

**MINUTES**  
**EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**SEPTEMBER 13, 2004**

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, September 13, 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, Esquire, Solicitor  
Gerard A. Radke, Chief of Police  
Terry L. Francis, Fire Marshal  
Paul A. Herb, Wastewater Treatment Superintendent  
Clarence D. Hamm, Highway Superintendent  
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.

**NOTE FOR THE RECORD:** The Board met in Executive Session prior to the meeting to discuss a matter of litigation.

**PUBLIC COMMENT**

**THOMAS HOWELL**, 4970 Hafer Road, passed out two exhibits stating he took a look at Route 422 & Lorane Road and the proposal for Route 422 & Gibraltar Road. He stated he talked to the two neighbors whose land was taken for the new left turn lane, Mrs. Leona Toole and Mr. Forest Ruffner who were attending the meeting tonight. He stated they told him about arrangements for acquiring their land. He questioned why the lane was not being placed on the west side of Gibraltar Road instead of taking their land to put in the lane. Mr. Howell also had observations and suggestions about the intersection of Route 422 & Lorane Road stating a better solution was available than the one that was taken to put in that additional lane. Regarding the Gibraltar Road intersection, the Solicitor addressed Mr. MacBean stating he did not expect the Board to comment, as this was a matter of litigation. He stated the Deeds of Dedication were already formulated and approved, PennDOT had reviewed the entire project, and the legalities were completed. He stated Mr. Howell's comments were an interference with the actions that had been concluded with PennDOT. He stated the Board would not discuss it any further. Mr. Howell felt the two people who own those properties were elderly who could not fend for themselves, and he would have to secure more information about it. He stated as a taxpayer and citizen of Exeter Township, he would like to see a decrease in Township taxes this year and would like the Board to consider this at the upcoming budget workshops. He also objected to a Township Employee at the Planning Commission Meeting saying a letter from a taxpayer was a "pack of lies". He felt that conduct was unprofessional.

**HUBERT BRICKEY**, 351 Rugby Road, referred to a property he sold 14 months ago stating it was supposed to be approved at the second meeting of this month, and questioned why a time extension was needed for the plan. Mr. Rogosky stated the developer made the request for the extension and the appropriate information had not yet been presented to the Solicitor. The Solicitor stated he had not yet received the estimate or the Letter of Credit necessary to prepare the Municipal Improvements Agreement. The Township Manager stated Mr. Brennen was actually doing the subdivision and he was the individual who had to submit the necessary information.

**MINUTES OF AUGUST 23, 2004 MEETING**

**MOTION** by Ms. Ciotti, seconded by Dr. Ganas, to approve the minutes of the August 23, 2004 meeting as presented. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**DISBURSEMENTS**

**MOTION** by Dr. Ganas, seconded by Ms. Ciotti, to approve for payment the bills presented on the Disbursement Lists dated September 10, 2004 in the amounts of \$108,933.71 in the General Fund; \$11,159.19 in the Utility Fund; \$83,028.84 in the Sewer Fund; \$12,505.08 in the Capital Improvement Fund; \$1,776.02 Park Fund; \$47,494.82 in the State Fund and \$1,099.57 in the Traffic Improvement Fund. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**TREASURER'S REPORT**

**MOTION** by Mr. Barbieri, seconded by Ms. Ciotti, to accept the Treasurer's Report dated August 31, 2004 and file the same for audit. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri 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 September 13, 2004, were submitted for the Board's review.

**TUB GRINDER CONTRACT AWARD**

**MOTION** by Mr. Barbieri, seconded by Ms. Ciotti, to award the Tub Grinder Contract to Granturk Equipment Co. Inc. in the amount of \$178,804.00. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor. Note: 90% of this amount will be reimbursed by the D.E.P. through the Recycling Grant.

**UNFINISHED BUSINESS**

**EXETER HIGH SCHOOL REVISION TO FINAL PLAN**

Hugh Casno, from The ELA Group, stated the Exeter High School Plan needed a revision to enlarge the Cafeteria to accommodate 500 students. He stated the expansion would consist of an area for more tables & chairs. Mr. MacBean asked how the engineers and architects could overlook something like this when the building was originally designed. The architect stated it had been overlooked and was now being corrected. Mr. MacBean felt someone was not paying attention.

**MOTION** by Mrs. Starr, seconded by Mr. Barbieri, to allow Exeter High School to continue with the construction of the proposed cafeteria while they worked on the revision of the Plan of Record as recommended by the Planning Commission. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***NEW BUSINESS***

***STOP SIGN REQUEST/37<sup>th</sup> & GRANT STREETS***

The matter was deferred to the Police Department for review and recommendation. The Police Chief stated he knew the Board tried to comply with citizens' requests for stop signs; but each request had to be reviewed.

