

## WALLACE TOWNSHIP BOARD OF SUPERVISORS

July 2, 2009

A Regular Meeting of the Wallace Township Board of Supervisors was called to order on Thursday, July 2, 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**

None.

### **Correspondence**

Sixty-five (65) 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 March 19, 2009, April 16, 2009, June 4, 2009, and June 9, 2009, were presented for review by the Board. Supervisor Jones moved that the minutes for March 19, 2009, April 16, 2009, and June 4, 2009 be approved as submitted. Supervisor Moore seconded the motion, which carried unanimously. Next, Supervisor Moore moved that the minutes for June 9, 2009, be approved as submitted. Chairman McDonough seconded the motion, which carried with affirmative votes from Supervisor Moore and Chairman McDonough. It was noted that Supervisor Jones was not present at the meeting on June 9, 2009.

### **Treasurer's Report**

Township Treasurer Betty Randzin gave the Treasurer's report, which is available at the Township Building for review. Forty-nine (49) invoices totaling \$52,573.71 were presented to the Township Supervisors for their approval. Discussion ensued as to certain of the invoices. Chairman McDonough inquired as to whether the invoice for movie night included the movie licensing fee. It was noted that the invoice provided explicitly stated that it did not include licensing. After discussion with Park and Recreation Board representative Nanette Hervey, it was decided that it would be more appropriate to move movie night to a date in August in order to obtain the licensing fee information and to put the movie night announcement in the Township newsletter. Nanette Hervey will notify the Park and Recreation Board and will check into the

licensing fee for the movie. The movie night invoice was therefore tabled. After the conclusion of the discussion, Supervisor Jones moved that forty-eight (48) invoices noted on the bills list, in the aggregate amount of \$51,998.71, be authorized for payment. Supervisor Moore seconded the motion, which carried unanimously.

### **Pennsylvania State Police**

No report. Supervisor Jones noted that he would follow up with the Lieutenant and will provide a full report for June and July at the next BOS meeting. The Township Secretary noted that the Lieutenant contacted the Township before the meeting and noted that he had potential conflicts for attending tonight's meeting.

### **Glenmoore Fire Company**

None.

### **Elverson Ambulance**

Supervisor Jones provided an update as to the Elverson EMS. Another meeting was held in June, at which another consultant familiar with ambulance operations was selected to conduct an audit. There was also continuing discussion as to municipal contributions.

### **Park and Recreation Board**

Nanette Hervey provided the report from the Park and Recreation Board. As previously discussed, movie night will be changed from July 18, 2009, to a date in August. Notifications will go out in the next newsletter. The Park and Recreation Board also expressed their thanks to the Supervisors, Duane, Ralph, Betty and the rest of the road crew, for preparing and working the events at Community Day. It was a great, well-attended event with many exciting activities. Nanette noted that the following additional events have been scheduled by the Park and Recreation Board: Halloween Parade – October 30, 2009; and Tree Lighting - December 6, 2009. The Supervisors also expressed their thanks to all the volunteers that worked hard at putting together and running Community Day.

### **Historical Commission**

No report.

### **Trails Preservation Board**

Deb Schiller provided the report for the Trails Board. The Trails Board has received the final quote for the Highspire Trail signs, being \$550.98. It was noted that this amount was slightly over the estimate of \$500 previously approved by the Supervisors. Supervisor Jones moved that the Board authorize the purchase of the Highspire Trail signs for a price of \$550.98, from PCI. Supervisor Moore seconded the motion, which carried unanimously. Ms. Schiller also inquired as to whether the \$15,000 for the Trails Board could be noted as a separate line item in the Township accounts. Chairman McDonough noted that Tom Josiah, the financial

consultant, would review. He is scheduled to come in next at the beginning of August. The money for the purchase of the Highspire Trail signs would be taken from the \$15,000. Lastly, Ms. Schiller noted that the Trails Board had put together a developer's rules packet. Supervisor Moore stated that, while the materials in the rules packet could be beneficial for the Trails Board to use internally, it was not his inclination to mandate that it be included in the developer's packet as doing so would only scare developers away from developing trails.

