

**WALLACE TOWNSHIP BOARD OF SUPERVISORS**  
**November 5, 2009**

A Regular Meeting of the Wallace Township Board of Supervisors was called to order on Thursday, November 5, 2009 at 7:30 PM in the Township Building by Chairman Bryan McDonough.

Supervisors present: Bryan McDonough  
Robert Jones  
William Moore

Solicitor: Stephen V. Siana, Esquire  
Michael G. Crotty, Esquire

Engineer: Craig Kologie, AICP

**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 October 19, 2009 and November 5, 2009, to discuss legal matters pertaining to the pending Valhalla Brandywine Conditional Use application.

**Correspondence**

Seventy-six (76) 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 September 17, 2009, October 1, 2009 and October 15, 2009 were presented for review by the Board. Chairman McDonough noted that he was not present at the meeting on October 1, 2009, and would abstain from voting on the adoption of those minutes. Supervisor Jones further noted that he was not at the meetings on September 17, 2009 or October 15, 2009, and he would likewise abstain. After discussion, Supervisor Moore moved that the minutes for September 17, 2009 and October 15, 2009, be approved as submitted. Chairman McDonough seconded the motion, which was carried by an affirmative vote of Supervisor Moore and Chairman McDonough. Supervisor Jones next moved that the minutes for the October 1, 2009, be approved as submitted. Supervisor Moore seconded the motion, which carried with an affirmative vote of Supervisors Moore and Jones.

## **Valhalla Brandywine Conditional Use Hearing**

Chairman McDonough noted that the Board would next consider the decision on the Valhalla Brandywine Conditional Use application given the number of people in the audience for this purpose. Notice that the decision would be rendered this evening has been provided to all parties of record. Solicitor Crotty noted that a form of decision has been prepared and placed before the Supervisors for consideration. The form of decision contains findings of fact, discussion, conclusions of law, and the decision. The decision and fifty-six (56) conditions were then read aloud and certain grammatical and stylistic revisions were made to the proposed draft. These revisions would be incorporated into the final draft approved by the Supervisors. In short, the decision grants Applicant's request for conditional use approval for the proposed planned country club community pursuant to Zoning Ordinance Sections 402.C.11, 901.C.9 and 1323; denies Applicant's request for steep slope incursions of non-residential buildings in the I-district pursuant to Zoning Ordinance Section 1323.E.4.f; grants Applicant's steep slope incursions pursuant to Zoning Ordinance Section 1323.F.5; and grants Applicant's request for FHWSO crossings pursuant to Zoning Ordinance Section 1323.E.3.h. After discussion, Supervisor Jones moved that the Township adopt the form of decision to approve in part and deny in part the conditional use application of Valhalla Brandywine for the proposed planned country club community. Supervisor Moore seconded the motion. While requested, no public comment was made. The motion carried unanimously. A copy of the decision can be examined at the Township building during regular business hours.

## **Treasurer's Report**

Township Secretary/Treasurer Betty Randzin gave the Treasurer's report, which is available at the Township Building for review. Forty-six (46) invoices were presented for review. In discussion, Ms. Randzin noted that invoice number 39, to Superior Play Systems, would be removed because of a credit that will be issued by the company. Supervisor Moore noted that several of the developers are delinquent on their payments for professional consultant review fees. For two of the delinquent developers, challenges to fees by the Township Engineer were raised and the Township is awaiting a response from the Township Engineer. The Township Engineer noted that he is in the process of putting together the response. Supervisor Moore suggested that the invoice of the Township Engineer be tabled until the same is received. Additionally, Chairman McDonough noted that the invoice payment to the Glenmoore Fire Company is a pass-through of funds received from the State, and that the Wells Fargo payment is a one-time, annual payment. At the conclusion of discussion, Supervisor Jones moved that the forty-four (44) invoices, totaling \$141,801.05, be authorized for payment. Supervisor Moore seconded the motion, which carried unanimously.

