

**THORNBURY TOWNSHIP, CHESTER COUNTY**  
**BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**MINUTES – July 21, 2009**

**I. CALL TO ORDER**

The regularly scheduled meeting of the Thornbury Township Board of Supervisors was called to order by Ed Travis at 7:10 P.M. in Thornbury Township's meeting room. In attendance were Supervisors Ed Travis, Chairman; Mike Gast, Vice-Chairman; Robert Miller, Percy Neall, Lou Gagliardi Board Members, Kathy Labrum, Esq., Solicitor; and Cary Vargo, Township Manager. An executive session was held before the regularly scheduled meeting to discuss legal matters. There were 4 signed guests.

**II. WESTTOWN EAST GOSHEN POLICE REPORT – Sergeant Gorman**

Sergeant Gorman presented the April police report. There were 143 calls for service which constituted 12 % of the total calls for the three Townships.

Ed Travis inquired about the operation of the Enrad and asked that it be deployed in Thornbury Township.

Sergeant Gorman noted that the Enrad Speed Timing Device has been operational and deployed. Sergeant Gorman also reminded everyone to keep all car doors locked in order to prevent thefts from motor vehicles

**III. MANAGER'S REPORT – Cary Vargo**

1. The Zoning Hearing Board met on July 8, 2009 and considered the Township's application for several variances re: the Waln Run Park. Kathy Labrum, Township Solicitor, attended the hearing. The requested variances included relief from disturbance in the wetland buffer to allow for the access driveway and a mown grass path and relief from the requirement to replace greater than 8" caliper trees removed with 4" caliper trees. This request will allow the Township to place a greater number of trees and bushes on site to insure a visual buffer between the park and properties on Echo Hill Road. The requested variances were granted by the ZHB. The next step in the process is a review by the DCNR and the Chester County Planning Commission Open Space Department.
2. The Commonwealth Financing Authority met on July 14, 2009 in order to consider approximately 800 grant applications for the H2O program. Thornbury Township submitted two applications, one for the College Hill Area and one for Thornbury Estates. The Township was unsuccessful in its bid to obtain grant funding. There were 286 successful grant applications, totaling approximately \$470 million dollars. The deadline for the next round is August 2010 with a November 2010 announcement date. Township staff will contact residents with

the outcome of the grant applications via written correspondence and also a newsletter item.

3. The proposed Police Services Contract is included in your books for review and consideration.
4. The Historic Resource Inventory Task Force met on Tuesday, July 14, 2009 to review the progress and status of the Historic Resource Inventory Project. The project is behind schedule and will not be completed by the original deadline of November, 2009. A revised schedule was crafted and a 6 month grant extension will be requested from the Chester County Vision Partnership Program. The project is expected to culminate with the Boards adoption of the recommended revisions to the Historic Preservation section of the Township's Comprehensive Plan.
5. Summer roadside maintenance continues with vegetative cut-back throughout the Township.
6. Roadway line striping will be completed by Alpha Space Control. Roadway painting will include "long lining" (double yellow and white) and the painting of 14 stop bars. This is a budgeted expenditure for 2009.
7. The Treasurers Quarterly Report reflects receipt of 28% of budgeted revenue from Real Estate Transfer Tax. The Township received in July a Real Estate Transfer check in the amount of \$25,459. This brings the YTD transfer received up to 46% of budgeted revenue. We are on target to meet the projected total for this revenue line item.
8. The exterior of the Township building is currently being painted. Other recent repairs include gutter installation.
9. A response to the Township's Resolution regarding Section 100 of Route 202 was received from Congressman Sestak. The Congressman agrees that the project is high priority and has requested funding from the SAFETEA-LU Act.

Mike Gast noted that the recent setback in attempts to obtain grant funds for sewer infrastructure does not represent the end of Township efforts to obtain reasonable public sewer systems for our residents.

#### **IV. APPROVAL OF MINUTES**

##### **A. June 2, 2009 (Work Session)**

Eric Burling advised the Board that a meeting has been scheduled for June 29, 2009 at 3:00 p.m. with Jim Jordan, Executive Director of the Brandywine Valley Association. The agenda will include a discussion on the public option for the Squire Cheyney Property.

**Ed Travis motioned to approve the minutes with the above changes. The motion was seconded by Bob Miller. Mike Gast, Bob Miller, and Ed Travis were in favor. Lou Gagliardi and Percy Neall abstained. Motion carried.**

**B. June 16, 2009 (BOS Meeting)**

Mike Gast noted several 1<sup>st</sup> person references to be corrected.

Percy Neall noted a change on page 3 - BLUER presentation. Corrected minutes to reflect the following: the percentage share is 80% back to the energy office with the participating municipalities keeping 20% of the cost savings.

Mike Gast noted that this represented an example of an existing program and has not been proposed by BLUER. The various options and details are to be considered at a later date.

