

WALLACE TOWNSHIP BOARD OF SUPERVISORS

April 3, 2008

A Regular Meeting of the Wallace Township Board of Supervisors was called to order on Thursday, April 3, 2008 at 7:30 PM 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 everyone in the Pledge of Allegiance.

Executive Sessions

Chairman McDonough announced that an executive session was held immediately prior to tonight's meeting, on April 3, 2008, in order to discuss personnel and litigation matters.

Correspondence

Thirty-one (31) pieces of correspondence were noted as received. A list of the correspondence as well as the individual pieces of correspondence is available for public inspection.

Township Building and Facilities Report

The Township Secretary noted that the alarm system for the Township building is now up and running. All Township staff and commission members should see the Township Secretary to ensure that they become informed as to the steps to take if the alarm is triggered.

Treasurer's Report

The Township Treasurer Nanette Harvey noted that her report is available at the Township Building for review. The current balance of the Township accounts is \$159,242.44, and 54 invoices; totaling \$142,368.01 is before the Township Supervisors for their approval. Supervisor Jones moved that the 54 invoices be approved for payment. Supervisor Bock seconded the motion, which carried unanimously.

Road Report

Chairman McDonough inquired about the cost of the propane and gas prices being paid by the Township. It was noted that the Glenmoore Fire Company has a meter on the pump that it uses for gasoline and it reimburses the Township. Chairman McDonough asked that the Ed Smith of the Road Department provide a summary of the availability of less costly alternatives,

Brandywine Regional Police Report

Before discussing the Police Chief's report, Supervisor Jones noted that he had some brief comments and a motion to put before the Board regarding the police. Supervisor Jones stated that the Township has been in a difficult financial position in recent times, the extent of which even required the Supervisors to significantly raise taxes for this year to meet its obligation to the Police Commission at last year's contribution level. At the same time that the Township has been facing this financial strain, the cost of police services and the Township's contribution to the Police Commission has been consistently increasing.

Supervisor Jones noted that, recently, the Chairman of the Police Commission wrote to the Township to note his understanding that Wallace Township would fund the increased contribution requested by the Commission in its budget of December 27th, 2007 through make-up payments at the end of this year. This was not the Township's understanding. Instead, Supervisor Jones noted that it was the Township's understanding that the Police Commission has agreed to continue operating under the 2007 budget with respect to the Township, with us to reassess our contribution in six months, as well as that the services currently provided to the Township would not be affected by its current contribution level.

Supervisor Jones stated that, with the press for additional money from the Township, it is again reminded of the financial strain being imposed on the Township and its minority position in the Police Commission. Since the Township is required to give one (1) year's notice of its intent to withdraw from the regional police arrangement, the Board wanted mitigate any further financial determinant to the Township or to the Police Commission, and to preserve the potential for withdrawing from the regional police in early 2009. Accordingly, the Supervisors directed the Solicitor to notify the Police Commission and East Brandywine Township of the Township's notice of intent to withdraw from the regional police commission. This withdrawal would not be effective until March 29, 2009.

Supervisor Jones noted that this decision was reached with reluctance because of the exemplary service that the Chief and Officers have provided to the Township in the past. However, in order to get the process moving and to ensure that the Police Commission is aware of our intentions, it was necessary to provide the notice. Supervisor Jones noted that, in the coming year, the Board hopes to pursue its options in either: choosing to continue participating in the regional police arrangement that satisfies the needs of both East Brandywine Township and Wallace Township; to move toward forming our own police department; or to pursue any other police options available. The Township has not discounted continuing with the regional police arrangement if it can reach a more fiscally acceptable agreement with East Brandywine Township.

In the notification letter, the Supervisors have reached out to the East Brandywine Township Supervisors to meet for this purpose. At the same time, the Township could not delay in sending the notice, since such delay would only further delay our ability to withdraw and further strain the Township's finances.

Therefore, in order to ratify our decision to transmit the notice, Supervisor Jones made a motion that the Board ratify its decision to notify East Brandywine Township of its intent to terminate and sever its relationship with the Brandywine Regional Police Commission as of March 25, 2009, pursuant to the Regional Police Agreement, and that the Township be authorized to seek consultation with nearby Police Chief or Chiefs to provide the Board with advice in pursuing its police service options in the coming year. Chairman McDonough seconded the Motion. Supervisor Bock noted that the effort is not one that the Township wishes to pursue due to the service provided by the police and that the Supervisors will take all action possible to continue the Township's participation in the regional police, but that the Supervisors are left with little choice given the financial predicament of the Township and its minority position in the Commission. No members of the audience had any comment on the motion. The motion carried unanimously.

