

THORNBURY TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS
REGULAR MEETING
MINUTES – October 21, 2008

I. CALL TO ORDER

The regularly scheduled meeting of the Thornbury Township Board of Supervisors was called to order by Ed Travis at 7:08 P.M. in Thornbury Township's meeting room. In attendance were Supervisors Ed Travis, Chairman; Michael Gast, Vice-Chairman; Percy Neall, Robert Miller, Lou Gagliardi Board Members; Kathy Labrum, Esq., Solicitor; and Cary Vargo, Township Manager. There were 5 signed guests. An executive session was held after the regularly scheduled meeting to discuss Real Estate.

II. WESTTOWN EAST GOSHEN POLICE REPORT – Sergeant Gorman

Sergeant Gorman presented the September 2008 Police Report. There were 99 calls for service which constituted 8 % of the total calls for the three Townships.

Ed Travis inquired about the enrad speed device.

Sergeant Gorman responded that it is not yet back in service.

Percy Neall advised Sergeant Gorman about problems that the Lukoil station (926/202) is having with juveniles and requested that the police department provide any assistance possible.

Lou Gagliardi advised that General Howe Boulevard is experiencing problems with speeding motorists. Lou thanked the police department for their efforts to combat speeding on William Penn Boulevard.

III. MANAGER'S REPORT – Cary Vargo

- 1230 Cheyney Road – Kathy Labrum reported on recent property inspections conducted at this location as well as several court hearings that have been conducted. The Township has entered into a consent agreement with Mr. Lal that requires him to address life safety issues immediately and all violations of the property maintenance code within 90 days.
- Construction has begun on the CVS at Routes 926 and 202. Completion of construction is not expected until spring of 2009.
- Written Correspondence has been sent to Orleans requesting that they address the issues documented in the Brandywine Conservancy Report.
- The Long Range Planning Committee's input has been incorporated into the budget. The Board will have a copy of the preliminary proposed 2009 Township budget by the end of the week.
- The Fall Festival was a success, thanks to all for their hard work.

- I have distributed the minutes of the 202 Stakeholders meeting. The next scheduled stakeholders meeting will be in the spring/summer of 2009.
- We have received notification that the Township has been awarded the \$52,000 in grants funds for the Waln Run Park. Thank you to Senator Dominic Pileggi for his assistance.
- The West Chester Area Fire Department 5 year agreement should be in front of the Board at their November meeting.
- A conditional use hearing is scheduled for Monday October 20, 2008 at 7:30 pm at the Birmingham Township municipal building. The hearing is in reference to the property located at 1309 Wilmington Pike. The rear of this property is located in Thornbury Township.

IV. UNFINISHED BUSINESS

A. **Safety of Township Funds**

Cary Vargo reviewed Act 72 of 1971 and the protections that this act provides. Township funds, by law, are pooled and collateralized and may only be invested in certain areas. Cary has copies if anyone is interested.

Ann Connolly noted that the order of the agenda, specifically public comment, had been changed.

Mike Gast noted that the change was made so that members of the public with specific business to conduct are not required to sit through long discussions.

V. NEW BUSINESS

A. **Approve Contract Extension – 2009 Park Maintenance – Moore Outdoor Rejuvenation**

Mike Gast motioned to approve the contract extension. The motion was seconded by Bob Miller. All were in favor. Motion carried.

B. **Approval to advertise 2009 Road Maintenance Bid**

Ed Travis noted that the contract with Neff Construction expires on March 19, 2009.

Lou Gagliardi asked Cary Vargo if there were any significant issues of concern.

Cary replied that there were no issues of concern.

Lou Gagliardi motioned to approve advertisement of the 2009 Road Maintenance Bid. The motion was seconded by Mike Gast. All were in favor. Motion carried.

C. Lease Approval – 842 East Street Road

Steve Zippi informed the Board that he will be putting in a coffee shop at this location with hours of operation currently under review.

Percy Neall noted that businesses at this location have not been successful in the past due to inadequate signage.

Steve Zippi inquired about the placement of the sign; with possible locations being on the roof or on the wall, similar to the Karate Academy. Steve also inquired about the placement of an easel during working hours for the purposes of advertising.

Cary Vargo noted that all signage would have to comply with the zoning ordinance or an application would need to be made to the zoning hearing board seeking relief.

Steve Zippi inquired about placing two benches outside of the Town Center with a donation of one additional bench to the Township.

Mike Gast noted that we need to approve the lease and then explore these ideas.

Bob Miller made a correction in section 10. - the word (d)uring was changed to read (c)uring.

