

**MINUTES**  
**EXETER TOWNSHIP BOARD OF SUPERVISORS MEETING**  
**MAY 15, 2000**

A Regular Meeting of the Exeter Township Board of Supervisors was held on Monday, May 15, 2000, at the Township Hall, 4975 DeMoss Road, Reading, Berks County, Pennsylvania. Linda K. Buler, Chairman, called the Meeting to order at 7:30 P.M.

***SUPERVISORS***

Linda K. Buler, Chairman  
Gary T. Cuppels, Vice Chairman  
Michelle P. Kircher  
Lachlan MacBean  
Deborah D. Fatora

***OTHERS IN ATTENDANCE***

Troy S. Bingaman, Secretary/Treasurer  
John A. Hoffert, Jr., Esquire, Solicitor  
Gerard Radke, Chief of Police  
Paul A. Herb, Wastewater Treatment Superintendent  
Terry L. Francis, Fire Marshal  
Clarence D. Hamm, Highway Superintendent

The Meeting was opened with the Pledge to the Flag.

***TEMPORARY ADJOURNMENT – EXECUTIVE SESSION***

***MOTION*** by Mr. Cuppels, seconded by Mr. MacBean to temporarily adjourn the Meeting to hold an Executive Session to discuss a matter of potential litigation. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor. The Meeting temporarily adjourned at 7:31 P.M.

***RECONVENE*** The Meeting reconvened at 7:59 P.M.

***FLOOR QUESTIONS***

***THOMAS HOWELL***, 4970 Hafer Road, referred to a letter that the Township Engineer sent to Mr. & Mrs. Palacek and asked if the 10 (ten) days referred to in the last paragraph was from the Zoning Ordinance. The Solicitor and the Board were not sure if it was from the Ordinance. Mr. Howell asked if the Engineering Department would be following through with this letter in the absence of the Engineer. The Solicitor told Mr. Howell that he, the Chief of Police and members of the Board would be reviewing the evidence upon which this notice was sent out before a citation is issued. The Solicitor stated that if a citation is issued he wants to make sure that there is adequate proof that a violation exists. Mr. Howell asked if the pictures that he presented to the Board would be considered. The Solicitor stated that he would consider all evidence presented to him together with a view of the premises by the Chief and a discussion with the contractor who did the work. Mr. Howell stated that since he is an heir of Sally Hafer, an owner of the property and the one paying the taxes, he wants to be subpoenaed if it goes to court.

***LINDA EVER***, 101 Constitution Avenue and Lori Eichhorn were present to request that the Township consider building a small park in their community so the children have a place to play and the community has a common meeting place. Ms. Buler stated that there is open space in the development and that the Board would look into constructing a play area. She also stated that the Board needed to look at all of the developments and consider what to do about this issue. This will be discussed and placed on the Agenda for July 10<sup>th</sup> or July 17<sup>th</sup>.

**MINUTES OF MAY 15, 2000 BOARD OF SUPERVISORS MEETING – PAGE 2 OF 7**

**TROY WIBLE**, 501 Pintail Lane, was present to follow-up from last week's meeting and the issue of the portable basketball nets. He told the Board that this past week five kids and himself played basketball in their cul-de-sac and since the children in his development have limited space he felt the Board should consider an alternative. Mr. Cuppels stated that he could not find any way to sympathize with anyone who wants the Board to allow children or anyone else to play on a public street. Mr. Cuppels stated that the Township has an Ordinance that prohibits the placement of these units along the curb and there is no way a public body can endorse this type of activity. Mr. Wible stated that he was not asking for endorsement of the Board he merely wanted them to not fine/penalize people. Mr. Wible stated that if he knew that the Township was going to build a mini park in their neighborhood he could grin and bear things for awhile. Mr. Wible stated that he recognizes the Board's position and he felt the Board recognized his position; and, asked the Board to work with him and not fine him \$1,000. Mr. Cuppels assured Mr. Wible that the Township would not look the other way; however, they would consider developing an area for the children to play in his community. Mr. Cuppels stated that the enforcement of this law is for the safety of both the residents and Township employees.

**DAVID WALKER**, 345 Owens Place, was also present to tell the Board that there is no place to play in his development either. He stated that one kid hurt is too many; however, he wanted to know if there have been any children hurt playing basketball as opposed to riding bikes in the street.

