

**THORNBURY TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
MINUTES – November 18, 2008**

I. CALL TO ORDER

The regularly scheduled meeting of the Thornbury Township Board of Supervisors was called to order by Mike Gast at 7:01 P.M. in Thornbury Township's meeting room. In attendance were Michael Gast, Vice-Chairman; Percy Neall, Robert Miller, Lou Gagliardi Board Members; Ed Travis, Chairman via telephone, Kathy Labrum, Esq., Solicitor; and Cary Vargo, Township Manager. There were 15 signed guests.

II. WESTTOWN EAST GOSHEN POLICE REPORT – Sergeant Gorman

Sergeant Gorman presented the October 2008 Police Report. There were 151 calls for service, which constituted 13 % of the total calls for the three Townships.

Percy Neall inquired about the location of the DUI.

Sergeant Gorman responded that he did not currently have that information.

Ann Connolly inquired about the locations of the motor vehicle accidents in the Township.

Sergeant Gorman responded that he did not have that information.

Bob Miller advised that he would obtain that information at the Police Commission meeting scheduled for November 20.

Bob Miller inquired about the status of the enrad speed device.

Sergeant Gorman responded that it is back in service.

III. NEW BUSINESS

A. Approval of 5-year West Chester Area Fire Department contract

Cary Vargo introduced Chief Mark McCarthy, Assistant Chief Bill Ronayne, and Assistant Chief Mike McDonald from the West Chester Fire Department. The new West Chester Area Fire Department 5-year stable agreement will cost \$54,112.00 annually; this is a 13% increase over the last 5-year agreement.

Lou Gagliardi inquired about the fire departments coverage area.

Chief McCarty noted that the WCAFD covers Thornbury Township, West Goshen Township, East Bradford Township, Birmingham Township and West Chester Borough.

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Lou Gagliardi also inquired about significant costs in the near future.

Chief McCarty noted that there are two pieces of equipment that will need replacement in the next 5-year agreement.

Mike Gast motioned to approve the 5-year West Chester Area Fire Department contract. The motion was seconded by Bob Miller. All were in favor. Motion carried.

B. Approval of 2009 SPCA Contract

Cary Vargo noted that this is a yearly contract. There is an increase this year from \$1,200.00 to \$1,450.00.

Bob Miller inquired about the different options on the contract.

Cary Vargo noted that the Township opts for the most comprehensive option, #1 because we do not have personnel to handle animal control responsibilities.

Mike Gast motioned to approve the 2009 SPCA Contract, Option #1. The motion was seconded by Bob Miller. All were in favor. Motion carried.

C. Consideration of and approval to advertise preliminary 2009 Township Budget.

Mike Gast noted that this is approval to advertise the proposed budget with final approval of the budget to be on December 16, 2008.

Percy Neall noted that we may want to hear input from the public before advertising. Percy also suggested posting the budget online.

Lou Gagliardi expressed concerns about the increased road maintenance expenses and the budgeted salt shed in relation to the current economy.

Percy Neall expressed concern about Real Estate Transfer Tax revenue.

Ann Connolly inquired about the salt shed and its location.

Mike Gast stated that the budget is balanced with no tax increase.

Ed Travis also noted that it is a balanced budget and does not believe that changes are necessary.

Lou Gagliardi noted that it is a balanced budget but only with a transfer from the Capital Reserve account.

Percy Neall recommended more definitive plans for the salt shed prior to budgeting for the expenditure. Percy asked where the salt shed could be located.

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Ed Travis noted that it could be at the Town Center.

Mike Gast noted that this is a budgeting process and is ongoing throughout the year.

Lou Gagliardi stated that he believes that, at this time, it is irresponsible to pull money from the Capital Reserve account. Lou also expressed concern about spending money on traffic studies that have already been done

Jim Jordan requested confirmation that he has requested traffic studies on additional roadways in the Township that he deems more dangerous.

Ed Travis did confirm Jim Jordan's request.

Ann Connolly stated that she believed that the budget was not balanced because the Township is taking from reserve funds.

Renee Braun handed the Board a paper for their review.

John Rendemonti stated that the Township should keep their salt on the Cheyney University property.

Brain Smith requested that the budget be placed online so he and other residents can study it.

Glory Cilluffo thanked everyone for their hard work. Glory expressed concern about cut through traffic on S. Concord Road. Glory inquired about teaming up with another Township to save on cost.

Donna Richetts would like to keep S. Concord Road beautiful.

Mike Gast thanked Glory & Donna for their comments but would like to keep the comments to the budget.

Chris Lang also requested that the budget be placed online.

Percy Neall requested that the changes be red line and emailed so they may be reviewed.

The matter was tabled at this time. Further discussion was held on the budget with the vote occurring later in the meeting.

D. Township debt service-approval to extinguish debt, \$72,488.80

Lou Gagliardi inquired about the funds being used to extinguish the remaining debt.

Cary Vargo stated that the funds will be taken from the 2008 fund balance.

