

BOARD OF SUPERVISORS
MEETING MINUTES
November 4, 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
Shane Kinsey, Public Works Director
Tom Bolko
Vicki Kushto, Township Solicitor
45 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 7:00 p.m.

Mr. Scott Harper announced that the Board of Supervisors held a public hearing before this meeting for a zoning ordinance change. He said that the Board will not act on the hearing today due to not meeting advertising requirements. The Board of Supervisors will hold a public meeting to render their decision on the zoning change on Monday, November 16, 2015 beginning at 6:30 p.m.. Mr. Connors made a motion to have Ms. Kushto, Township Solicitor, advertise for the public meeting to be held on Monday, November 16, 2015 beginning at 6:30 p.m., seconded by Mr. Pickel and approved by a vote of 5-0.

Lamborn Hunt

Mr. Scott Harper changed the agenda and moved Lamborn Hunt up. Mr. Ragan stated that another basin on Lamborn Ridge is now holding water. He also said that Ms. Martha Strauss inspected the property today and she is 98% comfortable with what has been accomplished thus far. The grates that needed to be galvanized and put back in have been completed. Mr. Ragan stated that one item that has not been addressed, and it seems to be a recurring issue, is the water ponding in the swales along Lamborn Ridge and Mary Anne Court. Mr. Ragan has asked for a plan on how this will be fixed and he has not received anything as of yet. His suggestion is to include this item in the 24 month maintenance agreement with the infiltration basins.

Mr. Scott Harper asked do you know what the amount would be? Mr. Ragan said we have not sat down and come up with an amount. We need an escrow for their engineer to prepare the plan and me to review it and implement it.

Mr. Brown asked if the basins are holding water since the rain a week ago and if so, what can they do to get the water out? Mr. Ragan said basically they need to make it like a rain garden, dig it out and plant it, using vegetation alone is not going to do it. Mr. Brown asked if they have missed the growing season? Mr. Ragan said that the planting season for the seed mix that is used is mid October till the end of November.

Mr. Alan Mar from 704 Mary Anne Court said the landscaping at the basin on Mary Anne Court is a huge eye sore. Is there any additional landscaping that can be done to make it look a little better? Mr. Ragan responded that we can approach the builder about that.

State Police Report

Pennsylvania State Police Trooper McMurray presented the State Police Report. He stated that from August 4, 2015 through November 4, 2015 there have been a total of 601 incidents. He reviewed the numbers of the major incidents. The numbers for London Grove show that the residents are being proactive in keeping themselves protected.

Pennsylvania State Police Communications tower

Pennsylvania State Police Trooper McMurray stated that the tower they have is working the best it can. He said the Pennsylvania State Police ask that no changes are made until a State budget is passed as money for a new radio system may be included. Mr. Scott Harper explained that the Township cannot change the tower itself. The question before is the height of the tower for the ordinance.

London Grove Township Municipal Authority Zoning Hearing Board Application

The Board of Supervisors had no comment.

London Grove Township Municipal Authority 220 Sullivan Road subdivision

Mr. Theo Claypoole, attorney for the Municipal Authority explained that they are requesting final approval of their two lot subdivision plan subject to the approval of a needed variance from the Zoning Hearing Board. Lot 1 would have ten acres of land as well as the two existing dwellings and lot 2 would contain 31 acres. Mr. Stan Corbett, AECOM, reviewed the plans with the Board. There are six waivers that they are requesting. 1. Site survey topography, 2. Fresh water wetland, 3. Conservation plan, 4. Concrete monuments at all four corners, waivers 5 and 6. Grant of the Right-of-way. Mr. Corbett said the Authority could lose future spray capacity if they had to grant the right-of-way. Mr. Hittinger asked that Lot 1 be pinned so that the new buyer is aware of the lines. Mr. Corbett stated that yes lot 1 will be pinned.

Mr. Pickel made a motion to approve waivers 1 through 6, seconded by Mr. Connors and approved by a vote of 5-0.

Mr. Connors made a motion to grant final approval of the subdivision pending the outcome of the Zoning Hearing Board, seconded by Mr. Hittinger and approved by a vote of 5-0.

Minutes

The meeting minutes of September 24, 2015 were reviewed. A motion was made by Mr. Connors to approve the meeting minutes of September 24, 2015, seconded by Mr. Pickel and approved by a vote of 5-0.

