

**WALLACE TOWNSHIP BOARD OF SUPERVISORS
JANUARY 25, 2008**

A Special Meeting of the Wallace Township Board of Supervisors was called to order on Tuesday, January 25, 2008 at 9:00 AM in the Township Building by Chairman Bryan McDonough.

Supervisors present: Bryan W. McDonough
Robert D. Jones
Robert V. Bock

Solicitor: Michael G. Crotty, Esquire

PLEDGE OF ALLEGIANCE

The Supervisors began the meeting by leading all in attendance in the Pledge of Allegiance.

OCTOBER 3, 2007 ORDINANCE AMENDMENTS

Chairman McDonough noted that this Special Meeting had been called in order for the Supervisors to discuss the alleged procedural deficiencies in the enactment of the Ordinances previously adopted on October 3, 2007 (namely, the Stormwater Management Ordinance, the Zoning Ordinance amendment, and the Subdivision and Land Development Ordinance amendment), as well as to discuss the possible repeal thereof. Chairman McDonough then turned the floor over to the Township Solicitor, who outlined the various procedural deficiencies with the enactment of the ordinance amendments. Particularly, the October 3, 2007 Ordinances were deficient as complete copies of the ordinances were not provided to the Chester County Law Library or the Daily Local newspaper. Also, the ordinances failed to provide for the adoption of various maps that were integral to the application of the ordinances, nor were any zoning map changes advertised or posted as required by the Municipalities Planning Code. The Solicitor explained that the failure to strictly comply with the procedural requirements of the MPC in enacting ordinances renders those ordinances void *ab initio* (or void from their inception).

Members of the public posed questions as to the extent of the procedural deficiencies and the effect of the deficiencies on the ordinances. The Solicitor confirmed that the ordinances in effect prior to the enactment of the October 3, 2007 ordinances would remain in effect. Also, in response to public comment, the Board of Supervisors stated that it remains their desire to re-enact the October 3, 2007 ordinance amendments, pursuant to the procedural requirements established in the Pennsylvania Municipalities Planning Code and the Second Class Township Code, after the Township Consultants have had a full opportunity to review and comment on the substantive validity challenges that had been raised. The Supervisors noted that they have not established any position as to the substantive validity challenge filed with the Wallace Township Zoning Hearing Board.

After discussion, Supervisor McDonough moved to adopt Resolution 08-06, through which the Supervisors announced their intent to formally declare the October 2007 ordinances to

be invalid based on procedural deficiencies. Supervisor Bock seconded the motion, which carried unanimously.

CORRESPONDENCE

Correspondence was noted as received from attorney Bill Wilson with respect to the former Township Zoning Officer and his return of the Township files. The Solicitor was asked to follow up with Mr. Wilson as to this correspondence.

Correspondence was noted as received from Valhalla Brandywine, requesting that Township Consultant Ann Hutchinson provide Valhalla with a copy of the concept plan that she had prepared pertaining to the proposed Valhalla/Brandywine development. After discussion, the Supervisors instructed that Ms. Hutchinson be requested to provide a copy of any plans.

ZONING OFFICER REPORT FORM

Chairman McDonough requested that a standard form be prepared to permit Township residents to file complaints with the Zoning Officer as to any ordinance violations. The Supervisors noted that residents can still call in complaints, in which case the Township Secretary will take down all of the relevant information and fill in the form. No anonymous complaints will be accepted.

PURCHASE ORDER FORM

Chairman McDonough raised the issue as to whether a purchase order form should be created in order to ensure that the Township complies with the public bidding requirements set forth in the Second Class Township Code. The Supervisors will consider the precise terms of any purchasing policy and when approval from the Supervisors will be required, at a subsequent Township meeting.

POLICE MATTERS

Supervisor Jones noted that the Brandywine Regional Police Department informed him that they do not frequently use the police substation in the Township building any more. The Supervisors discussed alternative uses for these offices, and setting up a 9-1-1 phone in the Township Building for direct access to the police emergency line. The offices and Township building would still be available for use by the police to meet with Township residents.

Supervisor Jones also noted that he met with the Brandywine Regional Police Commission. The BRPC indicated their willingness to continue with last year's budget for Wallace Township, and to reassess in six (6) months. The Police Chief noted that he can make do throughout the entirety of 2008 at the current budget levels if need be. The level of service would not be affected.

TAX ANTICIPATION NOTE

Chairman McDonough noted that the Township's accounting consultant recommended that the Township obtain a Tax Anticipation Note for 2008. The Township Solicitor and accounting consultant were directed to take the appropriate steps to determine the appropriate amount of a tax anticipation note and then to present to the Supervisors for further consideration.

COMPUTER PERFORMANCE

Supervisor Jones noted that the Township computers and internet service were slow and outdated. He recommends that the computers be upgraded and the Township considers faster internet service providers. The Supervisors noted that the matter would be looked into further and discussed at subsequent Township meetings. Also, the Township Solicitor noted that an avenue to explore would be to inquire with Verizon as to whether they have plans to expand internet service in the area as well as whether a television cable franchise agreement is desired. The Solicitor noted that he would contact the representatives at Verizon and would report back to the Supervisors.

PUBLIC COMMENT

a. A request was made to update the Township website with any meeting notices. Supervisor Jones noted that there were problems earlier in the week with the computer server, but that notice was posted on the website of this special meeting. There was also discussion as to whether an email list could be created to inform the Township residents.

b. A request was made that a room be set aside for Township residents to view any new proposed developments. Supervisor Jones noted that the new Township Secretary was in the process of organizing all of the Township files, including the development files. Several members of the Township Planning Commission have also volunteered their time to help organize. Supervisor Jones also noted that any Township resident can view development files by making a request to the Township Secretary. Albert Greenfield of Valhalla Brandywine also noted that all documents and plans related to the Valhalla development are available on its website. Also, a third open forum will be held on Sunday, January 27, 2008, at 3:00 PM at Fairview Church.

c. A request was made that the Supervisors announce different activities for kids. Supervisor Jones noted that it would be a good idea to provide such announcements on the Township website.

ADJOURNMENT

Mr. McDonough announced that an executive session was held on January 21, 2008, to discuss personnel and litigation matters. Meeting adjourned at 11:20 AM.

Respectfully submitted,

Betty Randzin
Secretary