

**WALLACE TOWNSHIP BOARD OF SUPERVISORS  
FEBRUARY 14, 2008**

A Regular Meeting of the Wallace Township Board of Supervisors was called to order on Thursday, February 14, 2008 at 8:05 AM in the Township Building by Chairman Bryan McDonough.

Supervisors present: Bryan W. McDonough  
Robert D. Jones

Solicitor: Michael G. Crotty, Esquire

**Pledge of Allegiance**

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

**Executive Sessions**

An executive session will be held immediately following this meeting, on February 14, 2008, in order to discuss personnel issues and potential liability issues pertaining to building security.

**Township Building and Facilities Report**

The Township Secretary noted that she is in the process of getting the Township files organized, with the help of the members of the Planning Commission.

**Minutes**

The minutes from January 7, 2008 and January 25, 2008 were approved. The minutes from December 2007 were tabled until Supervisor Bock returns from vacation.

**Correspondence**

A list of fifteen (15) items of correspondence as well as the individual pieces of correspondence are available for public inspection.

**Treasurer's Report**

Chairman McDonough presented the Treasurer's report. Upon motion, the Supervisors approved the payment of invoices in the amount of \$57,667.28. Additionally, an invoice from Econsult was received by the Township with respect to a report prepared for the Valhalla Brandywine development. Chairman McDonough noted that Mr. Greenfield had previously agreed to pay for that report, and Chairman McDonough moved that the invoice and the report be forwarded to Valhalla Brandywine. Supervisor Jones seconded the motion, which carried unanimously.

## **Road Report**

The roadmaster, Ed Smith, noted that he conducted road checks of the Township roads each Monday morning. The road crew also installed a roller gate at the maintenance shop, and cleaned and serviced the Township trucks. He presented his report for December and January, which is available at the Township Building for inspection.

## **Park & Recreation Board**

No report.

## **Environmental Advisory Committee**

No report.

## **Wallace Trails**

No report. A meeting was held on February 11, 2008.

## **Planning Commission**

The Planning Commission noted that it met with Ted Moser concerning the Popjoy/Marshlea development. The Planning Commission will forward its recommendations to the Board of Supervisors. Two issues were noted – being 1) that seven (7) lots are proposed in Wallace Township, but only six (6) lots are provided; and 2) issues concerning sewage.

The Planning Commission also noted that it had received a sketch plan for Denton Drive, and it had the sketch plan under review. A site visit was scheduled for Saturday, February 16, 2008.

Lastly, the Planning Commission requested and suggested that any request for an extension be a minimum of thirty (30) days. Chairman McDonough recommended that the Planning Commission prepare a form in this regard.

## **Old Business**

A. Greenfield/Valhalla Brandywine – Chairman McDonough noted that the conditional use hearing for the Valhalla Brandywine development that was previously scheduled for February 25, 2008, has been cancelled. This conditional use application has been withdrawn.

B. Stop Signs – PennDOT has installed multi-way stop signs at the intersection Route 282 and Fairview Road. PennDOT has indicated that the intersections of Route 282 and Marshall Road will be completed shortly. All residents are advised to take note of the new stop signs, which currently have flashing lights on them.

C. Faith Alliance Easter Egg Hunt: Chairman McDonough announced that the Faith Alliance Easter Egg Hunt will be held at Wagenseller Park on Saturday, March 15, 2008, with a rain date of March 22, 2008.

### New Business

A. Brandywine Hill Escrow Release - Brandywine Hill sent a letter to the Township to request a partial escrow release, Escrow Release #6. The Township Engineer reviewed the escrow release request and recommends that the Township release \$33,062 pursuant to the escrow release request. Supervisor Jones moved that the Township approve Escrow Release #6 in releasing the escrow in the amount of \$33,062, as recommended by the Township Engineer. Chairman McDonough seconded the motion, which carried unanimously.