Township Secretary/Treasurer Betty Randzin further noted that she would like the Board of Supervisors to ratify Check Numbers 14021 (BRP State Aid), 14022 (reimbursement for two new coffee machines) and 14024 (Township newsletter postage) given slight adjustments in the final payments for these matters. After discussion, Supervisor Jones moved that the payment of these invoices be ratified and approved by the Board of Supervisors. Supervisor Moore seconded the motion, which carried unanimously.

## **Pennsylvania State Police**

A report for the month of October was submitted, and is available for review. Supervisor Jones provided a synopsis of the report. There were thirty-seven (37) calls for service in October. Resident Cathy Poole inquired as to the number of burglaries in the month of October. Resident/Supervisor-elect Barbara D'Angelo inquired as to whether a police officer could come to the meetings periodically in order to answer any resident questions. The Township Secretary noted that the officers do periodically attend, but she will follow up with them in order to discuss.

### **Glenmoore Fire Company**

No report. Chairman McDonough thanked the Glenmoore Fire Company for its efforts at monitoring the Halloween event at the Township and for their efforts in closing the road to provide safe conditions for the Halloween parade. All of the Supervisors echoed their thanks.

### **Municipal Authority**

Barbara D'Angelo provided the report for the Authority. The Authority would like to know the Board's intent as to amending the Township's Act 537 Plan to address certain failing or potentially failing systems along Indiantown Road. The Supervisors noted that they would take it under consideration. In further discussion, inquiry was made as to the operator's agreement with the current vendor for the treatment plants and systems maintained by the Authority. An unsigned copy of the agreement was presented. The Authority believes that the current operator is not being responsive to all of its required obligations and to provide better emergency preparedness. The Authority is conducting an internal review. Resident Sandy Neufeld inquired as to how long the current operator has been under contract. Chairman McDonough noted that he would like to look into the current operator's maintenance and inspection actions before considering any changes or additions to the Act 537 Plan.

### **Planning Commission**

Barbara D'Angelo provided the report for the Planning Commission. The PC is close to finalizing its proposed revisions to the Township Zoning Ordinance, which it expects to forward to the Supervisors after the PC meeting next week and before the next Board of Supervisors' meeting. All of the subdivision dates are good. With regard to Seibert, it has gotten the required approval from the Pennsylvania Department of Environmental Protection and the PC may be in a position to consider approval of this subdivision. Resident Sandy Neufeld inquired as to the status of the Popjoy application. Popjoy had been given conditional preliminary plan approval, but has not yet submitted a final plan application. Resident Cathy Poole inquired as to the status of the Fairview/Gulick application, for which the Township Engineer provided an update. An ongoing question is the extent to which the stormwater design should be shown on the plans or deferred to later. The Solicitor indicated that they should be shown on the plans in order for the Township to ensure that the lots proposed are buildable, viable lots. Supervisor Moore concurred and noted that he wants to see the stormwater design incorporated into the plans now.

### **Wallace Trust**

Barbara D'Angelo provided the report for the Trust. The Trust is looking into the replacement of the existing post and rail fence on the Lamb Tavern property. Two bids were received – one for \$6,500 by JMar Fencing and another for \$9,000. The job would include 100%

removal of the existing fence and the installation of new post and rail fencing. The Supervisors inquired as to whether the JMar Fencing quote was truly for the replacement of the whole fence, whether the bidder considered the swampy conditions in many parts of the property (as would affect installation), and whether the entirety of the fencing is on the Township property. Ms. D'Angelo noted that she would look into these issues. Solicitor Siana further questioned as to whether the Township wants to install any fence on the property given the ongoing maintenance costs. Ms. D'Angelo noted that she would look into the grant documents as to whether the fencing must be preserved.

### **Old Business**

a. Office Closed: Chairman McDonough announced that the Township office would be closed on Monday, November 9, 2009.

b. Annual Tree Lighting Ceremony: Chairman McDonough announced that the annual tree lighting ceremony will be held on Sunday, December 6, 2009, at 6:00 p.m., at the Indiantown Schoolhouse.

c. Halloween Party: The Supervisors expressed their thanks to the Park and Recreation Board and all volunteers for the Halloween Celebration on October 31, 2009. The event was a great success.

d. Indiantown Schoolhouse Roof: Chairman McDonough noted that the work on the Indiantown Schoolhouse roof has been completed and looks good. All are encouraged to check it out. The Township will next move forward with getting prices on replacing/repairing the stucco below certain of the windows.

