

Minutes – April 17, 2006

The second regular meeting of the Board of Supervisors of Tredyffrin Township for the month of April was held on the above date at the Township Building. Board members present included Judy L. DiFilippo, Chairman; Warren Kampf, Vice Chairman; Bill DeHaven, Mark DiFelicianantonio, Paul Drucker, Brooks Keffer and Robert Lamina. Also in attendance were Mimi Gleason, Township Manager; Supt. Richard Harkness; Stephen F. Norcini, Director of Public Works; David Brill, Finance Director; John Farrell, Assistant to the Township Manager; Michael Fahey, Director of Building and Zoning; Vincent Pompo, Solicitor; and Jolene Buffman, Recording Secretary.

Call to Order

Mrs. DiFilippo called the meeting to order at 7:30 p.m.

Minutes

Motion was made by Mr. Keffer, seconded by Mr. Lamina, and passed unanimously to approve the minutes of the regular meeting held April 3, 2006.

Announcements

The Park and Recreation Board meeting for April has been changed from April 12 to April 19, 2006.

The Chester County Health Department will be holding a household hazardous waste collection on Saturday, April 22, 2006, from 9:00 a.m. to 3:00 p.m. in Wilson Farm Park.

The Board of Supervisors will hold a continued public hearing on Monday, May 1, 2006 to consider amendments to all articles of the Zoning Ordinance, except those related to Signs and the Special Paoli Development District, and related provisions of the Subdivision and Land Development Ordinance required for consistency.

The public hearing scheduled for tonight to consider and adopt an ordinance authorizing acquisition of land from Valley Creek Associates at 1375 West Swedesford Road for open space preservation, has been postponed until the May 1, 2006 meeting.

Miscellaneous - Appointments to Authorities, Board and Commissions

Motion was made by Mr. Keffer, seconded by Mr. Drucker, and passed unanimously to appoint Michael Fahey to a five-year term on the Historical Architectural Review Board, term to expire January 2, 2011.

Motion was made by Mr. Kampf, and seconded by Mr. Lamina, to appoint Andrew L. Kanter to a three-year term on the Environmental Advisory Council, term to expire February 8, 2009. Motion passed by a vote of 5-2, with Messrs. DiFelicianantonio and Drucker voting no.

Miscellaneous - Supervisor Liaison Reports

Mr. Kampf said he attended the recent Planning Commission Workshop where applications were reviewed. They were mainly changes to existing lots and commercial property. Also discussed was the on-going Paoli planned ordinance, and the type of parking facility required by the future ordinance when the Paoli Train Station and Paoli Railyards are redeveloped.

Mr. Keffer said the subcommittee meeting to discuss the Verizon contract was postponed, and has not been rescheduled. Mr. DiFelicianantonio asked about Mr. Jerry Murphy, the resident who spoke at the last meeting regarding the Verizon box placed on his property. Mr. Keffer said Mr. Murphy attended the Cable Television Advisory Committee meeting. Ms. Gleason said the CATV could do no more than the Township could. They don't have the authority to force Verizon to move the box.

Mr. DeHaven attended the Sidewalk, Trails and Paths Committee meeting. They continue to prioritize projects, and will have another meeting next month. In June, they will present their plans to the public. They have been receiving a lot of favorable comments since the Township newsletter discussed their work.

Mr. DiFelicianantonio said two members of the Library Board resigned, Anne McCollum and Jim Clayton, who was a Willistown appointee. He said anyone interested in being on the Library Board should submit their resume to the Board of Supervisors. Mrs. DiFilippo said it was with regret that the Board accepted these resignations.

Miscellaneous - Wilson Farm Park Forum

Mrs. DiFilippo said we are entering the second year of operation since final construction of Phase II of Wilson Farm Park. Mr. Norcini described the current status of the park fields, buildings and tot lot areas. Items budgeted for 2006 include a wetlands overlook, additional landscaping, two dugouts, and a sizeable playground expansion. The 1.3 mile loop around the park will be marked in the coming weeks. Future plans include the design of a maintenance shed, and the relocation of the Jones Log Barn.

Mrs. DiFilippo said park activities are scheduled by the Park Board. Chairman Jack Trimmer said the park is completely booked on all fields with school activities and youth groups. He said they are getting requests everyday, and people are excited about the pavilion to hold picnics and dinners. He has heard very little complaints. He said it is the best regional park in the tri-state area, and is very proud of it.

