

**WEST PIKELAND TOWNSHIP
1645 ART SCHOOL ROAD
CHESTER SPRING, PA. 19425**

**BOARD OF SUPERVISORS
June 15, 2009**

The Board of Supervisors of West Pikeland Township met on June 15, 2009 at the Township Meeting Room. Those in attendance were Robert Shemonsky, Chairman; Richard Bright, Vice Chairman; Robert Barker, Supervisor; William Cracas, Supervisor; Harold Hallman III, Supervisor; Stephen J. Ross, Interim Township Manager; Shane Clark, Chief of Police; Guy Donatelli, Solicitor; Harry Miller, Director of Facilities, and Joan Matthews, Township Secretary.

I. CALL TO ORDER: 7:30 P.M.

II. MEETING MINUTE APPROVAL – Mr. Barker made a motion to approve the minutes of May 18, 2009 and May 28, 2009. Mr. Cracas seconded the motion. After no further discussion, the motion carried with all voting Aye.

III. PERSONS WISHING TO BE HEARD

- A. Suzanne Kaplan expressed her concern that the recently mailed Comprehensive Plan Survey did not give adequate time for residents to respond, and that each head of household should have been provided a survey instead of just one as mailed. Mrs. Kaplan also stated that not enough public notice was given for residents to attend the June 10, 2009 Comprehensive Plan Update Community Meeting. The Board agreed that more time should have been given to respond to the survey, and Mr. Barker stated he would take her suggestions to the Comprehensive Task Force.
- B. Linda Glaum inquired about the status of earth disturbance reports that imply the new field at Pine Creek Park is causing soil sedimentation to a pond on an adjacent property. Mr. Shemonsky stated that the Township has taken extreme measures involving numerous inspections by engineers to assure the Township complies with stormwater erosion and control requirements. Mr. Ross stated he would provide Mrs. Glaum with the latest Earth Disturbance Inspection Report from the Chester County Conservation District.
- C. Emily Keefe stated that the Township recently completed tree trimming on Fox Lane that resulted in damage to several trees. Mrs. Keefe wished to know why the Township did not give prior notice of the trimming so that residents would have been provided the opportunity to trim their own trees. Mr. Ross stated that he will follow-up with the residents affected on Fox Lane.
- D. Al Switzer of 1244 Kimberton Road stated he has submitted a letter of complaint to the Township regarding his neighbor, Gregory Roos of 1240 Kimberton Road operating an auto repair business in the residential neighborhood. Mr. Switzer stated that he has been in contact with the Township since 2006 regarding these zoning

violations. Mr. Ross explained that this matter has previously gone to Court and is scheduled for a hearing at District Court on June 24, 2009. Mr. Switzer requested that the Police document the violations as they occur. Chief Clark informed Mr. Switzer that the police department cannot trespass on private property in matters of zoning violations. Mr. Donatelli stated that he would schedule a meeting with the Building/Zoning Officer and Chief Clark to discuss the violations.

IV. UNFINISHED BUSINESS

- A. Road Program Presentation – Mr. Ross stated that the Board of Supervisors received the revised June 2009 Road Maintenance Program that includes information on immediate repairs, general repairs, and future repairs. Mr. Cracas made a motion to pursue additional information pertaining to crack sealing as an immediate repair to needed roads and obtain the costs involved for 2009. Mr. Shemonsky seconded the motion. A discussion ensued regarding the details of the report, and the process to complete the immediate repairs, with crack sealing to be accomplished in September and October. Mr. Hallman III wished it noted that the report needs to have private roads excluded. After no further discussion, the motion carried with all voting Aye.
- B. UCC Amendment-Ordinance 2009-01 – Mr. Ross presented the Proof of Publication of Ordinance 2009-01. Mr. Ross explained the Ordinance authorizes the formation of a thirteen (13) Township, and five (5) Borough multi- municipal regional board of appeals to hear matters under the Uniform Construction Code. Mr. Cracas made a motion to adopt Ordinance 2009-01 and authorize the intergovernmental cooperation agreement creating the Western Chester County Regional UCC Board of Appeals. Mr. Barker seconded the motion. A discussion ensued regarding the cost effectiveness of process of the multi-municipal cooperation. After no further discussion the motion carried with all voting Aye.
- C. Hopkins Tract – Mr. Ross announced a public hearing will be deferred until the Board of Supervisors meeting of July 20, 2009.
- D. Downes/Rowan Land Development Extension – Mr. Cracas made a motion to authorize a 90-day extension to October 11, 2009. Mr. Shemonsky seconded the motion. After no further discussion the motion was carried with all voting Aye.
- E. Anselma Crossing Land Development Extension – Mr. Barker made a motion to authorize a 90-day extension to October 11, 2009. Mr. Shemonsky seconded the motion. After no further discussion the motion was carried with all voting Aye.
- F. Appointment to West Pikeland Land Trust – Mr. Cracas made a motion to appoint Timothy Tietze to the West Pikeland Land Trust. Mr. Barker seconded the motion. After no further discussion the motion was carried with all voting Aye.

V. NEW BUSINESS

- A. Bills for Approval – Mr. Cracas made a motion to approve the bills submitted. Dr. Bright seconded the motion. Mr. Hallman III abstained from checks 2121, 2131. After no further discussion the motion carried with all voting Aye.
- B. Act 32 Consolidation of Earned Income Tax – Mr. Ross explained that the new law requires that municipalities and school districts of each county form a single Tax Study Committee to study county-wide collection of earned income tax and possibly other taxes within each county. The Township must appoint by resolution, one primary voted delegate and one or more alternate voting delegates to be their Tax Study Committee by September 15, 2009. Mr. Ross and Mr. Hallman III announced their interest in being appointed. Mr. Cracas suggested the matter be tabled until the Board of Supervisors meeting of July 20, 2009.
- C. Resignation from Historic Commission – Mr. Shemonsky acknowledged Barbara J. Bergeron’s letter of resignation from the Historic Commission.
- D. Tom Oates – Future Business – Tom Oates of Oates Chevrolet Dealership addressed the Board in regards to the current economic impact on his business. Mr. Oates stated that he is exploring alternative uses of his facility in the event his dealership is affected, however he wished the public to know he intends on staying at his present location.
- E. Community Support – Mr. Hallman III suggested the Board go into Executive Session to discuss this item. The Board agreed to recess the meeting at the end of the Reports, and go into Executive Session.

