

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

**BOARD OF SUPERVISORS MEETING APRIL 5, 2010**

The Board of Supervisors of West Pikeland Township met on April 5, 2010 at the Township Meeting Room. Those in attendance were Robert Shemonsky, Chairman; Richard Bright, Vice Chairman; Tom Tucker, Supervisor; Ernie Holling, Supervisor; Harold Hallman III, Supervisor; Stephen J. Ross, 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. **PLEDGE OF ALLEGIANCE:** Lead by resident John Henssler
- III. **EXECUTIVE SESSIONS:** Mr. Shemonsky reported that the Board of Supervisors met in Executive Session immediately following the March 15, 2010 Regular Session for personnel reasons.
- IV. **MEETING MINUTE APPROVAL:** Mr. Holling made a motion to approve the minutes of March 15, 2010 as amended. Mr. Hallman III seconded the motion. After no further discussion the motion was carried with all voting Aye.
- V. **PERSONS WISHING TO BE HEARD**
  - A. Mr. Hallman III wished to thank all who participated in the Spring Egg Hunt at Pine Creek Park and the recent March 25, 2010 Pipeline Meeting.
- VI. **UNFINISHED BUSINESS**
  - A. Davis/Conti Subdivision Extension – Mr. Shemonsky made a motion to approve the Davis/Conti Subdivision Extension until June 30, 2010. Mr. Holling seconded the motion. After no further discussion the motion carried with all voting Aye.
  - B. Trailhead Project - Mr. Ross stated that the Board requested that Lisa Lacroix be present to explain the Pickering Creek Trail parking lot improvements which are included in a DCNR Grant that was awarded to West Pikeland Land Trust in the amount of \$5,000.00. The property, located at the intersection of Pikeland Road and Route 113 contains a Deed with Restrictive Covenants and a Conservation Easement held by French and Pickering Creek. The proposed parking lot improvements includes building a Kiosk at the trailhead, shade trees, and split rail fencing to better define the parking area. The Board had previously engaged in discussion regarding Mr. Hallman III's concerns the project was prohibited by the Deed and Easement that was created to preserve the open space, wildlife habitat and

scenic quality of the property. Mr. Donatelli did clarify that under the West Pikeland Township Ordinance; a fence was defined as a “structure” and therefore prohibited. Ms. Lacroix stated that the grant funds were designated for a fence, sign, Kiosk, shade trees and the placement of a handicap parking spot. She noted that the Kiosk has already been purchased and suggested that perhaps the Township could purchase it if it was not used as defined in the original grant. Ms. Lacroix further explained that grant application included the mentioned parking lot improvements, and if not installed or purchased, the grant could be denied and the funds would need to be returned. Mr. Holling suggested the idea of resolving the Kiosk issue by the May 2010 meeting, and Mr. Shemonsky suggested Ms. Lacroix request the Park and Recreation Committee assist in deciding what alternative project purchases other than the fence could be considered. Dr. Bright made a motion to approve the planting of five trees at the parking lot area. Mr. Holling seconded the motion. Mr. Hallman III stated that he is opposed to the trees being planted in honor of the original Deed’s essence of creating open space. After no further discussion the motion carried with all voting Aye with the exception of Mr. Hallman III who voted Nay.

- C. Park Rules Enforcement – Mr. Holling had requested that Chief Clark submit his comments regarding how the newly adopted Park Ordinance would be enforced. Chief Clark responded that the Police Department will respond to complaints received and take appropriate actions as necessary.

## VII. NEW BUSINESS

- A. Bills for Approval – Mr. Holling made a motion to approve the bills submitted. Mr. Tucker seconded the motion. Mr. Hallman III abstained from Check 2635. After no further discussion the motion carried with all voting Aye.
- B. Evans Mill Antidegradation Proposal – Mr. Ross stated that David Linahan, P. E. advised that DEP requires a Antidegradation Analysis for a proposed drip system and for groundwater as part of the sewage facility planning process as a measure to protect the surface waters. Mr. Tucker made a motion to authorize Evans Mill to complete an Antidegradation Analysis Study not to exceed \$5,575.00. Mr. Hallman III seconded the motion. After no further discussion the motion carried with all voting Aye.
- C. Berkheimer Resolution 2010-04-15- Mr. Ross explained that a Resolution will need to be adopted appointing Berkheimer as Deputy Tax Collector for the collection of real estate tax since the Township elected Frank Mercurio as Tax Collector. Mr. Holling made a motion to appoint Berkheimer Associates as Deputy Tax Collector of real estate tax at the rate of \$2.25 per bill and the commission being set annually. Mr. Hallman III seconded the motion. After no further discussion the motion carried with all voting Aye.
- D. Yasgur Conditional Use Application – Mr. Jacob Yasgur appeared before the Board and submitted a letter dated April 5, 2010 requesting the Board of Supervisors grant a waiver to the requirement of preparing and presenting a Land Development Plan as part of his Conditional Use Application for his property at 1479 Conestoga Road. This waiver would

