

BOARD OF SUPERVISORS
MEETING MINUTES
October 7, 2015
7:00 P.M.

MEMBERS PRESENT:

Richard Scott-Harper, Chairman
David Connors, Vice Chairman
Robert Hittinger
Michael Pickel
Robert Weer

STAFF/OTHER PRESENT:

Steven Brown, Township Manager
Jacqui Guenther, Finance/HR Director
Ron Ragan, Township Engineer
Dawn Maciejczyk, Administrative Assistant
Tom Bolko
Lucian Calhoun
Jeff Calhoun
10 audience members

PLEDGE OF ALLEGIANCE

Mr. Scott-Harper led the audience in the pledge of allegiance.

I. CALL TO ORDER

Mr. Scott-Harper called the meeting to order at 7:02 p.m.

II. PUBLIC COMMENT

Mr. Scott-Harper called for any public comment. Mr. Bob Weisner thanked the Board and the Township Manager, Mr. Brown for all their support in regards to the truck traffic problem through Traditions at Inniscrone.

Mr. Scott Harper changed the agenda and added Ms. Connie Alegranti to the agenda. Her concern is the location of the basin at the edge of her driveway. She spoke with Dr. Lou Kaplan and Mr. Ragan about putting a three foot berm there. Ms. Connie Alegranti said that Dr. Kaplan said that the berm would not adversely affect the function of the basin and would make people coming down the lane aware that they should not drive over there. Ms. Alegranti is having a surveyor come out on Monday, October 12, 2015 to survey exactly where the basin is and where her easement is. She will bring that before the Board at the November meeting. She is very aggravated that the only thing Mr. Rouse is willing to do is put up a guiderail.

Mr. Scott-Harper asked Mr. Brown is there someplace that Ms. Alegranti can view what this guiderail would look like? Mr. Brown answered with the only place that he can think of might be where the public works department installed a guiderail at Indian Run Road and Clay Creek Road. Mr. Kinsey said that what Mr. Rouse is proposing would be more substantial then that. Mr. Brown reached out to Mr. Jason Jenkins to see if there is anywhere that Ms. Alegranti can go see one at. He has not heard back from Mr. Jenkins as of yet. Mr. Connors said that there is a new development off of West Chester Pike in Newtown Square that has the same guiderail that is being proposed. He will get the name.

Mr. Ragan said that we would have, in his opinion, a slope that would be too

difficult to mow or would have to elevate the retaining wall in the basin to accommodate the slope. Mr. Scott Harper asked if the developer could do a combination of the two, a berm and the guiderail. Mr. Ragan suggested building the berm up to the edge of the driveway and adding the guiderail.

Mr. Scott Harper asked Mr. Ragan if we have received the final as-built plan for that basin? Mr. Ragan said that we have received a draft of the as-built plans. Mr. Scott-Harper stated that we have one of the two questions answered. The first question was is it in the right spot? Mr. Ragan said yes it is in the approved spot. The second question was is it built correctly? Mr. Scott-Harper asked Mr. Brown to discuss with the Township solicitor what legal issues we have to go after the builder for this because it cannot be allowed to stay as is.

III. HEARINGS

Ordinance 198- Delaware Valley Regional Finance Authority Loan- Public Works building

Mr. Brown entered exhibits B-1, October 7, 2015 letter from Delaware Valley Regional Finance Authority, B-2, Ordinance 198 and B-3 the payment schedule for the term of the loan. He briefly explained the purpose of the \$4 million dollar loan. Mr. Connors asked if there would be any pre-payment penalties? Mr. Jeff Calhoun said only if we would fix at a rate lower than the original 2.717%. Mr. Jeff Calhoun said if some money is not needed we could make that variable to avoid a pre-payment penalty. Mr. Pickel made a motion to close the hearing, seconded by Mr. Weer and approved by a vote of 5-0.

Delaware Valley Regional Finance Authority Loan decision

Mr. Connors is concerned we are borrowing too much (predicated on relatively low construction cost and using at least \$1.3 million of Capital Reserve funds. He wants to make sure that it is not a "blank check" and the Board of Supervisors will continue to review the project cost. The Board of Supervisors agrees. Mr. Connors would like to look at making an administrative assistant position part-time to help save costs. Mr. Scott-Harper is okay with that, but believes we'll borrow the \$4 million. Mr. Weer said the Township needs to provide services and believes it is money well spent. Mr. Pickel made a motion to approve Ordinance 198, seconded by Mr. Weer and approved by a vote of 5-0.

