

ROBESON TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
June 15, 2010

The Regular Meeting of the Board of Supervisors of Robeson Township was called to order by Chairman Feeg at 7:01pm prevailing time. The meeting took place in the Robeson Township Municipal Building located on Route 724 in Gibraltar, Berks County, Pennsylvania. The following members of the Board were present: Supervisors Brown, Rhaua and Deeds, Jr; Supervisor Love was absent. Also in attendance were Municipal Authority Members Thomas Shustack, Christopher Smith and Gerald Lawrey for a Joint Meeting with the BOS. Also present were Engineer Gary Kraft, Solicitor Christopher Hartman, Municipal Solicitor Jason Ulrich, Police Chief Mark T. Phillips, Interim Road Master David Wicklein and Manager Thomas C. Keim.

Pledge to the Flag and Moment of Silence

JOINT MEETING

Thomas Shustack, Municipal Authority Chairman, called the Joint Meeting to order at 7:05PM to discuss the Poplar Crossing Subdivision. The purpose of the meeting was to discuss the expiration of the one year extension of the Improvements Agreement. Solicitor Hartman outlined the conditional approval granted to Mr. Herman which had been given a one month extension by the Municipal Authority. Mr. Hartman explained the benefits of extending the conditional approval and encouraged both Boards to consider the extension. The Municipal Authority expressed their concerns of granting another extension. Mr. Herman explained the economic conditions as to why he's requesting an additional extension for this subdivision. BOS Supervisor Rhaua moved to grant a one year extension; following a second by Supervisor Deeds, the motion passed unanimously. MA Member Lawrey moved to grant a one year extension. MA Chairman Shustack seconded the motion and MA Member Smith opposed the motion. The one year extension was granted commencing June 15, 2010 and ending June 15, 2011. It was also duly noted that Mr. Herman is obligated to begin paying user fees beginning in 2012 regardless if the development is or is not built.

MA Member Lawrey moved to adjourn the meeting at 8:02PM; following a second by MA Chair Shustack, the motion passed unanimously.

The BOS moved on to the Regular Meeting at 8:05PM.

POLICE

Bike Race – Chief Phillips presented a letter from Mike Miller to again stage a bike race in Robeson Township in September.

Chief Phillips announced the Berks County Chiefs of Police Association is considering forming a consortium regarding applicant police testing. The County Chiefs are proposing an overall written and physical agility test that would be of no cost to the Township. Townships will still reserve the right to proceed with the applicant oral interview. Supervisor Deeds moved to authorize Chief Phillips to sign on for Robeson Township's participation. Following a second by Supervisor Rhaua, the motion passed unanimously.

A series of unlocked vehicles on Proudfoot Drive had been entered into and items reportedly stolen. Chief Phillips urged all residents to lock their vehicles. A "GPS Unit" was stolen from one of the vehicles along with personal information and money. The actor was captured on a home video surveillance system, although due to poor clarity of the video, an identification of the actor could not be made.

Chief Phillips also reported that "paintballs" are being shot at homes; if anyone knows who is doing this they should report it immediately.

SOLICITOR – PUBLIC HEARINGS

Solicitor Hartman explained these following hearings are or CZIP & SALDO. He noted that Zoning Ordinance is more in depth with conservation methods and the SALDO changes are more updates to bring it current and some procedures have been removed because they are no longer required. The updates include street construction; the changes are mostly procedural. Solicitor Hartman opened the hearings at 8:15PM.

Consider enactment of Subdivision & Land Development Ordinance of 2010 (Ordinance #10-05) –

Solicitor Hartman stated now is the time for any public comment. There being no public comment, Supervisor Rhaua moved to adopt SALDO (Ordinance #10-05). Following a second by Chairman Feeg, the motion passed on the following roll call vote:

Feeg	- Yes	Brown	- Yes
Rhaua	- Yes	Deeds	- No

Consider enactment of Zoning Ordinance of 2010 (Ordinance #10-06) - Supervisor Brown stated most of the items are County mandated. Engineer Kraft stated new regulations from DEP are forthcoming for NPDES permits that will be more stringent. There being no public comment, Supervisor Rhaua moved to adopt the Zoning Ordinance (Ordinance #10-06). Following a second by Chairman Feeg, the motion did not pass on the following roll call vote:

Feeg	- Yes	Brown	- No
Rhaua	- Yes	Deeds	- No

Engineer Kraft stated to the BOS that funding from the County will not be forthcoming for CZIP work because it was not adopted. Solicitor Hartman closed the hearings at 8:23PM.