The meeting minutes of October 7, 2015 were reviewed and amended as follows. Page 1 paragraph two under public comment should read "Ms. Alegranti said Dr. Kaplan."

A motion was made by Mr. Connors to approve the meeting minutes of October 7, 2015 as amended above, seconded by Mr. Pickel and approved by a vote of 5-0.

Powers/Dutton subdivision

Mr. Alan Hill, Hillcrest Associates, stated that they are looking for preliminary approval of the subdivision plan and the waivers. He briefly reviewed the history of the plan. Mr. Scott Harper asked if Powers/Dutton received the TPD letter? Mr. Hill said yes they did and noted it repeated six of the waivers reviewed in the Ragan Engineering review.

Mr. Pickel made a motion to grant the waivers as stated in the REA letter, seconded by Mr. Weer and approved by a vote of 5-0.

Mr. Pickel made a motion to approve the preliminary subdivision plan as outlined in the memo of October 29, 2015 from Mr. Brown, seconded by Mr. Weer and approved by a vote of 5-0.

Odor Report

Mr. Connors reviewed that in the past this discussion has always centered around odor, moving forward we need to center it around hydrogen sulfide and water pollution. He said recently there was an online discussion about the issue and many of our residents were complaining about Nutra Soils. Mr. Connors stated the study that was completed in 1999 showed that the hydrogen sulfide levels were alarming. He said he believes that the ACRE law does not protect H₂S. He went on to say there are approximately 15 violations from the DEP in the past couple of years from Nutra Soils regarding clean water law and waste management act. Mr. Connors spoke with Mr. Jim Horan from the DEP and was told that the DEP has their "hands tied." Mr. Connors proposed a "town hall" style meeting with Federal and State officials to present them with this information and ask them why they are allowing this to happen. He noted that the Township water monitors are showing a spike in conductivity during rain events, indicating something is getting into the water.

Mr. Scott Harper said we have fought in the past with the operator and have gotten nowhere. The problem really is in Harrisburg and need they need to consider pursuing the DEP.

Mr. Alan Mar, safety consultant, said he is familiar with OSHA standards. He asked if OSHA could address the issue. Why can't the DEP do some follow up health studies and test? Mr. Connors asked that we put all the reports that we have on the London Grove Township website. Mr. Mar favored a public meeting.

Mr. Russ Phifer, environmental consultant, said we need to look into portable H₂S monitors and then document the results. The report contains at readings that are 15 years old.

Mr. Tim Nelson stated that OSHA does cover employees in other businesses, not just the compost operator. He believes there is economic impact due to the smell. Also, we need to look at the effects that these chemicals are having on our workers and our children.

Ms. Kristin Bishop, Head of Avon Grove Charter School, said they have 700 children in their school, the student's health and safety is their number one priority. She said the school is willing to go to Harrisburg, to attend meetings, etc.

Mr. Joshua McGill asked if there any inquiries or studies from Jennersville Hospital in regards to health to prove that the hydrogen sulfide is affecting our community? Mr. Connors said there are no studies the he is aware of that directly link hydrogen sulfide to health.

Mr. Bob Wisner asked what does the Board need us to do as a community? Mr. Scott Harper said tell everyone to come to the meeting when it is set. Mr. Scott Harper asked that we send out a post card to all the residents when we establish a date. Mr. Zach Nelson suggested that the Township reach out to people in our community that would be affected the most, such as the elderly and the youth.

Ms. Dana Ardner, Avon Grove Charter School, stated that the Charter School is willing to host it. They can accommodate approximately 200 people. Mr. Clem Bowen suggested the Township take action against the DEP and purchase air monitors. He also said the Middle Branch of the White Clay Creek continues to run black/brown at times.

Mr. James Li said he has also contacted Mr. Haran at the DEP, who suggested the Township adopt an ordinance that may help. Mr. Connors said that the Township has done that but the property is "grandfathered."

REPORTS FOR OCOTBER 2015

Codes Department

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

Public Works

Mr. Kinsey presented the Public Works Department report. Nathan Hughes has received his Road Scholar certification. There were no questions. Mr. Scott Harper asked Mr. Kinsey to thank Nathan from the Board. Mr. Scott Harper also stated that residents are pleased with the road paving.

Finance

The Financial Report was reviewed with the Board by Ms. Guenther. There were no questions. Mr. Connors 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.

