

ROBESON TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
April 15, 2014

The Regular Meeting of the Board of Supervisors of Robeson Township was called to order by Chairman Feeg at 7:02PM prevailing time. The meeting took place in the Robeson Township Public Meeting Room located in the Police Department at 2689 Main Street, Birdsboro, Berks County, Pennsylvania. The following members of the Board were present: Supervisors Love, Brown, Smith & Deeds. Also in attendance were Solicitor Christopher J. Hartman, Township Engineer Gary D. Kraft, Chief of Police Mark T. Phillips, Acting Road Master Billy Lanza & Manager Thomas C. Keim.

Pledge to the Flag and Moment of Silence

AWARD 2014 CLEANING CONTRACT

Following review of the bids, Supervisor Deeds moved to award the contract to Moore Cleaning for Less; Supervisor Smith seconded the motion which passed unanimously.

ROADS, CODES PUBLIC PROPERTY

Codes Update – Mr. Boulanger reported that Mr. Steve’s Gibraltar Self Storage lot is apparently up to code on stormwater and lot coverage based on a re-survey and re-computation of available lot area. Solicitor Hartman recommended that Mr. Steve request a waiver of land development to meet the land development requirement of the Ordinance and should also reimburse the Township for its review fees. Mr. Steve will submit the waiver. Mr. Hartman, Mr. Boulanger & Mr. Kraft will compile the fees. Upon further review, Mr. Steve still has some stormwater improvements to be installed and inspected. Mr. Steve agreed to comply.

A lengthy discussion followed with Mr. Boulanger, Mr. & Mrs. Stump, the BOS and Solicitor Hartman regarding a complaint filed against Robert Caldwell & David Baylor riding ATV’s and setting fires in the wetlands along Old River Road and fires being set near Mr. & Mrs. Stump’s vehicles. Also, the complaint continued regarding all of the vehicles on Mr. Caldwell’s property.

Authorize Spraying Contract – Supervisor Deeds moved to accept the spraying quote from Steven S. Marino, Landscaping and Spraying, Inc. for the 2014 growing season in the amount not to exceed \$2,400.00. Following a second by Supervisor Smith, the motion passed unanimously.

2014 Roadwork Projects – Supervisor Smith moved to authorize the Road Master and Engineer to proceed with the roadwork plan for 2014. Following a second by Supervisor Deeds, the motion passed unanimously.

POLICE

Nothing to report.

CORRESPONDENCE

Letter from Terry Weiler, Esq. re Potts property – Supervisor Smith directed Kathy Farrell to send a letter to Mr. Weiler stating the Township does not have any interest in the property. Following a second by Supervisor Love, the motion passed unanimously.

CITIZENS CONCERNS

Joy Graham addressed the BOS and stated she was very unhappy when she called to find out about donations for the K-9 the next day and found out it wasn’t allowed; they weren’t being accepted. Mrs. Graham stated the BOS went into their little meeting after the fact and made the decisions and the next morning what the BOS agreed upon in front of the audience switched. She stated “your word is your word” and doesn’t expect to hear yes when there is a meeting involved because to her it was unethical. Supervisor Smith stated this was discussed on Thursday and it’s regarding the “straw vote” with the K-9’s; Mrs. Graham was not present at that meeting.

Chairman Feeg explained that it was not an approval of getting a dog but to determine how many donations could be gotten. Then there were negotiations with the Police Department and it went to arbitration. The BOS did not know that it was binding arbitration until they went into Executive Session and saw what was awarded. There is more than just you sitting there and a dog accident; on this side of the table there’s a lot of things that happen sometimes that all of a sudden put a vote lock up as to what you thought was going to happen. And so what happened when the BOS got that result, we started thinking until we know what ramifications that’s going to have on our Police budget, the arbitration part, because it only gave percentages and it had to be figured out why our financiers because of exponential growth, because if you get a certain increase in dollars per year that’s different than getting a percentage increase year to year.

Chairman Feeg continued stating a question came that maybe we should take some time to investigate what the total cost of the Police Department is going to be now because of this arbitration instead of wasting the Police efforts and time going out and soliciting people, find out what that's going to be first so we have some idea where we're going. When that happened Chairman Feeg stated he didn't even think about that thing that happened that day and it's not that we cancelled them doing it, it was to halt temporarily until the BOS could review the matter adequately and it was incorrect and probably illegal what the BOS did. Mrs. Graham stated it was unethical in her mind because the two are separate issues; she stated no one on the BOS has a clue about breeding animals. Discussion followed re cost of running the PD and what the community members are willing to do re getting donations.

