

**East Pikeland Township  
Board of Supervisors Meeting  
April 5, 2016**

A public meeting of the Board of Supervisors of East Pikeland Township was held on Tuesday, April 5, 2016 at the Township Building, 1158 Rapps Dam Road, Kimberton. Present were Chairman Ron Graham, Vice Chairman Rusty Strauss, Supervisor Ben Campbell, Special Counsel Andrew Bellwoar and Township Manager Kim Moretti.

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

**Minutes**

Mr. Strauss made a MOTION to approve the March 1, 2016 Board of Supervisors meeting minutes. Mr. Campbell seconded the motion and the minutes were unanimously approved.

**Audit Report Presentation**

Steven Kutsuflakis, Partner with Barbacane Thornton, was present to explain the results of the 2015 audit process. Their firm was hired to prepare the annual PA DCED financial report for the township and review administrative procedures for management of township finances. A management report was prepared for the Board of Supervisors with a couple of recommendations to tighten up procedures. Otherwise, the report was positive.

Mike Dimmerling asked if the management recommendations are available to the public. Steve responded that the management letter is normally an internal document. Mike further asked the cost of the audit. Mr. Campbell responded that it cost \$6,500 and is smart management to occasionally have an audit conducted by a CPA.

**Department Reports**

Township Manager – Mrs. Moretti reported that during the month of March she completed grant applications for an interpretive sign project for PECO Green Region, PA Historic & Museum Commission and PA American Water Co. The Park & Recreation Board sponsored a French Creek Trail clean-up on March 5 and the annual Easter Egg Hunt at Kimberton Park on March 19. A Boy Scout started his Eagle project of blazing the last portion of the French Creek Trail to Township Line Road. Mrs. Moretti and Al Cushman conducted a road tour in order to make recommendations to the Board on road repair projects for the year. She interviewed candidates for bookkeeper and hired one. Lastly, she began working on the annual MS\$ stormwater report due in June.

Public Works – Posted.

Police Department – Sgt. Wilson provided March statistics: Officers responded to 196 calls, including 2 thefts, 1 criminal mischief, 6 felony/misdemeanor arrests, and 1 DUI. There were 24 traffic citations issued and police responded to 10 accidents.

Phoenixville Regional Planning Committee – Rusty Strauss reported that Jon Ewald of Phoenixville Borough is the new PRPC Chairman. The group is working on updating the Implementation

Agreement that will need to be approved by ordinance in each participating municipality. Other projects include: updating the regional comprehensive plan (after applying for a Chester County Vision Partnership Planning Grant) and the regional trail plan. They recently reviewed a development plan in Phoenixville for an apartment complex located where the current Eland Village shopping center is located. The project was found to be inconsistent with regional planning; it was not well received by PRPC.

Mr. Graham asked if East Vincent was still involved with the PRPC. Mr. Strauss responded that they had pulled out a couple of years ago and have not expressed interest in returning.

Mr. Strauss offered to bring a PowerPoint presentation to a future Planning Commission or Board of Supervisors meeting to explain the benefit of regional planning.

### **Old Business**

Kimberton Meadows - Mr. Graham stated that in light of the failure of the developer to make sufficient progress at Kimberton Meadows, on a timely basis, and with notice having been provided, he MOVED to authorize the township to proceed with DEFAULT again Kimberton Meadows Development as to the Settlement Agreement as well as the Developer's Agreement and the Financial Security Agreement. The township Special Counsel is authorized to take any and all action to immediately default the developer and protect the township and the development. Mr. Campbell seconded the motion.

Mike Dimmerling, Kimberton Meadows HOA representative asked what action, if any, has the township taken since the March Board of Supervisors meeting. Special Counsel, Andrew Bellwoar, responded that the Board, by motion at the March meeting, had authorized Counsel to contact Benson to obtain a schedule for completion. Unfortunately, discussions with Benson's legal counsel have been unproductive, hence the need for the default action. Benson was invited to attend the meeting, but was not present. This motion by the Board will allow for a two-prong default action: 1) Relief from the Court on the failure to comply with the Settlement Agreement and 2) Township taking of escrow in order to finish the work – which will be a faster remedy.

