it up to the Police to handle the situation. The Chief stated, unfortunately, Pennsylvania Avenue was a wide through street and was subject to speeding. He stated speeding was very difficult to solve; but, he would do everything he could do for the residents. He also stated the reason Police Officers could not be there every day, all the time was because there were not enough Officers on the force to do that. Mrs. Spleen stated when she contacted PennDOT to ask for a stop sign on Valley Road, they said the only way they could get one were if there was not enough site clearance or if there were 5 accidents at that location in a year. She stated there was enough site clearance at that location. A general discussion of ideas was voiced. The Police Chief stated if Police assistance was needed Berks County Dispatch could be called. Mrs. Starr stated the number was 610-655-4911.

\*Mr. MacBean noted the Executive Session last Tuesday Night was to discuss litigation.

***EXETER GOLF CLUB ESTATES VI SEWER PLANNING MODULE:***

The Wastewater Treatment Plant Superintendent reported the Planning Module for Exeter Golf Club Estates VI was ready for execution.

***MOTION*** by Mr. Barbieri, seconded by Mrs. Starr, to execute the Planning Module for Exeter Golf Club Estates VI. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***ADOPT FOREIGN CASUALTY RESOLUTION #04-17***

***MOTION*** by Ms. Ciotti, seconded by Dr. Ganas, to adopt the Foreign Casualty Resolution #04-17 outlining the distribution of the 2004 Pension State Aid. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***AUTHORIZE ADVERTISING INTENT TO HIRE INDEPENDENT ACCOUNTANT FOR 2004***

***MOTION*** by Dr. Ganas, seconded by Mr. Barbieri, to authorize advertising the intent to hire an Independent Accountant to perform the 2004 Audit of the Township. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***KEYSTONE GRANT APPLICATION RESOLUTION#04-18***

***MOTION*** by Mrs. Starr, seconded by Mr. Barbieri, to execute the Keystone Grant Application Resolution to apply for a grant for a Multi-Use Skate Park at Pineland Park. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

Mr. MacBean stated he was not opposed to a Skate Park; but: did not like using Pineland Park as the location because of the remote location and would prefer the park be built in an area that was more accessible for kids.

**AUTHORIZE EXECUTION OF CERTIFICATION OF UNCOLLECTED REAL ESTATE TAXES**

**MOTION** by Dr. Ganas, seconded by Ms. Ciotti, to authorize the Chairman and Assistant Secretary to execute the Berks County Tax Claim Bureau Certification of Uncollected 2003 Interim Real Estate Taxes. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**APPROVE FOREIGN FIRE INSURANCE DISTRIBUTION**

Deferred until the October 25<sup>th</sup> Board Meeting.

**ACCEPT DEED OF DEDICATION AND LIQUID FUELS RESOLUTION - ROCK HAVEN COURT #04-19 & #04-20**

Mrs. Franckowiak and Mr. Rogosky stated the Deed of Dedication was in order.

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to accept the Deed of Dedication and the Liquid Fuels Resolution for Rock Haven Court. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**AUTHORIZE ADVERTISING AMENDMENT TO NON-UNIFORM PENSION PLAN**

**MOTION** by Ms. Ciotti, seconded by Mrs. Starr, to authorize advertising the amendment to the Non-uniform Pension Plan. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**STREET LIGHT RESOLUTIONS #04-21 & #04-22**

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to accept the Sagebrook Development Street Light Resolution #04-21 and the Pathfinder Meadows Phase 3 Development Street Light Resolution #04-22. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**ESCROW RELEASE:**

**LAUREL VILLAGE APARTMENT COMPLEX, REQ. #6**

**MOTION** by Ms. Ciotti, seconded by Mrs. Starr, to approve the Escrow Release for Laurel Village Apartment Complex, Req. #6 in the amount of \$8,460.83 for sanitary sewers and water distribution system. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**EXTENSIONS OF TIME:**

**DUTCH COLONY SITE, COSTICA CIOCOIU ANNEXATION, FR&S/GAS TO ELECTRIC POWER PLANT, LIMEKILN HEIGHTS, EXETER AUTOMOTIVE, DEER RUN SUBDIVISION, MCGINNIS/BEAVER ANNEXATION & PEASE SUBDIVISION**

Thomas Howell stated the FR&S Gas to Electric Power Plant air permit ran out on December 31, 2004 and asked if the 90 day extension would take it past that date to which the Board responded, yes.

**MOTION** by Dr. Ganas, seconded by Ms. Ciotti, to accept the extensions of time for the following plans: Dutch Colony Site (90-days); Costica Ciocoiu (90-days); FR&S/Gas to Electric Power Plant (90-days); Limekiln Heights (90-days); Exeter Automotive (90-days); Deer Run Subdivision (90-day); McGinnis/Beaver Annexation (to January 24, 2005); and Pease Subdivision (60-days). Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**SOLICITOR'S REPORT**

**EARTHCARE BANKRUPTCY SETTLEMENT**

The Solicitor stated everything had been processed, however they had not yet gotten the documents back.

***DELIQUENT SEWER COLLECTIONS***

The Solicitor stated \$3,500 had been collected this month in delinquent sewer bills and he would forward them to the Township Manager. He stated one sewer lien at 820 Pomander Avenue had been exonerated due to bankruptcy, which had to be followed through.

***ACT 90 SURCHARGE- SLUDGE CONTRACT/JP MASCARO***

The Solicitor stated he met with JP Mascaro's attorney Bill Fox as directed by the Board at the last meeting to arrange for the preparation and execution of the documents, and the payment of the \$4 per ton surcharge. He stated the amount as of September 20<sup>th</sup> was \$104,400.16 and he needed a check for that amount as well as authorization to execute the agreement.

***MOTION*** by Dr. Ganas, seconded by Mr. Barbieri, to execute the Act 90 Agreement and pay the amount of \$104,400.16 under protest. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***INDIVIDUAL REPORTS***

***NEW TUB GRINDER***

The Highway Superintendent stated the new tub grinder had arrived today and would be in place at the Trout Run Recycling Complex.

***SLUDGE SPECS***

The Wastewater Superintendent asked for authorization to advertise the sludge specs upon completion.

***MOTION*** by Mr. Barbieri, second by Mrs. Starr, to authorize advertising the sludge specs when ready. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***HAYRIDE***

The Parks & Recreation Superintendent stated the recently held Hayride went well and there were approximately 2,300 people attending. He thanked all those who assisted in making this the success it was, including all the Township Departments, Sgt. Godshall for driving a tractor and the Reiffton Fire Company. He stated many people got involved this year. The Board commended the Parks & Recreation Superintendent on doing a good job.

***REIFFTON FIRE COMPANY LETTER OF SUPPORT FOR GRANT***

Mrs. Starr asked the Board if they were in favor of writing a letter of support for the Reiffton Fire Company grant. The Board agreed.

***BERKS COUNTY EMERGENCY MANAGEMENT***

Mrs. Starr stated she planned to attend an emergency management training session for local officials on Wednesday, October 27<sup>th</sup> at 6:30 P.M. The Board was in favor of Mrs. Starr attending.

***ADJOURNMENT***

***MOTION*** by Mr. Barbieri, seconded by Ms. Ciotti, 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 8:45 P.M.

Respectfully Submitted,

Nancy L. Jack  
Assistant Secretary