

APPROVED

**WALLACE TOWNSHIP BOARD OF SUPERVISORS
MARCH 3, 2004**

The Chairman called the Meeting of the Wallace Township Board of Supervisors to order on Wednesday, March 3, 2003, at 7:45 PM in the Municipal Building.

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

PUBLIC COMMENT

None.

MINUTES

Mr. Bock moved to approve the minutes of the February meetings. Ms. Shields seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

TREASURER'S REPORT

General Fund Receipts deposited during the month of February totaled \$81,178.60.

Mr. Schneider moved to approve forty (40) bills, payable from the General Fund, for the month totaling \$74,537.88. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

CORRESPONDENCE

1. Office of Commonwealth Libraries, re: grant program for public library facilities construction
2. PSATS to Twp. Secretary, dated 2/12/04, re: contribution request for B. Kenneth Greider/PSATS Fellowship in Public Policy scholarship
3. Fair Housing Council of Philadelphia, dated 2/12/04, establishment of Chester County Fair Housing Task Force and meeting schedule
4. Andrew Rau to Board of Supervisors, dated 2/17/04, re: Legislative updates
5. West Pikeland Twp. To Downingtown Area School District, dated 2/18/04, re: sale of 9th grade center
6. Erdman, Anthony & Assoc. to Twp. Secretary, dated 2/18/04, re: Springton Road bridge replacement
7. Downingtown Area Planning Group meeting agenda and position paper on regional zoning
8. Ursula Boyd to Board of Supervisors, dated 2/23/04, re: water problem at 311 Barneston Road

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9. Andrew Rau to Chalfant, dated 2/23/04, re: sixty day notice to complete work at Lot 13 in the Chalfant subdivision
10. PennDOT to Twp. Secretary, dated 2/24/04, re: Springton Road bridge replacement
11. MacElree Harvey to Andrew Rau, dated 2/25/04, re: Lot 30 in the Chalfant subdivision, property currently owned by the Estate of Chalfant
12. MacElree Harvey to Twp Secretary, dated 2/25/04, re: sewer easement agreement for Lot 30 in the Chalfant subdivision
13. Andrew Rau to Twp. Secretary, dated 2/25/04, re: Omnipoint ZHB application in Upper Uwchlan
14. John Rafferty to PA Dept. of Transportation, dated 2/27/04, re: potholes on Route 282
15. Bob Ray to Board of Supervisors, re: commending of road crew for snow removal
16. Erdman, Anthony & Assoc. to Twp. Secretary, dated 3/1/04, re: Springton Road bridge replacement
17. Brandywine Conservancy to Board of Supervisors, dated 3/1/04, re: planning program under PA Act 209
18. Chalfant to Dom DeMarzo, dated 3/2/04, re: work to be completed at 170 Waterview Drive
19. Dom DeMarzo to Chalfant, dated 3/2/04, re: work to be completed at 170 Waterview Drive
20. Downingtown Regional Stormwater Management Group change in meeting schedule
21. Dan Shoemaker to Hankin, dated 2/11/04, re: Hankin Development water systems/well testing program
22. DEP to Mike DiSantis, dated 2/13/04, re: Rorke planning module

ZONING REPORT

Tim Wloczewski reported that six (6) new building permits were approved last month as follows:

- #04-03 - 1660 Creek Road (3 season room)
- #04-05 – 781 Springton Road (Dormer & Addition)
- #04-06 – 801 Springton Road (3 season room)
- #04-07 – 380 Indian Run Road (New Home)
- #04-08 – 60 Jacqueline Circle (Porch roof addition)
- #04-09 – Barneston Road (New Home)

A site inspection was conducted at 301 Barneston Road for complaints of water and icing along the roadway and onto the adjoining property owner's driveway. Upon inspection it was noticed that there is approximately 60 feet of PVC pipe coming from the basement window. It was determined that the basement crock is pumping ground water onto the surface every two minutes daily. A notice of violation will be sent to the property owner.

According to the new subdivision agreement reached in the Chalfant/St. Giles subdivision, repairs were to be made to 140 Waterview Drive to include replacement of existing roof

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shingles, repair of foundation crack and alterations to the kitchen range hood on or before January 15, 2004. To date, none of the repairs have been made. Our township solicitor has issued a letter to Chalfant/St. Giles as well as Madison Bank requesting escrow funds be released for the repairs.

A land survey was recently completed on Lot #30 in the Chalfant St. Giles subdivision for a potential buyer. This lot is currently owned by the Estate of William Chalfant. Upon completion of this survey it was determined that the septic absorption bed for Lot #31 is approximately 12 feet into Lot #30. The property owners of Lots #30 and #31 have recorded a sewer easement agreement without approval from the Board. Additionally, the owners of Lot #29 have had a survey done and it was determined that their septic absorption bed is located on the property line of Lot #30. Ms. Shields recused herself from any discussion or participation in decision making regarding Lot #30 of Chalfant St Giles because she lives next to the property owned by the Estate of William Chalfant and sued Mr. Chalfant in the past regarding this subdivision.