***GIESSUEBEL SUBDIVISION SEWER PLANNING MODULES***

The Township Manager stated these were minor revisions to the plan and they were needed to connect the subdivision to the Township's sewage treatment plant.

***MOTION*** by Ms. Ciotti, seconded by Dr. Ganas, to approve the Giessuebel Subdivision Sewer Planning Modules 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.

***AUTHORIZE ADVERTISING AMENDED LOCAL LIMITS ORDINANCE; AMENDED POLICE PENSION PLAN ORDINANCE, ACT 30; & ORDINANCE TO JOIN THE PENNSYLVANIA HEALTH INSURANCE COOPERATIVE***

***MOTION*** by Ms. Ciotti, seconded by Dr. Ganas, to authorize advertising the Amended Local Limits Ordinance; the Amended Police Pension Plan Ordinance, Act 30; & the Ordinance to Join the Pennsylvania Health Insurance Cooperative. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***SET DATES & AUTHORIZE ADVERTISING BUDGET WORKSHOP MEETINGS***

***MOTION*** by Dr. Ganas, seconded by Ms. Ciotti, to set the dates of October 4<sup>th</sup>; October 18<sup>th</sup>; & November 10<sup>th</sup> at 6:00 P.M. for the Budget Workshop Meetings and authorize advertising the same. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***ADOPT HALLOWEEN CURFEW/TRICK-OR-TREAT NIGHTS RESOLUTION #04-14***

Trick or Treat Nights in the Township will be held on Saturday & Sunday, October 30<sup>th</sup> & 31<sup>st</sup> between the hours of 5:00 P.M. and 9:00 P.M. Curfew Rules would be in place and anyone under the age of 18 may not be out from 9 P.M. to 5 A.M. from October 29<sup>th</sup> thru November 5<sup>th</sup> unless accompanied by an adult or for employment purposes.

***MOTION*** by Mr. Barbieri, seconded by Ms. Ciotti, to adopt Halloween Curfew/Trick-or-Treat Night Resolution # 04-14. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***ADOPT 2005 MMO (PENSION FUNDING) RESOLUTION #04-15***

The Township Manager stated the Minimum Municipal Obligation (MMO) Worksheets must be presented to the Board for adoption by September 30<sup>th</sup> as they set the groundwork for the 2005 Budget.

***MOTION*** by Ms. Ciotti, seconded by Mrs. Starr, to adopt the 2005 Minimum Municipal Obligation Resolution #04-15. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***EXTENSIONS OF TIME:***

***R.M. PALMER WAREHOUSE; ROYAL VIEW ESTATES; HUBERT A. BRICKEY SUBDIVISION; GIESSUEBEL SUBDIVISION & FAIRVIEW PARK II***

***MOTION*** by Dr. Ganas, seconded by Mrs. Starr, to accept the extensions of time for the following plans: R. M. Palmer Warehouse (60-days); Royal View Estates (60-days); Hubert A. Brickey Subdivision (90 days); Giessuebel Subdivision (until December 6<sup>th</sup>); & Fairview Park II (90 days). Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***UPSET SALE PARCELS***

The Township Manager stated there were several properties in Exeter Township that were scheduled for the September 28<sup>th</sup> Upset Sale for non payment of 2002 real estate taxes. Mr. Barbieri asked about the situation that arose from the Pheasant Run property to which the Township Manager stated a person bought that property, tried to subdivide it and ultimately the Township bought the property for the cost of the back taxes.

Mr. MacBean asked if the Township could put a lien on the developer who had not paid taxes to the Township to which the Solicitor stated, no, because the properties were up for tax sale. A general discussion of the Township properties available for sale and the ramifications to the Township, if they bid on them, took place. The Board asked what the problems would be if they delayed purchasing these properties. Mr. Barbieri asked the Township Manager for a recommendation who stated he would like the Solicitor's input. The Solicitor stated the Township had changed its policy on accepting deeds of dedication for these types of properties because it did not want to maintain the detention ponds on them. The Solicitor stated he did not think the Township could get hurt if the Board waited and let someone else bid on them. Mr. MacBean asked for the location of the land that Mr. Herb was proposing the Township take over, to which Mr. Herb stated it was on Butter Lane. The Solicitor stated the Butter Lane property information sent to him was not legible enough to make a determination and he would continue to work on the deed for the parcel for future dedication to the Township. He stated he would contact Attorney Krafczek to have this parcel removed from the sale.

***AUTHORIZE BUDGET TRANSFERS-ENGINEERING COMPUTERS***

Mrs. Franckowiak's memo to the Board said the Engineering Department was in need of computers as the ones they had were old, were causing problems and were in need of replacement. Ms. Ciotti stated she did not have a problem with updating the computers; but could not see why there was a need for printers and monitors, too.

