THORNBURY TOWNSHIP
DELAWARE COUNTY

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BOARD OF SUPERVISORS:

James H. Raith
James P. Kelly
Sheri Perkins
Public Meetings
1st & 3rd Wednesday of each month

MINUTES
Thornbury Township Board of Supervisors Public Meeting
Wednesday, March 1, 2017

The Thornbury Township Board of Supervisors held a Public Meeting on Wednesday, March 1, 2017, at the Township Administration Building, Township Drive, Cheyney PA. Chairman Raith called the meeting to order at 7:00 p.m. with a salute to the flag.

PRESENT:
James H. Raith, Chairman
James P. Kelly, Vice Chairman
Jeffrey Seagraves, Township Manager
Geoffrey Carbutt, Township Secretary
Lindsey Price, Roadmaster
Kenneth D. Kynett, Esq., Township Solicitor
James Byrne, Esq., Township Solicitor
Michael Ciocco, PE, Township Engineer
Charles Faulkner, PE, Township Sewer Engineer

Attendees: 41

Chairman Raith announced that that the Board previously held a brief Executive Session this evening regarding legal matters.

APPROVAL OF CHECK REGISTERS

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the General Fund check register in the amount of $42,779.03, for the period February 16, through March 1, 2017, was approved. Chairman Raith called for comment. There was no comment.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the Sewer Fund check register in the amount of $34,158.42, for the period February 16, through March 1, 2017, was approved. Chairman Raith called for comment. There was no comment.

APPROVAL OF MINUTES

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the Wednesday, February 15, 2017 Work Session minutes were approved as presented. Chairman Raith called for comment. There was no comment.

BOARDS AND COMMISSSIONS

PARKS & RECREATION

Joe Burke reported the held their meeting and upcoming events include a Spring Wreath Making class on March 9, the Annual Easter Egg Hunt on April 8, the E-waste Collection on April 22, the Township Yard Sale on April 29, the NYC Bus Trip on May 6 and the cost is $35.00, the Annual Dog Show on May 13th, that will include the help of the Rustin Canine Club along with a dog inspired Art Show presented by the Rustin Art Club. Lastly, Monday & Wednesday Night Yoga classes at the Thornbury Park Pavilion will resume beginning May 31st.

HISTORICAL COMMISSION

Ric Miller reported on the uploading of the Oral Histories to the internet. He also asked that a letter of thanks be sent to the Strodeôs Mill Gallery for the reframing of the prints by Jane Curtis. Lastly he mentioned the updated HRP 2017 Property Studies list.
Vice Chairman Kelly mentioned that he enjoyed Ricôs report

PLANNING COMMISSION

Jim Quinn was not present.

SEWER COMMITTEE

Ted Jacquet had nothing to report.

ENVIRONMENTAL ADVISORY COUNCIL

Rich White reported they held their Re-organizational meeting, and no changes were made. He then reported there will be a rain barrel informational event on April 8 and on April 22 there will be a trail clearing in conjunction with the CRCôs Annual Stream Clean-Up and they will be collecting water quality data. Chairman Raith added that the Township is helping to clear the quarry at Bonner Park where there is major stuff to be removed.

LIBRARY BOARD

Jean Mackenzie was not present.

JR SUPERVISORS

Danielle Berkowitz reported there is a lot going on at Rustin these days. First off, the music department hosted the Pennsylvania Music Educators Association District Band Festival this year. The festival was from February 9-11 and over 125 musicians performed including 4 from Rustin! In addition, winter sports are winding down and Rustinôs sports teams have been very successful this season including many swimmers, divers, track runners, wrestlers and the cheerleading team making it to the Ches-Monts. And spring sports begin next Monday. So, the mini-golf fundraiser that we mentioned at last monthôs meeting for Maddie Duffy, one of Rustinôs students who is paralyzed from a very horrible car accident, was extremely successful! The fundraiser was last Friday night from 5-10 pm. The holes were created from scratch by different departments at school and were extremely impressive. The fundraiser also included t-shirt sales, raffle ticket sales, concessions, and Maddieôs own artwork was

being sold. Maddieôs dad and aunt were at the fundraiser and her aunt was facetiming with Maddie so she could see what was going on at the fundraiser. And with that all that being said the 3rd marking period is ending on the 27th of March.