Following the Motion, Supervisor Jones noted that he would like to schedule a meeting with the East Brandywine Township Supervisors as soon as possible. The East Brandywine Township Supervisors have responded to the Township's notice by requesting a meeting time. After discussion, the Supervisors agreed that they would seek to hold the meeting on April 21, 2008.

Chief Kocsi was not present to provide his report. The Chief did submit a written report, which was summarized by the Township Secretary and is available for inspection at the Township building. In his report, the Chief did note that he has sent a letter to Penn DOT in order to request that additional safety measures (such as a stop line and lights on the stop signs) be put up by Penn DOT at the intersection of 382 and Marshall Road.

Glen Moore Fire Company

No report.

Historical Commission

The Historical Commission met with Mr. Greenfield to discuss trails on his property. Also, the Historical Commission is in the process of preparing a report on the condition of the schoolhouse, which it expects to present at the Board's meeting on April 17, 2008.

Park & Recreation Board

No report. The Park and Recreation Board will hold a meeting at the Township building on April 14, 2008, at 8:15 PM, to discuss Community Day.

EAC

Mark Eschbacher of the EAC noted that the EAC met with Albert Greenfield and his consultants to discuss the Valhalla development project. Mr. Eschbacher also noted that he has prepared a letter to the Brandywine Conservancy to invite them to participate in the review and re-adoption of the repealed Ordinances. The Brandywine Conservancy has offered to participate in the review free of charge. The Township Solicitor noted that certain revisions should be

incorporated into Mr. Eschbacher's letter prior to transmittal. Lastly, Mr. Eschbacher noted that his company could provide a free energy audit to the Township. The Supervisors noted their interest in having the free energy audit performed, and the Township Secretary was advised to prepare a letter to that effect.

Trails Association/Board

Dorothy Kirk of the Trails Board announced that Albert Greenfield attended their last meeting to discuss his plans for the Valhalla development. In the discussions, Mr. Greenfield had offered to clear the former railroad bed for use as a trail and offered to do similar trails improvements in connection with the proposed Valhalla development. The Trails Board also announced that it is working to obtain a Trail Easement through the Nays property and that the trail on the School District's property is being finalized. With respect to the trail on the school property, the Trails Board forwarded a list of action items to Bill McLaughlin, Assistant Director of Facilities for DASD, who has been cooperative and noted that the items would be completed.

The Trails Board also indicated its desire that the Township seek to obtain a trail easement through the Municipal Authority property. The Solicitor for the Municipal Authority has previously indicated that it could not permit the trail due to liability issues. The Township Solicitor will coordinate with the Municipal Authority Solicitor in order to fully discuss the issues.

Lastly, the Trails Board has been making efforts to obtain a trail through the PECO property. The Township has attempted to secure a trail easement through this property for a number of years, but has run into impediments. The Trails Board will continue to pursue this trails easement.

Wallace Trust

The Trust announced that the John Diament Conservation Easement for Indiantown Road has been signed by John Diament Building Corp. and the Trust.

Municipal Authority

No report.

Planning Commission

Chairman Barbara D'Angelo noted that the Planning Commission had a work session in order to discuss amendments to the Township ordinances. The Planning Commission will be seeking a Vision Partnership Grant to defray the cost of the ordinance amendments (with the exception of those costs associated with the re-adoption of the repealed Woodlands Ordinance). The PC work session was productive and a number of ordinance amendments are being considered. Chairman D'Angelo also noted that the Planning Commission has reviewed the substantive validity challenges to the recently repealed Ordinances. The Planning Commission is awaiting comments from the Township Solicitor's office as to its review.

Old Business

- a. Bulk Trash Day: Chairman McDonough announced that bulk trash collection will be on Saturday, April 26, 2008 from 9:00 a.m. – Noon.
- b. Community Day: Chairman McDonough announced that the Wallace Township Community Day is scheduled for June 28, 2008, from 10 AM to 3 PM. The Glen Moore Fire Company will be holding its annual Chicken BBQ on the same day, June 28, 2008, from 12 PM to 7 PM.
- c. Volunteers: The Historical Commission forwarded a letter to the Supervisors regarding the recommendation of Janet Grashof on the Historical Commission. Chairman McDonough noted the letter as received and advised that the Board would take the recommendation under advisement.
- d. Hankin: The Supervisors read the following statement into the record pertaining to the Hankin matters: Special Counsel to the Board of Supervisors, Lamb McErlane, P.C., shared with us a letter dated March 12, 2008, it received from Thomas A. Riley, Esquire, counsel to the Hankin Group, questioning our ability to provide a fair and impartial process on any matter that may come before us related to the Hankin Group or any of its affiliates. Mr. Riley alleges that this Board's choice of counsel, namely the law firm of Siana, Bellwoar & McAndrew, LLP, which is the appointed Township Solicitor, will somehow impinge upon his client's constitutional rights when and if any land use application involving a Hankin entity comes before us. Currently, neither the Hankin Group nor any of its affiliates has an application pending before this Board nor has the Board taken any action to impede their ability to move forward with any development project in the Township.

