

APPROVED

**WALLACE TOWNSHIP BOARD OF SUPERVISORS
APRIL 7, 2004**

The Chairman called the Meeting of the Wallace Township Board of Supervisors to order on Wednesday, April 7, 2004, at 7:40 PM in the Municipal Building.

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

PUBLIC COMMENT

Francis Young, Captain of Elverson Ambulance was present to discuss a meeting that they will be holding on April 28th to seek support of the townships they service for the institution of Advance Life Support (ALS) to those townships. They currently have the support of all of the townships except for Wallace and Lancaster/Carneveron Township. Mr. Schneider stated that this would be a huge increase to the township budget and that he would review the figures and attend the meeting on the 28th.

MINUTES

Mr. Bock moved to approve the minutes of the March 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 March totaled \$124,408.93.

Mr. Schneider moved to approve forty-one (41) bills, payable from the General Fund, for the month totaling \$71,779.36. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

Mr. Schneider moved to approve one (01) bills, payable from the State Fund, for the month totaling \$1,848.00. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

CORRESPONDENCE

1. PA Historical & Museum Commission to Senator Rafferty, dated 3/4/04, re: Glenmoore Historic District
2. PennDOT to Senator Rafferty, dated 3/11/04, re: repairs to Route 282 (Creek Rd.)
3. Senator Rafferty to PennDOT, dated 3/15/04, re: response to letter regarding repairs to Route 282
4. Ed Dracup to Tom Couser, dated 3/15/04, re: work done to the open space in the Marshall Pond subdivision

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5. Dan Shoemaker to Twp. and WTMUA, dated 3/17/04, re: Hankin – water and wastewater systems
6. Marianne Rausch to Supervisors, dated 3/22/04, re: runoff from the Steepleview subdivision
7. Chester County Intermediate Unit to Supervisors, dated 3/24/04, re: Chester County School District's Joint Purchasing Board
8. James Tupitza, Esq. to Andrew Rau, Esq. dated 3/18/04, re: septic issues on Lot #30 in the Chalfant St. Giles subdivision
9. Borough of Downingtown to Twp., dated 3/25/04, re: Regional Stormwater Management & Flooding Group meeting schedule
10. PennDOT to Supervisors, dated 3/26/04, re: encroachments or incursions onto turnpike property
11. Tim Wloczewski to Mr. and Mrs. Andrew Roberts, dated 3/29/04, re: enforcement notice for agricultural controls
12. Tim Wloczewski to Randall Murphy, dated 3/29/04, re: enforcement notice for agricultural controls
13. Evans Mill Environmental to Supervisors, dated 3/30/04, re: Act 14 municipal notification for the filing of an application to DEP for the Rorke/Wadsworth property
14. Chester County Conservation District to Anderson Homes, dated 3/30/04, re: compliance notice for the Steepleview subdivision
15. Tim Wloczewski to Francine Piccone, dated 3/31/04, re: notice of violation for a malfunctioning septic system
16. Elverson Fire Company to Supervisors, re: annual membership appreciation banquet
17. Andrew Rau to Twp. Secretary, dated 4/1/04, re: updates to 2nd class township code regarding real property sale or transfer to non-profits
18. Craig Kologie to Twp. Secretary, dated 3/31/04, re: review of Hide-A-Way Farms Highway Occupancy Permit and Plans
19. Chester County Department of Emergency Services to Supervisors, date 4/2/04, re: document requirements for updated EOP
20. Ann Hutchinson to Supervisors, dated 4/5/04, re: conservation subdivision tour
21. Tim Wloczewski to Len and Pat Savstio, dated 4/6/04, re: notice of violation for stormwater management and erosion and sedimentation control

ZONING REPORT

Tim Wloczewski reported that four (4) new building permits were approved last month as follows:

- #04-11 - 574 Fairview Road (Business Sign)
- #04-12 – 481 Indian Run Road (Above Ground Pool)
- #04-13 – 35 Steepleview Drive (New Home)
- #04-14 – 38 Ashlea Drive (Addition)

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A complaint regarding sewage odors was received from a neighbor of 65 Denton Drive, Piccone residence. During a site visit, it was found the homeowner was pumping sewage wastewater directly onto the surface. A notice of violation was issued and the homeowner was given 30 days to obtain permits from the Chester County Health Department.

Several complaints were received from surrounding residents and the Brandywine Regional Police regarding unconfined guinea hens at 120 Lovell Lane. During a site visit, it was also noticed that the homeowner has 30-40 confined chickens and 2 horses. The property is currently 4.4 acres and does not qualify for passive agricultural use. An enforcement notice was issued to the homeowner giving them 30 days to comply or appeal.

An enforcement notice was issued to the homeowner of 61 Mapleflower Road regarding 20-25 unconfined chickens on the property. The homeowner previously received a notice of violation for this offense and has not complied.