B. Hankin -- Michael Malloy, Esquire of the Hankin Group was present. Mr. Malloy noted that Hankin would like to move forward with the Township, but that it refused to work with or pay any review fees of the Township Solicitor. The Hankin Group claims that the Township Solicitor is biased against it by virtue of past actions in West Vincent Township and an Eagle Ice project, as well as an order from the Court of Common Pleas in a land use appeal for a West Vincent Township land use appeal matter. Solicitor Crotty noted that the order relied upon by Mr. Malloy was appealed and subsequently to be vacated by a settlement agreement between Hankin and West Vincent Township. Solicitor Crotty noted his disagreement with the claims that the Township Solicitor is biased against Hankin or that it is required to be recused. Nonetheless, Solicitor Crotty recommended that the Board obtain an independent legal opinion to satisfy itself of the claims. Chairman McDonough noted that the Township wishes to continue moving forward with Hankin on the Hamilton development, but that the Township is remaining with its choice of Solicitor. After additional discussion, the Supervisors moved to forward the matter to independent counsel for its review. Chairman McDonough noted that Hankin is free to submit its concerns in writing and they would be forwarded to the independent counsel. The Supervisors further noted that Hankin is free to pursue discussions concerning the post-approval development agreements with the Township Solicitor at any time. Mr. Malloy noted that Hankin would not do so, but that it would await the review by the Township's independent counsel.

C. Proposal to repair trees at Wagenseller Park -- The roadmaster had previously presented prices to repair certain trees at Wagenseller Park caused by January storms. The Supervisors noted that they would take the matter under advisement.

D. Springton Manor Elementary School -- Douglas Rightler has written a letter to the Township concerning the gap in the fence around Springton Manor Elementary School. He stated that the Trails Board had previously recommended that the gap be provided in order to allow for continuity of the trails. Mr. Rightler noted that the gap in the fence would increase the number of children that would walk through his property, which could be dangerous because he has an unfenced pool. Bill McLaughlin of the Downingtown School District noted that the School District does not have any objection to erecting a fence across the gap and that it would work with the homeowner in that regard. Mr. Rightler confirmed that DASD has been very responsive on this issue. Mr. McLaughlin recalled that the Township Engineer may have noted the need for the gap was driven by the pipeline that traversed that part of the property. He also recalled that the Township Engineer had noted that the School would need approval from the

pipeline company to erect the fence. The Supervisors noted that they would follow up with the Township Engineer as to the fencing issue, but generally did not oppose closing the gap in the fence if recommended by the Township Engineer.

Additional members of the public also questioned as to whether there should be a fence constructed around the stormwater retention basin in order to keep children away.

E. Forrest Hill Lane – Timbering: The Township Zoning Officer was contacted by two homeowners regarding timber harvesting on Forrest Hill Lane. While a stop work order was previously imposed, the homeowner has satisfied the Township requirements to have the stop work order lifted. While the neighboring homeowners claim that there are issues with respect to the use of the easement over their property, such is a private concern over which the Township does not have jurisdiction. The Zoning Officer noted that the stop work order would be lifted.

F. Mail Delivery – Chairman McDonough questioned whether the Township should consider getting mail delivery directly to the Township building. At present, the Township has a P.O. Box and the Secretary has to take time out of the day to get the mail at the P.O. Box. However, any mail box at the Township building would have to be along Creek Road. The Post Office would not deliver mail all the way up the drive to the Township Building. After discussion, Chairman McDonough suggested that the Township Secretary obtain additional information on heavy duty mail boxes that could be put in place.

G. Update on Valhalla Brandywine Sketch Plan Discussions – Chairman McDonough provided an update on the status of the Valhalla Brandywine sketch plan discussions. Only one meeting had been held, at which Mr. Greenfield provided a general overview of the project. Mr. Greenfield was working with the Township to address any concerns that were noted.

### **Public Comment**

A member of the public suggested that the Township consider erecting a sign to advertise the upcoming Township meetings and any cancellations. The Supervisors noted that they would look into that possibility.

Mr. Albert Greenfield inquired as to the current status of the go-kart race track. Other members of the public noted that it was their understanding that it was being operated as a private club, with no more public rentals.

### **Adjournment**

Meeting adjourned at 9:29 AM.

Respectfully submitted,

Betty Randzin  
Secretary