

**Tredyffrin Township
Minutes – May 24, 2010**

The second regular meeting of the Board of Supervisors of Tredyffrin Township for the month of May was held on the above date at the Township Building. Board members present included Robert Lamina, Chairman; Paul Olson, Vice Chairman; John DiBuonaventuro, Philip Donahue, Warren Kampf, Michelle Kichline and Evelyn Richter. Also in attendance were Mimi Gleason, Township Manager; Thomas Scott, Assistant Township Manager; Stephen Norcini, Director of Public Works; Stephen Burgo, Township Engineer; Superintendent Andrew Chambers; Thomas Hogan, Solicitor; and Jolene Buffman, Recording Secretary.

Call to Order

Mr. Lamina called the meeting to order at 7:30 p.m.

Minutes

Motion was made by Mr. Lamina, seconded by Mr. Olson, and passed unanimously to approve the minutes of the regular meeting May 3, 2010.

Financial Report

Ms. Gleason presented the Financial Report for April 2010:

Financial Performance Year-to-Date versus Budget

	<u>YTD vs. Budget – Fav (Unf)</u>			<u>Concerns</u>	<u>Yr. Forecast</u>
	<u>Revenue</u>	<u>Expenses</u>	<u>Total</u>		
General Fund	369,509	(884,753)	(515,244)	Snow storm	YTD variances to budget
Sewer Utility Fund	33,056	72,202	105,258	None	YTD variances to budget
Valley Creek Trunk Sewer Fund	(995,370)	47,203	(948,167)	None	YTD variances to budget
Township Wide Expenses		(884,753)		None	YTD variances to budget

Cash & Investment Position - Reserves and cash flow remain healthy.

	<u>Balance \$M</u>	
	<u>Current</u>	<u>Prior</u>
Unrestricted	20.5	9.2
Restricted	34.4	42.6

Debt Position – Current with debt payments and covenants.

Ms. Gleason said we are seeing revenue increase a little. Transfer taxes are ahead of budget, as well as the LST taxes collected. Mr. Donahue asked how much we might see from the government to cover storm costs over the winter. Ms. Gleason said we could get back \$80,000.

Police Report

Supt. Chambers said a bus driver's window was shot out on May 13th at 6:30 am on the north bound lane of Route 202 near Cedar Hollow Road. He is asking the public to contact police if anyone saw the suspect vehicle, a white panel van.

Supt. Chambers said an awards ceremony was held during Police Week, and 24 letters of commendation, recognition and awards were given out. Sgt. Joseph Glatts, Cpl. Kevin Moore, and Ofc. Joseph Butler were presented with commendations for life saving and heroism for rescuing a wheelchair bound woman from a house fire. Cpl. Frank Ruscio, Ofc. Scott Costa, and Ofc. James Mutter received heroism awards for their efforts at the Strafford Station Fire in January. Officer Michael DeHoratius was named the 2009 Officer of the Year.

Fire Company Reports

John Beatty presented Paoli's report. There were 13 fire calls in Tredyffrin for the month. Membership letters were sent out on May 10th, with 5,121 to residents and 548 to businesses. They are hoping to get a favorable response. The fire company is having a brick drive, giving residents an opportunity to purchase a brick to become a permanent part of Paoli. They are moving along with the renovations to the building and hope to have it completed in early fall.

Eamon Brazunas presented Berwyn's report. There were 32 fire calls for the month in Tredyffrin. He reported on several auto accidents in the Township, one involving alcohol. He reported on a mulch fire that extended into the house and asked residents to be very careful with mulch around heating devices. He warned residents about a bogus company soliciting donations by telephone for fire companies. He said our fire companies only do direct mailers. Mr. DiBuonaventuro said there only a few organizations who solicit by phone for first responders or fire companies and they include the Chester County Fraternal Order of Police and the Chester County Hero Fund.

Public Works

Mr. Norcini highlighted some of the duties performed by the Public Works Department during the month, including repairing potholes on Township streets, replacing the stone shoulder on Church Road, and mitigating two sink holes. There were five after-hour emergencies on various streets, and one after-hour emergency in the sanitary sewer system. Crews are continuing to cut and trim all parks, and inspect the five projects Aqua is working on in the Township. The Box Hill Pump Station Design project is complete, and the Wilson Road Pump Station Design project is now out for bid.