Inniscrone Golf Course

Mr. Tom Bolko, General Manager, reported the golf course revenues for October. He said they had a 25% increase in revenues in October over October 2014 and are up about 18% year to date. As of now they have approximately a \$51,000 net profit. No questions from the Board.

Water monitors

Mr. Brown stated that we have preliminary results from our water monitors performed by Stroud Water Research Center. He said the next step is to contract for collection and analysis of the water. Mr. Connors suggested that we hold off. Mr. Scott Harper said he would like the water collected by a professional vs. a volunteer. Mr. Connors said that Mr. Chuck Repone, a resident who works at Weston, referred someone to him and he will get the information to Mr. Brown. Mr. Connors explained the results as Stroud Water explained to him. Mr. Scott Harper said that he would like someone from Stroud Water to explain them so he can get a better understanding of what is happening.

II. HEARINGS

Ordinance 196- Goddard Park Rules

Mr. Brown entered two exhibits, B-1 a copy of the current ordinance 196 and B-2 Proof of Publication. Mr. Brown then reviewed the proposed ordinance, which is to require dogs that enter the dog park be vaccinated. Mr. Scott Harper closed the hearing.

Ordinance 196- decision

There were no questions about the park rules. A motion was made by Mr. Pickel to approve Ordinance 196, seconded by Mr. Connors and approved by a vote of 5-0.

III. FIRST BUSINESS

Water Monitor Preliminary Report

Mr. Dennis Newbolt returned to the meeting and reviewed the Stroud report. Specifically he reviewed graphs from a storm that occurred on July 10, 2015. The upper graph is the site up stream and the lower graph is the site downstream. The black line is the water level and the red line is the electrical conductivity of the water. The conductivity is dropping when the flow increases upstream and downstream conductivity is rising when flow increases. This is showing us that something is washing into that water. The water testing will identify the chemicals, dissolved organic content, etc.

2016 Budget

Mr. Brown reviewed the proposed 2016 budget of a little more than \$3.4 million. The bulk of our budget will be for the road program. Our seconded biggest program expenditure is for Emergency Services. Ms. Guenther also provided a 2017 and 2018 budget overview. Those numbers are not as sharp but it gives you a look into the direction we are heading. There were no questions from the Board. Mr. Connors made a motion to approve the 2016 preliminary budget, seconded by Mr. Pickel and approved by a vote of 5-0.

IV. OLD BUSINESS

Traditions speed study discussion

Mr. Scott Harper asked Mr. Brown if the traffic engineer did another speed study? Mr. Brown stated that yes they did a second study and the data was almost identical to the first study. The results showed that the speed not fast enough to consider traffic calming any further.

Mr. Bob Wisner thanked Mr. Brown and the Board of Supervisors for getting a second study completed. He also asked Mr. Brown for a copy of the study.

Briarlea trail payment

Mr. Scott Harper asked Mr. Brown if he had any hard numbers to show for what we have spent on Briarlea thus far. Mr. Brown stated that in manpower, materials and supplies for the work the Township did we spent \$11,000. For legal and engineering fees in 2013 and 2014 we spent \$12,794 for engineering and \$12,196 for legal, however he has not determined if those amounts are applicable to Briarlea. Mr. Scott Harper said the Township has spent roughly \$140,000 and \$103,000 was out of the bond.

Mr. Scott Harper said in Mr. Brown's memo it states that we promised money for the trails in place of the street lights? Mr. Brown said yes at the June 4, 2014 meeting we promised to help out with the paving of the trails. Mr. Brown estimated the lights to be \$5,000 each. Mr. Brown recommends making a payment of that amount to Briarlea. Mr. Pickel stated that the trails have already been paved. Mr. Scott Harper asked if there is any way that we can guarantee that the money goes to the trails? Mr. Connors stated that he does not remember promising this. Mr. Hittinger asked if we have been asked for the money from Briarlea? Mr. Brown said yes we have been asked how much money would be paid and when. Mr. Scott Harper suggested to table the matter and have representatives from the Briarlea HOA come to the next meeting to discuss it.

West Grove ambulance intermunicipal agreement and ordinance

Mr. Brown asked the Board to authorize a hearing for the West Grove ambulance intermunicipal ordinance. Mr. Connors stated that the London Britain Township solicitor wants to make changes to the agreement but that it has been approved by all of the other communities.

Mr. Connors made a motion to authorize a hearing for the West Grove ambulance intermunicipal ordinance, seconded by Mr. Weer and approved by a vote of 5-0.