permit him to submit an “incomplete” application and allow him to proceed for required reviews by the Historic and Planning Commissions and in-turn submit a completed Land Development Plan which would incorporate their comments from reviewing the plan. Mr. Yasgur proposes using the Barn for office space. Mr. Holling suggested that Mr. Yasgur submit a sketch plan. John Henssler of the West Pikeland Township Planning Commission agreed. Mr. Donatelli noted that the applicant must understand that the time limitation clock does not start until a completed application is received by the Township.

- E. Downing Hills Fellowship Church- Mr. Ross stated that Downing Hills Fellowship Christian Church’s lease will expire on June 3, 2010 at a rate of \$250.00 per week. Bob Shemonsky made a motion to renew a one year lease expiring June 3, 2011 with no increase in the monthly rate. Mr. Holling seconded the motion. After no further discussion the motion carried with all voting Aye.
- F. Invasive Weed Control – Mr. Ross explained he received reports from the Brandywine Conservancy regarding the continual growth of mile a minute plants and the application of a weed control chemical. The program that the Conservancy followed has had continued success without harming the environment. The area designated at Pine Creek Park is approximately 38,000 sq. ft. and it follows the outside perimeter of the walking track. Mr. Ross further advised that he has received quotes from Weeds Inc. at \$400.00 and Ehrlich at a cost of \$525.00 to apply Escort and Aquacap. Mr. Humphreys stated that his horses are in close proximity to the area of proposed spraying and requested that the Chemical Data Sheets be obtained to assure there is no danger to the animals and their grazing area. Mr. Holling made a motion to approve the quote of \$400.00 from Weeds Inc. to spray Escort and Aquacap and spray the experimental area of the track in the area of 1 o’clock and 4 to 9 o’clock facing the track from the barn, conditioned upon receipt and review of the Chemical Data Sheets assuring the safety of animals, birds, wildlife and the local streambed. Mr. Hallman III seconded the motion. After no further discussion the motion carried with all voting Aye. Mr. Hallman III requested that Mr. Ross take photographs of the area before and after spraying.
- G. Appointment to Comprehensive Task Force– Mr. Holling made a motion to appoint Rena Ferris, President of the Twin Hills Homeowners Association, to the Comprehensive Task Force. Mr. Shemonsky seconded the motion. After no further discussion the motion carried with all voting Aye.
- H. Installation of Water Treatment at Gatehouse – Mr. Ross reported that the Township received approval from DEP to install a new well on the Gatehouse property with a condition that a water purification system be installed due to the close proximity of the septic system. Two proposals were received; one from B. L. Myers (\$2909.99) and the other from Thomas Keyes (\$2490.00). The ultraviolet system is nearly the same quoted by both vendors. The cost difference is because the reverse osmosis system proposed by Myers will service the whole house. Jim Gallagher, tenant of the house stated that he has not had potable water since he has lived there. He further stated that the house is in

disrepair and wished to know if the Township had a plan to complete needed repairs. Mr. Tucker made a motion to accept the proposal from B. L. Myers at a cost of \$2909.00 that includes both the Ultra Violet Sterilization Unit and the Reverse Osmosis Unit. Mr. Holling seconded the motion. Mr. Shemonsky requested that Mr. Gallagher submit a list of needed repairs. Mr. Holling suggested that the Board of Supervisors and Township Manager visit both rental properties; being the Gate House and Palmer House and open the topic for discussion at the May 17, 2010 meeting. Mr. Hallman III requested Building/Zoning Officer Thomas Cooke conduct an inspection of the Gate House. Carole Kustafik asked if the Township conducted rental inspections. Mr. Ross replied that the Township does not have a Rental Maintenance Code. Sandy Heilman stated that she has observed the public works employees working at the Gate House property and commented on the funds being expended for this property when the park bridge with its noise issues had not had funds budgeted for needed repairs. A discussion ensued regarding the well being in close proximity to the septic system. Suzanne Kaplan requested that the B. L. Myers documents be examined to assure the proper procedure was taken to obtain permits. Mr. Humphreys suggested that the Board conduct an inspection of the Gate House to conclude what extra funds are needed for immediate repairs. Mr. Shemonsky requested that Mr. Ross not purchase the water system until the Board completes an inspection of the property. After no further discussion the motion carried with all voting Aye. The Board requested Mr. Ross to review the permit to drill the well to assure the paperwork was in order and the well was done properly.