ROADS, CODES, PUBLIC PROPERTY

Review Quote from CAM to install Vinyl Soffit at Township Bldg. on White Bear Road – Supervisor Deeds moved to authorize CAM to perform the work as quoted. Following a second by Supervisor Rhaua, the motion passed unanimously.

Reaffirm Seasonal Bid Advertisement – Supervisor Rhaua moved to reaffirm the advertisement; following a second by Chairman Feeg, the motion passed unanimously.

Award Seasonal Bids - The bids were read as follows:

SEASONAL BID RESULTS FOR 2010

MATERIAL	Birdsboro Material	South Reading Blacktop
Anti-Skid Type 2	No Bid	No Bid
Anti-Skid Type 3	No Bid	No Bid
2A Aggregate	\$4.83 p/unit FOB Plant=\$7,245.00 & unit price delivered @ job site \$7.63=\$11,445.00	No Bid
Type B Premix Cold Patch	No Bid	\$83.00 p/unit FOB Plant=\$24,900.00 & unit price delivered @ job site \$85.80=\$25,740.00 (No Escalation)
UPM Cold Patch	No Bid	\$113.00 p/unit FOB Plant=\$33,900.00 & unit price delivered @ job site \$115.80=\$34,740.00 (No Escalation)
Asphalt Sealant	No Bid	No Bid
9.5mm Super Pave*	No Bid	\$53.86 p/unit FOB Plant=\$107,720.00 & unit price delivered @ job site \$58.06=\$116,120.00
9.5 Fine Grade*	No Bid	\$56.05 p/unit FOB Plant=\$56,050.00 & unit price delivered @ job site \$60.25=\$60,250.00
19.0 Super Pave*	No Bid	\$48.59 p/unit FOB Plant=\$29,154.00 & unit price delivered @ job site \$52.79=\$31,374.00
Tack Coat	No Bid	No Bid

* 0 to 0.3 Mil ESALs, PG 64-22 binder, SRL-M

Following discussion regarding the Seasonal Bids, upon recommendation by Engineer Kraft, the BOS unanimously rejected the bid for 1,500 tons of 2A aggregate upon a motion by Supervisor Deeds that was seconded by Supervisor Rhaua. Following further discussion, the BOS unanimously agreed to reject all bids upon a motion by Chairman Feeg that was seconded by Supervisor Rhaua. Supervisor Deeds moved to re-bid the following: 1) 700 tons of anti-skid material – type 2, 2) 1,000 tons of anti-skid material – type 3, 3) 1,500 tons of 2A aggregate, 4) 300 tons Type B pre-mix cold patch, 5) 300 tons of UPM cold patch, 6) 2,500 pounds of hot applied modified asphalt sealant, and, 7) 1,000 gallons of tack coat. Following a second by Supervisor Rhaua, the motion passed unanimously.

The BOS agreed that COSTARS pricing is almost identical to the bids received. Engineer Kraft recommended the BOS reject the bids for 1) 2,000 tons 9.5mm Super Pave, 2) 1,000 tons 9.5 Fine Grade Super, Pave, and, 3) 600 tons 19.0 Super Pave and go with COSTARS pricing which will allow the Township to acquire the

materials from South Reading Blacktop and / or Silver Hill. Supervisor Deeds moved to reject the bids for the above 3 items and to purchase through COSTARS. Following a second by Chairman Feeg, the motion passed unanimously.

CITIZENS CONCERNS

David Belz complained about the height of foliage on Westley Road not being trimmed to 14'6", a tree on a resident's property that is approximately 2' in diameter that is leaning over the road, and, a tree on another resident's property that is laying on phone lines. Manager Keim will contact Windstream about the tree on the phone lines. Supervisor Deeds and Interim Road Master Wicklein will assess the foliage on Westley Road tomorrow.