Bob Miller inquired about restrictions in the lease, regarding cooking or other issues.

Steve Zippi advised that there would be no food preparation on site.

Percy Neall motioned to approve the lease for 842 East Street Road with the noted corrections. The motion was seconded by Mike Gast. All were in favor. Motion carried.

D. Approve Distribution of Fireman’s Relief Funds - \$33,561.37

Ed Travis noted that our Fire Marshal has recommended the disbursement of funds as follows:

- 70% to the West Chester Area Fire Department;
- 10% to the Concordville Fire and Protection Association and;
- 20% to Good Fellowship Ambulance

Lou Gagliardi motioned to approve the distribution of the Fireman’s Relief Funds as recommended by the Township Fire Marshal. The motion was seconded by Percy Neall. All were in favor. Motion carried.

E. Brinton Village Escrow Release # 12 - \$5,777.80

Ed Travis noted that Brinton Village requested the release of Funds in the amount of \$5,777.80; Yerkes is recommending the release of \$4,977.80.

Lou Gagliardi asked if a representative from Brandywine at Thornbury has reviewed this release.

Cary Vargo noted that at the last meeting we received from Brandywine at Thornbury a list of items that they wanted to see addressed re: the Brinton Village development. These items, with the exception of the emergency access, have all been addressed. The emergency access will be addressed with landscaping in the spring. This release was not forwarded due to the nature and location of the items on the release, sidewalks and driveways.

Bob Miller motioned to release Escrow Release #12, in the amount of \$4,977.80. The motion was seconded by Mike Gast. All were in favor. Motion carried.

VI. PUBLIC COMMENT PERIOD

Ann Connolly stated that she believed that the Board violated the Sunshine Act at their work session held on October 8, 2008 when they decided to get bids for auditing services.

Kathy Labrum noted that the Board was not in violation, they were simply advised that the Township Manager was sending out an RFP for auditing services. The Board was trying to educate themselves on services and costs and no decision was made.

Libby Murach thanked the members of the Parks and Recreation Commission for their work on the Fall Festival.

Mike Gast presented a Resolution of Appreciation, 2008-21, for all those who participated in the planning and execution of the 2008 Thornbury Township Fall Festival.

Ed Travis motioned to approve Resolution 2008-21. Lou Gagliardi seconded the motion. All were in favor. Motion carried.

Steve Zippi suggested that the Township upgrade the electrical service at the park pavilion.

Tom Spackman asked the Township to contact the water company in reference to their maintenance responsibilities on the land that they own on New Street.

Ruth Clark noted that Sage Hill has not complied with the final plans re: the stone coverage of the house for the Sewer System. The stone is only a quarter of the way up with the rest of the building covered in stucco.

Thornbury Township Board of Supervisors- October 21st, 2008

Cary Vargo stated that he would review the plans. The building is not yet complete with a cupola and shutters outstanding.

Ruth Clark stated that she has problems with deer eating the vegetation on her property.

Mike Gast noted that deer management issues have been discussed at recent meetings of the West Chester Area Council of Government's. It is a difficult issue but the Township is aware of the problem.

VII. OPERATION REPORTS

A. Road Master Report- Cary Vargo

Cary Vargo stated that the Township's roadways and storm water infrastructure are in good condition. We are ready for the winter season; we are participating in the State salt contract.

The only roadway issue we currently have is located on Zachary Drive, off of S. Westbourne Road. A 2x2 section of the roadway is sinking due to a leaking drainage pipe underneath of the roadway. John Neff estimates that the repair will cost approximately \$700.00

The traffic counter has been deployed on New Street.

Tom Spackman advised that the counter is not secured to the roadway and needs attention.

Libby Murach inquired about the defective section of roadway on northbound 202 near Thornbury Estates.

Cary stated that the section of the roadway has been reported and evaluated by Penn Dot. The Township has not been notified of a timeline for repair.

Ruth Clark inquired about the oil and chip on Route 926.

Bob Miller asked why this technique was used.

Cary Vargo noted that this technique extends the usable life of the roadway without milling and re-paving. The condition of the roadway will improve as time passes.

Lou Gagliardi inquired about the status of the 2008 budget and whether there were any outstanding projects that have not as of yet been addressed.

B. Approval of Bill List – Bob Miller

Bob Miller presented the October bill list for \$113,276.80 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.

C. Treasurers Quarterly Report- Bob Miller

Bob Miller noted that we have received 62% of expected revenue and spent 44% of our expected expenditures for the year.