**STEVE RUSH**, 203 Coral Lane, felt that the Ordinance was discriminatory because it does not address roller blading, bicycling, etc. He stated that they play just about everything in the cul-de-sac where he lives because there is no other place for them to play. Ms. Buler stated that children should not be playing in the street at all. She said that in her development there are 4 and 5 year olds in the street and when the sun is in your eyes it is very difficult to see the children. Mr. Rush realized that the Board could not endorse children playing in the street; however, he felt that the Ordinance was unfair and written incorrectly. He also felt it was a big waste of taxpayer's money to have someone go around to scope out the units for enforcement. He felt that the Township should have acted on complaints only. Mrs. Kircher stated that the Ordinance covers the entire Township and no one was being singled out. Mr. Cuppels stated there is no way that anyone should expect to come to the elected officials asking for permission to play in the street. He stated that these units pose a real risk to our snow plow drivers and noted that when the children are concentrating on playing basketball they are not watching for cars that may come down the street. Mr. Rush stated that he was not asking the Board to endorse it he just wanted them to stop the crusade. Mr. Cuppels stated that the minute one child gets hit there would be a line of attorneys questioning the Board as to why they left this happen. Mrs. Kircher stated that the Ordinance was created and this Board is enforcing it.

**TROY WIBLE** stated that he loves his daughter and he would not let her in any kind of dangerous situation; and, he always watches what is going on around them. It was Mr. Wible's opinion that because of a couple of bad apples who do not remove their nets from the street they have ruined it for everyone. Mr. Cuppels again stated that there is an Ordinance on the books that prohibits the use of these on public thoroughfares and this would be uniform for everyone. Mr. Wible asked what the distance would be that he would need to stay from his property line if he wanted to pave his side yard. Mr. Cuppels stated that it varies depending on the zoning and that he should contact the Engineering Department for the regulations. Mr. Wible asked if the Board would only enforce based on complaints at this point to which Mr. Cuppels responded that the Board would continue to enforce the law. One warning will be issued and if compliance is not met a citation will be issued.

**MINUTES OF MAY 15, 2000 BOARD OF SUPERVISORS MEETING – PAGE 3 OF 7**

**CHRIS FOCHT**, 330 Woodland Avenue, questioned the Board regarding a right-of-way that he claimed the Township gave to his neighbor. He stated that this may affect his ability to sell his home in the future. The Board was not sure what right-of-way Mr. Focht was referring to. Mr. Focht stated that he was told the Township gave Mr. Gatto a right-of-way to his home and came down and paved it today. Mr. Cuppels stated that the Township did not have a right-of-way to give up and told Mr. Focht that this was not done. Mr. Focht stated that his property pin that was in the street has now been moved back into his yard. He feels that the paved area is partially on his property. Mr. Cuppels stated that a sewer repair job was recently done there and the Township was merely restoring the road to the way it was prior to the sewer dig up. Mr. Focht questioned if the Township did not give his neighbor a right-of-way whether he could rip out the paving on his property. Mr. Focht stated that he would be having his property surveyed soon and again asked if he could rip out the paving that lies on his land. The Solicitor stated that he had a right to have his property surveyed and have the pins placed; however, he cautioned Mr. Focht that there are more than deeded rights-of-way. He further elaborated by telling Mr. Focht that there are prescriptive right-of-ways and abandonment for non-usage. He told Mr. Focht that having his property surveyed does not necessarily give him the right to take up macadam that may fall on his property. He suggested that Mr. Focht thoroughly investigate the matter before tearing up any macadam. Mr. Focht stated that the Township's record show that maintenance of Woodland Avenue stops at the property before his. The Highway Superintendent told the Board that the Gattos' asked the Township to pave the road to their property and they paid for it. The Solicitor stated that he would need more information than he has now; however, he advised Mr. Focht to go ahead and have his property surveyed and appropriately pinned. He told Mr. Focht that the Board could not give him authorization to remove macadam just because his property pin is in the street. The Solicitor told Mr. Focht after he had the property surveyed to check with the Engineering Department.

**MINUTES OF MAY 8, 2000 MEETING**

**MOTION** by Mrs. Kircher, seconded by Mr. MacBean to approve the Minutes of the May 8, 2000, Board of Supervisors meeting as presented. Motion carried with Ms. Buler, Mrs. Kircher and Mr. MacBean voting in favor and Mr. Cuppels and Ms. Fatora abstaining.

**DISBURSEMENTS**

**MOTION** by Mr. Cuppels, seconded by Mrs. Kircher to approve for payment the bills presented on the Disbursement List dated May 12, 2000, in the amounts of \$26,595.44 in the General Fund, \$27,015.25 in the Capital Fund, \$7,838.49 in the Sewer Fund, \$10,670.49 in the Park Fund and \$2,644.28 in the State Fund. Motion carried with Ms. Buler, Mr. Cuppels and Ms. Fatora voting in favor, Mrs. Kircher voting in favor with the exception of check #'s 40370, 40408, 40442 and 40447 from which she abstained and Mr. MacBean voting in favor with the exception of check #40377 from which he abstained.