Mr. Wloczewski stated that the Uniform Construction (UCC) will take effect on April 9th.

POLICE REPORT

Chief Kocsi was not present at the meeting. His report was read by Ms. Shields. The activity report for the month of March is as follows: 95 investigations; 72 traffic citations; 21 traffic warnings; 10 traffic accidents; 1 criminal arrests and 2 summary arrests.

Surrounding townships are having burglary attempts similar to the ones Brandywine Regional received last month. The suspect is a white male in his late 50's early 60's driving a brown two tone SUV. On one attempt he was wearing a red jacket. If the suspect comes across the homeowner while he is checking out the home, he identifies himself as a water company or phone company employee but can provide no identification when asked and has no markings on his vehicle. Please contact the police if you see a person or vehicle matching these descriptions.

One other note, the police department has purchased a 4x4 vehicle. They have not had one in the past and will be very useful during the winter months.

HISTORICAL COMMISSION

Jen Harkins reported that the Historical Commission is working with the Hankin Group on submitting a package to the PA Historical Society.

PARK BOARD

No report.

PLANNING COMMISSION

Skip McGrew reported that the Planning Commission has not met since the last Board meeting and has no report.

Mr. McGrew stated that the Long Range Planning Committee has met twice and are in the process of gathering data for a 5-year plan.

SUBDIVISIONS

None.

VILLAGE TASK FORCE

Bryan McDonough reported that the PA Historical and Museum Commission will be out on May 28th to tour and draft the boundaries for the National Register Historic District. Once the boundaries are set, the Task Force will probably hold a public meeting to notify residents.

The Village Task Force will not hold a meeting next month.

OLD BUSINESS

Issue regarding the placement of septic fields for Lots 29, 30 and 31 within the Chalfant/St. Giles development was discussed. Ms. Shields recused herself from any discussions regarding this issue. It was recommended by the Township Solicitor that since an agreement has been reached between Lots 30 and 31 that the township approve this agreement and recommend that every possible effort be made to resolve all issues regarding Lots 29 and 30. Mr. Schneider moved to authorize and approve the septic easement previously executed by the owner of Lot 30 in the Chalfant St. Giles subdivision in favor of Lot 31. A building permit may be issued for Lot 30 if otherwise in compliance with Township ordinances and previous subdivision and land development or other pertinent approvals. Lot 29 in the Chalfant St. Giles subdivision appears to have a vested right to its installed septic location which is within a setback area on Lot 29, but which does not appear to encroach upon Lot 30. The Supervisors encourage the owners of Lot 29 and 30 to enter into an access easement or other appropriate agreement subject to review and approval by the Township Solicitor. However, the absence of such agreement shall not prevent the release of otherwise issuable building permits to Lot 30. No action taken herein shall be construed to preclude or prohibit any appropriate legal cause of action which may apply as against the developer or contractors relative to the placement of the referenced septic fields. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

Brenden Burke, attorney for the Estate of William Chalfant, stated that the motion as read is acceptable to his client and they will continue to work with the owners of Lot 29 to resolve all

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issues. Mr. Stafford, owner of Lot 29, stated that he spoke with MaryAnn Rossi regarding a possible agreement in principle to deed a triangular area from Lot 30 to Lot 29. Can this be accomplished without submitting a full lot line application? Mr. Burke stated that his office did not agree to deed any land. Mr. Schneider stated that as of late this afternoon, our counsel did not mention any agreement being reached between Lot 29 and 30.

Heritage Builders were not in attendance to present a revised sketch plan.

NEW BUSINESS

Ms. Shields moved to appoint John Spangler, Esquire to advise the Planning Commission on issues regarding the Hankin development. Mr. Bock seconded the motion. Mr. McGrew asked if he would only be assigned to Hankin. Ms. Shields stated that initially, yes. She retracted the motion. Mr. McGrew stated that he is concerned about ordinance reviews. Ms. Shields stated that the solicitor could review all applications as needed but that the ordinance review would have to be conducted by the township solicitor. Ms. Shields moved to appoint John Spangler, Esq. as solicitor for the Planning Commission. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

A subdivision application has been received from GenTerra for the Warsing property located on Little Conestoga Road. This development will be called Old Orchard Estates and consists of 11 lots.

A revised plan has been submitted by Beideman Associates for the Bernard tract on Lippitt Road. This is a revision to the final plan originally approved by the Township in 1979.

PUBLIC COMMENT

Bryan McDonough asked what the \$5,000 fee for open space was on the February tracking report. It was stated that it was probably for the engineer doing work on Alice Park.

ADJOURNMENT

Meeting adjourned at 8:20 PM. Next meeting is Wednesday, April 21, at 8:00 AM.

Respectfully submitted,

Kimberly A. Milane-Sauro
Secretary