Ed Travis motioned to approve the Treasurers Quarterly Report as presented. Percy Neall seconded the motion. All were in favor. Motion carried.

VIII. COMMISSION REPORTS

A. Planning Commission – Jim Jordan

Percy Neall attended the October Planning Commission meeting. The commission reviewed a draft Scenic Roadway ordinance. They are also working on a draft Riparian Buffer ordinance.

B. Historic Preservation Commission – Cary Vargo

The Historic Resource Inventory project continues to move forward. The HPC tasked Jane Dorchester to begin research on the Dallet Property. This research can be used for the nomination to the National Registry.

Ed Travis stated that the Township received a DVD from Thornbury Delaware County, titled “Historic Thornbury Township.” The DVD is available to anyone who wants to view it. Ed Travis noted that we have an opening on the Historic Preservation Commission and we asked that all resumes be submitted by November 4, 2008. The appointment is expected to be made at the November Board of Supervisor’s meeting. The information has been posted on the Townships web site.

C. Park and Recreation – Steve Zippi

Steve Zippi noted that the next event is the Santa Express, which is scheduled for Sunday December 7, 2008

D. Council of Governments – Mike Gast

Mike Gast stated that WCACOG met on September 25, 2008 and was attended by Ed Travis and himself. The majority of the discussion was in reference to future improvements on Routes 926 and 202. Surprisingly, there was not a great deal of agreement on the issue.

Thornbury Township Board of Supervisors- October 21st, 2008

E. Cheyney Liaison – Mike Gast

Mike stated that he and Ed Travis have recently spent time with Michelle Vital, the new president of Cheyney University. Michelle Vital has many interesting ideas pertaining to University/Township relations. We will be meeting with them again soon.

F. Dallet Property – Mike Gast

Ed Travis noted that the Board has received two reports from the Brandywine Conservancy and is still evaluating all options and alternatives for the site.

IX. OTHER MATTERS

Kathy Labrum noted that she received a phone call in reference to the Medical Office Building. They have applied to Westtown Township for the sewer permits required to convey their sewage to the West Goshen sewer plant. This Board will need to amend the 2002 inter-municipal sewer agreement with West Goshen Township. The developer will buy their EDU's directly from the West Goshen Sewer Authority.

Ed Travis noted that he attended the Birmingham Township Conditional Use Hearing for the proposed CJ's Tire and Auto, to be located at 1309 Wilmington Pike. They are interested in developing the site to be used as an auto service and tire installation company. Hannum has retained ownership of the building and will now lease it to CJ's Tire and Auto. Hannum will use a portion of the space for storage. The hearing was continued until November 5, 2008.

Lou Gagliardi stated that he did not believe that the Township requires a traffic calming policy. Lou stated that the Township is small enough that we can address traffic issues on a case-by-case basis.

Lou Gagliardi suggested we communicate with the police department to ensure a safe and efficient election day.

Percy Neall stated that the traffic calming issue should be handled on a street-by-street basis and disagreed with a one size fits all approach.

Ed Travis suggested conducting a traffic study on South Concord Road and the surrounding area in order to determine if any improvement can be made.

Percy Neall expressed displeasure that the topic had not been placed on the agenda. This issue impacts a great number of people and should be discussed publicly.

Lou Gagliardi stated that the topic should be placed on the agenda and not introduced under "other matters." Lou stated that this was similar to appointing a controversial person such as Barbara Iacovelli to the Planning Commission when there were other more qualified people to appoint. I will again ask for Mrs. Iacovelli to resign from the

Thornbury Township Board of Supervisors- October 21st, 2008

Planning Commission. Lou requested that the topic be tabled until the November BOS meeting to allow for adequate public input.

Ed Travis motioned to conduct a traffic study on South Concord Road and the surrounding area. Bob Miller seconded the motion. Ed Travis, Bob Miller and Mike Gast were in favor. Lou Gagliardi and Percy Neall opposed. Motion carried.

X. APPROVAL OF MINUTES

A. September 16, 2008 (BOS Regular Meeting)

Changes/Corrections included:

- II. adding Bayard Rustin High School
- III. Brandywine at Thornbury

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

B. October 8, 2008 (BOS Work Session)

Changes/Corrections included:

- II. REP → RFP
- III. Spelling correction - completed

Lou Gagliardi noted that his comments in reference to the police department were not included in the minutes.

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

XI. ADJOURNMENT

Lou Gagliardi motioned to adjourn the meeting. Mike Gast seconded the motion. All were in favor. Motion carried.

Respectfully Submitted,

Cary B. Vargo
Township Manager/Secretary