

**East Pikeland Township
Board of Supervisors Meeting
April 7, 2015**

A public meeting of the Board of Supervisors of East Pikeland Township was held on Tuesday, April 7, 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.

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

Minutes

Mr. Strauss made a MOTION to approve the March 3, 2015 meeting minutes. Mr. Campbell seconded the motion and the minutes were unanimously approved.

Auditor's Report

Anni Weden, Secretary of the elected Board of Auditors, presented an Annual Auditor Letter to the township, year ending 2014. The report made recommendations relative to police department equipment/vehicles, the Open Space Committee, the Open Space Fund and cable franchise fees. Upon completion of the oral report, John Schott, a member of the Open Space Committee, commented that the auditors had reported several inaccuracies relative to open space activity. Mr. Graham commented that he feels the auditors recommendations focused on policy issues that are beyond the scope of the auditor's responsibilities. George Irwin, who had served as secretary of the Open Space Committee in 2014 took offense about the auditor's comments on Open Space Committee meeting minutes. Mr. Strauss commented that he will insure that meeting minutes are submitted and put on the website. He added that the OSC only makes recommendations to the Board of Supervisors about the allocation of open space funds and that they make no decisions.

Department Reports

Township Manager – Kim Moretti reported that during March she attended MS4 stormwater training, participated in a meeting with DEP about the township's Act 537 Special Study, met with Phoenixville Emergency Management Coordinator, prepared a grant application for DCNR for an amphitheater project for Kimberton Park, worked with the Historical Commission to finalize the listing of historic resources and revise the ordinance, submitted a grant application to Chester County's Vision Partnership Planning program, and had on-going correspondence with PennDOT relative to potholes on State roads. Mr. Graham pointed out that the township fixed many potholes on State Roads since PennDOT did not respond in a timely manner.

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

Police Department – Chief Franciscus reported statistics for the month of March 2015: police responded to 199 calls, 1 assault, 3 thefts, 2 DUI arrests, 2 drug arrests, issued 48 traffic citations, and responded to 4 reportable accidents and 6 non-reportable accidents. Officers participated in in-house training on NARCAN, pipeline safety, hazmat safety and qualified to

use tazers. The township recently acquired a new 2015 Chevy Tahoe and has advertised to sell the used 2005 Tahoe.

Phoenixville Regional Planning Committee Update – Rusty Strauss reported that he will continue to serve as Chairman of the PRPC for 2015. In 2014 the PRPC hired a new land planner, Ed Theurkauf, who is busy getting acclimated to regional issues. This year the PRPC will be renewing the implementation agreement that established the committee and bylaws. The next project will be to update the regional comprehensive plan, which is now ten years old. They are also establishing a website.

Old Business

Mr. Campbell made a MOTION to approve a 90-day timeclock extension for 400 Westside/Longview Land Development, Preliminary Plan Application, until July 12, 2015. Mr. Strauss seconded the motion and it passed unanimously.

Kimberton Meadows Subdivision – Mike Dimmerling, Justin Fortesque and attorney Sean O’Neill spoke on behalf of the HOA. They asked that since the 60-day cure period has expired for the notice of default sent to the builder will the township be taking any further action? The HOA would like the township to demand release of the escrow funds at this time. No progress is being made on settlement or completion of outstanding construction items. The HOA has no assurance that the escrow funds are in good hands.

Mr. Graham responded that he has spoken with the township’s special counsel who is handling the Kimberton Meadows lawsuit. Negotiations are being attempted within that setting. Counsel feels some progress has been made and a small number of items are to be resolved. Sean O’Neill reiterated that the HOA has lost confidence that this can be resolved quickly.

There being no further discussion, Mr. Graham made a MOTION to authorize the township staff and special counsel to take those actions necessary to enforce the Township’s rights under the Kimberton Meadows Subdivision Development Agreement and the Escrow Agreement, including declaring a default under the Agreements, unless there is a signed settlement agreement, in form and substance acceptable to the Township, presented to the Township by the developer on or before Friday, April 17, 2015. Mr. Campbell seconded the motion and it passed unanimously.

Justin Fortesque asked what will happen on April 17th if no agreement is approved. Mr. Graham responded that the township will then move forward with other options. Mike Dimmerling asked that the HOA be involved in the terms of the settlement agreement. Mr. Graham responded that special counsel will be in touch with the HOA attorney. If a special meeting is needed the HOA will be notified.

New Business

Mr. Strauss made a MOTION to authorize submission of a grant application to DCNR for matching funds for park development. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to authorize an easement agreement between East Pikeland Township and Kimberton Realty & Partnership for an access easement to Kimberton Park. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to approve **RESOLUTION 2015-04**, amending the township fee schedule. Motion was seconded by Mr. Campbell and passed unanimously.

Mr. Strauss made a MOTION to accept the resignation of Jay Kolick as Emergency Management Coordinator, effective immediately. Mr. Campbell seconded the motion and it passed unanimously.

Open Space Presentation

Piazza property Discussion.