APPROVE PAYMENT OF BILLS

Supervisor Deeds moved to approve payment of bills for the period May 18, 2010 through June 11, 2010. Following a second by Supervisor Rhaua, the motion passed on the following roll call vote:

Feeg	- Yes	Brown	- Yes
Rhaua	- Yes	Deeds	- Yes, but abstained on payment to Green Hills Equipment LLC

MINUTES

Minutes of the Supervisors Workshop of May 13, 2010, Regular Meeting of May 20, 2010, and Special Meeting of May 15, 2010 were reviewed and approved upon a motion by Supervisor Deeds that was seconded by Chairman Feeg.

APPROVAL OF REPORTS

The Treasurer's Summary, Road & Building Reports and Police Report for May 2010 were reviewed and approved upon a motion by Supervisor Deeds that was seconded by Supervisor Rhaua.

PLANNING & ENGINEERING

Zuber Subdivision – Preliminary / Final – Approve Planning Modules – Resolution #10-11 - Engineer Kraft reported the PC agreed to move the planning modules forward to DEP & conditionally approved the final plans. Supervisor Deeds moved to approve the Modules (Resolution #10-11); following a second by Supervisor Rhaua, the motion passed unanimously. The BOS conditionally approved the plan upon a motion by Supervisor Deeds that was seconded by Chairman Feeg. Since all of the proposed improvements are located on the new lot, the BOS agreed to allow the required improvements to be completed as part of the required on-lot improvements without an improvements agreement as part of the building permit process upon a motion by Chairman Feeg that was seconded by Supervisor Deeds.

Gruber: Glass Subdivision – Preliminary / Final – one step review process – The BOS voted to allow review of the plan in one step upon a motion by Supervisor Brown that was seconded by Chairman Feeg. Supervisor Deeds abstained from the vote.

Horst Special Exception Application – Code Officer's review 6/2/10 – Additional information will be forthcoming at the July meeting to formulate an opinion.

Natural Lands Trust property easements - Christopher Smith, EAC Chair, stated that additional information was provided by Jim Thorn to the EAC regarding the two proposed easement acquisitions.

Corbett Property (Union / Robeson Townships) – all taxes for both parcels are paid to Union Township; when subdivision is completed it will generate tax income to Robeson Township.

Gunhart Road area – 105.6 acres (portion of the former Villages @ Green Hills Plan) a Hydrologist will determine the location of the natural springs; NLT is trying to obtain grant funding.

Supervisor Brown moved to provide a letter of support (Resolution #10-09) to the Natural Lands Trust. Following a second by Supervisor Rhaua, the motion passed unanimously.

SALDO revisions related to Fire Protection Section 517 – Engineer Kraft reported the PC agreed to move this forward; the intent of the current draft is to initiate critical review of existing water sources at the time of subdivision and land development and require some level of developer participation in establishment of formalized use of sources which are deemed viable and asked if the BOS wished to proceed. Supervisor Brown moved to authorize Solicitor Hartman to prepare the Ordinance. Following a second by Supervisor Rhaua, the motion passed unanimously.

Plan time extensions (thru 9/30/10 – all expire 6/30/10)

Recommended for Rejection by PC

Preserve at Geiger's Mill-single (P)
 Preserve at Geiger's Mill-Town. (P)

Park View Estates Sub (P)
 Parkside Subdivision (P)

Recommended for Approval by PC

Gibraltar Estates (P)
 Birdsboro Pharmacy (F)
 Beaver Run Sub (P)
 Oak Grove Sub. (P)
 Quaker Ridge V Sub (P)

Stone Ridge Subdivision (P)
 Mustang Lane Subdivision (P)
 Pheasant Run Subdivision (P)
 Cedar Hill Estates (P)
 Bertsch Sub (P/F)
 Zuber Subdivision (P/F)

No *Request for Time Extension* was received for the two Preserve @ Geiger's Mill plans in time for the PC Meeting; however, a request was received for the Townhouse plan on June 10th. Time extension requests were received for the Parkside and Park View Subdivisions however no additional justification documenting progress toward approval was submitted. In addition, there has been no contact related to the latter two subdivisions with the Township in the past year. The PC unanimously voted to recommend denial of the 4 plans based upon failure to provide plans meeting the applicable ordinance requirements and approved all other time extensions.