This Board believes that it has the inherent right to select counsel of its choosing and will not accept any property owner's dictates as to who may or may not represent the Township in any given matter. We are certain that the advice given to the Board by the Township Solicitor on all matters, whether this Board is acting in an adjudicatory capacity or otherwise, will solely be based on the facts presented and the law applicable to such facts. We are convinced there are no outside influences that will create a conflict of interest for this Board to make decisions on any application that may come before it.

Finally, we are offended that Mr. Riley would suggest that we are incapable of understanding our roles and properly fulfilling our oaths of office as elected Township Supervisors. His questioning our ability to make fair and objective decisions based on the facts and law is without foundation. Moreover, we fail to see how any unspecified future vote by any member of this Board may be preemptively viewed as a conflict of interest or a violation of an applicant's due process based on actions we have not yet even considered, let alone undertaken.

We therefore decline to consider appointing any alternate counsel for Hankin or any other entity that may come before us based solely on our choice of legal counsel.

A written copy of the Statement was submitted by the Supervisors to the Township Secretary as a public record.

New Business

- a. Open Records Seminar: The Township Secretary indicated that she would like to attend an Open Records Act Seminar at the Holiday Inn in West Chester on April 29, 2008. Supervisor Jones moved that the Township Secretary be permitted to attend the seminar, which was seconded by Chairman McDonough and unanimously approved.
- b. Edgemoor Run: John Bachich of Edgemoor Run, L.P., submitted a request for the Township to accept dedication of the improvements in the Edgemoor Run development. Supervisor Jones moved that the Board submit the request for dedication to the Township Engineer for its review.
- c. Glenmoore Eagle Youth Association (GEYA): Don Tantala of GEYA appeared before the Board to seek the Township's participation in GEYA's efforts to obtain a grant from the Pennsylvania Department of Conservation and Natural Resources in order to prepare a master site plan for athletic fields at Ray Park. In order to pursue this grant, GEYA requests that the Township pass a resolution to signify the Township's agreement with the preparation of the master site plan. GEYA reiterated that it is not requesting a financial commitment from the Township. GEYA submitted a form of resolution to the Township for its consideration, which the Township Solicitor revised and presented to the Board. Supervisor Jones made a motion to approve Resolution 08-07 in the form as submitted by the Township Solicitor, in order to grant permission to GEYA to apply for a grant to prepare a master site plan for Ray Park. Chairman Bock seconded the motion, which carried unanimously.
- d. Emergency Management: Emergency Management Coordinator Bob Klinger gave a report to the Board. Mr. Klinger noted that he had prepared three (3) Resolutions for the Board to adopt with regard to emergency management. First, Mr. Klinger proposed Resolution 08-08, in order to implement and designate the National Incident Management System as the basis for all incident management in Wallace Township. Supervisor Jones moved to adopt Resolution 08-08 in the form submitted to the Township. Supervisor Bock seconded the motion, which carried unanimously.

Next, Mr. Klinger presented the Supervisors with Resolution 08-09, by which the Board re-affirmed and re-authorized the Township's participation in the County-wide Mutual Aid Agreement, enacted by the Chester County Commissioners on February 10, 2005. Supervisor Jones moved to adopt Resolution 08-09 in the form submitted to the Township. Supervisor Bock seconded the motion, which carried unanimously.

Lastly, Mr. Klinger presented the Supervisors with Resolution 08-10, by which the Township would adopt the Emergency Operations Plan in the form presented by Mr. Klinger.

Supervisor Jones moved to adopt Resolution 08-10 in the form submitted to the Township. Supervisor Bock seconded the motion, which carried unanimously.

Public Comment

a. Sandy Neufeld, Township resident, had a few comments to the Board. First, she would like to know if the Township website could be updated to provide a link to the County's website regarding dates for the drop off of hazardous materials. She also requested that the agenda be posted on the Township's website the Tuesday before the meeting. Lastly, she would like to see the Township minutes updated on the Township website. The Supervisors noted her concerns and requested that they be addressed accordingly.

Adjournment

Meeting adjourned at 8:50 PM.

Respectfully submitted,

Betty Randzin
Secretary

FEDERAL