Lou Gagliardi motioned to approve the extinguishment of the remaining Township Debt, \$72,488.80. The motion was seconded by Percy Neall. All were in favor. Motion carried.

E. Approval of independent auditor to conduct the 2008 audit

The Township distributed an RFP for independent auditing services. In response to the RFP, the Township received three proposals from independent auditors to provide auditing services to the Township for the calendar years ending December 31, 2008-2010. The proposals received are as follows:

Name of Firm	Cost Year Ending December 31, 2008	Cost Year Ending December 31, 2009	Cost Year Ending December 31, 2010
Barbacane & Thornton	\$7,700	\$8,085	\$8,490
Mingis, Gutowski & Company	\$8,200	\$8,600	\$9,000
Maillie, Falconiero & Company	\$9,000	\$9,450	\$9,900

A brief discussion was held on the benefits of either remaining with the current auditor, Barbacane & Thornton, or naming a new auditor in order to obtain a fresh perspective on Township finances and operations.

Lou Gagliardi motioned to accept the proposal submitted by Barbacane & Thornton. The motion was seconded by Percy Neall. All were in favor. Motion carried.

F. Approval of 2009 Road Maintenance contract

Cary Vargo explained that the 2009 Road Maintenance Contract had been advertised as required by law with two proposals being submitted for review and consideration.

Firm/Bidder	2009 Bid	2010 Bid
Neff Construction 244 Greentree Drive West Chester, PA 19382	<u>Labor Rates</u> Skilled - \$25/hr Unskilled – \$20/hr Equipment Cost (average) \$24.16/hr	<u>Labor Rates</u> Skilled - \$25/hr Unskilled – \$20/hr Equipment Cost (average) \$24.16/hr
B. Love Landscaping P.O. Box 294 Downingtown, PA 19335	<u>Labor Rates</u> Skilled – \$35/hr Unskilled – \$25/hr Equipment Cost (average) \$62.14/hr	<u>Labor Rates</u> Skilled – \$35/hr Unskilled – \$25/hr Equipment Cost (average) \$69.28/hr

Virginia Gillespie asked if the Board would consider placing signage on the corner of Creek Road.

Cary Vargo said he would look at it and talk to Thornbury Township Delaware County.

Lou Gagliardi motioned to approve the bid submitted by Neff Construction to provide 2009 Road Maintenance. The motion was seconded by Percy Neall. All were in favor. Motion carried.

G. Resolution 2008-22 Open Records Policy

Cary Vargo noted that the Open Records Law was signed by Governor Rendell in February, 2008 and becomes effective on January 1, 2009. The law requires that the Township name an open records officer and place the Township’s policy and forms on the web site.

Percy Neall asked if the State has made any money available for this activity.

Kathy Labrum noted that you can charge to obtain records, but only enough to cover the Township’s costs.

Lou Gagliardi asked about the reasons for the new law.

Kathy Labrum explained that the new law tightened the time frames for the release of records.

Bob Miller asked if there was a template for the policy or did it come from the State.

Cary Vargo explained that the policy mirrors the law.

Bob Miller inquired about the schedule of fees, specifically the charge for a CD.

Bob Miller motioned to approve the Open Records Policy, Resolution 2008-22. The motion was seconded by Ed Travis. All were in favor. Motion carried.

H. Resolution 2008-23 Naming an Open Records Officer for the Township

Mike Gast noted that resolution 2008-23 names the Township Manager the Open Records Officer.

Lou Gagliardi motioned to approve resolution 2008-23. The motion was seconded by Bob Miller. All were in favor. Motion carried.

I. Appointment to the Historic Preservation Commission

Ed Travis noted that we had one resume, submitted by Tom Spackman, for the open seat on the Historic Preservation Commission.

Chris Lang expressed his approval of the appointment of Tom Spackman to the open seat on the Historic Preservation Commission.

Ed Travis motioned to appoint Tom Spackman to the Historic Preservation Commission. The motion was seconded by Percy Neall. All were in favor. Motion carried.

IV. PUBLIC COMMENT PERIOD

Ann Connolly noted that Tom Spackman would be a great asset to the Historic Preservation Commission. Ann expressed disappointment at the appointment of Barb Iacovelli to the Planning Commission.

Jim Jordan expressed displeasure that an item of business addressed in a previous meeting had not been on the agenda. Jim also expressed displeasure that the Board was considering a traffic study on S. Concord Road.

Lou Gagliardi agreed that handling business not previously announced is bad business.

Percy Neall wanted to know if we received an estimate for a traffic study or put the work out for bid.

Kathy Labrum stated that professional services such as legal work or engineering is exempt from bidding requirements.

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Cary Vargo noted that Pennoni provided a tentative estimate of \$10,000.00.

John Rendemonti asked all members of the Board if they were aware of the expenditure.

Percy and Lou answered that they were not aware of the study.

Ann Connolly stated that unfinished business and other matters should be left off the agenda unless specified.

Renee Braun asked that the Board members read the information that he distributed.

Eric Burling asked that specific safety concerns on S. Concord Road be placed on the web site so the residents will be informed.