**Mike Gast motioned to approve the minutes with the above changes. The motion was seconded by Ed Travis. All were in favor. Motion carried.**

**C. July 7, 2009 (Work Session)**

**Mike Gast motioned to approve the minutes with above changes. The motion was seconded by Bob Miller. Mike Gast, Bob Miller, Lou Gagliardi and Ed Travis were in favor. Percy Neall abstained. Motion carried.**

**V. AGENDA BUSINESS:**

**1. Approve Delegates to the Chester County Tax Collection Committee, Resolution 2009-13**

Ed Travis noted that Act 32 requires Townships to appoint three delegates to the County's Tax Collection Committee. Resolution 2009-13 names Cary Vargo as the primary delegate, Dee Ann Manley as the 1<sup>st</sup> alternate and Bob Miller as the 2<sup>nd</sup> alternate.

**Mike Gast motioned to approve Resolution 2009-13. The motion was seconded by Lou Gagliardi. All were in favor. Motion carried.**

**2. Approve 1 Year Contract Extension with the Groundskeeper – Snow and Ice Control**

Lou Gagliardi inquired if there were any changes in the contract.

Cary Vargo noted a decrease in the amount of the required performance bond; the bond amount has been reduced from \$20,000 to \$10,000.

**Percy Neall motioned to approve the 1 year contract extension with the Groundskeeper. The motion was seconded by Mike Gast. All were in favor. Motion carried.**

**3. Approval of the 2009 Roadway Repair/Paving Project**

Bids submitted are detailed below.

<b>Contractor Name</b>	<b>Cheyney Road</b>	<b>S. Westbourne Road</b>	<b>Combined Bid Cheyney Road/S. Westbourne Road</b>
<b>Dan Malloy Paving</b>	\$41,947.00	\$67,212.50	\$108,519.00
<b>Charlestown Paving</b>	\$42,118.00	\$74,751.25	\$116,221.50
<b>Joseph Sucher &amp; Sons</b>	\$42,072.50	\$70,528.75	<b>\$104,968.00</b>
<b>Macanga Inc.</b>	\$46,328.90	\$89,372.50	\$124,317.65

\*Combined bids are separate bids submitted by the individual contractors and are not simply an accumulation of the individual bids submitted.\*

Percy Neall requested that the contractor be informed that the roadway was not to be widened beyond the current width, 18' 3".

Bob Anthony inquired about the length of the project.

Cary Vargo noted he will get the information to him.

**Lou Gagliardi motioned approval of the 2009 Roadway Repair/Paving Project and the bid submitted by Joseph Sucher & Sons, \$104,968. The motion was seconded by Ed Travis. All were in favor. Motion carried.**

**4. Approval to Transition to the Delaware Valley Health Insurance Trust for Township Health Care**

Cary Vargo noted that the Township has seen a 27.5% increase in healthcare costs over the past 12 months. Transition to the DVHIT will reduce healthcare costs by approximately 6%. The installation period is approximately 10-12 weeks with the

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targeted effective date being November 1, 2009. Cary Vargo recommended that the Board approve the transition to the DVHIT. There is a two year commitment to the program. Additional steps will include adoption of an ordinance and approval of a trust agreement.

**Lou Gagliardi motioned to approve the transition to the Delaware Valley Health Insurance Trust for Township health care. The motion was seconded by Ed Travis. All were in favor. Motion carried.**

**5. Approval to Advertise Ordinance Amendment – Chapter 120, Article III, Emergency and Municipal Service Tax**

Cary Vargo noted that this ordinance currently exists but needs updated in order to comply with Pennsylvania Act 7 of 2007. The Local Services Tax (LST) is a tax on those persons who work in the Township. The tax totals \$52/annually and is collected at \$1/week from those persons who work in the Township and earn more than \$12,000 annually. Berkheimer has estimated that the tax will yield approximately \$35,000 - \$40,000 in budget year 2010. Berkheimer estimates that there are 64 Township residents who also work in the Township.

Percy Neall inquired if this tax would affect a landscaper who comes into our Township.

Cary Vargo noted that the tax is only collected from those who earn more than \$12,000 annually in the Township.

Mike Gast noted that the LST is a tax on those who come into the Township to work and, as a result, utilize Township services.

Eric Burling inquired if it would include employees of Cheyney University.

Mike Gast noted that it does.

Percy Neall expressed concern that the amount of the tax will be increased at a later time, stating that all taxes start small but they all seem to eventually increase.

Kathy Labrum noted that the tax rate for the LST is set by the Commonwealth.

Lou Gagliardi expressed his displeasure with the LST and the current tax burden on homeowners and businesses.

**Ed Travis motioned the approval to advertise ordinance amendment – Chapter 120, Article III, Local Services Tax. The motion was seconded by Mike Gast. Mike Gast, Bob Miller, and Ed Travis were in favor. Lou Gagliardi and Percy Neall were opposed. Motion carried.**

**6. Approval to Advertise Ordinance Amendment – Chapter 135, Article VII, Engine Brakes**

Cary Vargo noted that the Township currently has an ordinance which prohibits Engine Brakes on Dilworthtown Road and Route 202, within the Township. The Township has received complaints in reference to truck traffic from residents on Westtown Road and Creek Road and also from a non-resident who resides on West Street Road (Route 926). This amendment will prohibit engine brakes throughout the Township.

