

**East Pikeland Township  
Board of Supervisors Meeting  
May 5, 2015**

A public meeting of the Board of Supervisors of East Pikeland Township was held on Tuesday, May 5, 2015 at the Township Building, 1158 Rapps Dam Road, Kimberton. Present were Chairman Ron Graham, Vice Chairman Rusty Strauss, Supervisor Ben Campbell and Township Manager Kim Moretti. Special Counsel Andy Bellwoar was also present.

Mr. Graham called the meeting to order at 7:00 p.m. following a public hearing on the proposed historic resources protection standards ordinance.

**Minutes**

Mr. Strauss made a MOTION to approve the April 7, 2015 meeting minutes. Mr. Campbell seconded the motion and the minutes were unanimously approved.

**Department Reports**

Township Manager – Kim Moretti reported that during April she participated in several land development project meetings; worked with auditors on both the Liquid Fuels and Worker’s Comp audits; worked with Sgt. Wilson and Chester County Dept. of Emergency Services to set up a new Emergency Operations Center in East Pikeland Township; and worked on the annual MS4 stormwater report due to DEP in June. Lastly, she announced that the reconstruction of the Rapps Dam Covered Bridge is scheduled to begin May 26<sup>th</sup> and last for six weeks.

Public Works – Al Cushman’s report was posted for review.

Police Department – Sgt. Wilson reported statistics for the month of April 2015: police responded to 220 calls, 2 DUI arrests, 6 drug arrests, issued 51 traffic citations, and responded to 6 reportable accidents. With several bridges in the area being closed it has caused a lot of traffic jamming issues. The Police Department has increased their speed details and is open to suggestions from residents on where to place the speed signs to control speeding. Lastly, in response to a speed study on Route 113, PennDOT has authorized the lowering of the speed limit from 55 to 45mph. Signs have now been posted.

Planning Commission Report - John Schott reported that the Planning Commission is working on a sidewalk project to identify areas of the township where sidewalks are missing and to prioritize where they should be built. The following projects are currently under review by the Planning Commission: Longview Westside 400 land development; Kingsway Art Gallery in Kimberton Village; Kimberton Whole Foods land development; and the Gappa Subdivision. A sketch plan for the Davis property was presented to the Planning Commission by Charles Line. Two versions of the sketch were discussed and the Planning Commission suggested that the developer submit formal plans and fees in order to have the sketches reviewed by township consultants. Jonathan Gayl, representing the Kimberton Arts Alliance, has presented the

Planning Commission with needs for their project relative to any zoning amendments that will be considered in the KR zoning district.

Jon Gayl asked when the KR zoning project will begin. John Schott responded that the township is waiting for formal notification from Chester County that we have been awarded the Vision Partnership Planning grant. Mr. Graham further responded that the Historical Commission should be equally involved with the Planning Commission in the Kimberton Village zoning project.

Open Space Report – Stock Illoyay provided an update on activities of the Open Space Committee. Several meetings and a public hearing have been held to discuss the possible acquisition of the Piazza property on Hares Hill Road. The Davis property is still under consideration, however the township is limited by the appraised price in what it can offer for the property and the Davis family is not willing to accept that price. Discussion on the Wagner property on Schuylkill Road has been deferred for the time being. Options for the Scott property in Kimberton Village are still being discussed. The 2.88 acre Brownfields property off of Township Line Road will provide an important connection for the French Creek Trail. An appraisal was obtained and discussion has been ongoing with the property owners. The OSC asked the Board to consider moving forward on acquiring the property and adopt a Memorandum of Understanding.

Mr. Illoyay presented comments in response to the Audit report made at the April Board of Supervisors meeting. The open space acquisition process requires the OSC to identify a potential property and a property owner willing to participate in the conservation process. An inspection by the OSC is conducted, after which the OSC rates the site based on specific criteria. If the OSC feels the property is worth pursuing, they request that the Board of Supervisors authorize an appraisal. The property owner must be willing to accept the appraised price. Some landowners are not willing to discuss preservation. The OSC has reviewed some properties that they turned down as potential for open space. The process takes some time due to the steps that must be taken and the OSC is very careful in how the Open Space Funds will be spent.