Ordinance 197- Traditions truck restriction

Mr. Brown entered exhibits B-1, Traffic Planning and Design letter of June 26, 2015 and B-2 Ordinance 197. Mr. Brown gave a brief explanation of the ordinance, which is to prohibit through truck traffic on Martin and Whitestone Drives. Mr. Kinsey said that a local delivery in the state of Pennsylvania is classified as within a half of mile so a truck going to Gourmet's Delight through that development cannot be cited because it is a local delivery. Mr. Connors made a motion to close the hearing, seconded by Mr. Pickel and approved by a vote of 5-0.

Traditions truck restriction ordinance decision

Mr. Hittinger is concerned with Mr. Kinsey's statement about Gourmet's Delight being a local delivery. Mr. Weisner said not all the trucks may be going to Gourmet's Delight. Mr. Pickel made a motion to approve the ordinance, seconded by Mr. Connors and

approved by a vote of 4-1. Mr. Hittinger is opposed.

Mr. Scott Harper announced an executive session was held at the end of the last meeting on September 24, 2015.

IV. CORRECTION/APPROVAL OF MINUTES

The meeting minutes of August 31, 2015 were reviewed. A motion was made by Mr. Connors to approve the meeting minutes of August 31, 2015, seconded by Mr. Pickel and approved by a vote of 5-0.

The meeting minutes of September 2, 2015 were reviewed. A motion was made by Mr. Connors to approve the meeting minutes of September 2, 2015, seconded by Mr. Pickel and approved by a vote of 5-0.

The meeting minutes of September 16, 2015 were reviewed and amended as follows.

On page 1 add in that the Board of Supervisors conducted a public hearing from 6:00 p.m. till 8:10 p.m. before the 8:10 p.m. start of the public Board of Supervisors meeting.

A motion was made by Mr. Pickel to approve the meeting minutes of September 16, 2015 as amended above, seconded by Mr. Connors and approved by a vote of 5-0.

V. STAFF REPORTS

Code Department

Mr. Brown presented the Codes Department report as prepared by Mr. Kirk and Mrs. Zunino. There were no comments or questions.

Inniscrone Golf Course

Mr. Tom Bolko, General Manager, reported the golf course revenues for September. He reported that September 2014 revenue was a \$8,900 loss and September 2015 was a \$9,500 profit. There has been a mid \$50,000s net profit to date. He also noted there are four outings scheduled for October that were not on last year's calendar.

Public Works

Mr. Kinsey presented the Public Works Department report. Mr. Hittinger asked about the recent Workers Compensation claim that came in. Mr. Kinsey said that a rock fell on the employee's hand breaking his pinky finger. Mr. Connors asked if the employee was in an area that he should not have been in? Mr. Kinsey said yes he was. Mr. Connors asked if the employee was written up for this? Mr. Kinsey said no he was not, the employee was seasonal help. Mr. Connors told Mr. Kinsey they are doing a great job with the paving.

Finance Report

The Financial Report was reviewed with the Board by Ms. Guenther. Mr. Connors asked Mr. Brown if there has been any news on the Delchester arbitration. Mr. Brown said that it is moving along slowly. Beatty Lincke has contacted AECOM (formerly URS) for their assistance. Mr. Hittinger made a motion to approve the Finance Report as presented. Mr. Pickel seconded the motion and it was approved by a vote of 5-0.

Odor Report

Mr. Scott-Harper reported that there were two emails to the Township and four

emails to the DEP this month. Mr. Connors stated he received an email from a Medford Farms resident with the Department of Environmental Protection's response to a complaint that cites the 1999 air study. He believes the report clearly shows a level of hydrogen sulfide exceeding acceptable levels; he said they exceed OSHA standards. Mr. Connors wants the Township to move forward with air monitors. Mr. Pickel and Mr. Weer suggested using someone else for the analysis as Stroud Water Research Center has not responded. Mr. Connors and Mr. Scott-Harper agree that we should go with someone else. Mr. Scott-Harper wants to see results on the water first. Mr. Connors accepted discussing the air monitors at a later time. Mr. Scott-Harper asked Mr. Brown to see if the Stroud Water Research Center could attend our November meeting.

State Police

The August State Police report was presented to the Board showing 194 incidents opposed to 217 incidents in July. There were no comments or questions.

Water Monitors

Mr. Brown reported that there has not been any new information to report at this time.

VI. OLD BUSINESS

Lamborn phase B progress

Mr. Ragan said that slow progress is being made. The following is a list of items that Keystone has completed or is still working on.

- Street light is in, but not on
- Sight distance at S. Guernsey Road is better
- They met with Stonecroft regarding the water ponding on the trail. An agreement was reached regarding how to address the issue
- The grates are installed in the basins, but they need to be galvanized
- There is a small amount of debris in the woods still
- They are to begin tree planting next week
- The recent rain showed some remaining drainage issues with the swales; mostly on Lamborn Ridge Drive
- The infiltration berms look pretty good; but Mary Ann Court still has some issues
- PECO still needs to fix some of the utility boxes.