Ed Travis noted that the police can and will only enforce this ordinance where there is properly posted signage.

**Percy Neall motioned the approval to advertise ordinance amendment – Chapter 135, Article VII, Engine Brakes. The motion was seconded by Mike Gast. All were in favor. Motion carried.**

**7. Approval of Three (3) Year Police Service Contract (2010-2012)**

Ed Travis noted that Mike Gast and Bob Miller have negotiated a new 3 year police services agreement with the Westtown East Goshen Regional Police Commission. The agreement is effective January 1, 2010 thru December 31, 2010 with annual costs of \$700,000, \$742,000, \$786,000.

Tom Spackman congratulated the Board on the successful negotiations, resulting in three more years of quality police coverage in the Township.

Percy Neall noted that other Townships (East Bradford) require 2 officers in their Township at all times for the dollar amount and would like this requirement written into the police services contract. The lack of this required presence would be a reason to vote against the new agreement.

Lou Gagliardi expressed support for the police department but displeasure with the cost of the new agreement and the manner in which negotiations were handled.

Eric Burling inquired about the process that was followed.

Mike Gast noted that all available alternative police services were considered prior to completing negotiations with WEGO.

Bob Anthony noted problems with solicitors at his residence (Cricklewood Road) several weeks ago and extended police department response time.

Mike Gast advised that two arrests had been made in reference to solicitation on Cricklewood Road.

Chris Lang noted his concerns about the cost of the contract and the annual increases.

Lou Gagliardi noted that his opposition to the contact is based on negotiation tactics, strategy and a lack of options for services.

**Ed Travis motioned to approve the three year police services contract. The motion was seconded by Bob Miller. Mike Gast, Bob Miller, and Ed Travis were in favor. Lou Gagliardi and Percy Neall were opposed. Motion carried.**

## **VI. PUBLIC COMMENT PERIOD**

Eric Burling inquired about the name of the Squire Cheyney Farm, also known as the Dallet Property, and stated that his neighbors and other residents are not familiar with the “Dallet Property.”

Tom Spackman noted that the Dallets were the last owners of the property.

Mike Gast noted advantages, because of the properties historical significance, to referring to the property as the Squire Cheyney Farm.

Lou Gagliardi suggested that the property be known as both the Squire Cheyney Farm and the Dallet Property.

## **VII. COMMISSION REPORTS**

### **A. Planning Commission – Jim Jordan**

No Report

### **B. Historic Preservation Commission – Chris Lang**

Chris Lang reported on the completion on the Historic Resource Atlas. Several errors were found and will be corrected. The Historic Resource Inventory Task Force met recently and revised the project schedule in order to allow for adequate time to complete the project. A grant extension is being requested.

Chris inquired about a meeting with Orleans Homebuilders.

Cary Vargo noted that he will contact Kevin Moran and schedule a meeting.

Mike Gast suggested a public dedication of the new Squire Cheyney historic marker recently placed on the Squire Cheyney property.

**C. Park and Recreation – Percy Neall**

No meeting in June. The Fall Festival, scheduled for October 10, 2009, is the next Township event.

**D. Council of Governments – Mike Gast**

Mike Gast noted that the WCACOG met on June 29, 2009 with a majority of the discussion centering around Section 100 of Route 202. The topic was Thornbury Township's Resolution 2009-12. The focus of Route 202 improvements is now improving the intersections rather than road widening.

The next WCACOG's meeting is scheduled for August 27, 2009 at the East Bradford Township municipal building.

**E. Cheyney Liaison – Mike Gast**

Mike Gast noted that Cary Vargo is talking with staff at the University.

Chris Lang inquired about involvement in historic preservation, specifically the Squire Cheyney residence

**F. Squire Cheyney/Dallet Property**

No Report

**VIII. OPERATION REPORTS**

**A. Road Master Report- Cary Vargo**

Cary Vargo noted that the traffic counter is currently deployed on Creek Road. The counter will be retrieved and the information analyzed next week.

**B. Approval of the Treasurers Quarterly Report – Bob Miller**

Bob Miller presented the Treasurers Quarterly report and reviewed points of interest.

**Ed Travis motioned to approve the Treasurer's Quarterly Report as presented. Mike Gast seconded the motion. All were in favor.**

**C. Approval of Bill List, \$116,488.62 – Bob Miller**

Bob Miller presented the July bill list for \$116,488.62 and reviewed the major expenditures.

**Ed Travis motioned to approve the bill list as presented. Mike Gast seconded the motion. All were in favor. Motion carried.**

**IX. OTHER MATTERS**

Lou Gagliardi inquired of Kathy Labrum about House Bill 1682 (1% County Sales Tax).

Kathy Labrum noted that the Township does not have to participate, but lack of participation will mean that the Township will not be able to benefit. Kathy recommended contacting the Township's State Senator.

Ed Travis asked if anyone would be interested in a free pipeline seminar.

**X. ADJOURNMENT**

**Lou Gagliardi motioned to adjourn the meeting. Percy Neall seconded the motion. All were in favor. Motion carried.**

Respectfully Submitted,

Cary B. Vargo  
Township Manager/Secretary