**DEPARTMENT REPORTS**

The Police, Engineering, Fire Marshal, Highway and Wastewater Treatment Monthly Reports and reports of scheduled activities for the week of May 15, 2000, were submitted for the Board's review.

**UNFINISHED BUSINESS**

**LORANE SCHOOL TEMPORARY CLASSROOM**

**MOTION** by Mr. Cuppels, seconded by Ms. Fatora to waive the Land Development process for the Exeter School District to place a temporary classroom at the Lorane Elementary School for two years until the new school on the Herbein Farm is completed. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**MINUTES OF MAY 15, 2000 BOARD OF SUPERVISORS MEETING - PAGE 4 OF 7**

**DAUTRICH ROAD RE-ALIGNMENT**

The Solicitor reported that he faxed to Attorney Rothstein today the cost estimate of \$5,640 to complete the road improvements planned by the Highway Superintendent. He advised the Board to allow Mr. Rothstein and his clients to comment on the cost estimates before the Board makes a final decision. Mr. Cuppels and Mr. MacBean were concerned that the cost estimate for the realignment, prepared by the Township Engineer, was much too low. The Board agreed to have the Secretary contact Mr. & Mrs. Hoskyns-Abrahall and invite them to the next Meeting for any comments they have to offer before a decision is made.

**HUNTERS RUN OPEN SPACE TREE REMOVAL**

A request was received to have three trees removed from the open space in the Hunters Run Development. The open space has not been dedicated to the Township at this point. Ms. Buler felt that only the damaged trees should be removed. The Board agreed that the developer should remove the damaged tree. Mr. Cuppels will contact Forino Developers and advise them of this decision.

**MOTION** by Mrs. Kircher, seconded by Ms. Fatora to authorize Forino Developers to remove the one tree in the Hunters Run Open Space that had been hit by lightning. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**DEED OF DEDICATION LONG POND OPEN SPACE**

The Secretary reported that a Deed of Dedication has been received for the Long Pond Open Space, which includes the pond. He also reported that the Township Engineer received a call regarding a dead tree on the open space land that is being offered for dedication. The resident claimed to have called Mr. Rodino ten times to ask him to remove it; however, he has not done so. He also informed the Board that the Township's Insurance Agent stated that the Township would be covered from a liability standpoint; however, they suggested that signs be posted for "No swimming, skating or boating" and that the storm sewer pipes be closed off to prevent children from getting into them. The Board asked the Highway Superintendent to look into these matters before the open space is accepted. Mr. Wible offered his portable basketball net to the Township for use in the Open Space.

**APPOINTMENT OF E.A.C. MEMBER**

**MOTION** by Mr. Cuppels, seconded by Mrs. Kircher to appoint Daniel Simon as a member of the Exeter Environmental Advisory Council to fill an unexpired term to December 31, 2000 and Carolyn Brunschwyler as alternate. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**ADOPT AMENDED ZONING ORDINANCE #500**

**MOTION** by Mr. Cuppels, seconded by Mrs. Kircher to accept the Zoning Ordinance Amendments and adopt the Revised Zoning Ordinance #500. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**NEW BUSINESS**

**AUTHORIZE RELEASE OF RICHARD WHITE PERFORMANCE BOND**

**MOTION** by Mr. Cuppels, seconded by Mr. MacBean to authorize the release of the Performance Bond posted by Richard White for the electrical work at 10 Fairlane Road. Motion carried with Ms. Buler, Mr. Cuppels, Mr. MacBean and Ms. Fatora voting in favor and Mrs. Kircher voting opposed.

**E. NEVERSINK ROAD PAVEMENT MARKINGS**

**MOTION** by Mr. Cuppels, seconded by Mr. MacBean to accept the quote from Interstate Road Markings Corporation in the amount of \$275 to replace the E. Neversink Road Pavement Markings after completion of the paving. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**MINUTES OF MAY 15, 2000 BOARD OF SUPERVISORS MEETING - PAGE 5 OF 7**

**PHASE I STUDY – BATTLES PROPERTY**

**MOTION** by Mr. Cuppels, seconded by Mr. MacBean to accept the proposal from Evans Mill Environmental, Inc. not to exceed \$1,850 to perform a Phase I Study of the Battles properties on Neversink Road in accordance with their proposed time line. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**SOLICITOR'S REPORT**

**YACK SHACK LIEN**

The Solicitor reported that he filed a lien against Mr. Aulenbach D.B.A. Yack Shack for delinquent payments from the Sunset Manor Drive Improvements in 1995. He noted that Mr. Aulenbach responded to the notification and will be making periodic payments to satisfy the lien.