Chairman Feeg asked Chief Phillips if he was still going out getting donations; Chief answered no because he was directed not to. Manager Keim stated that the e-mail he sent was not rescinded; it should have been but wasn't. He continued that the e-mail sent to the Chief, after a verbal call, said to cease donations / solicitations at this time pending further review. Supervisor Smith stated what was said on Thursday he complained about the straw vote because he did not receive a call about it but thought after the Thursday meeting thought the BOS flat out said continue onward but you, Chief, were not in the room. (A lot of people were talking here; was impossible to take notes and is inaudible on recording.)

Chairman Feeg stated the authorization was made for the PD to solicit monies for the operation of a K9. (A lot of people were talking here; was impossible to take notes and is inaudible on recording.) Once we got the arbitration results back was after that meeting so a "straw vote" was taken by telephone to delay or postpone the solicitations. Mrs. Graham asked what a "straw vote" is. Chairman Feeg stated it is a phone call to at least a majority of the BOS to say yes or no to an issue. Now since we didn't do it at a public meeting and we had authorized them to do it at a public meeting, that "straw vote" is not legal. Solicitor Hartman stated the vote has no legal significance.

Chairman Feeg stated that as a result of that the BOS doesn't have to reauthorize the Chief to continue to try to get solicitations or monies for a K9. Solicitor Hartman stated that the straw vote communication that was delivered to the Chief, does the BOS want to go back to where they were a month ago and recommended a motion to rescind the "straw vote" and the communications that were delivered to the Chief and to reinstate the motion that was made at the March meeting. A motion would clarify what the BOS intended.

Mrs. Graham gave her opinion of "straw votes" stating they are wrong. Chairman Feeg agreed. Mrs. Graham explained her position regarding this topic and stated she would search for grants to aid with the K9. Discussion followed re solicitation of funds to determine viability of a K9 unit (ie, an exploration & information gathering process) not establishing a K9 unit.

Supervisor Brown stated something else should be brought up at this time; he said Manager Keim handed out some paperwork that came in from Chief Neidert of Exeter Township and revealed the actual cost of a dog was in excess of \$30,000.00 a year. Mrs. Graham stated her research shows that that is not the case. Supervisor Brown stated that is what is before the BOS in writing. She told the BOS to let her know what they want and she will have the information and statistics to prove whatever it is they want to have proven. Dialog continued between Mrs. Graham and the BOS. Chief Phillips stated he spoke with Chief Neidert today and that information obtained from Exeter is for one officer at their wage and overtime which is a lot more than Robeson's. It also requires 2 days of training per month for each officer; Robeson would only have 1 day and 1 officer; this comparison is not a good match and information should have been obtained from a Township the size of Robeson and some of his numbers were based on "worst case scenario."

Supervisor Smith moved to authorize the PD to get donations and get rescind the "straw vote" that he was not a part of. Chairman Feeg seconded the motion which did NOT pass on the following roll call vote:

Feeg	- Yes	Love	- No	Brown	- No
Smith	- Yes	Deeds	- No		

APPROVE PAYMENT OF BILLS

Supervisor Smith moved to pay bills for the period of March 14, 2014 thru April 11, 2014. Following a second by Supervisor Deeds, the motion passed on a roll call.

MINUTES

Minutes of the Workshop of March 13, 2014 & Regular Meeting of March 18, 2014 were reviewed and approved upon a motion by Supervisor Deeds. Supervisor Smith seconded the motion which passed unanimously.

APPROVAL OF REPORTS

The Treasurer's Summary, Sewer, SEO Permit, Road & Building, Police and Friendship (Geigertown) Fire Company Report for March 2014 were reviewed and unanimously approved upon a motion by Supervisor Smith that was seconded by Supervisor Deeds. It was duly noted no report was available from Gibraltar Fire Company.

PLANNING & ENGINEERING

Green Hills Preserve Land Development – waiver requests – Supervisor Deeds moved to grant the waiver requests. Following a second by Supervisor Smith, the motion passed unanimously.

Plan Time Extension (thru 6/30/14) – Green Hills Preserve LD (P/F) expires 5/4/14 - Supervisor Deeds moved to grant the time extension. Following a second by Supervisor Smith, the motion passed unanimously.

Supervisor Deeds stated he had something to talk about at this time and asked Chairman Feeg if it was okay; Chairman Feeg said yes.

Supervisor Deeds: What I have to say is going to piss some people off sitting here I can tell you that, on the road projects, I wish Billy had stayed. Chairman Feeg: Where are you here?

Supervisor Deeds: We're doing approximately \$400,000.00 a year; is that what we have to spend?

Engineer Kraft: Go to the bottom of the sheet; Manager Keim: yeah it's somewhere around \$300,000.00 between liquid fuels and general funds. Engineer Kraft: it's \$355,000.00 this year, \$71,000.00 next year, \$387,000.00 the following year, and \$402,000.00 the following year.