Mrs. DiFilippo said people who could not attend tonight's meeting sent emails to our website. There were many positive comments and suggestions for what to add to the park at a future date. For the most part, it has been a good investment and benefits everyone.

Jean Micheline, Dickinson Drive, said she loves the park and enjoys walking there. She said there is a problem with Anthony Wayne Drive being used for an entrance, and cars are

speeding on it. There is no speed limit posted. Also of concern was no lights on Anthony Wayne Drive. She said kids hang out by the Route 202 sound wall, and she has had damage done to her property and car. She asked the Police for any help she could get from them. Sgt. Giaimo said he would address these issues at the next Traffic Meeting.

A resident of Springdell Village seconded the comments regarding Anthony Wayne Drive, and suggested installing speed bumps, speed limits, and lights. He also said during the weekends, the trash containers are overflowing and suggested more frequent collection.

Another resident complimented the park and asked about plans for the 4th of July. She said she had trouble getting out of the parking lot last year. Mrs. DiFilippo said there will be a joint celebration with Easttown Township on the 4th. Last year, Anthony Wayne was not open and everyone was forced to leave via Lee Road. This year people can exit both ways, hopefully, eliminating a lot of the problems.

Marlene Raffner of Mountainview said she enjoyed the entertainment sessions last summer and hoped they would offer it again this year. She volunteered to distribute fliers to the neighborhoods. Mrs. DiFilippo said the summer concert series has been planned, and information will be out soon.

John Wilhelm, Elan Lane, DuPortail Village, said he loves the park, but said a lot of people are walking through his development with their dogs to get to the park. Mr. Norcini said he would speak to him about this problem.

Keith Isleib asked what “handicap accessible” meant on park signs. Mr. Norcini said it refers to the paths, parking lots, and bathrooms. He said the Township is investigating playground equipment for handicapped children. Mr. Drucker said we are attempting to make it “handicap useable”.

Ron Silver said the area along the sewer line at the north end of the park is an eye sore and danger, with pipes sticking out of the ground. This area also turns into mud when it rains. He suggested the area be landscaped. Mrs. DiFilippo said she would like to discuss this with him.

Mrs. DiFilippo thanked everyone for taking the time to participate in this discussion.

Miscellaneous - Adopt a resolution approving the Kurt Wolter/Christine Reilly Subdivision Planning Module concerning on-lot septic system

Motion was made by Mr. Kampf and seconded by Mr. Lamina to adopt a resolution approving the Apple Jack Farm Subdivision Planning Module concerning on-lot septic system.

Mr. Norcini said the Pennsylvania DEP requires subdivisions to submit a planning module in order to validate its method of sanitary sewer disposal. This planning module is signed off by the Chester County Planning Commission, Chester County Health Department, and the Tredyffrin Township Planning Commission. After these sign-offs, and a 30-day comment

period, the Township is required to revise our current Act 537 plan via resolution. These documents will then be sent to the DEP for their approval. This resolution has been reviewed by our solicitor.

At the end of discussion, motion passed unanimously.

Miscellaneous - Adopt a resolution designating revised boundaries for fire protection and rescue service, basic life support services and advanced life support services.

Motion was made by Mr. Kampf and seconded by Mr. Lamina to adopt a resolution designating revised boundaries for fire protection and rescue service, basic life support services and advanced life support services.

Mr. Farrell said since 1994, the Township's records indicate that the dividing line between the coverage of Berwyn Fire/Rescue and Radnor Fire/Rescue/Narberth Ambulance has run from the eastern end of Swedesford Road to Old Eagle School Road, where it turns south. This split coverage on Swedesford Road so that the north side was covered by Berwyn, while the south was covered by Radnor/Narberth. In reality, Berwyn was being dispatched to cover all of Swedesford Road as well as Routes 202 and 422. A recent County evaluation of the boundaries brought the discrepancy to light. The Township has received support from all parties involved for the official boundary to be altered to the lines of actual enforcement, shifting the boundary south from Swedesford Road to Devon Park Drive.

At the end of discussion, motion passed unanimously.

Miscellaneous - Adopt a resolution authorizing creation of a "Tredyffrin 300" bank account and providing for the distribution of net proceeds from the 2007 Tricentennial events.

Motion was made by Mr. Kampf and seconded by Mr. Keffer to adopt a resolution authorizing creation of a "Tredyffrin 300" bank account and providing for the distribution of net proceeds for the 2007 Tricentennial events.