West Grove Fire and Ambulance annual contracts

Mr. Connors said West Grove has requested an additional \$45,000 from the municipalities they serve. The ad hoc committee for the ambulance agreement is to meet and discuss the request. Mr. Weer suggested it be considered for 2017 as the budget is approved. It was noted a similar request from Avondale was denied. Mr. Scott Harper said he agreed with Mr. Weer.

Mr. Weer moved to approve the fire and ambulance annual contracts. Mr. Pickel seconded. The motion was approved by a vote of 5-0.

Pennsylvania State Police Communications tower

Mr. Scott Harper reviewed an email from Mr. Ash, Pennsylvania State Police, to Mr. Brown. The email states there is not any need at the moment and the ordinance could change back to what it was. Mr. Connors stated that if we do not need the tower than we should change the tower height back, if changes are needed in the future we can change it back. Mr. Hittinger suggested that we wait until the state budget is passed.

Ms. Nancy Truitt stated the old ordinance made the Pennsylvania State Police tower non conforming. She said the tower is often "tweaked" to better operate. The Board of

Supervisors and Mrs. Truitt discussed possible heights that would be acceptable. The Board agreed with changing the tower height to either 200' or 225'. Mr. Scott Harper asked that we send the Board a copy of the old and current ordinance. The Board of Supervisors stated it want to advertise an ordinance for each height.

V. NEW BUSINESS

Rose Hollow escrow release

Mr. Brown reviewed a letter from Mr. Ron Ragan for escrow release request number one in the amount of \$45,920.00. A motion was made by Mr. Pickel to approve the escrow release for \$45,920.00, seconded by Mr. Connors and approved by a vote of 5-0.

2016 elections- polling place for London Grove South

Mr. Connors stated that he feels we can disregard this after discussing with Ms. Ann LaMastra, Judge of Elections, on November 3, 2015. He said it is her decision and she wants it to remain at the Township Building. Mr. Scott Harper stated that he will get in contact with Ms. LaMastra to discuss the matter.

McGlensey Zoning Hearing Board application

The Board decided not to be a party to this hearing.

Hainsey Zoning Hearing Board application

The Board decided not to be a party to this hearing.

Shirilla Zoning Hearing Board application

The Board reviewed the Shirilla Zoning Hearing Board decision.

Zhang Zoning Hearing Board application

The Board decided to be a party to this hearing. Mr. Connors stated that he wants to make sure the applicant understands that only one apartment will be allowed. The Board of Supervisors agreed to become a party to the hearing.

Salt bid award

Mr. Kinsey stated that he has bid the de-icing material thru the Southern Chester County Cooperative. He is requesting a motion authorizing staff to enter into a contract with the low bidder, Oceanport, LLC. The bid amount for the 2015/2016 season is \$72.80 per ton. This is a significant increase over the 2014/2015 price which was \$57.00 per ton.

Mr. Weer made a motion to authorize staff to enter into a contract with the low bidder, Oceanport, LLC with a bid of \$72.80 per ton, seconded by Mr. Connors and approved by a vote of 5-0.

Surplus action items award

Mr. Kinsey stated that as authorized by the Board of Supervisors, several items were advertised and auctioned on Municibid.com. The results of the auction are:

- 544 Loader- Mark Frisina- Bradford, PA- \$43,300.00

- 555 E. Backhoe- Kim Miller- York, PA- \$18,600.00
- Hyster C33B Roller- Edward Federouch- Peters, PA- \$1,925,00
- 10' Plow- Frank Wunder- Reading, PA- \$1,700.00
- 9' Plow- Frank Wunder- Reading, PA- \$223.00

Mr. Kinsey stated that all bids are at or above market value, so he recommends the awarding of the bids for all five items. A motion was made by Mr. Hittinger to recommend the awarding of the bids for all five items, seconded by Mr. Pickel and approved by a vote of 5-0.

VI. PUBLIC COMMENT

There was no public comment.

VII. EXTENSIONS

Needham Farms- December 31, 2015,

Boyle- February 2, 2016

Mr. Pickel made a motion to accept the Needham Farms and Boyle extensions, seconded by Mr. Connors and approved by a vote of 5-0.

VIII. ADJOURMENT

A motion was made to adjourn the meeting by Mr. Pickel, seconded by Mr. Hittinger and approved with a vote of 5-0. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Dawn Maciejczyk
Administrative Assistant