

December 3, 2007

The Board of Supervisors of Pennsbury Township held a regular meeting on Monday, December 3, 2007. All members, Mr. Spangler and Ms. Howley were present and the minutes approved as submitted.

Manager Kathleen Howley reported the following:

- The Board agreed to join the Chester County Historic Preservation Group.
- Waterglen access way deed has been recorded per Mr. Spangler and copies will be sent to the township and the HOA for Waterglen.
- PennDot has concluded a two year audit of liquid fuels funds. There are no findings.
- There will be an open space public hearing on December 6th at 7 p.m. to discuss the purchase of development rights on the Mendenhall farm.
- Townwatch has donated 4 winter jackets for the road crew in the amount of \$340.00. A letter of appreciation will be sent to them for this donation.

Roadmaster Dave Allen reported the following:

- Leaves are still being picked up by road crew. Also cleaning ditches.
- Chipping of branches went well this year and are available free to the public. Filled up 6 truck loads.
- Residents complained about the SECCRA dumpsters being full over weekends. Will check with SECCRA again about scheduled emptying.

Rusty Drumheller reported that construction overall in the township is slow. He continues to work on zoning violations on the Orenshaw property on Hillendale Road. It appears Mr. Orenshaw is operating a tree service business and the property is zoned residential. Will proceed to issue a citation if the business does not cease.

Mr. Spano was present and asked the Board to allow him to start building his home on a lot in his subdivision. The subdivision has not been filed yet. His attorney, Mr. Adams has issued a letter to the Board asking permission and stated Mr. Spano would not occupy the house until the lot is recorded. Mr. Fenton asked for additional time to review Mr. Adams letter. The Board agreed to take this matter up at their public hearing on December 6th and issue a decision then.

Mr. Houtman, township engineer, reported that he is meeting with Hanover Hunt on Wednesday to discuss repairs to their basin. He will also make an inspection of the Jurchak property on Hillendale Road and issue a letter.

Nancy Mohr of the 2020 Foundation was present and gave a summary of the recent seminar which was held in the township on November 8, 2007. The report was handed out to residents. The Board thanked her for her efforts.

Tom Kelso of Castle Valley Consultants reported the Act 537 Update was submitted to the township today as well as the County Health and Planning Commissions for review and public comment. The township will wait for comments from these entities as well as our Planning Commission. Comments from the public will be received, if any, and responses recorded. The Plan addresses the HC and surrounding area. The plan calls for the construction of a central treatment area, 100,000 gal/day which will be located on the large pond in Chadds Ford West commercial area. There will be reserve capacity for Pennsbury Hills and Ponds Edge Townhouse community. The following comments were noted from those in attendance:

- There will be stream discharge to Ring Run. Stream discharge is the least desirable option in the list of options.
- The current plan mentions there should be no stream discharge into Ring Run. It was pointed out that the Act 537 is a “plan” and not a “law”.
- The ownership and maintenance of the facility will be a PUC company. The drafts of these agreements are listed in the updated Act 537 Plan. The township would have oversight on the management and maintenance of the plant.
- There is no alternate plan besides the stream discharge. Membrane technology does use less land application but DEP was not receptive to this idea when looking at alternatives.
- Mr. Herdeg submitted a letter to the township objecting to the stream discharge plan. He stated that Ponds Edge sewage system had failed in the past and has little comfort in this system.

Pennsbury Village Preliminary Plan Approval

Frone Crawford, attorney for the developer of Pennsbury Village, Tim Filler, was present requesting preliminary plan approval. He stated they are in agreement with all conditions except for clarification of the monetary contribution to the relocation of the maintenance facility because of alternate sketch plan 2A of the road connecting the west parcel to the east parcel across township property. It was agreed that the construction of a new maintenance area would be born by the developer at \$60 per square foot. Mr. Crawford asked Mr. Fenton not to participate in the approval process because of a conflict of interest. Mr. Fenton refused. The applicant’s engineer, Steve Woodward, showed a sketch of the maintenance garage relocation area which flows into the eased area in the park.

Mr. Houtman stated he issued a review letter dated November 26, 2007 on the revised plan. The last few pages summarize the salient points to be considered by the Board before they make their decision. It was noted that a review letter

from Anne Walters was received today also on the revised plans. Pennoni, township traffic engineer, issued a letter on the two road placement sketch plans.

Anne Wattman submitted a letter for the record questioning any contractual agreements with the township. Mr. Spangler stated there is current litigation pending that has a direct impact on this development and the courts need to make a decision before final approval. We do have an obligation to make a decision tonight unless the developer requests an extension of time. Mr. Crawford stated that they will not be asking for an extension of time.

Mr. Herdeg sent a letter to the Board stating that Act 537 states there should be no stream discharge to Ring Run. Other alternatives should be considered. Approving the preliminary plan violates this Act. Mr. Spangler noted that the recent Act 537 update being reviewed by the township provides for this type of plant and stream discharge.

Mr. Scottoline submitted a letter to the township stating concerns about the preliminary approval process. He had questions on the Act 537 update and provisions in the SLDO stating other agencies need to act on the plan before approval is given. Also noted and confirmed by Mr. Spangler that the plan can be turned down based on access to the property.

Lynn Luft submitted a letter questioning the approval process and Act 537 update. She also had questions about underground discharge of effluent and other types of discharge available for this property. Mr. Spangler also stated that the road across township property does not need an easement. The township can give a right of way. It was noted that if DEP does not give approval for the planning modules, the developer cannot get final approval from the township.

The letters of Luft, Scottoline, Herdeg and Wattman will be made part of the record.

Wendell Fenton suggested the plan go back to the Planning Commission for their review and comments based on Mr. Houtman's November review letter. The Board should ask the developer for an extension or turn the plan down if one is not requested. Mr. Fenton went over some of Mr. Houtman's comments/suggested conditions for approval.

Karen Wood read a list of issues and conditions which were either noted and/or agreed upon by the developer. These will be drafted by Mr. Spangler into a resolution document. Mrs. Ralph moved to approve the preliminary plans for Pennsbury Village with conditions noted and Ms. Wood seconded the motion. Motion carried. Mr. Fenton abstained. The resolution will be signed at the December 6th public meeting and delivered to Mr. Crawford by December 7, 2007.

Barbara Kurowski reported the Planning Commission met with the County to continue the update of the zoning ordinance. The next PC meeting will be Wednesday, December 12, 2007.

Mrs. Ralph reported that a response has been received from George Brutscher regarding the publication of an article in the newsletter on pending litigation. Mr. Fenton commented that Mr. Brutscher's response has little legal basis since he did not review the litigation documents and the cost to the township was \$1275. After much discussion, it was decided that the litigation documents will be on file at the township. Since it is public record, anyone can come in and review these documents.

A bill list dated December 3rd numbering 9262-9292 and State Fund #226 was submitted and approved by the Board. With no further business the meeting adjourned at 11:20 p.m.

Respectfully submitted:

Kathleen Howley
Township Manager