Janet Johns, owner of Lot #31, Mr. and Mrs. Del Stafford, owners of Lot #29, John Steimer, realtor for the buyer of Lot #30, and Mary Ann Rossi, Esquire, attorney for the Estate of William Chalfant, sellers of Lot #30 were all present. Mrs. Johns stated that when she purchased her property, she was told by the builder to follow the pins to determine her property lines. She was unaware that the pins were not set correctly. Mr. Stafford stated that when he purchased his property, he was given a copy of the subdivision plan by the seller and this plan shows his fields approximately 15' from the property line. Ms. Rossi stated that her client has granted an easement to Lot #30 and was recently informed about the issues with Lot #29 and that she has not had a chance to discuss this with her client. Three options to remedy this situation were presented by Tim Wloczewski. He stated that the easement between Lot #30 and #31 could be approved and the same could be done for Lot #29, a lot line change could be done, or the systems could be moved. He further stated that if a building permit were submitted for Lot #30 in the present condition, he would have to deny the permit until compliance was met. Ms. Rossi stated that there was a concern with a lot line change since Lot #30 would be nipped from both sides creating somewhat of a pie shape. Mr. Schneider stated that the moving of the fields would be the responsibility of the developer since he misrepresented the placement and the correct lot lines. Ms. Rossi inquired as to whether the easements could be granted temporarily and allow the homeowners to seek alternative remedies with the developer. Mr. Schneider stated that he is inclined to hold off on approval until the township solicitor has provided them with a response. Mr. Steimer stated that he would like to have approval granted for the easement between Lot #30 and #31 so his client can move forward with the purchase of the property. Issue regarding Lot #29 is separate since field is on their property. Mr. Stafford stated that he is concerned because he has no setback and if construction is performed on Lot #30 they could potentially run over his system. Mr. Schneider stated that the Board would not make a decision regarding this issue until they have heard from their solicitor. This matter will be placed on the agenda for the next meeting.

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There was a report of the creek running through the township turning a milky color. It was determined that it was caused by illegal logging being done in West Brandywine. A meeting was held with DEP, US Fish and Wildlife and representatives from Wallace, East Brandywine and West Brandywine. The job has been shut down and the developer will be fined.

POLICE REPORT

Chief Kocsi was not present at the meeting. His report was read by Ms. Shields. The activity report for the month of February is as follows: 69 investigations; 44 traffic citations; 14 traffic warnings; 5 traffic accidents; 5 criminal arrests and 2 summary arrests.

The Youth Aid Panel training began on Monday night and will continue through next week. The panel should be ready to hear juvenile cases beginning in May.

HISTORICAL COMMISSION

Beverly Bock reported that the Historical Commission will begin photographing and recording all of the springhouses located in the township. The Commission will be taking part in the Town Tour Walks this year on August 19. Community Day has been scheduled for June 26. Details will follow for both events.

Steve Minnisale found a box containing glass slides (negatives) dating back to the late 1800's under some loose floorboards in a closet in his home. They will be having them printed for their collection and will contact the county to see if they would like a set. They will also attempt to have some of the people in the pictures identified.

PARK BOARD

No report. Mr. Schneider gave an update regarding work to begin at Alice Park. He stated that an executive session was held with the engineers and they will begin work shortly.

PLANNING COMMISSION

Skip McGrew reported that the Planning Commission held a work session as an orientation for the new members. No further report.

SUBDIVISIONS

None.

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OLD BUSINESS

Ms. Shields moved to advertise the ordinance for the adoption of the Uniform Construction Code (UCC). Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

Discussion regarding the open space referendum will be placed in the agenda for the next meeting.

Discussion regarding the open space easement for ½ of Alice Park will be placed on the agenda for the next meeting.

NEW BUSINESS

Mr. Bock moved to grant a 120 day extension of time for signing of subdivision plans to Josh Rorke for the Rorke/Wadsworth subdivision. Mr. Rorke is currently awaiting DEP approval of his wastewater treatment facility. Ms. Shields seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

Ms. Shields stated that she has been in contact with Jack Stewart of the Fire Company regarding the purchase of a new truck. She has asked that Mr. Stewart provide the township with some figures on the cost and what the township has provided to the fire company to date. Mr. Stewart was not present at the meeting so this issue will be table for the next meeting. Brian McDonough asked when this acquisition would take place. Ms. Shields stated that commitment would take place by the end of this year and the fire company would take possession next year.

An application has been submitted by PennDOT for the replacement of the Springton Road Bridge. Work on this project is scheduled to begin March, 2005. Mr. Schneider requested that copies of the plan be sent to the Planning Commission, Historical Commission and the Township Engineer for review.

Mr. Bock discussed the establishment of a committee of township residents to aid the Supervisors in determining the financial requirements of the Township over the next five years. The committee will determine the costs associated with changes in roads, parks, open space and other Township infrastructure as well as increases in Township staffing. The committee will also determine the changes in anticipated revenues over the period. These requirements will be based on estimated Township growth in population and the desires and needs of the residents. Skip McGrew has agreed to chair this committee. Mr. Bock moved to create a committee to aid the supervisors in the determination of financial requirements, such committee to be known as the Long Range Planning Committee. Ms Shields seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

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A Resolution supporting the Upper East Branch Conservation Plan will be table until the next meeting.

PUBLIC COMMENT

Brian McDonough asked is a financial tracking report will be provided this year. Mr. Bock stated that it would but that some changes are being made to try to make it easier to read.

Ms. Shields stated that she has spoken with Senator Rafferty regarding the condition of Route 282. Senator Rafferty has written a letter to PennDOT regarding this issue.

ADJOURNMENT

Meeting adjourned at 9:15 PM. Next meeting is Wednesday, March 17, at 8:00 AM.

Respectfully submitted,

Kimberly A. Milane-Sauro
Secretary