Supervisor Deeds: Wow. What Harold said I was thinking for a long time, we're never going get caught up on the roads with what we've got to spend + everything we got to do. I don't know how many roads the supervisors have been on; I've been on a lot of them. I think Supervisor Love has, I don't know about Galen or Roger or Chris, I don't know. The winter we had, we're not the only one though, and there are other townships that are in the same boat. If we get another bad winter like that we're going be running on dirt on some of these roads. There is a couple alternatives; either let it go the way we are and just get through as we can or raise taxes which these guys should have about a mill and a half to give them enough money to do it which will give them close to a million bucks a year or cut other things. And what I'm going to say to cut is going piss people off. I think we should cut the police force other than the Chief and that is my motion; nothing against the police but that is my motion.

Chairman Feeg: Your motion includes...

Supervisor Deeds: Eliminating the police force other than the chief.

Chairman Feeg: ...cutting the police force?

Supervisor Deeds: yes, other than the Chief.

Supervisor Love: I think this has been coming down the road for many years and we ain't getting anywhere, we've gone over this before; I'm going to second it.

Chairman Feeg: That's a pretty vague statement

Supervisor Smith: Well there's a couple things with that; we've talked about it before. I've made the comment that if such a thing is going happen you should have announcements, public meetings, discussions, have people come here and give their opinions. So we have 4, not counting us, citizens here and the Chief and the paper...oh I mean 5 citizens. So this is kinda interesting that the public doesn't know about it, there's no public meetings. I mean you have meetings out the wazoo about Antietam & Exeter merging; you have all these public meetings about that gas whatever that's going be going somewhere up in northern Berks County. They had all these public meetings and I think it's very interesting that we would not have 1 public meeting to have anybody come here to give their opinion nor anything. Just all of a sudden it happens, that's pretty slick and I think it's inappropriate that we don't have the public involvement or have people come and give their opinion, what they think; especially something that's a big deal like this.

Chairman Feeg: I don't think we should be tied into a road program and that's my view. I know it's been moved and seconded. We have not taken a vote yet so this is the time to comment. That's too broad a decision to make just because of getting more money for roads. If we're going to have any kind of alteration of the PD, there definitely should be some kind of study made and other discussions as Supervisor Smith was saying. I just think that's ludacris to tie that into this kind of thing, amount of work. And that's why I think you outta rethink the stand that was made here because there are 2 different major issues here and I know you're looking at the money and that's the only thing we're looking at this point, the money. We're not looking at the other part of the service that the police make. Before we make any final decision on how to alter this....

Chief Phillips: This is surprising. If I had known about it I would have been able to come up with some type of answer but there was a study done back in 1997 of the PD and at that time there was less people and the study showed there should be 7 fulltime officers; now we're down one officer. I don't think Mr. Deeds realizes or appreciates the work that the PD does particularly this year because he never asked. We are getting hit on burglaries in the southern end of the township right and left and we barely have enough personnel to deal with it; we are doing the best that we can. We're getting complaints that "we" don't see the police, we are there but we have to be other places too at the same time. We are spread thin and I don't understand why it is just the PD. We have just so many guys working 7 days a week, 24 hours a day, 365 days a year. We've got 36 square miles of territory and we have about 7,300 people which are more than what we had back in 1997 when the study said that we should have 7 police officers. There are only so many hours in a day you can do something and my guys are tired including me, we can only do so much and if you cut the PD you're going to have a lot of problems and I'm against it!

Chairman Feeg: I agree; the word cut is a big term.

Chief Phillips: If you look at my budget every year I give money back so I watch my budget. Apparently that doesn't count. I may need some time to go over line items but every year I've given money back so I watch my budget very carefully and now all of a sudden you want to cut the PD?

Harold Steve: I appreciate the work the Chief does and I also appreciate the fact there's just not enough money for the road crew but we seem to have multiple issues in regards to the police. It's not just whether we want to reduce them or talk about a dog and should not. In other municipalities they have appointed a police commission where they pick like the chief, a supervisor and a couple of residents and they work all this information out and bring back to the board what the solutions are but it only works if everybody is going to be open to the interactions, you can't fill the board full of supervisor bubblehead's.

Supervisor Smith: This discussion would be good at a community meeting where people are there to discuss things.

Harold Steve: I have brought this up before. I was at other municipal meetings where similar things ended up happening and that was doing more with merging PD's than it was a downsizing them but my suggestion is that maybe you consider putting together a commission and it would also probably improve the relations between the community, the PD and the supervisors.

Chief Phillips: I don't think there's any bad blood between the PD and the BOS. As long as I've been here since this board is working together there have really been no problems so I don't see any problems with that. If you really want something done maybe get a study done now, an independent study and see what needs the PD really needs would be; I believe that would be the appropriate thing to do and go from there.