### **Wallace Trust**

Barbara D'Angelo of the Wallace Trust provided a report. With respect to the Old Orchard Conservation Easement, the Trust would like notification from the Township as to when the final plans are released by the Township for recording, as well as a representation to the Trust that, as co-holder of the easement, the Township had the ability to enforce the obligations of the Conservation Easement. The Township Solicitor indicated that the Township did have the ability, but not the obligation, to enforce the Conservation Easement. The Supervisors requested that the Solicitor advise the Trust of this and indicated that the Township will endeavor to notify the Trust once the Old Orchard plans are released for recording.

### **Municipal Authority**

Mrs. D'Angelo provided the Authority's report. The inspection of the Highspire Plant was postponed until July because of the weather. The Supervisors would be welcome to attend a tour of the plant.

### **Planning Commission**

Barbara D'Angelo provided the report for the Planning Commission. On June 10, 2009, the Planning Commission met and adopted a recommendation that the Township approve the Ranieri preliminary/final subdivision plans. The Trust has already signed the Conservation Easement. The Planning Commission held a work session on revisions to Article IV of the Zoning Ordinance.

Seibert: Solicitor Crotty noted that the Township has received an extension request from the applicant in the Seibert preliminary subdivision application. Supervisor Jones moved that the Township grant and accept the 90 day extension request for the Seibert subdivision, to October 31, 2009. Supervisor Moore seconded the motion, which carried unanimously. Mrs. D'Angelo noted that the main issue remaining in Seibert is DEP's approval of the planning module. DEP has requested that the applicant complete a costly new hydrogeologic study because the project is proposed near an EV watershed. Mrs. D'Angelo and the Township Engineer will meet with DEP to discuss.

### **Old Business**

a. Wallace Township Community Day: Chairman McDonough again expressed the thanks of the Supervisors to the Park and Recreation Board and all of the volunteers that made Community Day possible.

b. Ranieri Subdivision: A form of decision for the Ranieri subdivision application was presented to the Board of Supervisors for their review. Supervisor Jones read the decision and the proposed conditions of approval. Supervisor Jones then moved that the Board of Supervisors approve the preliminary/final subdivision application of David Ranieri pursuant to the conditions as announced and set forth in the form of the decision presented by the Township Solicitor. Supervisor Moore seconded the motion, which carried unanimously.

c. Popjoy: Solicitor Crotty noted that the applicant has submitted the sewage planning module for the Board's approval and transmission to DEP. The Township Engineer has approved and recommends approval of the sewage planning module by way of resolution. Supervisor Jones moved that the Township approve Resolution 09-09 to approve the Popjoy sewage planning module per the recommendation of the Township Engineer, noting that the approval of such shall not be construed as approval of the Intergovernmental Cooperation Agreement and that the Agreement is subject to further revision by the Township. Supervisor Moore seconded the motion, which carried unanimously.

d. Indiantown School Roof Replacement Bid: Solicitor Crotty noted that all of the roof bids were announced at the BOS special meeting on June 9, 2009. The bid submitted by KPI#2 for \$24,000, was the lowest bid and there were no material deficiencies in its bid submission. The Township Engineer reviewed the bids and contacted references for KPI#2 and recommends approval of its bid. Supervisor Jones moved that the Township award the Indiantown School Roof Replacement to KPI#2 for a total price of \$24,000, subject to execution of all required contracts and forms as were provided in the bid packet. Supervisor Moore seconded the motion, which carried unanimously.

e. Municibid: Supervisor Moore noted that the bidding had concluded for the Township equipment placed on municibid. The Supervisors discussed each of the highest bids received. Most of the bids exceeded expectations. The Supervisors noted that they would like the Ford F-150 truck re-bid because it did not meet the reserve price established by the Township. Supervisor Jones moved that the Township reject all bids for the Ford F-150 and that the Township place the truck back up for bidding on municibid, with bidding to expire on August 5, 2009, at 10:00 a.m. Supervisor Moore seconded the motion, which carried unanimously. The Solicitor was asked to prepare and transmit the required notice.