Engineering

Mr. Burgo said the Sidewalk Project is ongoing. Currently sidewalks have been installed on Old Lancaster Road between the Daylesford Train Station to Conestoga Road. Work was completed last Friday on the grading and paving at that location. Staff is continuing to coordinate efforts with the utility companies, PADOT and the residents.

Mr. Burgo said work on the Route 252-Amtrak Bridge Feasibility Study is continuing. The Traffic Safety Audit has been completed, and there will be a Public Input Meeting at the Delaware Valley Friends School on May 25th. The Engineering Staff continues to work on permit review inspections, land development inspections, and various endeavors with the Chester County Water Resources Authority.

Libraries

Joseph Sherwood said there are several summer events scheduled for the Library. A book sale will be held on June 5th, which helps support Library programs. The 4th Annual Film Festival coming up in July is a great program for kids. Part of Paoli Library's Centennial celebration includes an Old-Fashioned Ice Cream Social on Saturday, June 19th, and there are several Centennial Sunday programs being planned for library lovers of all ages.

Supervisor Liaison Reports

Mrs. Kichline reported on the subcommittee meeting of the special Sidewalks Committee held May 6th, where they began a review of the Green Routes Network. She said the subcommittee is updating current plans to identify which links were meant for sidewalks, paths, or bike trails. Once the review is complete in June, they will start on the community input phase which will include a survey on the Township website. The next phase to be implemented will be a regional community meeting.

Mrs. Richter made a motion to reappoint Cheryl Bergsma and Tim Lander to three year terms on the Sidewalks, Trails and Paths Committee, terms to expire May 1, 2013. Mr. Olson seconded the motion and it passed unanimously.

Mr. Kampf reported that the Pension Trustees for the Police Pension Fund reported that the fund is 94% funded. This puts us in the top 10% around the country. Mr. Kampf thanked Pension Trustees, Dick Veith, Bert Dalby and Warren Hyams, who are Township residents, for their contributions on the Pension Trustees Board.

Mr. Lamina said the Board met prior to the meeting in Executive Session to discuss legal and personnel matters. Mr. Lamina said the Fire Company Task Force did reconvene, and is in the process of scheduling a meeting to include both fire companies to discuss funding requirements and associated issues of the task force.

Mr. DiBuonaventuro said bi-monthly meetings with the fire companies have been continuing, but the May meeting was cancelled because all of the problems have been corrected. He said we will continue to discuss individual issues with the departments.

Mr. DiBuonaventuro said the Park & Recreation Board will schedule interviews with deer management groups to decide how to improve the harvest going in to next year.

Discussion about regulating student housing

Mr. Scott said the Board requested information whether or not an ordinance to regulate student housing is appropriate for Tredyffrin Township. Staff has looked at other area municipalities who have been dealing with this for quite some time. There are a couple of ways they are dealing with this issue – they regulate the use through their Zoning Ordinance, have a stand-alone ordinance, or do a combination of the two. They reported varied success.

Mr. Scott discussed a Zoning Ordinance amendment. Student housing would be added as a by-right use, applicable permits must be filed, and application procedures must be followed. Another option is to have the use permitted by Special Exception where the Zoning Hearing Board determines the merits of the application and if it meets the ordinance. There are benefits to each of these two choices, but the downfall is the Zoning Hearing Board could be overwhelmed by the number of applications. An ordinance would define who is a college student is, what constitutes a college house, and the type of special restrictions applied to student housing.

Mrs. Kichline asked for a clarification of the term “Special Exception”. Mr. Scott said the Zoning Hearing Board would make the decision, it is not an administrative review approved by staff. The use still is permitted in the zoning district, but the Zoning Hearing Board must find that the use complies with the requirements of the ordinance. The scrutiny is more intense.

Donna Shipman, 941 Mt. Pleasant Avenue, said there are five houses on her block with student housing, and 17 houses in Mt. Pleasant occupied by college students. She said her community is working with realtors, but needs a law to govern them. She asked for some kind of time frame when this issue will be resolved. Ms. Gleason said to amend the Zoning Ordinance, it first goes to the Planning Commission, then to the Board of Supervisors, who schedule a public hearing. It could happen this summer.