Mrs. DiFilippo said this is just a formality addressing the conversation we had a couple of meetings ago about how proceeds are to be handled, and authorizing our staff to open a separate dedicated account for disbursement of funds for Tricentennial events.

At the end of discussion, motion passed unanimously.

Miscellaneous - Adopt a resolution recognizing the authority of Berwyn, Paoli, and Radnor Fire Companies to recover the reasonable costs of fire fighting materials, equipment, personnel hours, and hazardous abatement materials.

Motion was made by Mr. DeHaven and seconded by Mr. Kampf to adopt a resolution recognizing the authority of Berwyn, Paoli and Radnor Fire Companies to recover the reasonable costs of fire fighting materials, equipment, personnel hours, and hazardous abatement materials.

Mr. Farrell said Paoli Fire Company requested the Board review the resolution which is simply a statement that the Township supports Paoli, Berwyn, and Radnor Fire Companies billing for fire services. In most insurance policies (both auto and home), there are provisions for covering the costs borne by the firefighters (at no additional cost to the policyholders). When billed, insurance companies typically comply, but some hold out, saying the Township has not specifically supported this practice in writing, and requiring a resolution before they will allow the fire companies to collect. This resolution will not give the fire companies any additional powers, but will allow them to be reimbursed for a greater percentage of their expenses.

At the end of discussion, motion passed unanimously.

Financial Report

Mr. Brill read the Executive Summary and Cash Position sections of the Financial Report for the month of March 2006.

He indicated the following from the Executive Summary:

- Overall, we are \$84K unfavorable to Budget.
- Forecasting to be in-line with Budget by year-end.
- Risk with Real Estate Transfer Tax (residential market slowing faster than assumed in Budget).

Mr. Lamina said the Executive Summary reports we are \$84,000 unfavorable to budget when in fact we have a favorable variance of \$2.5 million from a large commercial transaction that occurred in the last two months. He said transferring 100% of the real estate transactions into the "Debt Service Fund" was a policy our former Township Manager created and he does not think it is right in all circumstances. Mr. Brill said this past practice was based on an effort to keep the General Fund aligned to the approved Budget so its reporting wouldn't be misleading.

Mrs. DiFilippo said we know the \$2.5 million is here and the public knows it came in, and we aren't going to spend it unless we revise our budget for 2006. Mr. DiFelicianantonio suggested moving the \$2.5 million to an interest bearing account. Mr. Brill said all idle money in the Township is invested in short-term interest bearing investments until needed.

Mr. Kampf said he was concerned about putting this money into Debt Service, and asked if it could be used. Mr. Brill said it was available. Mr. Kampf suggested changing the name "Debt Service" to something else.

Mr. Brill indicated the following from the Cash Position:

General Fund		\$7,256,026
Capital Reserve Fund		4,124,719
State Fund		0
Highway Improvement Fund		444,691
Debt Service Fund		11,426,282
1996 Bond Proceeds		
- Twp. Building	\$ 134,057	
- Parkland Acquisition	177,961	
- Highway Project	<u>3,636,408</u>	
		3,948,426
2003 Bond Proceeds		
Construction Projects	\$3,943,854	
Library Expansion	<u>2,667,018</u>	
		6,610,872
Total Cash Balances		\$33,811,016

Motion was made by Mr. Lamina to accept the report as presented with the exception that we transfer back to the General Fund those amounts that were transferred out of the Debt Service Fund until such time as the Finance Committee considers a more formal policy regarding these allocations. Mr. Kampf seconded the motion. Motion carried by a vote of 4-3, with Mrs. DiFilippo, Mr. DiFeliciano and Mr. Drucker voting no.

Police Report

Supt. Harkness said there is a graffiti problem in Paoli, and the Police Department is diligently looking for a solution and resolution. No arrests have been made.

Supt. Harkness said there is a good publication available, *“Take Charge – Fighting Back Against Identity Theft”*, published by the Federal Trade Commission. Copies are available at the Police Department or can be ordered on-line at www.consumer.gov/idtheft, or by calling 1-877-ID THEFT. He said the Police handle a few complaints each week of identity theft in the Township.

Supt. Harkness said an alleged racially motivated graffiti incident has been resolved, and it was a matter of criminal mischief – not racially motivated.

Resident Bill Davis of Picket Post said he was concerned about the speeding taking place on Route 202 and the school zones. Supt. Harkness said Route 202 is a problem, and even though there are officers on a regular basis on Route 202, it doesn't seem to have an effect. He said the last survey taken at the Middle School indicated the average speed was 17 mph and it is zoned for 15 mph.

