

APPROVED

**WALLACE TOWNSHIP BOARD OF SUPERVISORS
JANUARY 19, 2005**

The Chairman called the Meeting of the Wallace Township Board of Supervisors to order on Wednesday, January 19, 2005, at 8:15 AM in the Municipal Building.

Supervisors present: Louis T. Schneider, Chairman
Robert V. Bock, Vice Chairman
Jane M. Shields, Member

PUBLIC COMMENT

Bryan McDonough asked if anyone had looked into the payment to American Rock Salt. The township secretary advised Mr. McDonough that an additional amount had been received from PennDOT for snow removal for 2004. This money was placed in the general fund since it is money received for the state fund. This money was then paid out to American Rock Salt for our salt purchase.

CORRESPONDENCE

1. Castle Valley site visit report for Edgemoor Run
2. Tim Wloczewski to Devereux Foundation, dated 12/31/04, re: notice of violation for the Croft Building
3. Tim Wloczewski to Louis DiMartini, dated 12/31/04, re: notice of violation for accessory structures and home occupation
4. Chester County Conservation District to Heritage Building Group, dated 1/3/05, re: inadequate E&S plan for Brandywine Hill
5. Castle Valley site visit report for Edgemoor Run
6. Heritage Land Group to Twp. Secretary, dated 1/4/05, re: additional stormwater infiltration testing results for Brandywine Hill
7. Castle Valley site visit report for Edgemoor Run
8. Greenhorne & O'Mara to Board of Supervisors, dated 1/4/05, re: Camiel Service Plaza Detention Basin Modification
9. Castle Valley site visit report for Edgemoor Run
10. John Fiorillo, Esq. to Twp. Secretary, dated 1/6/05, re: Settlement check for Twp. v. Wachovia Bank matter
11. Denise Yarnoff to Andrew Rau, dated 1/13/05, re: Devereux conditional use hearing
12. Wallace Twp. Planning Commission to Board of Supervisors, dated 1/17/05, re: proposed ordinance change
13. Andrew Rau to Board of Supervisors, dated 1/18/05, re: Devereux conditional use hearing
14. Commonwealth Engineers to Twp. Secretary, dated 1/14/05, re: preliminary plan revisions for Brandywine Hill
15. Commonwealth Engineers to Twp. Secretary, dated 1/14/05, re: response to NLT memo regarding Brandywine Hill
16. Commonwealth Engineers to Chester County Conservation District, dated 1/14/05, re: E&S plan revisions for Brandywine Hill

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FIRE COMPANY

None. Mr. Schneider stated that there has been no status report on the Elverson Ambulance issue.

ROAD REPORT

Road report for the month of December: 1108.6 miles driven, 6.3 hours on the equipment meters, and 343 man-hours logged.

Performed Monday morning road inspections. Replaced the Sean Lane sign that was stolen and a "Yield" sign on Highspire Road. Installed a 20' pipe on Marshall Road to help with drainage at the intersection of Marshall and Creek Roads. Currently working on the replacement of pipes across Barneston Road. Prepared and cleaned up for the Christmas Bon Fire. Dug the test holes at Alice Park. Went approximately 12' deep and only hit shale. Replaced 1 ballast at the driveway sign and 4 ballasts in the police room along with 12 bulbs. Had PECO and an electrician look at the problem but neither can find a reason for the surges. Mr. Bock suggested that PECO be contacted to monitor the lines.

PLANNING COMMISSION

Skip McGrew reported that the Planning Commission held their reorganization meeting. Mr. McGrew was reelected Chairman and Barbara D'Angelo was elected as Vice Chairman.

Theresa Lemley, Jim Haigney and Nina Cidel appeared representing the applicant of the Brandywine Hill subdivision. They advised the Planning Commission that a revised plan had been prepared to address nearly all of the issues raised by the Township Engineer. This plan, however, has not yet been submitted. The applicant has received comments from the Fire Marshall. He is concerned about the single road access and recommends some alternative emergency access be considered. The Planning Commission feels that the existing driveway could serve that purpose and that the access road shoulders would be sufficient to allow emergency vehicles to pass each other. Mr. Green will review the matter with the Fire Marshall. In view of these remaining issues, the Planning Commission did not recommend conditional approval at this time, but will reconsider at their work session on January 26th.

The Planning Commission has submitted two changes to the Zoning Ordinance for the Boards consideration. The first has to deal with revising the definition of Class I in the historic section of the ordinance. Ms. Shields asked how would eligibility be determined. Mr. McGrew stated that they would follow the county's list of criteria for eligibility of historic structures. Ms. Shields stated that the current language was written so someone else, other than the county would determine if the structure is historic. Ms. Shields will look at the proposed language and make some suggestions.