Chairman Feeg: I'll just reiterate my view before anyone else wants to speak, they may. I don't think that this police issue should be tied in to a vote on the money for road work. Each issue should be a separate issue and not just on a spur of the moment. I could never agree to that kind of thing. You better rethink what you're trying to do here; I know you're worried about the finances but I think there has to be more intelligent investigations before a major decision like that is made. It shouldn't be tied in with another vote.

Chief Phillips: I also think, if I'm not mistaken because I don't have the police contract in front of me, (other conversation) if you lay off a guy you've got to pay him for a year anyhow.

Manager Keim: 6 months on salary, 1 year on health care.

Chief Phillips: So you're paying for somebody you don't have.

Supervisor Love: Galen thinks we outta wait a little bit.

Chairman Feeg: It's been moved and seconded so we have to vote once all the discussion and questions are answered.

Supervisor Deeds: Do you want to have a public meeting then? It's up to you's.

Supervisor Love: I'll rescind my second.

Chairman Feeg: How do we rescind a second? Just by voice?

Solicitor Hartman: You rescind the second or you could have a vote and you vote against the motion; just because there's a second doesn't mean you have to vote for the motion.

Supervisor Deeds: I'll pull my motion away.

Chairman Feeg: I think the other issue should be a separate issue.

Supervisor Deeds: But we still got to figure out where we're going to come up with a 1/2 million more dollars...

Chairman Feeg: I understand.

Supervisor Deeds: ...for Evergreen and it's not happening.

Chairman Feeg: I agree we would be combining 2 things that aren't related.

Supervisor Brown: Yeah the budget is a very valid, valid, valid point. We're operating on a budget this year that's \$100,000.00 under what we're over-projecting on income and we had a hard time passing the 1/4 mill tax increase to get to that point because we cut everything we could cut because there wasn't any more to cut so something's got to happen somewhere along the line.

Chairman Feeg: So no need for a vote.

Engineer Kraft: The motion went away.

Harold Steve: Would you give any consideration to, maybe, a police commission to investigate certain, such things as the dog and results that they would provide whatever it is that board would decide?

Chairman Feeg: For a committee you say?

Supervisor Smith: I think now that this is out like this that you have to have public meetings.

Chairman Feeg: If it gets to that. I'm not going to appoint it tonite.

Harold Steve: I'm not saying you could but I think before you get to public hearings you should appoint a committee to go out and investigate and see if there is anything to come back with.

Chairman Feeg: There will have to be a decision made on how to handle that if it comes to that. Are there any other comments on that?

SOLICITOR

Stormwater Maintenance Agreement for Feinsot (Seisler Machine Shop) & Improvements & Maintenance Agreement for Feinsot (Seisler Machine Shop) LOC \$92,249.21 – Supervisor Smith moved to approve both Agreements. Following a second by Supervisor Deeds, the motion passed unanimously.

Review Graham / Weiler Agreement – Solicitor Hartman explained this is a draft agreement and gave Mrs. Graham an opportunity to review it. Mrs. Graham explained the discrepancies with the agreement. Solicitor Hartman explained what the agreement details. Mrs. Graham explained her purpose(s) for requesting the proposed agreement. Solicitor Hartman will have correction(s) made pending receipt of Mrs. Graham's review and changes. This will be before the BOS in May for action.

County Board of Election Services – Polling Place Agreement – Supervisor Brown moved to approve the agreement. Following a second by Supervisor Love, the motion passed unanimously.

SEWER

Authorize Approval of Holding Tank Agreement for Lot 58 (141 Overlook Road) – Supervisor Deeds moved approve the agreement. Following a second by Supervisor Love, the motion passed unanimously.

OTHER

Appoint William Hartman to the Park & Rec Board / EAC Board – Supervisor Deeds moved to appoint Mr. Hartman to both Boards. Following a second by Supervisor Love, the motion passed unanimously.

Stericycle Host Fees Received - \$4,054.39

Request for Letter of Support – DCNR Grant Application for Conservation Easement (Sparr Property) – Supervisor Love moved to send a letter of support. Following a second by Chairman Feeg, the motion passed unanimously.

The BOS recessed to Executive Session at 9:25PM upon a motion by Supervisor Deeds that was seconded by Supervisor Smith.

The BOS reconvened at 10:20PM.

Chairman Feeg moved to authorize Solicitor Hartman to revise the Graham / Weiler Agreement and redistribute for review. Following a second by Supervisor Love, the motion passed unanimously.

The BOS unanimously adjourned at 10:25PM upon a motion by Chairman Feeg that was seconded by Supervisor Smith.

Respectfully Submitted,
Kathleen C. Farrell,
Recording Secretary