Resident Dave Guy of Carol Lane mentioned graffiti at the Eckert Drug Store in Berwyn and wondered about the possibility of funding for a cleaning crew. Mrs. DiFilippo said that store is located in Easttown Township, but she would pass on his request to Easttown.

Resident Noel Jackson asked what effort the Township and Police Department were making to get State Police on Route 202. Supt. Harkness said since it takes the State Police quite a while to get to an accident, traffic would gridlock on Route 202 and the surface roads waiting for the State Police to arrive and clear the accident. For that reason, the Tredyffrin Police Department has agreed to police Route 202. We have jurisdiction when there is an accident. Mrs. DiFilippo said we have a large police department, and other townships with smaller police departments must use the State Police for their portion of Route 202.

Public Works

Mr. Norcini highlighted some of the monthly activities which included: continuing spring street sweep program; installing rip rap on Old State Road, completing installation of pipe and rip rap for stormwater conveyance at 346 Croton Road; and installing a new rubber play surface at the Mazie B. Hall park tot lot. The Cassatt Road Compost Facility will be open from April 5 to May 26, Monday, Wednesday and Friday from 7 a.m. to 2 p.m.

Escrows

Motion was made by Mr. DiFelicianantonio, seconded by Mr. Lamina, and passed unanimously to release \$63,937.36 from Malvern Savings Bank to Norcini Builders, Inc. covering site improvements at Maple Avenue Subdivision; balance remaining \$177,065.00.

Motion was made by Mr. Kampf, seconded by Mr. Keffer, and passed unanimously to release \$12,539.20 from Royal Bank America to RKG Development, LP covering site improvements at 131 Devon Road; balance remaining \$7,454.00.

Motion was made by Mr. Lamina, seconded by Mr. Keffer, and passed unanimously to release \$75,727.30 from Wilmington Trust of Pennsylvania to F. Brian Forcine, covering site improvements at 1875 Church Road, Malvern; balance remaining \$242,184.25.

New Matters – Board

Mrs. DiFilippo said the Board convened at 7:00 p.m. in Executive Session for the purpose of discussing personnel and legal matters.

Mrs. DiFilippo said this is John Farrell's last public meeting for a year. His intern stay turned into a full time position as Assistant to the Manager, and he has been a great asset to the Township Manager and staff. Mrs. DiFilippo said John has been called to serve in Iraq with the Marines, and we wish him well and to come back safely. Ms. Gleason echoed Mrs. DiFilippo's words and said he was a tremendous asset to the Township.

Mr. Lamina said we are in the final phase of the Public Library Capital Campaign. He said it has been a great program to date, having raised over \$5.5 million, which includes matching contributions from the Township. Those wishing to donate can do so on line at www.tredyffrinlibraries.org.

Mr. Lamina expressed disappointment that Wilson Farm Park was chosen as the location to hold the County hazardous waste collection site. He said next year we should coordinate with the County and find another location. Ms. Gleason said we are a victim of our own success. We can't dedicate enough space for the large number of people dropping off material at the Township building because Police need to have access. We worked with the County to find an alternate site, and they were pleased with Wilson Farm Park. They will take extra efforts to make sure everything is safe.

Mr. DeHaven spoke of an article in the paper on the Turnpike's stormwater management plan for the Route 29 slip ramp. Pete Goodman, President of Valley Forge Trout Unlimited, said the Turnpike Commission has made application for their NPDES permit for the slip ramp. He said he has reviewed the permit application and their stormwater management is abysmal. There is no volume control, and all the stormwater goes into Atwater Lake. His first concern is drinking water and second concern is Valley Creek. Trout Unlimited hired Cahill Associates engineering firm to review the plans and submit comments to the Pennsylvania DEP. Ms. Gleason asked for a copy of the plans from Cahill and Associates. Mr. DeHaven said he wanted to make the Board and citizens aware of the problem we face with this situation.

New Matters – Citizens

Resident Hank Close said he was concerned about the traffic problems by the Valley Forge Golf Course. The property is in Upper Merion Township. Mr. DeHaven said he was more concerned about the stormwater runoff the site would generate. Staff will closely monitor the project.

Mr. Kampf said a U.S. Supreme Court decision regarding eminent domain permits local governments to take private property to give developers. Our State legislatures are working on a law to limit this. He would like to Board to consider making some kind of statement to our citizens that we don't have any intention of taking their houses to give to developers. He said this is just food for thought.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Jolene E. Buffman
Recording Secretary