The second revision would permit the use of a deed restriction in lieu of a conservation easement for small parcels of greenway land. The option to use a deed restriction would lie solely with the Board of Supervisors. Mr. Schneider asked what the mechanism was for deed restrictions and conservation easements. Mr. McGrew stated the parties to the agreements would be different.

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Under a deed restriction, the township would be a party. Under a conservation easement, it would be the Wallace Trust of other land trust organization. Natural Lands Trust does not feel that deed restrictions are necessary. Mr. Schneider suggested that this issue be looked into further, with a particular emphasis on durability.

Mr. McGrew has received correspondence from Stan Stubbe, a consultant who has agreed to work with the township in revisiting the lighting ordinance. Mr. Stubbe's only charge would be for mileage reimbursement. The Board of Supervisors agreed to Mr. Stubbe's request. He will attend the Planning Commission's next meeting.

HISTORICAL COMMISSION

Beverly Bock reported that the Historical Commission held their reorganization meeting. Mrs. Bock was reelected as Chairman and Stephanie Grunwell was elected as Vice Chairman. Jaci Nicely was appointed Secretary, Sandy Brannan was appointed as Archivist, Elaine McGrew was appointed as Planning Commission liaison and Roz Brewster was appointed as liaison to the County.

The Commission has challenged the decision from Harrisburg with regards to the Edgemoor Run subdivision located on Lippitt Road. The developer is currently able to proceed but the Commission has made their concerns known with the State.

A survey of the springhouse located on the Wheeler tract was provided by Heritage Builders. While it is an excellent survey, the Commission would like to see a report or plans for preserving the springhouse and will be requesting same from Heritage Builders.

Jane Davidson has met with John Spangler to discuss testimony at the Devereux Conditional Use Hearings.

SUBDIVISIONS

1. #04-1 – Old Orchard Estates
2. #03-4 – Brandywine Hill (Wheeler)

OLD BUSINESS

Mr. Schneider provided an update regarding Ray Park. He stated that the Township has received a letter from the County stating that they are ready to proceed with the transfer of the property to the Township. Everything has been handed over to the Township Solicitor to handle the settlement. A ribbon cutting ceremony will be held when the weather breaks, possibly early fall.

Brian McDonough provided an update on the public meeting that was held on January 13th to discuss the proposed Village District. Mr. McDonough stated that approximately 40-50 people from the Village attended as well as some concerned citizens. There is some concern with the historic district ordinance that is currently on our books. Not sure if it went through the proper procedures to create a district. Mr. McGrew stated that Act 167, state statute, is referenced in our ordinance and he will attempt to get this issue sorted out. Mr. Schneider stated that the Board will need to know if this is state or federal legislation and that Wallace Township

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ordinances can be revised as needed. The Board will not change anything until it is known from the Village residents what specific legislation they intend to use. Mr. Schneider asked Mr. McDonough if an attendee list and minutes had been prepared. Mr. McDonough state that there had not been a signup list and that he will check on minutes with John Miller. Mr. Schneider asked that they try to prepare a set of minutes and also see if they can put a list together of attendees they remember being present.

Ms. Shields moved to grant the continuance request of Devereux as to the third conditional use hearing date currently scheduled for January 20, 2005. The hearing will be rescheduled to a date to be determined. The continuance is subject to Devereux's agreement to waive any applicable time requirements under the Municipalities Planning Code, and to bear the burden and cost of readvertisement once a new hearing date is established. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved. Mr. Schneider stated that every attempt will be made to notify people of the cancellation and that the building will be posted. Mr. McGrew stated that he will contact the local paper for a press release.

NEW BUSINESS

A preliminary/final plan has been received for the Louderback tract located on Fairview Road. This plan will be forwarded to the Planning Commission for review.

Mr. Schneider announced that the Board of Supervisors have agreed to engage an outside auditing firm to prepare our audit for this fiscal year. This firm will replace our elected auditors under the Second Class Township Code. Ms. Shield moved to advertise in a newspaper of general circulation the intent to appoint a certified or competent public accountant or a firm of certified or competent public accountants to replace the elected auditors. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

PUBLIC COMMENT

None.

ADJOURNMENT

Meeting adjourned at 9:10 AM. Next meeting is Wednesday, February 2, 2005 at 7:30 PM.

Respectfully submitted,

Kimberly A. Milane-Sauro
Secretary