Mr. Starr said he still has water ponding on his driveway, he feels that the Board of Supervisors should pull the escrow to finish the work. Mr. Scott-Harper said the HOA does not agree with pulling the bond and we will not get the money needed to finish everything.

State Road sidewalks

Mr. Connors asked Mr. Kinsey if we could bid out the sidewalks and just not award a bid right now just to get a cost estimate. Mr. Kinsey recommended against it. Mr. Ragan said that we could pay an estimator to get a cost. Mr. Pickel suggested we discuss this with the budget.

Briarlea trail payment

Mr. Brown reviewed his memorandum recommending a payment to the HOA to help pave their trails as has been discussed by the Board of Supervisors in the past. Mr. Scott-Harper and Mr. Weer want to deduct the Township man hours from the payment. We

also had bid preparation, engineering, etc cost. Mr. Brown will look for the past meeting minutes to discuss this further at the November 4, 2015 Board of Supervisors meeting.

Boddorf conservation easement

Mr. Brown gave a brief explanation of the property and the history of the possible easement. Mr. Hittinger asked who would decide if a survey is necessary? Mr. Scott-Harper asked if this is a fixed cost and would we get \$5,000 back if a survey was not necessary. Mr. Scott-Harper said that the following contingencies need to take place.

- The Township has input on the property being surveyed, if the survey is not needed then the bill is \$5,000 less
- We need to verify that the \$1,500 "net" is a credit
- The Townships cost be reimbursed if the Boddorf's decide to pull-out
- Change the language to add in "no composting fresh or spent, active or passive."

Mr. Connors made a motion to approve the purchase of the Boddorf easement with the above contingencies added to the agreement, seconded by Mr. Hittinger and approved by a vote of 5-0.

ABVM Zoning Hearing Board decision

Mr. Brown reviewed the Zoning Hearing Board's decision on the ABVM electronic sign. The Board had no comment.

Chatham intersection-Public meeting

The Board of Supervisors announced that they intend to hold another joint meeting with PennDOT at Stillwaters Presbyterian Church to discuss the planned improvements to the intersection in Chatham. Mr. Brown is to see if PennDOT is available on November 10, 2015 or November 17, 2015. He is also to invite Senator Dinniman and Representative Lawrence to the meeting.

VII. NEW BUSINESS

Ham/Woodview Road- Stormwater Management (construction) escrow waiver

Mr. Brown stated that Mr. Ham is asking for the financial security for the stormwater basin be waived. Mr. Pickel made a motion to waive the financial security, seconded by Mr. Weer and approved by a vote of 5-0.

Ham/Woodview Road- Stormwater Management agreement

Mr. Brown stated that Mr. Ham has submitted a stormwater management agreement. Mr. Pickel made a motion to accept the stormwater management agreement, seconded by Mr. Weer and approved by a vote of 5-0.

Ham/Woodview Road- waiver of a Chester County Conservation District review

Mr. Brown stated that Mr. Ham is asking for a waiver from having the Chester County Conservation District review the erosion and sediment control plan. Mr. Connors made a motion to grant the above waiver, seconded by Mr. Pickel and approved by a vote of 5-0.

Shrilla Zoning Hearing Board application

Mr. Brown reviewed the Zoning Hearing Board application from Ms. Shrilla to put a deck on her house. The Board decided not to be a party to this hearing.

Ordinance 196- Park rules

Mr. Brown reviewed the amendment to the park rules with the Board. The Board

agreed to authorize the proposed ordinance for a hearing.

Kopp stormwater management professional escrow agreement

Mr. Pickel made a motion to approve the Kopp stormwater management professional escrow agreement, seconded by Mr. Weer and approved by a vote of 5-0.

Parchment Zoning Hearing Board application

Mr. Brown reviewed the Zoning Hearing Board application for Mr. Parchment to put a deck on his house. The Board decided not to be a party to this hearing.

Mr. Scott-Harper asked that we revisit setbacks for decks at the November 2015 meeting.

VIII. PLANS

IX. EXTENSIONS

- Needham Farms- November 10, 2015,
- Powers/Dutton- December 11, 2015 and
- Boyle- November 4, 2015.

Mr. Weer made a motion to accept all three extensions, seconded by Mr. Pickel and approved by a vote of 5-0.

Mr. Scott-Harper asked that Mr. Brown contact someone from the Pennsylvania State Police about the cell tower, and get a timeline from them as well.

X. ADJOURNMENT

A motion was made to adjourn the meeting by Mr. Weer, seconded by Mr. Hittinger and approved with a vote of 5-0. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Dawn Maciejczyk
Administrative Assistant