- I. Appointment to Delegate Act 167 – Mr. Holling asked if any of the members of the Board wished to attend the County-wide PA Act 167 Stormwater Management Plan on April 6, and June 10, 2010. Mr. Ross stated that Township Engineer, Ted Gacomis, P. E. informed him he would be attending the April 6, 2010 and would represent the Township. Mr. Ross further stated that he will attend the June 10, 2010 meeting if Mr. Gacomis cannot. Mr. Gacomis informed Mr. Ross that he will submit the requested comments on the initial draft set of stormwater design standards and related materials that will be provided on April 6, 2010 at the meeting.
- J. Financial Interest Forms – Mr. Holling wished to remind all Township Officials that the Commonwealth of Pennsylvania Statement of Financial Interest Forms are due to be received by the Township Secretary on May 1, 2010. Mr. Holling further requested that Mrs. Matthews send out reminders to those who have not returned their form.

## VIII. REPORTS

- A. Building/Zoning Officer – Mr. Shemonsky read the Building/Zoning Officer's report for March 2010.
- B. Arts and Culture – Nancy Bartley, representing John Matthews wished to remind everyone that there will be a Chamber Music Concert on Sunday, April 11, 2010 at 3:00 pm.
- C. Financial Review Committee – Mr. Freese was not present to submit his report.

- D. Police – Chief Clark read the March 2010 Police Report.
- E. Road Improvement Committee Report – Mr. Humphreys reported that the Road Improvement Committee conducted a road inspection with the Township Engineer to establish the total funds needed and the job scope of immediate repairs. Core samples of various roads will need to be obtained before the Committee prioritizes what immediate work needs to be completed. A discussion ensued regarding a road contractor offering to complete ten (1) core samples at no cost. Mr. Holling stated that he does not endorse a contractor completing this free service since the same road contractor could bid on the needed repairs in the future. Mr. Tucker asked Mr. Donatelli if there was any legal reason the Township could not allow the contractor to conduct this free service. Mr. Donatelli responded that there is no legal reason why the contractor cannot supply the samples. Mr. Holling made a motion to not accept the contractor’s offer of collecting core samples at no charge to the Township, but to obtain the services of a third party contractor to complete the samples. Mr. Shemonsky seconded the motion. Mr. Tucker stated that he felt there was no issue to having the core samples obtained free of charge. Mr. Hallman III commented that such a service could cost the Township \$10,000.00. After no further discussion the motion was not carried due to Mr. Holling voting Aye, Mr. Tucker and Mr. Hallman III voting Nay, and Mr. Shemonsky and Dr. Bright abstaining.
- F. Treasurer’s Report – Mr. Tucker read the Treasurer’s report.

**IX. PERSONS WISHING TO BE HEARD**

- A. Mr. Shemonsky noted that Mr. Ross received a letter from State Senator Andy Dinniman presenting him with Senate Resolution 275 which proclaims the week of April 12 to 17<sup>th</sup>, 2010 as “Local Government Week” in Pennsylvania.
- B. Sandy Heilman requested that the Township consider selling two trailers and a tar pot parked at the barn at Pine Creek Park that have not been used for years. Mr. Hallman III requested that the Township Manager attempt to sell the equipment for a second time on MuniBid.
- C. Bob Smith asked what the current status is regarding the Road Dedication of Phase II of Creek Crossing in Pickering Meadows since Orleans Homebuilders has declared bankruptcy. Mr. Donatelli responded that he will have to file a formal claim on the existing Bond held by Fireman’s Fund. The claim give the Township the option to complete the work and file a claim with Fireman’s Fund or allow Fireman’s Fund to have the work completed by a contractor. Mr. Donatelli stated the process could take up to three months to complete.
- D. Mr. Hallman III requested that a punch list of improvements be obtained from Miss Betty’s Day Camp and to notify them the area needs mowing.

**X. ANNOUNCEMENT S**

- A. Park and Recreation Meeting have been rescheduled to April 8, 2010 at 7:30 p.m.

- B. There will be a Chamber Music Concert held on Sunday, April 11, 2010 at 3:00 p.m. in the Cultural Center Theatre.
- C. Chester County Craft Show will be held May 1-2, 2010 at the Township Building.
- D. The next Board of Supervisors meeting will be held on Monday, May 17, 2010 at 7:30 pm.
- E. West Pikeland Township Historic Day will be held on May 22, 2010
- F. West Vincent/West Pikeland Township will hold a Pipeline Presentation on April 29, 2010 at the West Pikeland Township Cultural Center Theatre

**XI ADJOURNMENT** – Mr. Holling made a motion to adjourn the meeting at 9:34 pm. Mr. Tucker seconded the motion. After no further discussion the motion was carried with all voting Aye.

Respectfully Submitted,

Joan C. Matthews,  
Township Secretary