

WALLACE TOWNSHIP BOARD OF SUPERVISORS
June 4, 2009

A Regular Meeting of the Wallace Township Board of Supervisors was called to order on Thursday, June 4, 2009 at 7:30 PM in the Township Building by Chairman Bryan McDonough.

Supervisors present: Bryan W. McDonough
Robert Jones
William Moore

Solicitor: Michael G. Crotty, Esquire

Pledge of Allegiance

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

Executive Session

Chairman McDonough announced that executive sessions were held on May 21, 2009 and June 2, 2009, in order to discuss litigation and personnel matters, as well as property acquisition.

Correspondence

Thirty-six (36) 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 minutes of April 2, 2009, May 7, 2009, and May 21, 2009 were presented for review by the Board. Supervisor Jones moved that the minutes for April 2, 2009, May 7, 2009, and May 21, 2009 be approved as submitted. Supervisor Moore seconded the motion, which carried unanimously.

Treasurer's Report

Township Treasurer Betty Randzin gave the Treasurer's report, which is available at the Township Building for review. Forty-eight (48) invoices totaling \$66,534.30 were presented to the Township Supervisors for their approval. Discussion ensued as to certain of the invoices. Supervisor Jones inquired as to the Township Engineer's invoice. Chairman McDonough noted that the invoice from the post office was the annual fee for the P.O. Box. Supervisor Jones moved that the forty-eight (48) invoices noted on the bills list, in the aggregate amount of \$66,534.30, be authorized for payment. Supervisor Moore seconded the motion, which carried unanimously.

Pennsylvania State Police

No report.

Glenmoore Fire Company

Scott Welker of the GMFC presented a report. GMFC responded to 15 calls in May, with 11 of those calls within Wallace Township. He also noted that that GMFC is unable to host the chicken barbeque this year because of manpower issues. GMFC will have a table display at Community Day and has scheduled a helicopter to land at the park. Additional volunteers to help the GMFC continue the chicken barbeque for future years are welcome. Lastly, Mr. Welker noted that the Fun Drive Mailing Campaign will be beginning soon.

Elverson Ambulance

Supervisor Jones provided an update as to the Elverson EMS. Another meeting was held in May, at which the Uwchlan Ambulance Corps. provided an update as to their review of the Elverson EMS business operations and expenses. The GMFC accountant was also present to provide a valuation analysis. The Elverson EMS has scheduled its next meeting on June 17, 2009. The municipalities and Elverson EMS continued their discussion as to increased funding options. Scott Welker noted that the Uwchlan Ambulance Corps. is not in a position to take over Elverson EMS's service . Also, if the municipalities agree to the increased contributions, Uwchlan Ambulance is willing to be paid back their loans to Elverson EMS over a number of years, at a reasonable market rate. Supervisor Moore noted that one of the issues has been that Elverson EMS has requested additional funds in the past, but has never specified the amount or particular need for the funds. Supervisor Jones noted his belief that the other municipalities recognize the need for the increased contributions.

Park and Recreation Board

Nanette Hervey provided the report from the Park and Recreation Board. The following events have been scheduled by the Park and Recreation Board: Movie night - July 18, 2009; Halloween Parade – October 30, 2009; and Tree Lighting - December 6, 2009. Ms. Hervey also provided an update as to the events for Community Day, which will include alpacas and a talent show. Community Day will go from 11:00 a.m. to 3:00 p.m. Supervisor Jones noted that he would update the Township website with the information and events.

Historical Commission

Jane Davidson of the Historical Commission presented the HC's report, which is available for public review at the Township building. The HC held its monthly meeting on May 18, 2009. Isabelle Blank has recorded the oral history interview of Janet McConaghy and the interviews of Chuck and Mary Ann Zeiders are being reviewed. The HC noted that it provided its input to the Planning Commission with respect to the Planned County Club Community conditional use hearing. The Bureau of Historic Preservation is still reviewing the Glenmoore Historic District. Chairman McDonaugh inquired as to when it would hold its next meeting. Mrs. Davidson stated that she believed the next meeting will be held in October. The Town Tour and Village Walk has been scheduled for July 23, 2009. A brochure is available at the Township building and all those who are interested should reserve their spot. Supervisor Jones noted that

he would post the information on the Township website. The HC will participate in Community Day with a table. Lastly, the HC has prepared a report to present to the Board of Supervisors pertaining to the Springton Road Bridge, which was listed as a separate agenda item.

