

**EAST MARLBOROUGH TOWNSHIP
BOARD OF SUPERVISORS**

Meeting of the Board – October 3, 2011

Public Hearing – Chairman Walker called the public hearing to order at 7:15 p.m. The hearing had been advertised to give notice of the following two ordinances under consideration by the Board:

Ordinance 2011-02 – Establishing the basis for attorney’s fees in connection with East Marlborough’s assertion of Municipal claims. Following discussion, the Board voted 3-0, with Mr. Hicks abstaining, to approve the ordinance.

Ordinance 2011-03 – Amending Ordinance 09-02 (which provided for the adoption of a new sewer service area to be called the Route 82 South Sewer Service Area and adopted the Township’s sewer district’s map of 2008, establishing as Sewer District No. 1 all areas of East Marlborough Township previously sewered and adopting a sewer district No. 2, the new Route 82 South Sewer Area) in order to provide additional remedies for violations of said ordinance No. 09-02. Following discussion, the Board adopted the ordinance by a vote of 3-0, with Mr. Hicks abstaining.

Public Meeting. Chairman Cuyler H. Walker called the public meeting to order at 7:30 p.m., by leading the group in the pledge to the United States flag. Board members Richard P.S. Hannum, Robert F. Weer, and Richard E. Hicks were also present, as were Solicitor Fronefield Crawford, Jr. and Engineer James A. Hatfield.

Public Comment Period.

Karen Halsted asked whether there was a cost to the township for the newly-installed solar panels. (There is no cost to the Township.) She also asked about a whistle-blower policy and was told that the Township is subject to all state and federal laws. She asked whether Township employees are permitted to leave the job to go to an emergency call. She was told that they are.

Minutes of September 12, 2011. The minutes were approved by a vote of 3-0, with Mr. Weer abstaining.

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Longwood Gardens Access Road. The application for a Land Disturbance Permit to construct an interior service road on the newly-acquired property, formerly a part of Whitewing Farm, was represented by: Mark Winnicki, facilities manager at Longwood Gardens, Greg Rishel, P.E., of Pennoni Associates, and Michael Petka of Bancroft Construction. According to Township Engineer, Jim Hatfield, the plan conforms to all NPDES standards, and they are awaiting approval from the Chester County Conservation District. The applicant is requesting a waiver from Section 302.A of the Storm Water Management Ordinance; Mr. Hatfield supports the waiver request. By unanimous vote (4-0), the waiver was approved.

New Bolton Center – Storm Water Management Plan. The application was represented by Patricia Brubacher, P.E. and Ann Anderson, P.E., both of Brinjac Engineering. The request was for relief from two provisions of the Storm Water Management Ordinance, specifically, Sections 302.A and 302.B. Supervisors discussed whether there might be other ways to mitigate the inability to meet the ordinance requirements. Ms. Brubacher and Ms. Anderson agreed to investigate whether the ordinance standards could be met by considering some landscaping within the riparian buffers, particularly to reduce sediment accumulation in the stream.

The Kennett Run – Al Iacocca, Race Director, spoke with the Board about the plans for the race on May 19, 2012, noting that the course is the same as last year. He said the committee and traffic controllers will do all they can to reduce the amount of time that each section of road is closed for the racers. By a vote of 3-1, with Mr. Weer opposed, the Board approved the closure of Route 82 from approximately 8-10 a.m., as well as the closure of other roads in Cedarcroft, E. Locust Lane, Walnut Road to accommodate the race event.

Request for Certificate of Appropriateness. Rebecca King, equitable owner of 1644 West Doe Run Road, represented the application and showed preliminary architectural plans for a proposed addition. In consideration of the recommendation of HARB, the Board voted unanimously (4-0), to grant the Certificate. In a separate action, the Supervisors decided to take no official position on the variance request.

Route 82 Bikeways. PA DOT and the Delaware Valley Regional Planning Commission have set a dead line for completing the design for the project, specifically demonstrating that the Township has the funds needed. The significant remaining issues are the environmental clearance, storm water management, utility pole re-location, and acquisition of rights-of way.

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Although generally in support of the project, the Supervisors are concerned about the funds spent to date, and have requested a precise figure for completing the engineering.

Ordinance Reviews. The supervisors reviewed the comments of the Township Planning Commission with respect to the two proposed ordinances: a) Alternative Energy, and b) Nuisance. After some revisions, it was agreed to give public notice of the Hearing for the Alternative Energy ordinance for 7:15 p.m. on November 7, 2011; the Nuisance Ordinance will be considered at a later date.

Road Salt. By unanimous vote (4-0), the Supervisors accepted the low bid of Oceanport Industries for approximately 1500 tons of salt at a bid price of \$55.24/ton.

Road Report. The supervisors discussed the semi-annual report, submitted by the Roadmaster Eddie Caudill.

Bills. By unanimous vote (4-0, with each supervisor abstaining on a single vote with a perceived conflict of interest), the Board approved the following list of invoices, with the following totals:

General Fund	\$194,851.07
Payroll	\$ 51,493.42
Sewer Fund	\$ 34,176.61
State Fund	\$325,248.40

Treasurer's Report. By unanimous vote (4-0), the Supervisors accepted the attached report, as prepared.

The public meeting was adjourned at 10:35 p.m., at which point the supervisors went into executive session to discuss a personnel matter.

EAST MARLBOROUGH TOWNSHIP

Jane R. Laslo, Manager/Secretary