The BOS unanimously agreed to reject the Preserve @ GM-single Plan upon a motion by Supervisor Deeds that was seconded by Supervisor Rhaua. Supervisor Rhaua then made a motion to authorize a letter to be sent to the applicant by Solicitor Hartman that must include the reasons of non-compliance and most recent review letter from Engineer Kraft. Following a second by Supervisor Deeds, the motion passed unanimously.

Due to lack of receiving a *Request for Time Extension* and justification, the BOS unanimously agreed to reject the Preserve @ GM-Town Plan upon a motion by Chairman Feeg that was seconded by Supervisor Rhaua.

Mr. Bitler appeared before the BOS and provided verbal justification for Parkside & Park View Subdivisions and requested a 1-year extension. Supervisor Deeds moved to grant time extensions of 90 days for these 2 subdivisions. Following a second by Supervisor Rhaua, the motion passed unanimously.

The time extensions & supporting justification recommended for approval by the PC were granted upon a motion by Supervisor Deeds that was seconded by Supervisor Brown.

Reaffirm Piombino Subdivision Plans & Reaffirm Livingstone Subdivision Plans / Approve

Improvements Agreement - These plans were previously approved and the recording period has expired; both have completed conditional approval obligations and the applicants wish to have their plans reaffirmed. Supervisor Deeds moved to reaffirm the Piombino plans; following a second by Chairman Feeg, the motion passed unanimously. Supervisor Rhaua moved to reaffirm the Livingstone plans; following a second by Supervisor Deeds, the motion passed unanimously. Chairman Feeg moved to approve the Livingstone Improvements Agreement; following a second by Supervisor Deeds, the motion passed unanimously.

Avondale Farm Subdivision – Engineer Kraft reported the developer requested an escrow release in the amount of \$65,924.05; based upon his review a release in the amount of \$62,356.93 is recommended. Supervisor Deeds moved to authorize the recommended escrow release; following a second by Chairman Feeg, the motion passed unanimously.

Geigertown Sewer H2O grant application to the Planning & Engineering - Engineer Kraft noted the PC unanimously endorsed his request for the H₂O grant funding application which is due by July 1st & requested the same of the BOS. Supervisor Rhaua moved to authorize a letter of support to be sent; following a second by Supervisor Deeds, the motion passed unanimously.

OTHER

Authorize Advertisement for Municipal Building Roof Repair – The BOS unanimously authorized the advertisement upon a motion by Supervisor Deeds that was seconded by Supervisor Rhaua.

Approve Junk Yard Licenses - The BOS unanimously approved the licenses upon a motion by Supervisor Rhaua that was seconded by Supervisor Deeds.

Adopt Resolution 10-09 - Support for Hopewell Big Woods Partnership - The BOS unanimously adopted the Resolution upon a motion by Chairman Feeg that was seconded by Supervisor Rhaua.

The BOS agreed unanimously to authorize Engineer Kraft & Solicitor Hartman to prepare the **SALDO (Ordinance #10-05)** & include fire suppression information upon a motion by Chairman Feeg that was seconded by Supervisor Rhauda. Also, the BOS agreed unanimously to authorize Engineer Kraft & Solicitor Hartman to include non-CZIP amendments in the **SALDO** upon a motion by Supervisor Brown that was seconded by Chairman Feeg.

Engineer Kraft stated there are CZIP provisions & an amendment to the “tree list” that are included in the **SALDO** that need to be removed. The BOS unanimously agreed to remove the CZIP information upon a motion by Chairman Feeg that was seconded by Supervisor Rhauda.

The BOS recessed to **Executive Session** @ 9:55PM upon a motion by Chairman Feeg that was seconded by Supervisor Deeds. Supervisor Rhauda was excused from Executive Session @ 10:30PM. The BOS reconvened at 11:03PM.

Supervisor Deeds moved to appoint Supervisor Brown as alternate to the Police Contract Negotiation Committee. Following a second by Chairman Feeg, the motion passed unanimously.

Supervisor Deeds moved to authorize Solicitor Hartman to add “language” to the County’s response for Emergency Run Cards. Following a second by Chairman Feeg, the motion passed unanimously.

Supervisor Deeds moved to adjourn the meeting at 11:02PM. Chairman Feeg seconded the motion which passed unanimously.

Respectfully Submitted,
Kathleen C. Farrell, BOS Recording Secretary
Gerri Sensenig, MA Recording Secretary