Motions were made to award the bids for the remaining Township items as follows:

1. ExMark Metro 48" Walk Behind Mower: Supervisor Jones moved that the Township award the sale of the ExMark Metro 48" Walk Behind Mower, Municibid Item No. 928712987, to the highest bidder, Kevin Moore, for a price of \$860.

2. 12' Single Axle Landscape Trailer: Supervisor Jones moved that the Township award the sale of the 12' Single Axle Landscape Trailer, Municibid Item No. 928713478, to the highest bidder, Anna M. Pereira-Ogan for a price of \$715.

3. Ford Tractor with Loader and Boom Mower: Supervisor Jones moved that the Township award the sale of the Ford Tractor with Loader and Boom Mower, Municibid Item No. 928713929, to the highest bidder, Dale H. Brosius, for a price of \$3810.

4. BEFCO Cyclone Finish Mower: Supervisor Jones moved that the Township award the sale of the BEFCO Cyclone Finish Mower, Municibid Item No. 928723422, to the highest bidder, Ed Daley, for a price of \$760.

5. Schramm 100 Towable Air Compressor: Supervisor Jones moved that the Township award the sale of the Schramm 100 Towable Air Compressor, Municibid Item No. 928714428, to the highest bidder, Matthew Jay Stuart, for a price of \$440.

6. 2004 Ford Crown Victoria: Supervisor Jones moved that the Township award the sale of the 2004 Ford Crown Victoria, Municibid Item No. 928719561, to the highest bidder, Ronald Winkelvoss, for a price of \$2,960.

7. 2006 Ford Crown Victoria: Supervisor Jones moved that the Township award the sale of the 2006 Ford Crown Victoria, Municibid Item No. 928720127, to the highest bidder, Robert M. Kane, for a price of \$4,520.

8. 2004 Ford Crown Victoria: Supervisor Jones moved that the Township award the sale of the 2004 Ford Crown Victoria, Municibid Item No. 928719005, to the highest bidder, Michael Macon, for a price of \$3,020.

9. 2003 Ford Expedition XLT 4X4: Supervisor Jones moved that the Township award the sale of the 2003 Ford Expedition XLT 4X4, Municibid Item No. 928722582, to the highest bidder, Howard Stone, for a price of \$4,250.

10. 2003 Ford Expedition XLT 4X4: Supervisor Jones moved that the Township award the sale of the 2003 Ford Expedition XLT 4X4, Municibid Item No. 928723009, to the highest bidder, Howard Stone, for a price of \$4,540.

The Township Secretary was directed to notify the above individuals of the awards. Chairman McDonough also indicated that Duane should remove any identifying lettering and disable the sirens for the police vehicles.

### **New Business**

a. Equipment Purchase – West Caln Township: Supervisor Moore stated that the West Caln Township Chief of Police has indicated that he is interested in the purchase of the truck scales for \$1,000 and a police bike for \$150. During discussion, a resident indicated that he thought that the scales were valued at much higher than \$1,000 and the Supervisors decided to table any decision on the sale of the scales. Supervisor Jones moved that the Township sell the bike to the West Caln Township Police Department for \$150. Supervisor Moore seconded the motion, which carried unanimously.

b. Air Conditioner: The Township Secretary noted that one of the air conditioners for the Township building was not working and the Township has received three quotes for installation of a new air conditioner unit – from Brewer, Horn Plumbing and Mack Services. The air conditioner unit was installed in 2002 by Brewer. The Township Secretary was asked to follow up with the vendors to inquire as to what items on the current equipment were broken.

