

EAST MARLBOROUGH TOWNSHIP

BOARD OF SUPERVISORS

Meeting of the Board – July 12, 2010

Chairman Cuyler H. Walker called the public meeting to order at 7:30 in the Township Building by leading the group in a pledge to the United States flag. Board members Richard E. Hicks, Eddie G. Caudill, Robert F. Weer, and Richard P.S. Hannum, Jr. were also present, as was Solicitor Fronefield Crawford, Jr.

Minutes of June 7, 2010. By unanimous vote (5-0), the Supervisors approved the minutes as prepared.

PUBLIC COMMENT PERIOD.

Jack Greenwood, a Unionville resident, asked that the Board place a weight limit on trucks traveling through Unionville; he said that his house shakes when the heavy trucks go through town. Roadmaster Caudill will investigate whether the Township has such an authority. Mr. Caudill added that some secondary roads can have weight limits placed during the spring thaw, but he doubts that that limit would apply to a numbered PA State Route, such as Route 82.

Russ Gambert, a resident of Marlbrooke Way, said he objected to being billed for sewer service since his property was not yet connected. Chairman Walker explained that the costs were predicated on all customers paying from the beginning, and that all homeowners were required to have connected to the system by December 31, 2010.

Tangent Solar Energy. Andy Merserve, Vice-President of Tangent, explained the proposal to place a canopy array of solar panels over the Township parking area. The panels would be approximately 150 feet by 37 feet and would generate an estimated output of 80,000 KW annually. By unanimous vote (5-0), the Board agreed to move forward with the design and documentation.

Escrow Release – Whitewing Farm. By unanimous vote (5-0), the Supervisors approved Release #1 in the amount of \$33,968.

Dorward Request for Variance for Four units on 2.2 Acres on Upland Road at Mill Road. The property owners were represented by Mike Shiring, Esq., who requested Supervisor support for the variance application before the Zoning Hearing Board. Mr. Shiring suggested that, in the

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event a permanent variance could not be obtained, his client would request a temporary variance so that the current occupants of the barn apartments would not be required to relocate. Township Solicitor Frone Crawford explained that there is no way to terminate a variance; he therefore recommended that any variance granting temporary relief during the occupancy of the existing tenants be memorialized via a deed restriction filed with the Recorder of Deeds. By a vote of 4-1, with Mr. Hicks opposed, the Board agreed to support a variance request, with the following conditions:

- a) There be a building inspection to examine compliance with building codes, especially in view of the fact that the barn conversion was made without acquiring permits,
- b) That occupancy of the two apartments in the barn be limited to the one existing resident of each apartment, after which time there be no residential occupancy of the barn,
- c) That the Chester County Health Department certify the adequacy of the on-site septic system to handle the current uses on the property, and
- d) That these conditions be memorialized via a deed restriction filed with the Recorder of Deeds.

Kennett Township Request for “No Right Turn on Red” for Signal at Rt. One Exit Ramp, Northbound. Supervisor Allan Falcoff from Kennett Township reiterated his request for the signage. East Marlborough Supervisors continue to seek more information on the traffic counts for vehicles entering the intersection from Rt. 1, Rt. 82 and Cedarcroft Road, as well as any accident data. Mr. Falcoff said that since the traffic sensor on the exit ramp would resolve any back up of traffic onto the travel lanes of Route One Northbound, the restriction on turning right on red would not have an adverse impact on traffic at the intersection. However, the East Marlborough consulting engineer from Traffic Planning and Design, who designed the signal modifications, wrote that the above-referenced signage would change the level of service at the intersection from a current level of service “C” to a failing level of service, “E.” Mr. Falcoff said he would get the information on the traffic counts.

Proposed Cell Tower at Po-Mar-Lin Fire Station in Unionville. John Weer requested direction from the Supervisors about the process for moving forward with investigation of placing a cell tower near the firehouse. A copy of the Easement Agreement between Po-Mar-Lin and East Marlborough will be circulated to the Supervisors and to Frone Crawford. Mr. Crawford will recommend a process to coordinate the timing of Township review and Po-Mar-Lin’s negotiation with the company proposing to install the cell tower.

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Contract for Street Paving for 2010. Long's Asphalt was the low bidder in the Co-operative bidding process. Roadmaster Caudill proposes to resurface the following roads this summer: Dean Drive, Fairthorn Drive, Gatehouse Drive, Potter Drive, Spottswood Lane, Winding Way, Taylor Drive, Unicorn Drive, and Marlbrooke Way. The total amount of the contract is \$207,264.30, which will be funded with State Funds. By unanimous vote (5-0), the Supervisors approved and signed the contract with Long's Asphalt.

Resolution 2010-14. The resolution confirms the 2010 wages for all Township personnel, except for Mr. Caudill, whose wage rate is approved by the Board of Auditors. The Resolution was approved by a vote of 4-1, with Mr. Hicks opposed.

Bills. By a vote of 4-0, with Mr. Hicks abstaining on the entire list, and other supervisors abstaining on a single item with a perceived conflict of interest, the attached list of invoices was approved for payment, with the following totals:

General Fund	\$ 74,567.67
Sewer Fund	\$157,708.95
Payroll	\$ 59,795.83

Treasurer's Report. By a vote of 4-0, with Mr. Hicks abstaining, the attached Treasurer's Report was accepted, as prepared.

Mr. Nicholas LaPara, who along with Mrs. LaPara, have been loyal followers of Township business and regular attendees to all public meetings, said that they were moving from the Township; they thanked the Board for the cooperation shown over the years.

The public meeting was adjourned at 9:27 p.m., at which point the Supervisors went into executive session to discuss a pending legal matter.

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Jane R. Laslo, Manager/Secretary