Donna Richetts noted that she has signed a petition and wants S. Concord Road left alone.

Virginia Gillespie inquired about recycling in the Township.

Mike Gast noted that the Township continues to evaluate our recycling efforts and all alternatives available to improve those efforts.

V. OPERATION REPORTS

A. Road Master Report- Cary Vargo

The repair on Zachary Drive has been completed. We have attempted several times to place the traffic counter on South New Street with no success; the counter continues to be removed from the roadway.

B. Approval of Bill List – Bob Miller

Bob Miller presented the November bill list for \$197,125.80 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.

VI. COMMISSION REPORTS

A. Planning Commission – Jim Jordan

Jim Jordan noted that the Planning Commission is working on three Ordinances at this time, Scenic Roadways, Riparian Buffers, and Institutional Zoning. We are trying to look at all aspects of these issues so the final documents are one's we can all live with. The Planning Commission invites any public input on these issues. We did finalize the Scenic Roadways ordinance and presented it to the

Board for approval. Jim asked that the ordinance be placed on the web site for review.

B. Historic Preservation Commission – Chris Lang

We had our meeting on November 3, 2008 and our next one is scheduled for December 1, 2008. We met with the Thornbury Township, Delaware County Historic Commission and we may be working together with them in the future.

C. Park and Recreation – Cary Vargo

Cary Vargo noted that the next event is the Santa Express, scheduled for Sunday December 7, 2008 at 5 p.m. and is leaving from the Westtown Train Station.

Lou Gagliardi stated that the Santa Express is a great event.

D. Council of Governments – Mike Gast

Mike Gast stated that WCACOG met about six weeks ago. The majority of the discussion was on improvements on Routes 926 and 202. Surprisingly, there was not a great deal of agreement on the issue. We will continue to advance this issue through the WCACOG and other avenues.

E. Cheyney Liaison – Mike Gast

Mike Gast stated that he has met with representatives from Cheyney. We received a check in the amount of \$250 for the Cheyney Challenge bicycle race. We will continue to talk to Cheyney University about issues such as a salt shed and sewers.

F. Dallet Property – Mike Gast

No update.

VII. OTHER MATTERS

Kathy Labrum noted that we had a consent agreement with Amrit Lal, 1230 Cheyney Road, in Judge Kraut's court. This agreement requires Mr. Lal to immediately address life safety issues such as the fire alarm system. The Township pumped the sewer system located at 1230 Cheyney Road at a cost of approximately \$4,000. Kathy asked to file a complaint in District Court in order to recoup the costs of pumping the sewer system.

Lou Gagliardi motioned to allow Kathy Labrum to file suit in Judge Kraut's court to recoup the costs, approximately \$4,000, which were paid on behalf of Mr. Lal's property, 1230 Cheyney Road, Cheyney, PA 19319 to pump his sewage system. The motion was seconded by Percy Neall. All were in favor. Motion carried.

Bob Miller inquired about Aqua's maintenance responsibilities on S. New Street.

Cary Vargo noted that Aqua has been contacted regarding their responsibilities and the issue has been addressed.

Bob Miller inquired about the additional power requested at the Goose Creek Park.

Cary Vargo noted that the work is included in the 2009 Budget.

Bob Miller also inquired about the Sage Hill sewer building.

Cary Vargo stated that he has looked for the plans that depict the entire building in stone, but cannot locate detailed plans that show this feature. The project manager will be contacted.

VIII. APPROVAL OF MINUTES

A. October 21,, 2008 (BOS Regular Meeting)

Changes/Corrections included:

- II. Lou Gagliardi requested Barbara Iacovelli resign from the Planning Commission.

Lou Gagliardi motioned to approve the minutes of October 21, 2008 with the noted change. Mike Gast seconded the motion. All were in favor. Motion carried.

Mike Gast noted that the following changes to the budget:

Elimination of the salt shed - \$120,000
Reduce road-paving expenses by \$45,000
Reduce education expenses by \$3,000
Elimination of the AED - \$1,500

The budget will be posted on the Township's web site and public comment will be encouraged at the next regularly scheduled meeting.

Percy Neall asked about foregoing roadway paving and its associated expense. Percy asked if there was still a reduction in the Capital Reserve account.

Brain Smith asked if there has been a reduction in the amount of money being taken from the Capital Reserve.

Mike Gast stated that the transfer from Capital Reserve has been reduced by approximately \$166,500 to \$210,589.

Mike Gast motioned to approve advertising the 2009 budget. Bob Miller seconded the motion. Mike Gast, Ed Travis, and Bob Miller were in favor. Percy Neall and Lou Gagliardi were opposed. Motion carried.

IX. ADJOURNMENT

Bob Miller motioned to adjourn the meeting. Mike Gast seconded the motion. Mike Gast, Ed Travis, Bob Miller were in favor. Percy Neall and Lou Gagliardi were opposed. Motion carried.

Respectfully Submitted,

Cary B. Vargo
Township Manager/Secretary