Stock Illoway, Vice Chair of the Open Space Committee, explained that with the open space process there must be a piece of land available for purchase or conservation, the landowner must be willing to sell or conserve and the appraisal price must be acceptable to both the landowner and the township. In the case of the Piazza property the seller is willing to sell the property to the township for the appraised value of \$1.15M. The owner of the property is anxious to sell the land for a variety of reasons and is willing to accept the appraised price instead of waiting for any development offers.

Lee Johnson from the Open Space Committee provided a PowerPoint presentation on the property. He responded to questions that the Board of Supervisors had at the March meeting and was able to provide additional details on the Superfund Site including maps of where the contaminated plume is currently located. The OSC is proposing to not disturb the land and therefore the contamination will not be an issue. More information is available at the EPA website with a link to the site provided on the township website. The EPA will provide the township with an analysis of the land to satisfy any concerns about health impacts.

The OSC is proposing that the site be used for parkland, trail use or leave it as vacant open space. The house on Hares Hill Road that is part of the property could be leased, demolished or turned into a community center. The other option would be to subdivide off the house and 3 acres and sell it separately. Any land purchased with open space funds cannot be re-sold; therefore other township funds would have to be used to purchase the portion with the house.

Questions/Comments from the audience:

- Bob Campbell asked if any study was done on the economic impact of removing this property from future development. Mr. Graham responded that no studies had been done.
- Carolyn Thompson asked if the house was currently occupied. It is not.
- Peter Zanneo of Coldstream Crossing asked if the township had the funds to purchase the house separately and asked if the 3.8 acre corner property could be sold separately. The township needs to analyze its finances before making this decision.
- Charles Shupe of Coldstream Crossing asked if the "leased" property shown on the map would ever been developed? Lee Johnson responded that this portion of the property is part of the contaminated lagoon and would not be developed. It does have access to 113 and the township could request that Henry Co. grant an easement to cross over the land if the township wanted to create a trail system or other recreational use.

- John Colarusso of the Planning Commission encouraged the Board to subdivide the property and not keep ownership of the house which would be a burden to maintain.
- Buffy McClelland asked what the value is of the house only. The appraisal for the house and 3 acres is \$284,306. She expressed concern on how this low appraisal would impact her property value on Meadowcrest Drive. Mr. Graham commented that the house is in poor condition inside and it would be hard to compare it with her property for appraisal purposes.
- Several residents from Coldstream Crossing (George Irwin, Tim Fagan, Gina Arasin, Bob Lawson, Anthony Morris, Richard Pruyn, Elizabeth Hannaberry, and Annette Harrison) commented in favor of preserving the property. Fred Eddinger of Meadowcrest Drive also commented in support of the open space acquisition.
- Doug Fitzsimons, landowner of property adjacent to the site, asked what action the Board was proposed to take at this meeting. He then commented that he is opposed to preserving the property as open space. The zoning is to be beneficial to Kimberton Village and the community. He would rather see land in the hands of private enterprise and available for commercial use instead of being preserved and reducing the business opportunities that would benefit the village. He further commented that there still appears to be a lot of open issues with the house and it may be premature of the township to take action. Mr. Graham responded that the purpose of the meeting tonight was for the Board to gather more information and for the Open Space Committee to respond to questions the Board had at their March monthly meeting.
- Jon Gayl commented that the highest and best use for the property would be an extension of senior living facilities to support Coldstream Crossing across 113. It would also generate revenue for the township. He further commented that the Open Space Tax is a burden on the community. Lastly, he said that he feels it is a conflict for members of the Board of Supervisors to sit on other township boards. Mr. Strauss responded that the ordinance establishing the Open Space Committee requires a member of the Board of Supervisors to serve on it. Solicitor Lincke commented that there is no legal conflict.

Richard Orlow, representative of the seller, stated that the property will continue to be for sale and suggested the township not delay on making a decision in the event a buyer approaches them.

Mr. Graham commented that he is a big proponent of open space, but would prefer to acquire conservation easements instead of buying land; however he understands that there are times we have to buy land. He further commented that the house is a negative issue for him and would need to be subdivided off. He has no real concerns about the environmental issues on the property.

Solicitor Lincke commented that the township would have to be an equitable owner through an Agreement of Sale prior to subdividing the house property; however the subdivision can be done as part of the purchase process.

Mr. Strauss stated that he would like the Board of Supervisors to authorize moving forward with purchase of the property as open space. Bill Lincke cautioned that a formal advertised Public Hearing must be held prior to the Board taking any action. After a hearing the Board can proceed with an Agreement of Sale, if so desired.

Mr. Strauss made a MOTION to schedule and advertise a public hearing to consider the purchase of the Piazza tract, with a date, time and location to be determined. Mr. Campbell seconded the

motion and it passed unanimously. It was suggested that the hearing be held at the Kimberton Fire Co. to allow more room for the audience.

Public Comment

None

Announcements

None

There being no further business, the meeting was adjourned at 8:50pm.

Submitted by,
Kimberly Moretti, Township Manager