Mike Dimmerling asked about having the as-built plans, maintenance bonds and deeds completed by Benson. Mr. Bellwoar responded that the Judge can order Benson to complete the documentation while the township takes the escrow funds to complete improvements.

Mike asked if the HOA will have any input on prioritizing the work that gets completed in case the escrow funds run out. Mr. Graham stated that the HOA should provide their priority list to the Township, based on LTL's December 4, 2015 letter. Ed Latshaw stated that there is approximately \$200,000 in escrow which should be sufficient to complete the work.

Justin Fortesque asked what happens if Benson decides he's going to finish the project now that the default action has been taken. Mr. Graham responded that the township will move forward based on Benson's inactivity at the site.

Barry Hallman asked if the township's legal fees are covered in the escrow account. Mr. Bellwoar responded that the Settlement Agreement allows the township to claim reimbursement for legal fees from Benson. Additionally, this case is covered by the township's insurance.

Sean O'Neill, attorney representing the HOA, suggested that the township take action to secure the escrow before pursuing relief with the Judge on the Settlement Agreement. He would be concerned that Benson would try to block release of escrow funds.

There being no further discussion, the motion to move forward with default was unanimously approved.

### **New Business**

Mr. Strauss made a MOTION to hire **Bernice Hornberger as part-time bookkeeper**, effective March 28, 2016. Mr. Campbell seconded the motion and it was unanimously approved.

Mr. Strauss made a MOTION to award the **2016 Road Repair Contract** to Dan Malloy Paving with a low bid of \$152,670. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to award the **2016 Equipment Rental Contract** to Melchiorre Construction with a low bid of \$68,300. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to approve the **2016 Road Repair project list**. Mr. Campbell seconded the motion and it passed unanimously. Mrs. Moretti stated that the list will be posted on the township website for public viewing.

Mr. Campbell made a MOTION to authorize an appraisal for the Kimberstone Property on Oak Lane for consideration as a conservation easement or an open space purchase. Mr. Strauss seconded the motion and it passed unanimously.

Mr. Campbell made a MOTION to authorize an appraisal for the Jones Property on Merlin Road for consideration as a conservation easement or an open space purchase. Mr. Strauss seconded the motion and it passed unanimously.

### **Ordinance Enactment**

Mr. Campbell made a MOTION to approve **ORDINANCE No. 173**, restricting truck traffic on Rapps Dam Road. Mr. Strauss seconded the motion and it passed unanimously.

Mr. Campbell made a MOTION to approve **ORDINANCE No. 174**, a Radio Booster Ordinance which establishes regulations applicable to emergency communication systems. Mr. Strauss seconded the motion and it passed unanimously.

## **Public Comment**

John Colarusso appealed to the Board to consider raising the single trash hauler issue again. The benefits of a single trash hauler are great and they should be explained to residents to alleviate concerns they had when the program was first proposed several years ago.

Barry Hallman, resident of Kimberton Meadows, stated that his community has one hauler, as arranged through their homeowner's association. It was suggested that Kimberton Meadows be used as an example of how successful a single trash hauler program can be.

Mr. Graham responded that many of the township roads are not built to handle heavy truck traffic and the poor condition of the roads can be attributed to some extent to the trash trucks that are on the roads every day. He agrees this is a program the township should pursue.

Mrs. Moretti responded that the EAC met in February to work on their project list for the year and the Single Trash Hauler contract was one of those projects.

Barry Hallman asked when the construction of the new intersection at Routes 724 and 23 would be taking place. Mrs. Moretti responded that Cutler hopes to break ground in the fall, but that may be an ambitious schedule.

There being no further business, the meeting was adjourned at 7:50 pm.

Submitted by,  
*Kimberly Moretti, Township Manager*