**MOTION** by Ms. Ciotti, seconded by Mr. Barbieri, to authorize the transfer of budget monies for the purchase of four Dell computers, for the Engineering Department, at a cost of \$767 each for a total cost of \$3,068.00; and defer purchase of the requested printers and monitors. Motion carried with Mr. MacBean, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor, and Dr. Ganas abstaining because he owned Dell Computer Company stock.

***AUTHORIZE PURCHASE OF REPLACEMENT HANDGUNS***

The Police Chief stated his department had been upgrading handguns at five (5) per year doing it a little at a time. He stated three years ago the upgrading process had begun and was about 75% complete. Mr. MacBean asked what went wrong with a handgun to which the Police Chief stated upgrading was necessary because there was a problem with the automatic firing models and the problem was eliminated in the upgraded model. He also stated the upgraded models could go through the automatic cleaning process and the old models could not, and that caused jamming. Ms. Ciotti asked what happened to the guns taken out of service. The Police Chief stated they were traded in on the new guns. The Board felt Police Officers should not have guns that jammed.

**MOTION** by Dr. Ganas, second by Mr. Barbieri, to authorize the purchase of replacement handguns for the Police Department to be paid out of the Firearms line item. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***AUTHORIZE PURCHASE OF WIRELESS SPEED ENFORCEMENT DEVICE "ENRAD"***

The Police Chief stated, currently, a team of Police Officers in cars was required for speed enforcement because the device they used was wired. He stated the wireless devices only required one Police Officer at a location for speed enforcement, not a team. The Police Chief stated he budgeted money for a new Total Station; however, would prefer using this money for this purchase instead.

**MOTION** by Mrs. Starr, second by Ms. Ciotti, to authorize the purchase of wireless speed enforcement device "ENRAD" at a cost of \$3,815.00. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti, and Mr. Barbieri voting in favor.

***SOLICITOR'S REPORT***

***BLIESATH***

The Solicitor stated the Bleisath Compliance Hearing was set for Thursday, September 16<sup>th</sup> at 9:30 A.M. before Judge Jeffrey Schmehl.

***BYBEL CONDEMNATION***

The Solicitor stated the Bybel Condemnation status hearing was set for Monday, September 21 before Judge Scott Lash.

***SLUDGE CONTRACT***

The Solicitor reported he had not yet had a response from Mr. Fox, Attorney for Pioneer Crossing Landfill, to the Township's inquiry.

***INDIVIDUAL REPORTS***

***ADVERTISE POLICE CLERK'S POSITION***

The Township Manager stated today was the deadline for employees to sign up for the Police Clerk's Position and no one had. He then asked the Board to authorize advertising the position to the public.

***MOTION*** by Dr. Ganas, seconded by Mr. Barbieri, to authorize advertising the Police Clerk's Position. Motion carried with Mr. MacBean, Dr. Ganas, Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

***BERKS COUNTY CONSERVANCY LETTER OF SUPPORT***

The Township Manager asked if the Board wanted to respond to the request from the Berks County Conservancy for a support letter. The Board agreed.

***EXECUTIVE SESSION REQUEST***

The Township Manager requested an Executive Session following the regular meeting to discuss a personnel matter.

***FEDERAL DRUG BUST***

The Police Chief stated the DEA asked for a drug dog to assist in the search of a vehicle in the city of Reading where the dog helped the Police find over \$2 million worth of drugs in the dashboard of the car. The Police Chief noted this was an example of the K-9's importance in Police work, not only the Township; but for the area as well. The Police Chief stated, "These dogs are invaluable to law enforcement". He also stated this dog was the dog that was purchased through the Grant from the State of Pennsylvania, and Senator Mike O'Pake called Andy Walbert to congratulate him. Mr. MacBean noted the head of the DEA sent a letter of commendation to the Police Department for its part in this Police Action. Dr. Ganas noted the elimination of this amount of drugs from the streets would have an effect on the amount of crime in the area.

***NEWSLETTER***

Other than several typos, the Board was pleased with the fall edition of the newsletter.

***EXTRA LIGHTS FOR ALSACE FOOTBALL***

The Parks & Recreation Superintendent stated the Township had an extra set of donated field lights, and he had been approached by Lower Alsace Football, who already has poles in the ground and could use them, and Exeter Soccer, who played at Trout Run, and did not have poles for them. He stated Lower Alsace Football could use them right away and asked the Board for its preference.

**MOTION** by Dr. Ganas, seconded by Mrs. Starr, to authorize the Parks & Recreation Superintendent to give the extra set of field lights to Lower Alsace Football, made up of Exeter Township youth, for use in both their practice and games provided they install them within 90 days. Motion carried with Mr. MacBean, Dr. Ganas Mrs. Starr, Ms. Ciotti and Mr. Barbieri voting in favor.

