

December 16, 2009

The Board of Supervisors of Pennsbury Township held a regular meeting on Wednesday, December 16, 2009. All members, Mr. Oeste and Ms. Howley were present and the minutes of November 18, 2009 approved as submitted.

### **Adoption of 2010 Budget**

The 2010 proposed budget had been duly advertised and posted. The proposed taxes for 2010 are an EIT tax for general funds at .312%, .7 mils real estate tax for general fund and 0.79 mils real estate tax for dedicated open space. There is also a LST tax at \$52.00. Questions from residents were answered. With no further discussion and upon a motion duly made and seconded the Board unanimously approved the budget.

### **General Fund Taxes for 2010**

The **EIT ordinance** setting the rate at .312% had been duly advertised for adoption tonight. With no further discussion and upon a motion duly made and seconded the Board unanimously approved the EIT ordinance. This ordinance will stay in effect until changed. A **resolution** was made to set the township real estate tax mils for General Fund at 0.7. Upon a motion duly made and seconded the Board unanimously approved this resolution.

### **Open Space Taxes for 2010**

The **Open Space Ordinance** setting the property tax rate of .79 mils as a tax dedicated for the purchase of open space interests had been duly advertised for adoption tonight. With no further discussion and upon a motion duly made and seconded the Board unanimously approved the Open Space Ordinance.

### **Adler Zoning Hearing Board**

There will be a Zoning Hearing Board meeting on December 21, 2009 at 7 p.m. for Nancy Adler who is requesting a zoning variance to erect an addition to her home at 102 Cossart Road. The Board will take a neutral position but authorized Ms. Howley to write a letter to the Zoning Hearing Board to recommend that if they grant the variance a condition be attached to the property to record a covenant against converting to a multi-family use to assure the township that the addition will not be used as a rental property at any time in the future.

### **PECO Grant**

A **resolution** approving the **PECO grant application** was submitted for the Board's consideration. The grant is part of the PECO's Green Region Grant Program and is a 50% match. The township proposes to clear walking paths in

Johnson Woods. The grant is a maximum of \$10,000 and if awarded, the township would be responsible for \$5000. Upon a motion duly made and seconded the Board unanimously approved the resolution.

### **PennDot Website Utilization**

Upon a motion duly made and seconded the Board unanimously approved a **PennDot resolution** and agreement authorizing the use of PennDot website to file on-line state forms and grants.

### **Board of Supervisors Meetings for 2010**

The **public meeting notice for 2010** will be advertised. Supervisor meetings will continue to be on the third Wednesday of the month at 7 p.m. in the township building except for February which will be held on the 4<sup>th</sup> Wednesday. The township organizational meeting will be January 4, 2010 and the auditor organizational meeting will be Tuesday, January 5, 2010.

**Road Master** Mr. Allen was not present and Ms. Howley read the Road Master report.

**Township Engineer Matt Houtman** reported the following:

1. The Knoll curb project is complete and the final payment can now be released. There was an additional charge of \$2305 beyond the contract price which the Board authorized payment.
2. Pennsbury Village final plan – the township received a letter from the applicant's attorney, Frone Crawford, requesting an extension to January 31, 2010 for final plan approval which the Board approved.
3. Springdale Farm/Mendenhall Planning Module. Upon a motion duly made and seconded the Board unanimously approved the DEP resolution for plan revision for new land development. The module will be forwarded onto DEP for their review.
4. Jeff Berlin letter of Credit – he has performed the majority of work for driveway construction and the letter of credit expires 12/31/09. There is concern about potential damage to the driveway when homes are constructed in the future. Mr. Houtman will make a final inspection and issue a letter before year end. Upon a motion duly made and seconded the Board unanimously approved the release of the letter of credit at year end with the condition that future buyers of the lots be responsible for any damages to the driveway, a claim on the title of the lots be noted for this and a satisfactory letter of inspection be received from Mr. Houtman.
5. Upon a motion duly made and seconded the Board unanimously approved an **escrow release for Hawks Crest** in the amount of **\$21476.00** with the condition that Mr. Spano pays his outstanding engineering expenses in the amount of \$4542.50 before release of the escrow funds.

**Act 537 Plan Amendment** – Craig Kologie was present and gave a brief review of the process for drafting the update to our Act 537 plan. All agencies had commented and response letters have been sent to those who submitted comments. The comment inputs from various sources resulted in some changes to the document, but not to the fundamental plan, approach and selected alternative. Mr. Fenton thanked Mr. Scottoline for all his hard work with the draft and the many hours it took with the review. Upon a motion duly made and seconded the Board unanimously approved the DEP resolution to forward the document onto DEP for review.

**Pennsbury Village Planning Modules** – Upon a motion duly made and seconded the Board unanimously approved the DEP resolution for plan revision for new land development and will send the modules onto DEP for review. This module is closely linked to the Act 537 Plan Amendment and is included in that plan.

**Penns Village Planning Modules** – Upon a motion duly made and seconded the Board unanimously approved the DEP resolution for plan revision for new land development and will send the modules onto DEP for review. It was noted that Chester County Health Department elected not to respond within the 60 day review period for both planning modules. However, they did comment on the Act 537 Plan Amendment and this module is closely linked to that plan and is included in that plan.

Bob Crandell gave a brief report on the last two Planning Commission meetings. He also noted members had the same concerns with the Adler application as did the Supervisors.

Tom Oeste stated there is no change in litigation news. Mr. Scottoline reported the legal expense to date is \$83,893. Legal expenses will not be reported on in 2010 because the extraordinary expenses have subsided unless there is a specific question from a resident.

Mr. Scottoline announced that this was the last meeting Karen Wood will attend as a supervisor. She has served the township for 13 years as a Planning Commission member and as a supervisor and he thanked her for her service to the township and residents. There were a few public comments regarding the budget and taxes which were answered by the Board.

A bill list dated December 16, 2009 numbering 10956-11036 and State Fund #243, 244 was submitted and approved for payment by the Board. With no further business the meeting adjourned at 8:30 p.m.

Respectfully submitted:  
Kathleen Howley, Township Manager