VI. REPORTS

- A. Arts and Culture Committee – No Report
- B. Building/Zoning Officer – Mr. Shemonsky read the Building/Zoning Officer Report for May 2009
- C. Environmental Advisory Council – Dr. Bright announced that the Environmental Advisory Council has elected their officers for 2009. Dr. Bright also informed the Board that the Council will focus mainly on water quality. Dr. Bright made a motion to appoint Billy Paul as Chairman of the Environmental Advisory Council. Mr. Cracas seconded the motion. Mr. Barker requested the Council explore how the Township is caring for its properties. After no further discussion the motion carried with all voting Aye.
- D. Financial Review Committee – Wayne Freese gave a summary of their monthly report. Mr. Freese reported that he will be meeting with the Township Manager to discuss the upcoming budget process.
- E. Fire and Ambulance Reports – Mr. Shemonsky read the May 2009 reports from Uwchlan Ambulance Corps, Lionville Fire Company, Kimberton Fire Company, and West End Ambulance Company.
- F. Historic Architectural Review Board – No report.
- G. Historic Commission – Lila Smith reported the Commission is still gathering historic information from residents.

- H. Open Space Advisory Committee – No report
- I. Police Report – Chief Shane Clark read the May 2009 Police report.
- J. Planning Commission – Mr. Miller gave a summary of the recent June meeting which was focused on the draft Noise Ordinance. The Planning Commission Secretary will be submitting the Commission’s recommendation to the Board of Supervisors.
- K. Park and Recreation – Cathy Grady gave a summary of the June 4, 2009 Park and Recreation minutes. Mrs. Grady stated that the Park and Recreation Board discussed the use of Hallman’s field. Mr. Hallman III read the Deed for the property that states the field is restricted for use as a baseball field. Mr. Shemonsky stated that the Township has an obligation to explore baseball use options for the field. Park and Recreation will explore options for using the field, and providing adequate repairs to make it a usable baseball field. Sandy Heilman requested that the bridge at Pine Creek Park be repaired to reduce noise. Mr. Ross stated that he will discuss options to reduce noise with Mr. Lambert.
- L. Manager’s Report – Mr. Ross summarized his May 2009 report.
- M. Strategic Planning Committee – No report.
- N. Treasurer’s Report – Mr. Shemonsky gave a summary of the Treasurer’s report. Mr. Cracas requested that Mr. Ross contact Berkheimer Associates to assure the correct percentage of Earned Income Tax is being collected.
- O. Windolph Knoll Master Site Plan Committee – No report.
- P. West Pikeland Township Land Trust – Quarterly report only.
- Q. Motion to receive the reports – Mr. Cracas made a motion to receive the report as read. Mr. Shemonsky seconded the motion. After no further discussion the motion carried with all voting Aye.

VII. EXECUTIVE SESSION – The Board of Supervisors recessed the Regular Session at 9:27 p.m. to enter into Executive Session to discuss community support offered by the Citizens for West Pikeland’s Future, Inc. to assist in the defense of the federal action ACMEC v. West Pikeland Township. The Board reconvened the meeting at 10:11 p.m. Mr. Shemonsky made a motion to accept the community support offered by the Citizens for West Pikeland’s Future, Inc. to assist in the defense of the federal action captioned ACMEC v. West Pikeland Township. This support shall be extended in the form of funding so that the Township may engage the law firm of Pepper Hamilton with Citizens for West Pikeland’s Future, Inc. responsible for the payment of Pepper Hamilton’s legal fees and expenses from a Fund established for that purpose. This assistance is accepted based upon the following principles:

- The Pepper lawyers will answer directly to the Township, who is the client, and preserve client confidentiality
- The Pepper lawyers will assist John Mahoney, Esquire in defending the claim asserted in accordance with the terms and conditions of the Township intergovernmental contract and risk sharing arrangement with PIRMA
- Citizens for West Pikeland’s Future, Inc. is responsible for establishing and maintaining the Fund

- The Pepper Firm will provide the Township with an engagement letter satisfactory to the Township which provides that although the Township is the client, it has no payment obligations to it and that Pepper will look for payment solely from Citizens for West Pikeland's Future, Inc. and then only from the Fund established for this representation
- The representative of Citizens for West Pikeland's Future, Inc. responsible for managing the Fund will not be someone who requested party status in the conditional use hearing
- Contributions to the Fund will be made directly to the Fund
- Payments to Pepper will be made directly by the Fund to Pepper after the Township approves the invoice.
- The Board of Supervisors will review the advisability of this agreement prior to October 2009 and periodically thereafter.

Dr. Bright seconded the motion. After no further discussion the motion carried with all voting Aye.

VII. ANNOUNCEMENTS

- A. Next Board of Supervisors Meeting July 20, 2009 at 7:30 p.m.

VIII. PERSONS WISHING TO BE HEARD

- A. Robert Kocher stated that he felt the Comprehensive Plan Survey did not have enough details based on the Township needs.

IX. ADJOURNMENT – Mr. Cracas made a motion to adjourn the meeting at 10:25 p.m.

Respectfully Submitted,

Joan C. Matthews,
Township Secretary