

**East Pikeland Township
Board of Supervisors Meeting
November 11, 2014**

A public meeting of the Board of Supervisors of East Pikeland Township was held on Tuesday, November 11, 2014 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.

Mr. Graham called the meeting to order at 7:00 pm.

Special Recognition of new Eagle Scouts

Ryan Conway and Shane Kramer, new Eagle Scouts from Troop 158 in Kimberton, were recognized for their contribution to East Pikeland Township. Ryan Conway constructed a bulletin board and bluebird houses for Kimberton Park. Shane Kramer constructed a 17' walking bridge at Snyder's Mill for access to the French Creek Trail. Resolutions recognizing the Eagle Scouts were presented by the Board of Supervisors.

Minutes

Mr. Campbell made a MOTION to approve the October 7, 2014 Board of Supervisors meeting minutes. Mr. Strauss seconded the motion. Resident Blaine Huey stated that the minutes did not reflect the discussion about borrowing funds against the Open Space Fund. After discussion, the minutes were unanimously approved, with amendment.

Department Reports

Township Manager – Kim Moretti reported she completed drafting the 2015 budget in October; was appointed to the Chester County Solid Waste Advisory Committee; met with the insurance broker regarding the health insurance policy and participated in a webinar on Cable Franchise Fee audits. She reported that township investments are doing very well with the Capital Fund gaining \$60,000 so far this year and the Police Pension Fund gaining \$85,000. A new, higher interest account was opened with Open Space Funds at Meridian Bank. The township received the \$238,000 grant check from DEP for the new grinder. The staff was trained on the new Munilogic software this month. The second pedestrian bridge along the French Creek Trail is now nearing completion with the ramp boards and railings currently being installed.

Public Works – Report posted and available for review

Police Department – Chief Franciscus reported statistics for the month of October, 2014: police responded to 245 calls, 2 burglaries, 21 thefts, 1 drug arrest, 1 DUI, issued 52 citations, and responded to 10 reportable accidents and 9 non-reportable accidents. There were 9 misdemeanor/felony arrests in October with several of those arrests for providing false information while trying to purchase a gun.

Blaine Huey asked Chief Franciscus if he had been on an extended vacation. Mr. Graham responded that a complaint had been made against the Chief and he was placed on administrative leave while the

complaint was investigated. With the completion of the investigation, Chief Franciscus returned to work.

East Pikeland Planning Commission – John Schott reported that the Planning Commission had reviewed and recommended approval of an application for a lot line change that is later on the agenda for the Board’s consideration. The Planning Commission has completed their year-long project of revisions to the MU zoning district. The proposed ordinance will now be submitted to Chester County Planning Commission and Phoenixville Regional Planning Committee for their 30-day review. They hope to see the ordinance adopted in early 2015. The PC has held discussions about the proposed Longview project at 23 and Rapps Dam Road and are awaiting plans to review. Longview has also discussed options for the property they own at 724 & Hares Hill Road. The next project the Planning Commission wishes to address is review of the Kimberton Retail district provisions. The township will request another Vision Planning Partnership Grant from Chester County for the project. Ed Theurkauf has presented a project proposal for \$27,000. They would also like to look at the Transitional Use district provisions to determine if they are appropriate. In the interim, the Planning Commission will review the Comprehensive Plan objectives adopted two years ago and prioritize projects.

Mike Dimmerling asked John Schott to elaborate on the Longview property at 724 and Hares Hill. John explained it is located in the MU zoning district and has an approved plan to build 79 townhomes. The Planning Commission is working on revising the MU zoning regulations to promote redevelopment of the 724 corridor. Incentives are being offered to developers for revitalization efforts. One proposal being discussed is for a personal care facility, a daycare facility and a small public elementary school. Longview has had some discussions with school district officials.

Historical Commission - Jim Garrison, Chairman, reported that the HC has recently reviewed several applications in the Kimberton Village Historic District, mainly for minor alternations and signs. They had their final review of the proposed historic ordinance amendment that has been under discussion in various formats over several years. The new ordinance provisions will allow for an easier review/approval process for applicants. They hope to see adoption of the new ordinance early in 2015.

Jim acknowledged the support of State Senator Rafferty and State Representative Corbin on pressing PennDOT to address the damaged Rapps Dam Covered Bridge in a timely manner. The Historical Commission was concerned about interior exposure of the bridge during the winter months and asked the legislators for their assistance. PennDOT has now made substantial repairs for the winter, but the permanent work will not begin until Spring.

Old Business

Mr. Campbell made a MOTION to approve **RESOLUTION 2014-14**, modifying the Landscape Plan for Coldstream Crossing Land Development, Phase I and Spring Mill Assisted Living, with conditions, and require the posting of escrow in the amount of \$9,690, plus an additional 10% for future inspections. Mr. Strauss seconded the motion and it passed unanimously. Ed Latshaw commented that these funds will be held as a guarantee if any trees should die.

New Business

Mr. Strauss made a MOTION to approve hiring Cindy Gorge as the part-time police department administrative assistant, effective October 20, 2014. Mr. Campbell seconded the motion and it was approved unanimously.

Mr. Strauss made a MOTION to authorize advertisement of the proposed 2015 fiscal year budget. Mr. Campbell seconded the motion. Mr. Graham stated that the local real estate tax rate is set annually by the Board of Supervisors. He made a suggestion that the tax be reduced by 25% for 2015. Several residents asked about the impact of a reduction. Mr. Graham responded that this will assist seniors and low income residents; but does not impact the school tax rate. Mrs. Moretti responded that the reduced tax would mean approximately \$76,000 in reduced General Fund revenue. Mr. Strauss and Mr. Campbell responded that this is a sound plan. There being no further discussion the MOTION was amended "to include a 25% reduction in the real estate tax for 2015" and upon vote, all were in favor.

