

WALLACE TOWNSHIP BOARD OF SUPERVISORS

February 4, 2010

A Regular Meeting of the Wallace Township Board of Supervisors was called to order on Thursday, February 4, 2010 at 7:30 PM in the Township Building by Chairman Bryan McDonough.

Supervisors present: Bryan McDonough
Robert Jones
Barbara D'Angelo

Solicitor: Michael G. Crotty, Esquire

Pledge of Allegiance

The meeting was begun with a recitation of the Pledge of Allegiance.

Executive Session

None.

Correspondence

Sixty-four (64) 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.

Minutes

The Supervisors tabled discussion on the January 21, 2010, minutes as they had not yet had the opportunity to fully review them.

Treasurer's Report

Township Secretary/Treasurer Betty Randzin gave the Treasurer's report, which is available at the Township Building for review. Twenty-six (26) invoices were presented for review. Chairman McDonough noted that the County Propane invoice was revised to reflect the credit for the unused propane. Supervisor D'Angelo also inquired as to a particular charge in the Zoning Officer's invoice, which was clarified. After discussion, Supervisor Jones moved that twenty-six (26) invoices, totaling \$33,501.23, be authorized for payment. Chairman McDonough seconded the motion, which carried unanimously.

Pennsylvania State Police

A report for the month of January was submitted, and is available for review. Supervisor Jones provided a synopsis of the report. There were twenty-seven (27) calls for service in January.

Glenmoore Fire Company

GMFC representative Scott Welker provided the report from the Fire Company. GMFC has created a Quality of Service Committee and has installed a new Fire Chief, Rob Brown. Mr. Brown provided the remainder of the report to the Township. Mr. Brown noted that GMFC submitted the 2009 year end report, and that GMFC received thirteen (13) calls for service in November, six (6) of which were in Wallace Township. With respect to its equipment, one of GMFC's tankers is nearly 20 years old and the search for a replacement has begun. Supervisor Jones noted that Wallace Township has established an internal account to set aside money to assist in the funding. The Township set aside \$10,000 in 2009 and intends on setting aside \$20,000 in 2010 and 2011. GMFC will explore a variety of financing options for the purchase. A discussion also ensued as to the regulation of water tanks in the Township and in new developments. The Supervisors discussed prohibiting parking and landscaping in front of the water tanks. It was noted that, if the water tanks are located on private property, then the landowner is responsible for maintaining. The Township Planning Commission Chairman, Bill Moore, was asked to have the Planning Commission look into various provisions to regulate. It may also be beneficial to educate the various landowners/HOAs responsible for maintaining the water tanks as to the necessity of maintenance. After the conclusion of the discussion, Supervisor Jones requested that the PC address the issue.

Elverson EMS

No report. Supervisor Jones noted, however, that the Elverson EMS Finance Committee met on February 3, 2010, to discuss various legal matters. The former Elverson EMS President has resigned and Patty Levengood was appointed to fill the position.

Historical Commission

The Township Secretary noted that the Historical Commission submitted a written report. A representative from the Historical Commission was unable to attend. Supervisor Jones requested that the report be tabled until the next meeting, at which time a representative from the Historical Commission could attend.

Park and Recreation Board

No report. The Township Secretary noted that the Township Easter Egg Hunt has been scheduled for March 27, 2010, at 10:00 a.m. More information is on the Township's website. In this regard, Supervisor Jones noted that he will be working on creating a new Township website and will work toward transitioning the current server onto a Township server.

Trails Preservation Board

No report. Two issues were raised with respect to the Trails Board. First, Chairman McDonough noted that the \$15,000 endowment from Heritage to the Trails Board was previously set up as a separate line item by the Township's financial consultant. However, the consultant neglected to reduce the line item per the applicable trail expenditures. The current

balance of the line item is thus approximately \$12,500. The Township Secretary/Treasurer was requested by the Board to adjust the line item accordingly and to advise the Trails Board. Next, Supervisor Jones noted that the Dorothy Kirk of the Trails Board has requested that the Township Solicitor look into a multitude of issues concerning the trail in the Camp Indian Run Development. The developer had opened the trail, but a portion is now apparently closed. Supervisor D'Angelo noted that this issue should first be raised with Natural Lands Trust, as it holds the conservation easement for the project. If NLT and the developer are unable to resolve their issues and open the trail, then the Township can become involved. Otherwise and until that point, the Township Solicitor was not requested to research the trails issues. The Township Secretary was requested to draft a letter to remind the developer and NLT of the trails issue.

Wallace Trust

Supervisor D'Angelo provided the report for the Trust. A Chester County representative will be at the Lamb Tavern on Tuesday, February 9, 2010, in order to inspect.

Municipal Authority

Supervisor D'Angelo provided the report for the Authority. The Authority is currently looking for volunteers to fill an upcoming vacancy.

Planning Commission

Bill Moore provided the report for the Planning Commission. He was appointed as Chairman of the Planning Commission for 2010. The Planning Commission is currently continuing its review of the ordinance revisions. Its goal is to have a completed draft to the Board of Supervisors for its review by March 1st. However, a few general issues have been raised and direction from the Board of Supervisors is sought. First, there was discussion as to the ordinance restrictions on the number of horses and other large animals as an accessory use. Resident John Miller shared his recollection as to the genesis for the restriction. After discussion, the Supervisors indicated that they are not in favor of distinguishing between horses and other large animals in terms of the number of permitted animals on a property.

