

EAST MARLBOROUGH TOWNSHIP

BOARD OF SUPERVISORS

MEETING OF THE BOARD – April 2, 2012

Chairman Cuyler H. Walker called the public meeting to order at 7 p.m. in the Township Building by leading the group in the Pledge of Allegiance. Supervisors Richard P.S. Hannum, Robert F. Weer, Eddie G. Caudill, and Richard E. Hicks were also present, as was Solicitor Fronfield Crawford, Jr.

Public Comment Period.

Jane Laslo read a note from a resident of Oxford PA, who said how much he appreciated the bank of daffodils on Wollaston Road.

Karen Halsted, a local resident, said that she had received calls asking about the Fire Tax on the 2012 tax bills; she also noted that the handicapped parking spaces need to be adjusted to avoid the support pole for the solar canopy.

Minutes of March 5, 2012. Mr. Weer had two proposed corrections/additions to the minute:

- a) He requested that the amount of the contract for the maintenance of the spray fields be included in the minutes (\$54/acre for 90 acres, totaling \$4860.
- b) He asked that the anticipated transmittal to the two fire companies be amended, reflecting \$165,072 to Po-Mar-Lin and \$41,268 to Longwood Fire Company.

Request from West Marlborough Township. Mr. William Wylie, Supervisor in West Marlborough, said that his township is in negotiations with PennDOT to consider the Township take-over of Route 842 in West Marlborough. He said that PennDOT would prefer the turn-back of the entire section of Route 842, from the westernmost West Marlborough line all the way east to Route 82 , and through a portion of East Marlborough. East Marlborough agreed that a committee of two supervisors, Messrs. Weer and Caudill, as well as Roadmaster Dennis Mellinger, will meet with representatives from West Marlborough to discuss the proposal.

Whitewing Farm – Lot #7 – Jim Hatfield of VanDemark and Lynch had recommended the release of the entire escrow amount--\$14,233.71, provided that all engineering expenses be reimbursed by the property owners, Mr. & Mrs. Ploskonka. By unanimous vote (5-0), the Board approved the release.

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Whitewing Farm Bed and Breakfast. The property owners, Mr. & Mrs. Shortt, were represented by their attorney, Ron Agulnick, who requested an agreement whereby the owners could hold seven wedding events at the B & B site between June and October 2012. He said that the owners would acknowledge violation of the ordinance and pay a \$500 fine per event, for a total of \$3500. In Mr. Agulnick's view, that agreement would prohibit additional events which would violate the Zoning Ordinance, and would eliminate the need for enforcement by the Township. He presented a document signed by eighteen property owners, who, he said, were in view of the site and who had signed a consent indicating that they had no problem with the events. In lieu of the proposed agreement, Mr. Agulnick further said that the enforcement of the ordinance would be time-consuming and expensive, and the wedding events could not be prevented because of the slowness of zoning enforcement.

Several residents spoke about the proposal. Mrs. Watson of Folly Hill Road said that she thought "we should give these people a chance." Mrs. Hillebrech of Windov'r asked the supervisors to "enforce the ordinance." John Buchanan of Huntsman Lane said that he opposed the proposed agreement. Barbara Barnes of Unionville said that she had been in attendance when the Shortts requested relief at the February 2012 Planning Commission meeting and she clearly remembered the Shortts saying that there were no wedding booked at that time. Jim MacLachlan of Windov'r Way said he was concerned about the implied threats from Mr. Agulnick. Rob MacPherson, President of the Beversrede HOA, said that he disagreed with Mr. Agulnick's statement that the special-events use could be considered accessory to the Bed and Breakfast use. Richard Tait, President of the Windov'r Way HOA said that he wants the Township to assure that the residential character of the area be maintained; he further said that no property owners in Windov'r had been asked to sign the "consent" statement.

Supervisors spoke about the need to enforce and uphold the ordinance, as well as the expectation of existing property owners that the residential area would be maintained. Chairman Walker noted that the "further we get into the discussions, the greater the threats." The Supervisors took no action on Mr. Agulnick's proposal.

Dambro Land Development Plan – WMU District. Jim Fritsch of Register Associates represented Mr. Dambro, who was also present. They requested an extension of the land development review time until the July 2, 2012 Board meeting. He also asked whether Mr. Crawford had a response to Mr. Myers' letter requesting an interpretation of the ordinance, specifically with respect to activities permitted within the riparian buffers. Mr. Crawford said

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that the response to the letter would be coming soon. The Board voted to approve the requested extension of the review time (4-1, with Mr. Hicks opposed).

Unionville Park Plan – VanDemark and Lynch Proposal for design of Phase I. Ann Marchino of Glackin Thomas Panzak was present to answer questions about the plan and the proposal. Although DCNR had been quite generous in granting \$430,000 for Phase I of the Park, the funding was still insufficient to complete all of the proposed plans for Phase I. Ms. Marchino said that there is opportunity to cut back on the proposal and thereby save some funds; specifically she mentioned a reduction in the size of the paved parking area, and some of the grading for the open area. By unanimous vote (5-0), the Board approved the VD&L proposal.

April Road Report. Roadmaster Mellinger had prepared a revised report, with some minor changes in proposed paving, skin patching, and oil and chipping projects.

By unanimous vote (5-0), the Board accepted the following low bids for road work and signed the contracts:

Fuel	Superior Plus Energy	\$51,300.00
Line Painting	Alpha Space Control	\$20,763.90
Stone	Independence Construction	\$22,049.50
Oil and Chip	Asphalt Maintenance	\$40,406.46
Paving	Long's Asphalt	\$53,119.80
Road Oil	Martin Paving	\$31,630.00

Chester County Planning Commission. Kevin Myers of CCPC has been working with Kennett Borough to update their Comprehensive Plan. In conjunction with that Plan, Mr. Myers is asking East Marlborough to provide a letter of support for a network of pedestrian paths and parkland, some of which are located in East Marlborough. The Supervisors had questions and concerns about the roads which were selected because they seemed to be either very narrow or have heavy traffic. They declined to authorize the supporting letter and have requested additional information.

Resolution 2012 – 10- Supporting Prevailing Wage reform. By unanimous vote (5-0), the Board approved the resolution, urging PA Legislators to reform the antiquated prevailing wage standards.

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Workers' Compensation Insurance – Loss Control Standards. Representatives from PennPrime are urging East Marlborough to participate in tightened standards which could result in a premium reduction. The Board tabled action on the requirements for volunteer firemen, preferring to discuss the measures with our firemen first.

Bills. By unanimous vote (5-0), with each supervisor abstaining on a single invoice with a perceived conflict of interest, the Supervisors approved payment of the attached list of invoices, with the following totals:

General Fund	\$113,680.66
Payroll	\$ 41,915.57
Sewer Fund	\$ 17,417.95
Development Fund	\$ 4,742.99

Treasurer's Report. By unanimous vote (5-0), the Board accepted the attached report, as prepared.

The public meeting was adjourned at 9:27 p.m., at which point the supervisors went into executive session with the Solicitor to discuss a pending legal matter.

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Jane R. Laslo, Secretary/Manager