Wallace Trust

Barbara D'Angelo of the Wallace Trust provided a report. The Trust met with John Panizza of Old Orchard pertaining to the Old Orchard Conservation Easement. She noted that the Trust generally did not prefer the easement to be recorded now. The Trust is willing to have the easement recorded now, but the endowment would not be paid until the subdivision plan is recorded. Solicitor Crotty noted that he has interfaced with Mrs. D'Angelo and Mr. Panizza regarding the Conservation Easement. From the developer's perspective, he is concerned that the real estate market may not improve in the next 12 months and that a further extension would be necessary. In order to alleviate these concerns while also locking in the current plan, it was proposed that the applicant be granted an additional 12 month extension for compliance with any additional conditions of approval. After discussion, Supervisor Jones moved that: 1) the Old Orchard be permitted two (2) weeks from today's date, or until June 18, 2009, in order to submit a fully executed Conservation Easement pursuant to Condition 6 of the Final Plan approval, which shall be recorded; and 2) that Old Orchard shall be granted an additional twelve (12) month extension from the prior extension date (until March 19, 2011) in order to comply with any remaining conditions of Final Plan approval, including the requirement to record the Final Plans and the requirement to execute a development agreement and financial security agreement. Supervisor Jones noted that the above is subject to the conditions that Applicant shall not be permitted to commence development until the Final Plans have been recorded, the development agreement and financial security agreement have been submitted in form acceptable to the Township, and financial security in form acceptable to the Township has been posted. Supervisor Moore seconded the motion, which carried unanimously.

Municipal Authority

Mrs. D'Angelo noted that the Authority is continuing to work with Heritage regarding payment. The Authority is also planning to schedule a tour of the Heritage plant at some point in the near future. Chairman McDonough noted that the Township is taking care of the mowing for Authority property and Authority Chairwoman Barbara D'Angelo confirmed that the Authority would pay the Township for those services, including mowing in and around the pump station.

Planning Commission

Barbara D'Angelo provided the report for the Planning Commission. The PC has finalized its proposed conditions for the Valhalla Brandywine PCCC application, which it intends on submitting during the public comment portion of the hearings. Nonetheless, the PC will continue to review the plans as they proceed further. With respect to Ranieri, Solicitor Crotty noted that Ranieri obtained the required planning module approval from DEP today and it can be placed before the PC for recommendation at its next meeting. Mrs. D'Angelo will inquire with the Township Engineer as to whether there are any remaining issues. An extension request has been submitted for Ranieri. Supervisor Jones moved that Ranieri's 90 day extension request, until September 11, 2009, be granted. Supervisor Moore seconded the motion, which carried

unanimously. Next, it was noted that the Gulick/Fairview application is nearing the end of its review period. The Township has not received word from the applicant that the PECO easement issue has been resolved. Mrs. D'Angelo noted she would inquire with the applicant as to the status as well as an extension, which the Board of Supervisors can act on at its special meeting on June 9, 2009. Lastly, it was noted that the PC work session for June 11, 2009 has been cancelled.

Old Business

a. Valhalla Brandywine Partners Conditional Use Hearings: Chairman McDonough announced that a further hearing on the Valhalla Brandywine conditional use matter has been scheduled for June 9, 2009, at 7:30 p.m. at the Township building.

b. Wallace Township Community Day: It was announced that the Wallace Township Community Day has been scheduled for Saturday, June 27, 2009. The parade will start at 10:30 a.m., and the remainder of the events will run from 11:00 a.m. to 3:00 p.m.

c. Glenmoore's Got Talent Show: It was announced that the talent show application forms are available on the Township website or at the Township building. They must be submitted before June 15, 2009.

d. Eagle Scout Project - Cody Barimani: The Township Secretary announced that Cody Barimani completed his Eagle Scout project at Wagenseller Park. The Supervisors reviewed his work, and all noted that he did a good job. The Township presented Cody with a plaque to indicate the Township's appreciation for his hard work and effort in completing the project.

e. Verizon: Todd Darlington and Ed Kramer of Verizon were present to discuss the right of way issue. This is the sole remaining issue for completion of the Verizon Franchise Agreement. The Township has been awaiting feedback from Verizon on the issue for several months. Mr. Darlington indicated that Verizon would not necessarily be able to comply with keeping its lines outside of the 1 foot area abutting the roadways for precedential reasons in other municipalities, although it did not expect to infringe into the 1 foot right of way within Wallace Township. Verizon agreed that it would notify the Township of any instances where it would need to encroach within the 1 foot in order to obtain Township approval. In response to a question by Chairman McDonough, Todd Darlington noted that he did have the authority to speak on behalf of Verizon. Darlington noted that it would take approximately three to four months once the Franchise Agreement is executed for the service to begin and that the Township is approximately 60% to 70% wired for FIOS. Darlington stated that he would advise Verizon's counsel to contact the Township Solicitor to finalize the Franchise Agreement. Residents can check the Verizon website for availability. Supervisor Jones moved that the Township allow the Verizon underground lines within the right of way area, subject to the condition that Verizon notify the Township to any encroachment into any area within 1 foot of the cartway and that Verizon must obtain Township approval to do so. Supervisor Moore seconded the motion, which carried unanimously.

f. Historical Commission – Springton Road Bridge: A 41 page report on PennDOT's effort to replace the Springton Road Bridge was presented by Jane Davidson and Jennifer