Next, the Board discussed the timber harvesting provisions. Resident Roger Bender noted his objections to the various versions of the timber harvesting provisions that the Township's environmental consultant had put forward. He instead prefers the model timber harvesting ordinance provisions set out by the Pennsylvania State Association of Township Supervisors. Supervisor D'Angelo noted that she is in the process of putting together a draft timber harvesting ordinance amendment based on the discussions at the last Planning Commission meeting in order to incorporate a mix of forest stewardship practices. PC Chair Moore indicated that the PC would table the timber harvesting provisions as it is not part of the VPP Grant. After discussion, Supervisor Jones and Chairman McDonough noted their preference toward the model PSATS timber harvesting ordinance, with the Planning Commission to investigate any particular additional requirements that are necessary. The Township can also take steps to advise and educate any applicants of the forest stewardship options, but not as a requirement.

Lastly, the Board discussed the riparian buffer requirement. PC Chair Moore indicated that the proposed ordinance increases the riparian buffer to 100 feet and the Board of Supervisors expressed concern in December of 2009. Supervisor D'Angelo provided a summary of the various other requirements that affect what a landowner can do near a stream, such as the Wet Soils District regulations. The application of these other requirements limits the number of properties affected by any increase in the setback. Supervisor Jones stated that he supports increasing the required riparian buffer to 100 feet in the Township's Subdivision and Land Development Ordinance (so that new subdivisions are required to comply), but he does not support imposing a 100 foot buffer for all existing properties in the Township through the Zoning Ordinance. In incorporating the 100 foot setbacks into the Subdivision and Land Development Ordinance, Supervisor Jones stated that he did not believe that the additional 50 foot riparian buffer should affect the permitted density (which would allow the current density, but serve to keep any new development outside of the 100 foot buffer area). Resident and EAC Member Mark Eshbacher provided comment as to the desire to have 100 foot riparian setbacks. After further discussion, it was noted that the language pertaining to Class A lands would need to be revised. Chairman McDonough agreed with the comments noted by Supervisor Jones.

After the conclusion of the discussion on the ordinance provisions, a 10 minute break was held.

Public Comment

a. Due to a residents' schedule, the Board noted that it would accept public comment from her out of order. Resident Justina Kurznya complained as to her developer's untimeliness in plowing the private roads in the Heritage Highspire development. The Solicitor noted that the developer has primary responsibility to plow the road and issues would arise if the Township road crew were to do so. After discussion, the Supervisors requested that the Solicitor contact the developer to express the resident's frustrations with the timeliness of snow plowing in that development.

Planning Commission (continued)

In continuing the ordinance discussion, PC Chair Moore noted that NLT Consultant Ann Hutchinson requested the Township Solicitor to perform a legal review of various provisions. The Supervisors noted that the draft should be forwarded to the Board of Supervisors, which would review and consult with the Solicitor. Additional discussion ensued as to front yard accessory structures and drop shed structures. Supervisor Jones questioned whether it was necessary to require a permit for smaller sheds and whether any setbacks were necessary. The PC was directed to review language to allow drop sheds in front yards and to remove any setback requirement.

Old Business

a. VPP Grant Extension: Township Secretary/Treasurer Betty Randzin noted that the County has granted the Township's 6 month extension request for the VPP Grant. A form of extension agreement was provided. Supervisor Jones moved that the Township Board of

Supervisors authorize the execution of the extension agreement. Supervisor D'Angelo seconded the motion, which carried unanimously.

b. Indiantown Schoolhouse: Resident John Miller provided an update on the Indiantown Schoolhouse. The plasterer began his work on the stucco and is moving forward. Also, a resident and historic renovation consultant, Norm Glass, has recommended that the floor of the building be torn out due to its condition. The timbers are rotted and sagging in various areas. Per Norm Glass, the floor does not lend any historic value to the building. He recommends that it be removed to the bare ground. The Township may also want to consider digging out a partial basement to install a sump pump and may wish to consider a geothermal heating system. Current Township employees could be utilized for the floor removal to save costs, with Norm Glass supervising at a rate of \$40 per hour. The building would be pad-locked for safety purposes. After discussion, Supervisor Jones moved that Norm Glass be hired as a historic consultant for the Indiantown Schoolhouse project at a rate of \$40 per hour, subject to a limitation of \$1,000 in the aggregate. Supervisor D'Angelo seconded the motion, which carried unanimously.

New Business

a. Spring Bulk Trash Day – Chairman McDonough noted that Spring Bulk Trash day has tentatively been set for Saturday, April 17, 2010, from 9:00 a.m. to noon.

b. Loan Payment – Chairman McDonough noted that, while the Township's loan payment for the Township building is generally due at the end of the year, the Township would benefit from prepaying the loan at this time. The Township Secretary/Treasurer has confirmed with the bank that there is no prepayment penalty. After discussion, Supervisor Jones moved that the Township prepay its 2010 loan payment obligation of \$61,000 in February 2010. Supervisor D'Angelo seconded the motion, which carried unanimously.

Public Comment

a. Township Secretary/Treasurer Betty Randzin noted that the Chester County Tax Collection Committee has sent an invoice for the Township's 2010 obligation. The Board previously authorized this for payment in the bills list. TCC Representative John Miller provided an update to the Board as to the TCC's efforts. The TCC has established an Implementation Committee, which is seeking to implement the required regulations a year early, in 2011, in order to assist businesses with the new reporting requirements.

Adjournment

Supervisor Jones moved that the meeting be adjourned. The motion was seconded by Supervisor Moore, which carried unanimously. Meeting adjourned at 11:03 PM.

Respectfully submitted,

Betty Randzin, Township Secretary/Treasurer