Mrs. Shipman said she wanted the ordinance grandfathered. Mr. Hogan said when a new zoning law goes into effect, it does not look backward and take away any existing rights. The law would be going forward for any new student housing coming into the Township. An ordinance change would be one tool to address the problem.

Christine Johnson, a Mt. Pleasant resident, said she was against changing the Zoning Ordinance and preferred a stand-alone ordinance. Vincent Fabriani, owner of 949 Fairview Avenue, said he has owned a property for 10-11 years and has not received any citations from the Township for his student rentals. He said he doesn't understand where the problem is.

Mr. Lamina said he would like to explore more aspects of this issue. He said it isn't clear whether we need to take the additional step to take the “Special Exception” route, and encouraged further discussion between the community, landlords and realtors. He said we need to do something before the school year starts. Mr. DiBuonaventuro said we need some sort of accountability where we know who the landlords are and who the students are. Right now we can't even tell the public exactly how many houses in the Township house students.

Kenneth Burton, 965 Henry Avenue, said initially the community welcomed the students, but eventually there were so many students that things got a little unruly. Mr. Kampf said looking forward we may be able to restrict how many houses may be in the neighborhood if the Zoning Ordinance is amended.

Mr. Donahue made a motion to explore a mechanism where we would require landlords to register their property with appropriate information within so many days of lease signing, to identify people who occupy their property. Mr. DiBuonaventuro seconded the motion.

After discussion, Mr. Donahue amended his motion to direct staff to create ordinance language as appropriate and have it available at the Supervisors meeting on June 21st. Mr. Kampf seconded the motion.

Resident Ray Clarke asked if this would require existing landlords with students to register and Mr. Hogan said yes.

After discussion, motion passed unanimously.

Resolution authorizing East Whiteland Township, Malvern Borough, and Tredyffrin Township to work jointly to oversee planning, design and construction of the proposed Patriots Path trail.

Motion was made by Mr. Lamina and seconded by Mr. Donahue to adopt a resolution authorizing East Whiteland Township, Malvern Borough, and Tredyffrin Township to work jointly to oversee planning, design and construction of the proposed Patriots Path trail.

Mr. Scott said that adopting a multi-municipal resolution would be appropriate to continue the relationship between East Whiteland Township, Malvern Borough and Tredyffrin Township past the planning phase for shared purposes to include meeting two times a year, submitting and supporting joint grant applications, and other joint activities related to the Patriots Path.

Mr. Olson said he was not in favor of spending any more money at this time. Mrs. Richter asked if there were any fees involved with submitting grant applications. Ms. Gleason said we have never paid a fee for a grant application, and this resolution does not cost anything. It is merely formalizing a partnership so we will be in a more competitive relationship to get funding.

At the end of discussion, motion passed 6-1, with Mr. Olson voting no.

Reject bids for Public Works Project #5-10, “Crushed Stone Aggregate”

Mr. Norcini said only one bid was received, and he would like to re-bid the project in the hope of attracting more bidders.

Motion was made by Mr. Lamina, seconded by Mr. Olson, and passed to reject bids for Public Works Project #5-10, “Crushed Stone Aggregate”. Mr. Kampf recused himself from voting.

Reject bids for Public Works Project #6-10, “Superpave Asphalt”

Mr. Norcini said two bids were received with only one qualifying as an acceptable bidder, and he would like to re-bid this project in the hope of obtaining two qualified bidders.

Motion was made by Mr. Lamina, seconded by Mr. Olson, and passed to reject bids for Public Works Project #6-10, “Superpave Asphalt”. Mr. Kampf recused himself from voting.

Award contract for Public Works Project #7-10, “Equipment Rental”

Mr. Norcini said bids were received by four firms, with three qualifying. The lowest qualifying bidders were:

Warihay Enterprises	Hydraulic Excavator	\$100/hr
Warihay Enterprises	Tri-axle Dump Truck	\$ 75/hr
S. A. Macanga	Asphalt Paver	\$140/hr
S. A. Macanga	Dozer	\$ 80/hr
Warihay Enterprises	Grader	\$110/hr

Motion was made by Mr. Lamina, seconded by Mr. Olson and passed unanimously to award the contract for Equipment Rental to the lowest qualifying bidders as described by Mr. Norcini.