**PATHFINDER MEADOWS VERIFICATION**

The Solicitor reported that he would have the Pathfinder Meadows Verification ready for the next Meeting. He noted that this would acknowledge that the plan is deemed approved for inaction by the Board.

**AUTHORIZE ADVERTISING SHELBOURNE ROAD CLOSING ORDINANCE**

**MOTION** by Mrs. Kircher, seconded by Mr. Cuppels to authorize advertising an Ordinance to temporarily close Shelbourne Road to facilitate the widening of Shelbourne Road at Rte. 422. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**INDIVIDUAL REPORTS**

**CITIZENS UTILITIES INTERCONNECT**

The Secretary reported on behalf of the Township Engineer that C & T Associates, subcontractor for Citizens Utilities, would be cutting and chipping trees to clear the way for the City of Reading Interconnect.

**APPROVAL OF STONERSVILLE FIRE COMPANY ACTIVITIES**

**MOTION** by Mrs. Kircher, seconded by Ms. Fatora to approve the parade participation of Stonersville Fire Company in accordance with the list supplied by the Fire Company. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**SHAH SKATEBOARD PARK**

The Fire Marshal reported that the building at the Shah Skateboard Park is unsecured and unsafe. He stated that he would be giving Mr. Shah 10 (ten) days to bring the building into compliance. He also noted that there was a small amount of water pooling up in the gullies as well as trash strewn throughout the area. Mr. Cuppels stated that he drives Kerr Road every day and noted that there are several Shah properties there that should be checked for safety and compliance. The Solicitor stated that if he does not comply with the Fire Marshals notice the Township could take him into court with a bill in equity.

**CONTAMINATION OF STORAGE TANK NOTIFICATION**

The Fire Marshal reported that he received a notification from BCM Engineers regarding contamination from a leaking storage tank at the Mobile Station on Perkiomen Avenue.

**PENNSYLVANIA FIRE EXPO**

**MOTION** by Mrs. Kircher, seconded by Ms. Fatora to authorize the Fire Marshal to attend the Pennsylvania Fire Expo in Harrisburg on Friday, May 19. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**MINUTES OF MAY 15, 2000 BOARD OF SUPERVISORS MEETING - PAGE 6 OF 7**

**LORANE HOLLOW VANDALISM**

The Highway Superintendent informed the Board that several fires have been set at Lorane Hollow Park so the Park personnel are now locking the bathrooms before they leave for the day. He also noted that now tree branches are being ripped off of the trees in the park. Mr. Cuppels felt that the Police should spend some additional time in the parks to try to send the message and curtail the vandalism. The Chief stated that he would have to have extra people come in on overtime to do this. He suggested that the Board might want to consider cameras in all the parks. The Board was very disgusted about the amount of vandalism in the Township's Parks. The Board had no objection with the Police spending extra time in the Parks. Mr. MacBean suggested getting the Crime Watch involved. The Chief stated that in order to get the Crime Watch moving the Township needs to supply an office for them to work out of.

**BASEMENT OFFICE SPACE**

Mr. MacBean reminded the Board that the Chief of Police has been trying to get the basement cleaned out so the Fire Police and the Crime Watch could utilize office space. The Board authorized the Chief of Police and the Highway Superintendent to get the basement cleaned out and to get a dumpster if needed to dispose of the trash. The Chief advised the Board that he has volunteers ready to paint the basement once it is cleaned out.

**EASTWICK AT EXETER – PARK USAGE**

Mr. Howell asked the Board if the residents of Eastwick would be using Lorane Hollow Park and how they would get there. Mrs. Kircher informed Mr. Howell that Eastwick at Exeter would have their own recreation facilities (tot lots, pool and Community Center); however, she anticipated that they would still be using the Township Parks. Mr. Howell was concerned as to how they would access the park because people are using his property to access the parkland. He told the Board that he applied for a fence permit to try to stop this activity and was denied a permit. Mr. Cuppels questioned the permit denial and asked Mr. Howell to contact the Engineer to set up a meeting to discuss the permit application and offered to be present.

**WILDFLOWERS AT COMMUNITY CENTER**

Ms. Fatora thanked the Highway Superintendent for having wildflowers planted at the Dunn Community Center.