c. Verizon: Solicitor Crotty noted that, with the right of way issue resolved, the Verizon Franchise Agreement is ready for the Board's consideration. A form of resolution and the Franchise Agreement were presented for the Supervisors' review. Solicitor Crotty summarized certain of the provisions of the agreement. The Verizon representative, Tif Shoen, was present. She indicated that the service would likely be turned up by the end of the month for those areas of the Township where FIOS wiring has already been installed. Supervisor Moore indicated that the Glenmoore Fire Company building needs to be added to Exhibit A. After discussion, Supervisor Jones moved that Resolution 09-08 and the Verizon Franchise Agreement be approved for execution, subject to the condition that the Glenmoore Fire Company building be added to the list of municipal buildings in Exhibit A. Supervisor Moore seconded the motion, which carried unanimously.

d. Valhalla Brandywine: Solicitor Crotty noted that the Board had received a request from the applicant to extend the period for all parties to file their proposed findings of fact, conclusions of law and/or conditions from June 30, 2009, to July 10, 2009. The request arrived before a meeting by the Board and it would not have been possible to convene a special meeting to act on the matter before the deadline. After discussion, Supervisor Jones moved that the Board of Supervisors ratify its decision to grant an extension for the submission of proposed findings of fact/conclusions of law/conditions from June 30, 2009, to July 10, 2009, subject to the condition that the deadline for the Board rendering its decision will be extended from August 6, 2009, to September 4, 2009. Supervisor Moore seconded the motion, which carried unanimously.

e. Act 32 Appointment: Solicitor Crotty noted that the Pennsylvania Legislature has enacted Act 32, by which earned income tax collection will be handled by a county tax collection committee. Each municipality and school district that imposes an earned income tax can appoint a delegate to the County Tax Collection Committee. The deadline for doing so is September 15, 2009. The Township is advised to appoint a delegate and two alternate delegates. The Board of Supervisors stated that they will take the issue under advisement.

f. Carelink: The Township Secretary noted that the Township has received several complaints recently about individuals from the Carelink facility within the Township. Carelink is a residential facility for special needs adults that has been operating in the Township for several years. Recently, the residents have absconded from the property on several occasions, on one of which the resident exposed himself at a playground. The Township Solicitor was requested to contact Carelink to request that they address and provide proper security and monitoring for the facility.

g. Chainsaw Purchase: The Township Secretary noted that Duane has requested authorization to purchase a new chainsaw. Supervisor Moore noted that the chainsaw requested

was only noted as having a 6 inch blade. The Supervisors requested clarification and tabled any decision.

h. Duane's Phone: Lastly, the Township Secretary stated that Duane's current Nextel phone is in poor condition and that he receives poor service throughout the Township. She obtained quotes from several phone companies. AT&T provides the best coverage in the Township and no minutes would be charged for calling other AT&T phones – such as the Township Secretary or the Glenmoore Fire Company. The purchase of a new phone would cost \$129.99, and the Township Secretary presented two pricing plans: \$60 per month for 900 minutes or \$80 per month for 1350 minutes. Supervisor Jones moved that the Township authorize the purchase of a new phone for Duane at a price of \$129.99, with the two (2) year plan for 1350 minutes at \$80 per month. Supervisor Moore seconded the motion, which carried unanimously.

### **Public Comment**

a. Bob Schiemann, 10 Andrews Lane, presented a complaint as to the condition of his neighbor's property. Mr. Schiemann presented a letter and pictures. Mr. Schiemann stated that the neighbor's property has exposed Tyvek panels and had several rubbish piles. The neighbor also engaged in outdoor burning in violation of the County regulations. The Supervisors noted that Mr. Schiemann should fill out a complaint form, and the Township Zoning Officer would then perform an inspection.

### **Adjournment**

Meeting adjourned at 10:09 PM.

Respectfully submitted,

Betty Randzin  
Township Secretary