### **New Business**

a. Highspire Road: The Township Secretary noted that seven (7) bids were received for the Highspire Road improvements. The Township Engineer had issued an addendum to all of the bidders to note that the work would be required to be completed by Spring 2010, instead of December 31, 2009. Solicitor Crotty opened and announced the bids and bid amounts as follows: 1) Dan Malloy Paving, Inc. - \$94,944.10; 2) Allan A. Meyers, LP - \$154,908.25; 3) Reading Site Contractors - \$109,514.50; 4) DiRocco Brothers, Inc. - \$130,819.75; 5) Gorecon, Inc. - \$99,508.27; and 6) Martin Paving, Inc. - \$97,660.86. The bids would be submitted to the Township Engineer and Township Solicitor for review. The Supervisors announced their intention to award the bids at the morning meeting on November 19, 2009, at 8:00 a.m.

b. Flashing Lights at Elementary School: Supervisor Moore noted that the Township has previously asked residents to send in letters concerning the need for school zone flashing lights on Fairview Road in the vicinity of the elementary school. While the school had been required to install the flashing lights as part of the Conditional Use application if PennDOT would approve them, PennDOT did not do so and denied the request. The Township would like to renew the request, emphasizing the need for the flashing lights, the traffic in the area, and the use of the trail that traverses the edge of the school's property (which is used by the school children). The Township Secretary was directed to send a letter to PennDOT in this regard.

c. Brandywine Regional Police: Supervisor Jones provided an update as to the BRPC dissolution efforts. An issue has arisen as to the need for the BRPC to remit an additional contribution to the pension fund given the poor performance of the market over the past year. The BRPC needs to contribute a total of \$58,489 to fund the deficit. Currently, the BRPC has \$47,000 in assets. Supervisor Jones proposes that the Township contribute \$10,000 for the purpose of the pension contribution, conditioned on the requirement that East Brandywine Township contribute \$20,000. After further discussion, Supervisor Jones moved that the Township contribute \$10,000 to the Brandywine Regional Police Commission exclusively in order to fund the required pension contribution and conditioned on the requirement that East Brandywine Township contribute \$20,000 for the same purpose. A letter of intent will accompany the remittance to spell out the above conditions. Supervisor Moore seconded the motion, which carried unanimously. Resident Sandy Neufeld inquired as to the extent of any future pension obligations.

### **Public Comment**

a. Laporta Subdivision: Resident Don Laporta inquired as to an issue concerning his approved subdivision. One of the conditions of the approval was that the lots be subject to a conservation easement restricting future subdivision. Mr. Laporta requested relief from the requirement to sign a conservation easement, noting that he would otherwise deed restrict the property. After discussion, Mr. Laporta elaborated that his issues with the conservation easement stemmed from certain minimal use that he would like to make of the property, such as using certain wood from the open space as firewood. The Supervisors indicated that they would not be inclined to modify the terms of the prior approval. Instead, Mr. Laporta was directed to bring his concerns as to the uses up with the Trust in order to spell out his particular needs/desires for use of the open space. The Township Engineer also noted his belief that Laporta requires sewage planning module approval from PennDOT. Mr. Laporta would look into this, but believes that it was obtained.

b. Resident Sandy Neufeld inquired as to whether there are any Township requirements prohibiting or regulating the sale of food in a parking lot. The Supervisors are aware of the property at issue referenced by Ms. Neufeld. The Chester County Health Department is in charge of licensing and no zoning issues were specifically found.

### **Adjournment**

Supervisor Moore moved that the meeting be adjourned. The motion was seconded by Supervisor Jones, which carried unanimously. Meeting adjourned at 10:05 PM.

Respectfully submitted,

Betty Randzin  
Township Secretary