

## EAST MARLBOROUGH TOWNSHIP BOARD OF SUPERVISORS

Meeting of the Board – December 6, 2010

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The regular December meeting of the Board was called to order by Chairman Cuyler H. Walker at 7:30 p.m. in the Township Building, by leading the group in the pledge to the United States Flag. Supervisors Richard E. Hicks, Eddie G. Caudill, Robert F. Weer and Richard P.S. Hannum, Jr. were also present, as were Solicitor Fronefield Crawford, Jr. and Engineer James W. Hatfield.

**Minutes of November 1, 2010.** By unanimous vote (5-0), the Board approved the minutes, with the correction of a typo on page two under the entry “Bills.”

**Public Comment Period.** There were no comments from the public.

**Escrow Release – Whitewing Farm.** By unanimous vote (5-0), the Board approved Release #5 in the amount of \$51,590 .

**Wal-Mart Expansion – Land Development Plan.** Marc Kaplin, Esq. , Adam Benosky from Bohler engineering, and Chris Williams from McMahon Traffic Engineers represented the applicant. Mr. Kaplin presented a letter from John Hornick, an engineer with Bohler Engineering, dated 11/30/10, pledging to comply with all items listed in the VanDemark and Lynch review letter of November 4, 2010. Mr. Kaplin also agreed that Wal-Mart would: a) provide a paved surface on a four-foot wide walkway that roughly parallels Schoolhouse Road for the perimeter of the property and; b) pay for the re-timing of all of the traffic signals along Route One, both immediately (prior to holiday season) and also after a few months of operation of the expanded Wal-Mart, to provide for optimum traffic flow. By a vote of 4-0 with Mr. Caudill abstaining, the Revised Land Development Plan was approved.

**Dambro Sketch Plan.** Mark Padula, P.E. of Register Associates, presented architectural drawings showing a three-story apartment building proposed to accommodate 20 apartments of varying sizes. Mr. James Sinclair read a letter which he had submitted earlier in the day, together with some photographs, citing his observations of the damage that previous storms had caused to the stream banks along his property. Mr. Sinclair also expressed concern about both traffic and lighting on the proposed development, which could adversely impact the Sinclair property.

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Solicitor Crawford suggested that: a) the floodplain on the property should be calculated, since the mapping may be outdated, and b) the wetlands delineation should be updated, because the data were more than five years old.

**East Marlboro Associates – Longwood Village Shopping Center.** Randy Schauer, Esq., represented the request to amend the Conditional Use Order regarding the locking gate at either end of the Center, designed to prevent after-hours entry to the back. Also present were Kevin Lahn and Michelle Henriques, both of R.J. Waters and Associates. Mr. Schauer was proposing that a key-lock entry be provided, instead of the more expensive electronic gate which was stipulated in the Conditional Use Order. Mr. Stafford, a party to the legal proceedings, said he had no objection to the key-lock entry, provided that there were no violations. Mr. Schauer further agreed to the following: "...In the event there are three substantiated violations of the delivery/pick-up restrictions, or three substantiated incidents of inability of emergency vehicles to access the rear of the Center within a consecutive twelve month period, the electrical locking system requested by the Supervisors will be installed." Board members agreed that only one violation of inaccessibility should be sufficient to deem the key-lock system unworkable. There was no consensus from the Supervisors regarding an amendment to the Conditional Use Order. Instead, it was agreed that Mr. Hicks would meet with Mr. Lahn and Chief Davis from East Marlborough to try to reach an agreement.

**Schoolhouse Crossing – The Onix Group.** John Jaros, Esq. represented the owners of the Onix Group in requesting that space which currently houses two existing restaurants, Firehouse Barbeque and Wings to Go, be converted to one larger restaurant, LaTolteca, which proposes to provide 120 seats. Also present were Steve Silver and Marisa Erdman of the Onix Group. By vote of 4-0, with Mr. Caudill abstaining, the Board approved the proposal.

In a separate proposal, Mr. Jaros asked that the Board support a request to transfer a liquor license from another establishment in Chester County to the proposed LaTolteca Restaurant. Mr. Jaros will submit the request in writing, in hopes that public notice can be accomplished for action at the January 3, 2011 public meeting of the Board.

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**Budgets for 2011.** By unanimous vote (5-0), the Board approved the attached 2011 budgets, unchanged from the proposals of November 1, 2010, showing the following expenses and receipts:

General Fund	\$1,922,600 based on a millage of 1.05
Sewer Fund	\$4,183,677
State Fund	\$ 27,096.

**Resolution 2017- Providing for tax levy for 2011.** By unanimous vote (5-0), the Board approved the resolution, establishing unchanged tax millage for 2011.

**Resolution 2010-18 – Unionville Light Tax.** By unanimous vote (5-0), the Board approved the resolution providing for an increase in the light tax to 50 cents per lineal foot of property frontage. The rate formerly was 40 cents per lineal foot.

**Po-Mar-Lin One-time Contribution.** Mr. Weer asked if the supplemental contribution of \$18,000 budgeted for Po-Mar-Lin could be transmitted in early January. The Board agreed to make the contribution in January 2011.

**Computers for Township Office.** The Board authorized the purchase of two replacement computers; the cost is expected to be less than \$2200 total. Supervisors reiterated the policy of bringing all major purchases as well as any proposal for hiring personnel to the Board for approval prior to action.

**Resolution 2010-19 – Establishing a Per Property Hydrant fee.** By unanimous vote (5-0), the Board approved the resolution which provides for a charge of \$26.73 per property within 780 feet of a hydrant. There are approximately 1715 properties in the Township which will be charged.

**Resolution 2010-20 – No Winter Maintenance on Specified Township Roads.** By unanimous vote (5-0), the Board approved the resolution providing for no winter maintenance on portions of Wollaston and Mill Roads.

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**Bills.** By unanimous vote (5-0), with each supervisors abstaining on a single item with a perceived conflict of interest, the Board approved payment of the attached list of invoices, with the following totals:

General Fund	\$35,634.92
Sewer Fund	\$26,386.27
Payroll	\$54,745.70
Development Fund	\$ 4,070.00

**Treasurer’s Report.** By unanimous vote (5-0), the Board accepted the prepared monthly report.

The public meeting was adjourned at 9:57 p.m., at which point the supervisors went into executive session with Frone Crawford to discuss a pending legal matter.

EAST MARLBOROUGH TOWNSHIP

Jane R. Laslo, Manager/Secretary