**HIGHWAY DEPARTMENT**

Dr. Ganas commended Clarence Hamm, the Highway Superintendent, for always acting promptly when he was alerted to a problem brought to Dr. Ganas' attention by residents of the Township. Dr. Ganas thanked Mr. Hamm for always taking care of things for the residents of the Township in an efficient manner.

**ANTIETAM CREEK VALLEY OPEN SPACE**

The Board was not in favor of this. They felt it would open up a can of worms.

**CROSTOWN CONNECTOR**

Mrs. Starr stated \$2,463,000 was Exeter's cost for the Crosstown Connector and asked where the project stood. The Township Manager stated the County tentatively agreed to fund the bridge over a period of two years with half now, and the other half in next year's funding cycle. Mrs. Starr stated St. Lawrence's portion of the expense was \$382,000 and school district's portion was \$460,547 for a total cost of \$4,789,873.00. Mr. MacBean questioned the need for a Crosstown Connector from Dunham Drive to Route 422. He stated the original idea for the Crosstown Connector was to get the school busses of Route 422. He felt the busses could use Dunham Drive and could not see why the Township should spend over \$2 million dollars on a road that was not necessary. Both he and Mrs. Starr felt there were other ways to get through. The Board agreed. Mr. MacBean felt the School Board caused the traffic problems when they asked to have Dunham Drive opened. He stated, originally, Dunham Drive was to be a dead end street. Dr. Ganas asked if the original plans for Country Club III included the installation of a traffic light. Mrs. Starr suggested scheduling another meeting of the Crosstown Connector Committee to discuss the feasibility of the project.

**ACRE INITIATIVE**

Mrs. Starr suggested letters be sent to Senator O'Pake, Rep. Sam Rohrer and Gov. Rendell saying the Board would not support the ACRE initiative because it would take away local controls on things like application of sewer sludge, etc. She stated the ACRE Committee would be able to make any determination it choose to make and would take away power from the municipalities. Mr. MacBean stated Rep. Dennis Leh was against ACRE and sent the Board a letter asking for support. The Board agreed to send a letter of opposition.

**REZONING REQUEST**

The rezoning request from John Spencer will be discussed at the Planning Commission meeting scheduled for September 22<sup>nd</sup>.

**TERRY L. FRANCIS RETIREMENT AS FIRE MARSHAL**

Mr. Barbieri stated any employee who had remained in public service to his community for 40 years as Mr. Francis had, deserved recognition. Each Board Member stated they appreciated Mr. Francis' service to the Township and the community. Mr. Francis stated his decision to retire was a difficult one, and thanked the Board for its support stating this was one of the best Boards he had ever worked for. Dr. Ganas stated Mr. Francis was probably one of the best Fire Marshals the Township has ever had.

**LIBRARY**

Mr. MacBean stated he reviewed the minutes of the Library Board Meeting and questioned why there were fines outstanding. He then realized the amount was only \$264. Mr. Barbieri requested a spending schedule for the new Library project.

***REIFFTON PARKING***

Mr. MacBean felt the Board should authorize advertising a Two-Hour Limited Parking Ordinance on Reiff Place between the hours of 8:00 A.M. and 3:00 P.M. because, citizens who lived on the street had put up with enough from the students who park there, smoke, put their cigarette butts and garbage on the front lawns, and block their driveways. He stated the School Administration had asked for this Ordinance to be deferred until the parking lots were available for students to park and said that would happen by the beginning of September. Mr. MacBean stated that time had come and gone, and still there were no parking lots for the students. He felt time had run out. Mrs. Starr asked the Board to defer this until a member of the School Administration could be there to talk about the status of the parking lot. Mr. MacBean felt it would not make any difference as there was no State law that said students had to drive to school and the school district must provide parking spaces for students. He stated brand new busses had been purchased to provide transportation for students to get to school. He stated Cumru Township had enacted a similar Ordinance and felt Exeter Township should do the same. Mr. Barbieri asked if the school had enough parking spaces now to which Mr. MacBean stated, no, and they would not have enough parking spaces when the parking lot was completed. Dr. Ganas stated a problem came up this week because the busses were having a tough time turning onto Reiff Place because of the cars parked on the street. He stated the Highway Superintendent had to put no parking signs on the first three spaces in hopes that would help the situation. The Highway Superintendent stated he was considering painting that whole corner yellow due to the safety issues. Mr. MacBean stated he had many phone calls from the residents complaining and felt a year of holding off on having a Limited Parking Ordinance was long enough.

***MOTION*** by Dr. Ganas, seconded by Mr. Barbieri, to authorize advertising an Ordinance to limit parking on Reiff Place to two hours between the hours of 8:00 A.M. and 3:00 P.M. Monday through Friday. Motion carried with Mr. MacBean, Dr. Ganas, Ms. Ciotti and Mr. Barbieri voting in favor, and Mrs. Starr opposed.

***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 8:15 P.M.

Respectfully Submitted,

Troy S. Bingaman  
Township Secretary