Award contract for Public Works Project #8-10, “Custodial Services at the Tredyffrin Township Complex, Tredyffrin Public Library and Paoli Library”

Mr. Norcini said sealed bids were received from five firms, with three firms providing the appropriate forms and bonds. Rhino Building Services provided the lowest qualified bid:

Municipal Complex	\$1,250/month	\$15,000/year
Tredyffrin Public Library	\$ 975/month	\$11,700/year
Paoli Library	\$ 380/month	\$ 4,560/year

Motion was made by Mr. Lamina, seconded by Mr. Olson, and passed unanimously to award the contract for Custodial Services at the Township Complex, Tredyffrin Library and Paoli Library to Rhino Building Services at the bid described by Mr. Norcini.

Award contract for design of renovations and improvements at the Tredyffrin Public Library

Motion was made by Mr. Lamina and seconded by Mr. Olson to award a contract for design of renovations and improvements at the Tredyffrin Public Library.

Mr. Sherwood said twenty-two firms received the RFP, with ten firms responding with proposals. The project is to replace the remaining original 1970’s HVAC equipment, roofs, and windows. Two companies were interviewed, and the firm of Godshall Kane Architects was selected.

Mr. DiBuonaventuro asked why these improvements were not included in the original library renovations. Mr. Lamina said certain areas of the Library were to remain in the Five-Year Plan to be replaced as they became necessary. Mr. DiBuonaventuro wanted to make sure the cost of these repairs would not take any money away from the funds allocated for the Paoli Library, and Ms. Gleason said it would not.

At the end of discussion, motion passed to award the design of renovations and improvements at the Tredyffrin Public Library to Godshall Kane Architects.

Approve a revised Memorandum of Understanding between Tredyffrin Township and Tredyffrin Township's Foundation for Parks and Recreation

Mr. Norcini said the Memorandum of Understanding was revised slightly at the last Park Foundation meeting to include some minor word changes.

Motion was made by Mr. Lamina, seconded by Mr. Olson and passed unanimously to approve a revised Memorandum of Understanding between Tredyffrin Township and Tredyffrin Township's Foundation for Parks and Recreation.

Certificate of Appropriateness for re-construction of the Jones Log Barn within 250 ft. of the protected Historic Site #5 – Quarters of Brigadier General Louis Lebeque DuPortail (297 Adams Drive)

Mr. Scott said the Tredyffrin Historic Preservation Trust submitted an application for a building permit for two phases of construction for this project: Phase I would include grading and stormwater work, foundation and footings, and path construction. Phase II would be the reconstruction of the Jones Log Barn per plans by Frens & Frens. HARB has agreed that the reconstruction of the barn would have no adverse impact on the historic site and would actually add to the historical significance of the existing historic site.

Motion was made by Mr. Lamina, seconded by Mr. Olson and passed unanimously to approve a Certificate of Appropriateness for re-construction of the Jones Log Barn within 250 ft. of the protected Historic Site #5 – Quarters of Brigadier General Louis Lebeque DuPortail (297 Adams Drive).

Escrows

Motion was made by Mr. Lamina, seconded by Mr. Olson and passed unanimously to release \$5,908.00 from Wilmington Trust of Pennsylvania to F. Brian Forcine, covering site improvements at 1875 Church Road, Malvern; balance remaining \$54,201.00

Motion was made by Mr. Lamina, seconded by Mr. Olson and passed unanimously to release \$50,406.55 from Wachovia Bank NA to My Wei, Inc. (Nectar), covering site improvements at 1091 Lancaster Avenue, Berwyn; balance remaining \$23,802.02.

Motion was made by Mr. Lamina, seconded by Mr. Kampf and passed unanimously to release \$40,968.00 from Wachovia Bank to Valley Forge Educational Services, covering site improvements at the Vanguard School, 1777 North Valley Road, Paoli; balance remaining \$0.

New Matters – Board

None

New Matters – Citizens

Bill Bellew discussed the \$24,000 donation raised by the Supervisors for the fire companies. He commended their fund raising, but asked that the names of the donors be released publicly.

Steve Ross said the Delaware Valley Friends School will be holding a meeting to discuss plans to build a turf field, and he asked about the permits required for the lights.

Meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Jolene E. Buffman
Recording Secretary