Harkins (of the Historical Commission), together with Dee Durham of SAVE. A copy of the report is available at the Township building for review. In summary, the Historical Commission believes that PennDOT did not undertake the necessary steps in determining whether to replace or rehabilitate the Springton Road Bridge. An issue has arisen as to whether a portion of the bridge is within a recognized historic district, which may trigger the need for PennDOT to undertake additional review in considering the project. According to the Historical Commission, the U.S. Department of the Interior and the President's Advisory Council on Historic Structures are reviewing and are in discussions with PennDOT. The Historical Commission noted that they were previously not provided with certain maintenance and inspection reports for the bridge, but the Historical Commission did not submit a formal written request. The Historical Commission was advised to do so pursuant to the Open Records Act. The Supervisors noted that the primary concern of the Township is that the public safety issues with the bridge be addressed and that the Township emergency personnel have the ability to safely traverse the bridge. With the PennDOT funding available now, the Supervisors do not wish the bridge replacement to be held up by the Township as the main concern is the health and safety of the residents. At the conclusion of the discussion, the Historical Commission requested that the Board of Supervisors submit a letter to PennDOT to request that they advise the Township if further reviews are necessary, and, if so, that the Township is willing to participate in order to move the matter forward as expeditiously as possible. The Supervisors indicated that they would do so.

g. Indiantown Schoolhouse Roof Bids: Chairman McDonough announced that the Township has re-bid the roof repairs for Indiantown Schoolhouse. The bids are due on June 9, 2009, at 2:00 p.m., and will be announced at a special meeting on June 9, 2009, at 7:20 p.m.

h. Hankin Lawsuit: Chairman McDonough stated that the Court issued a decision in the Hankin lawsuit. Solicitor Crotty noted that the Court dismissed Hankin's complaint after the Township filed Preliminary Objections. Chairman McDonough further confirmed that Hankin has not submitted anything for review by the Township at this point.

New Business

a. Municibid: Supervisor Moore noted that the Township put a bid in for the purchase of a 1996 Ford Dump Truck from East Whiteland Township through municibid. The bid is expected to be reviewed and accepted by the East Whiteland Township Board of Supervisors at its next meeting. Supervisor Jones moved that the Township authorize the purchase of the 1996 Ford Dump Truck from East Whiteland Township for a purchase price of \$8,100. Supervisor Moore seconded the motion, which carried unanimously.

Supervisor Moore noted that the Township would like to sell eleven items on municibid – an internet electronic auction site. The bidding period would commence on June 8, 2009 and run through July 1, 2009. Bids would be opened and possibly awarded on July 2, 2009, at 7:30 p.m. After discussion, Supervisor Jones moved that the Township post for sale on municibid and advertise the following items: 1) an ExMark Metro 48" Walk Behind Mower; 2) a 12' Single Axle Landscape Trailer; 3) a Ford Tractor with Loader and Boom Mower; 4) a BEFCO Cyclone Finish Mower; 5) a Schramm 100 Towable Air Compressor; 6) a 2004 F150 Crew Cab XLT 4X4; 7) a 2004 Ford Crown Victoria; 8) a 2006 Ford Crown Victoria; 9) a 2004 Ford Crown Victoria; 10) a 2003 Ford Expedition XLT 4X4; and 11) a 2003 Ford Expedition XLT 4X4.

Supervisor Moore seconded the motion, which carried unanimously. The Township Solicitor will advertise as required. The Supervisors also expressed their thanks to Supervisor Moore for his hard work in researching the electronic auction options and for preparing the advertisements.

b. Newsletter Mailings: Township Secretary Betty Randzin noted that the Township received two letters from the post office regarding mailing forms for past newsletters. The post office conducted an audit and determined that it had allowed the Township to use the incorrect forms. The post office has placed a hold on the Township's account until the amounts noted by the post office were paid. One of the charges was because the stickers were apparently placed on the wrong side of the mailing and caused the mailings to be deemed "non-machine-able" – despite that the post office does not have or use the machines at issue. Chairman McDonough noted that it was unreasonable for the post office to wait such an extended period of time to attempt to impose these additional charges for mailings that were approved by the post office staff and that have long since been sent. Chairman McDonough suggested that the Township remit payment for the amount, but submit a formal complaint as to the charges. Supervisor Jones preferred if the Township only remit payment for the amount in order to resolve the issue. Supervisor Jones moved that the Township remit payment to the Glenmoore Post Office in the amount of \$423.18. Supervisor Moore seconded the motion, which carried unanimously. Chairman McDonough moved that the Township submit a formal complaint with the post office concerning the incident. Supervisor Moore seconded the motion, which carried with affirmative votes from Chairman McDonough and Supervisor Moore. Supervisor Jones voted nay.

c. Audit: Chairman McDonough announced that the Township has received the 2008 audit from Barbacane Thorton, which is available for review at the Township building. The Township Solicitor was requested to take any additional actions necessary to advertise the results of the audit.

d. Road Department: Supervisor Moore noted that the Township Road Department has done a fantastic job with the work that they have done at Wagenseller Park.

Public Comment

a. Nanette Hervey inquired as to the status of the work to be done on the Route 82 bridge. Scott Juenger of PennDOT noted that PennDOT expects to be completed by the end of August. Supervisor Jones noted that the State Police have been notified to monitor Indian Run Road, which has experienced more traffic from the detour.

Adjournment

Meeting adjourned at 11:07 PM.

Respectfully submitted,

Betty Randzin
Township Secretary