Jonathan Gayl asked if the township is restricted to paying the appraised price for land when buying fee simple. Stock responded that the township is restricted to the appraised value for both a fee simple purchase and a conservation easement.

Mr. Strauss made a MOTION to authorize the township solicitor to draft a **Memorandum of Understanding between East Pikeland Township and Brownfields**, LP for the fee simple purchase of 2.88 acres of land, referenced as tax parcel 26-3-112. Mr. Campbell seconded the motion and it passed unanimously.

### Old Business

Mr. Campbell made a MOTION to authorize execution of a **Settlement Agreement with Kimberton Meadows Development, LLC** and authorize special counsel to sign the stipulation submitting the Settlement Agreement to the Court. Mr. Strauss seconded the motion.

Mike Dimmerling, Kimberton Meadows homeowner, commented that the Agreement includes review letters from both Ed Latshaw and Ed Theurkauf, but their letters do not cover every item in the escrow table that needs to be completed. Attorney Bellwoar responded that Section 4 of the Settlement Agreement requires that the developer complete everything per the Developer's Agreement. Mr. Dimmerling asked if any work would be omitted or negotiated away? Mr. Bellwoar responded that there is some deviation on the concrete work where some will be repaired instead of replaced and with the landscaping where compromise can be made on placement and type of plantings in conjunction with Ed Theurkauf's input. Mr. Dimmerling asked who pays to complete the improvements if the escrow fund is not sufficient? Mr. Bellwoar responded that the developer is responsible, per the Developer's Agreement and this Settlement Agreement. If the developer stops work, the judge's order would be enforced. Benson can be held in contempt if they don't comply with the agreement. Mr. Dimmerling asked who will monitor the timeframe for completion of the improvements. Mr. Bellwoar responded that the work is to commence immediately and the deadline for completion is the end of September. The township engineer will inspect work and review escrow release requests. Mr. Dimmerling asked if the developer can access the contingency account. Mr. Bellwoar responded that one concession in the Agreement is that the township will release approximately \$15,000 from contingency. Mr. Dimmerling asked if the HOA will have any input on the placement of landscaping in the development. Mr. Bellwoar responded that Benson is to follow the landscape plan in the recorded plans, but there can be some discussion on changes and he suggested that the homeowners speak with Benson's on-site project manager.

Justin Fortesque, also a Kimberton Meadows homeowner, commented that the escrow agreement has specific line items for work to be completed. He asked how it is handled if Benson tries to collect more than allocated. Mr. Bellwoar responded that Benson has tried to do this in the past, but the engineer and Board of Supervisors have denied escrow releases when they don't comply with the escrow table.

There being no further questions the motion passed unanimously.

### **New Business**

Mr. Strauss made a MOTION to approve **RESOLUTION 2015-05**, granting a **Certificate of Appropriateness for a sign at 2100 Kimberton Road**. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to approve **RESOLUTION 2015-06**, granting a **Certificate of Appropriateness for a new art gallery and studio at 2152 Kimberton Road**. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Graham made a MOTION to table New Business items 3, 4 and 5, relative to the Historic Preservation Ordinance, until the June Board of Supervisors meeting.

## **Bid Opening**

Bids for the sale of the Police Department 2005 Chevy Tahoe were opened and read. The results were:

<b>Name of Bidder</b>	<b>Bid Amount</b>
ASIA MOTORS, INC.	\$2,598
BAYRIDGE MOTORS, Inc.	\$2,555
SAM TROTTER	\$2,300
CHICAGO MOTORS, Inc.	\$1,807
AL GAUDINO	\$869
MARK'S MOTORS	\$515

Mr. Strauss made a MOTION to award bid for the purchase of a **2005 Chevy Tahoe used police vehicle to Asia Motors with a high bid of \$2,598**. Mr. Campbell seconded the bid and it passed unanimously.

## **Public Comment**

None

## **Announcements**

None

There being no further business, the meeting was adjourned at 7:38pm.

Submitted by,  
*Kimberly Moretti, Township Manager*