Mr. Strauss made a MOTON to authorize the Police Department to participate in Project NARCAN. Mr. Campbell seconded the motion. A resident asked for an explanation of the program. Chief Franciscus explained that there is an epidemic of heroin and opium product overdoses in Chester County. Police officers will be trained on how to administer this product to save lives. There being no further questions, the motion passed unanimously.

Mr. Strauss made a MOTION to adopt the following Revised Police Department Rules and Regulations:

- a. Job Description – Police Secretary
- b. Internal Affairs
- c. Corruption and Misconduct
- d. Hiring Policy

Mr. Campbell seconded the motion, which then passed unanimously. Resident Blaine Huey asked if policies could be obtained on the township website. Mrs. Moretti responded that personnel related policies are not on the township website and she would confirm with labor counsel on whether that would be appropriate.

Mr. Strauss made a MOTION to authorize an appraisal of the Wagner/Jerb property on Schuylkill Road for consideration of purchase as open space. Mr. Campbell seconded the motion and it passed unanimously.

Subdivision/Land Development

Mr. Graham made a MOTION to grant the requested waivers from the Subdivision/Land Development Ordinance for the Hackman Minor Subdivision:

- a) Section 304.C.7.b(12) - waiving requirement to provide natural features on the plan since no development is proposed.
- b) Section 304.C.7.b(19) - waiving the requirement to provide contour lines on the plans since no development is proposed.

- c) Section 405.B - waiving requirement for additional right-of-way since no development is proposed.

Mr. Strauss seconded the motion and it passed unanimously.

Mr. Graham made a MOTION to approve **RESOLUTION 2014-15** granting Preliminary/Final Plan approval for the Hackman Minor Subdivision. Mr. Strauss seconded the motion and it passed unanimously.

Kimberton Meadows Discussion – Debbie Schneider, Mike Dimmerling and Justin Fortesque were present to represent the HOA. Debbie reported that Benson representative, Bo Erixson, told her that since Benson wasn't getting their requested escrow releases they were pulling the contractor off the job. He asked the HOA to intervene on behalf of Benson, which they felt was inappropriate. The HOA understands that there is active litigation between East Pikeland Township and Benson, however nothing is being done to complete the required improvements in the subdivision and the HOA is concerned they aren't getting support from the township. They feel that they are taxpaying residents who don't receive the same benefits of other taxpayers. They asked where the litigation stands and where is this project going?

Mr. Graham reminded the HOA representatives that the township has taken the lead from the HOA and when the HOA asked the township to negotiate with Benson, the township did so. The project is in litigation and the township has assigned special counsel through our insurance policy. Counsel provided an update that Mrs. Moretti can forward to Mrs. Schneider. Justin Fortesque asked if Benson was going to be held in default. Mr. Graham responded that that is one consideration. The HOA asked for a meeting with township and legal representatives. The HOA also asked to provide input on how the remaining escrow should be spent. Mr. Graham directed Mrs. Moretti to arrange a meeting.

Kimberton Village Discussion – Jonathan Gayl spoke on behalf of Kimberton Village Business Association. He reported that the private property owners for the village circle plan (Terry Brett and Jeff Effgen) are working on land development plans. Jeff Effgen is also lining up tenants. They feel the project will move rapidly once development plans are submitted. They are seeking guidance from the Board of Supervisors about the village circle project and timeline.

Mr. Graham responded that he sees the township's role as 1) approving the land development plans for the private improvements and 2) handling the township road portion of the project, but, he feels this needs to be done concurrently with the land development plans. Ed Latshaw has provided the Board with a preliminary estimate of the village circle public improvement aspect of the project and the Board's impression is that the circle is too big and therefore more expensive. The Board sees the value in the traffic calming aspect of the project, but wonders if there is another way to achieve that goal. The township has a limit of \$238,000 to spend on this portion of the project.

Mr. Strauss would like to see a unified plan of the entire project that includes all properties, including the proposed art gallery, which would then be reviewed by the township engineer. He asked what the time frame is for submission of a land development plan. Jon Gayl feels a plan can be submitted in 60

days. Doug Fitzsimons commented that KVBA can act as a liaison for the developers and work to make the project function as one land development plan.

Jon Gayl stated that the MOU language makes the township responsible for the engineering of the village circle and that needs to be done first.

It was determined that a meeting needs to be held to discuss the mechanics of the project. Kim Moretti will arrange the meeting.

Public Comment

Mike Dimmerling asked about the payment the township will receive from the Cutler Subdivision project. The Board responded that the payment will be \$2 million, to be paid in increments. It is NOT a fee in lieu of open space. Mrs. Moretti explained that the first million will be paid upon recording of the subdivision plans and the second payment is based on building permits issued.

Announcements

Doug Fitzsimons announced that the KVBA and Kimberton Arts Alliance are sponsoring a music event on November 21st at the Kimberton Inn. The event will feature jazz music and dinner for \$45 per person. Reservations can be made by calling the Kimberton Inn.

Mr. Graham announced that he and Mr. Strauss both attended the Chester County Association of Township Officials Fall Convention on November 6th, however no township business was conducted.

Mr. Campbell announced that he and Mr. Strauss met for lunch, but no township business was conducted.

There being no further business, the meeting was adjourned at 8:10 pm.

Submitted by,
Kimberly Moretti, Township Manager