**BIKE TRAIL GRANT**

Mr. Cuppels stated that Dixie Swenson, of the Schuylkill River Greenway Association, informed the Township Engineer that the grant funds for the bike trail needed to be encumbered by the end of May. The Solicitor stated that this would be ready by the end of the week.

**RECREATION FEES**

Mr. Cuppels asked the Secretary to make sure that the recreation fees are being used in the three-year period set by law. The Secretary will prepare a report for the Board.

**REINSEL & COMPANY RESPONSE TO ELECTED AUDITORS REQUEST**

Mr. Cuppels referred to a letter from Reinsel & Company, which addressed the issues raised by the Elected Auditors. He stated that there has been a lot of political hay made over these issues and he felt the issues should now be put to bed. He asked the Solicitor if the taxpayers are responsible to pay for the time and expense that the political witch hunt created. The Solicitor stated that these costs are born by the taxpayers. The Solicitor informed the Board that he sent a copy of this letter to Robert Richardson. Mr. Cuppels stated that these issues were used as a political pawn because two people lost an election. Mr. Cuppels and Ms. Buler both stated that what has been done cost the taxpayers a lot of money. Mr. Cuppels was happy to see that the Township ended

up with a clean audit; however, he noted that the Board was put through something they should not have had to go through and the taxpayers are paying for something they should not have had to.

**MINUTES OF MAY 15, 2000 BOARD OF SUPERVISORS MEETING - PAGE 7 OF 7**

**HOST MUNICIPAL INSPECTOR CONFERENCE**

**MOTION** by Mr. Cuppels, seconded by Ms. Fatora to authorize Michelle P. Kircher to attend the HMI Conference in Harrisburg on May 23<sup>rd</sup>. Motion carried with Ms. Buler, Mr. Cuppels, Mr. MacBean and Ms. Fatora voting in favor and Mrs. Kircher abstaining.

**PIONEER CROSSING LANDFILL – BERKS COUNTY PLANNING COMMISSION**

Mr. MacBean recognized that due to Mrs. Kircher's perseverance, the Berks County Planning Commission reversed its' recent decision on the Pioneer Crossing Permit Modification. A round of applause took place.

**GIBRALTAR ROAD RIGHT-OF-WAY**

Mr. MacBean referred to a memo from the Township Engineer regarding the acquisition of a right-of-way on Gibraltar Road at the intersection of W. 47<sup>th</sup> Street. The Solicitor told the Board that the Engineer asked him if the Township has the right to condemn on a public highway. He stated that he told the Engineer that it was his opinion the Township could not do this without a joiner with PennDOT because it is a State Highway.

Ms. Buler asked if PennDOT had been contacted. Mr. Cuppels stated that the property owner is in the process of demolishing the existing house and building a new home on the lot. He told the Board it was his understanding that the intent was to acquire the right-of-way while this is being done. Mr. Cuppels offered to contact Mr. Bortree at PennDOT to let him know about the opportunity. The Board had no objection.

**JACKSONWALD 6<sup>TH</sup> GRADE DONATION**

Ms. Buler informed the Board that the 6<sup>th</sup> grade classes at Jacksonwald Elementary School held a bake sale as a community service project and voted to donate the proceeds (\$300) to the Teen Center. Joe Seltzer and Coach Red will be visiting the School this week to accept the donation.

**TEEN CENTER AGREEMENT 2000-2001**

**MOTION** by Mr. Kircher, seconded by Mr. Cuppels to approve an agreement with the Reading YMCA to operate the Teen Center at the Dunn Community Center. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean and Ms. Fatora voting in favor.

**HARVEST HOUSE CAFÉ**

Ms. Buler had a request from the Harvest House Café to hold a youth church service/bible study at the Community Center on Sunday evenings. The Solicitor did not have any legal problems with the request. Ms. Fatora and Mrs. Kircher felt the facility should be available for other uses as well and not have something scheduled every night. Mr. Cuppels suggested trying this two Sundays per month. The Board agreed.

**CARSONIA LAKE COMMITTEE INVITATION**

Ms. Buler felt the Township should respond if anyone would be attending the Carsonia Lake Celebration on Friday, May 26<sup>th</sup>. As of this date no one planned to attend.

**ADJOURNMENT**

**MOTION** by Mr. MacBean, seconded by Mr. Cuppels that the Meeting be adjourned. Motion carried with Ms. Buler, Mr. Cuppels, Mrs. Kircher, Mr. MacBean, and Ms. Fatora voting in favor. The Meeting Adjourned at 9:17 PM.

Respectfully submitted,

Troy S. Bingaman  
Secretary/Treasurer