

November 19, 2008

The Board of Supervisors of Pennsbury Township held a regular meeting on Wednesday, November 19, 2008. All members were present and the minutes approved as submitted.

Kathryn Wood was present to let the township know that she is interested in selling the development rights on her property off Brintons Bridge Road. She acknowledged receiving the township's letter advising her to look at other alternatives which she is doing with other conservation groups.

Andrea Devoti from Neighborhood Nursing was present and asked the Board to consider donating \$1500 in 2009 to their non profit organization. They do assist Pennsbury residents and stated in 2007 the number was around 3000 visits to our area. The Board thanked her and stated we will consider this for the '09 budget.

**Township Manager** Kathleen Howley reported the following:

- The 2009 budget has been advertised and posted on November 5, 2009. It will be considered for adoption at the December 17<sup>th</sup> meeting.
- The township received and has accepted a request for a 90 day extension for the preliminary plan titled Windmill Hollow.
- Attended a regional library meeting in October. Pennsbury is the third highest contributor to the Bayard Taylor Library. The library is conducting some wonderful programs and they continue to research a new site for their building.
- The open space management plan for Johnson Woods Preserve has been completed by the Brandywine Conservancy. They are still working on the conservation easement.
- The zoning hearing board meeting for Paul Haldeman had been postponed and will be rescheduled when he resubmits his application.
- Bob Hall will give us a quote to cover liability for our volunteers who work on township owned property. The annual premium should be in the range of \$300-400.
- Kennett Township has contacted me asking our township's support in putting together a plan for a bikeway lane along Rt. 52. Their township has a plan already in place and is planning for construction. PennDot has money available and the grant process is streamlined. There is no matching money and it would appear our efforts would simply be to fill out the application. The Board approved going forward with this effort.

Roadmaster Dave Allen was not present. His written report was read.

Code Enforcement Officer Rusty Drumheller stated the Gilbert house on Fairville Road is being worked on. They will not live there but will work to clean, secure and repair it.

**Engineer Matt Houtman** reported the following:

- The Knoll curb project – an easement will be needed for the bottom of Constitution Drive near Rt. 1. Gave the language to Larry Wood to review and will alert the homeowner about this. Will continue to get this project ready for a spring let.
- Conducted a township wide road survey with Dave Allen. Covered 66 roads, 15-20 drainage inlets and have drafted a spreadsheet showing cost and what type of treatment necessary. This will help cost out future road work. Will be reviewing this with Dave Allen and cover everything with the Board at a future date before finalizing the report.
- The Board approved an escrow release for Parker Preserve in the amount of \$77880.00. The roads will not be dedicated yet.

Karen Wood reported the LEED Committee is trying to set up a date for a joint supervisor and planning commission meeting to have a speaker talk to the group about green building.

The Board approved the resolution sending the Sunrise Planning module to DEP with the statement that the construction agreement included is a “draft” and can/will be changed.

Mr. Fenton stated there was a special meeting on October 23, 2008 regarding the PVA planning module. A court reporter was present and took minutes which are on file in the township. It was moved and passed at that meeting to sign the resolution sending the PVA planning module to DEP with conditions. The conditions are attached to these minutes.

Mr. Scottoline gave an update on his meeting at the Kennett Area Reg. Planning Commission.

Mike Washko gave an update on work done at the 10/28, and 11/11 planning commission meetings.

Mr. Wood reported that Judge Gavin had issued his decision on PVA’s action seeking disqualification of Messrs. Fenton and Scottoline in matters involving PVA. Mr. Fenton was prohibited from participating in any discussion and/or decision by the Board relating to PVA. Mr. Scottoline was not disqualified. The judge established a procedure which would result in the appointment of a Chester County attorney to act in the place of Mr. Fenton. The Board held an executive session on November 17<sup>th</sup> to discuss the decision. At that meeting on

the recommendation of counsel, the Board authorized the filing of an appeal. The vote was 2 to 1, with Ms. Wood voting against.

A member of the public suggested that the vote to authorize the appeal may have violated the Sunshine Law. In the discussion that followed, Mr. Wood detailed some of his reasons for recommending an appeal. The board then voted 2 to 1 (with Ms. Wood opposed) to ratify the filing of the appeal. Ms. Wood moved that the costs of the appeal not be paid by the township. Her motion failed for want of a second. Mr. Wood pointed out that under Pennsylvania law the filing of the Notice of Appeal by the township stayed the court's order. He noted that PVA could move to lift the stay. In the public comment period which followed, there was discussion on the legal fees that would be incurred in connection with the appeal, their impact on the budget and related matters. Questions were also raised as to costs of consultants in reviewing various matters for the township.

Mr. Wood also commented the hearing with Judge Nagle scheduled for November 10<sup>th</sup> was postponed at the request of Mr. Crawford until they hear from their appeal with the state supreme court. .

The floor was opened for public comment. There were some questions raised on the budget, how the legal fees were being handled and who was paying the costs for our sewage consultant reviewing various plan designs. There was also a question on sunshine laws and whether or not these laws were being followed.

William Reynolds read a written statement titled "his view of Pennsbury".

A check list dated November 19, 2008 numbering 10018-10093 was submitted and approved for payment by the Board. With no further business the meeting adjourned at 9 p.m.

Respectfully submitted:

Kathleen Howley  
Township Manager