Joe Kephart also reported Going on fundraising for Maddie, a staff vs seniorsôbasketball game is set for April 19th. All the proceeds will benefit her and her family. Rustinôs theater students have been working hard preparing for the upcoming musical, *The King and I.* The musical will be taking place from March 2nd to the 4th. Tickets are $16 for adults and $12 for students and seniors. Recently 2 Rustin students displayed their artwork at the Exton Square Mall, for the Domestic Violence Center of Chester County. The theme for the show was Alice in Wonderland, Through the Looking Glass. One of our studentôs artwork was chosen to be displayed at a fundraising gala at the Mendenhall Inn on April 8th. Just this last week, Deca students participated in different events at states, several Rustin students qualified for nationals. Nationals will be taking place in Anaheim, California.

AGENDA ITEMS

Pennsylvania State Police Lieutenant James J. Hennigan

Chairman Raith introduced Lieutenant Hennigan and the Lieutenant spoke of reaching out to the surrounding municipalities in his jurisdiction simply to aquatint himself to the individual needs of each, and to speak to the public at large, to answer any concerns that they may have. He then asked if anyone here tonight had any questions for him. There was a question about enforcing property rights to which he spoke briefly about the difference between property disputes and trespassing. He thanked the Board for having him and the Board thanked Jim.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the Base-Bid and Alternate Bids 1, 3A & 4, for a total of $233,981.75, from A.F. Damon, Inc. of Upland PA, received on February 28, 2017, for the 2017 Road Program, were accepted. Chairman Raith called for comment. There was no comment.

Chairman Raith thanked everyone for their efforts getting this done.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, ***Resolution 2017- 8,*** *conditionally approving the "Crane Property, Preliminary Major Subdivision Plan" application, made by Toll PA, VI, LP, located at 105 Stony Bank Road, was approved. Chairman Raith called for comment.*

Beth Alois asked about the condition of Stonybank Road as a result of Toll Brothers construction at the Crane property. Chairman Raith explained that it is a State Road, owned and maintained by PennDot that was repaved just 2 years ago. Vice Chairman Kelly mentioned the state permit.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the extension granted on the "Daniels Subdivision Final Plan", extending the action date from March 13, to June 11, 2017, was accepted. Chairman Raith called for comment. There was no comment.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, a contribution to the "Walk for the Wounded Foundation" in the amount of $1,000.00 for their 2017 campaign, was approved. Chairman Raith called for comment.

Vice Chairman Kelly commented that Thornbury Township residents can take pride in this contribution and he explained where, and to whom the donations go, and detailed the event.

Zoning Inquiry - Ken Kynett explained that the Township had received a form of request from an Andover resident for the Township to enforce zoning violations against Sunoco, accompanied by a form of complaint to be filed by the resident against Sunoco in the event that the Township did not pursue enforcement. Mr. Kynett stated that in course of his investigating the request, he discovered that attorneys in his firm had represented a Sunoco entity in connection with a zoning matter at the Marcus Hook Refinery, and had also represented a property owner in a condemnation action. As a result, he felt uncomfortable in continuing to represent the Township in any Sunoco related matters and asked the Mr. Byrne handle these matters on behalf of the Township going forward.

PUBLIC COMMENT

Eric Friedman of 2 Fallbrook Lane asked about the matter of Sunoco in the Andover Open Space, and Chairman Raith explained the zoning. Mr. Friedman alleged that Thornbury Township has interest in this and he hopes it is not a new issue because the alternative is a better solution. Chairman Raith said that is what we are working on right now. Mr, Friedman said there is no point in duplicating the effort other municipalities are working on. This is something we can work together on. Chairman Raith again said this is why we are doing this and if you feel you need to move forward on your own, by all means do so. Mr. Friedman said he appreciates the entanglements in this process but we are talking about basic Constitutional Rights. They are operating in Andover right now. Chairman Raith asked Jeff Seagraves to look into what is presently being done there. Mr. Friedman then asked about permit applications and that he knew there are some issued. He then mentioned receiving a response to a Right-to Know request about them and he doesnôt understand why it needed to go through a Legal Review process. Jeff Seagraves answered that was due to the additional information requested that was included in that request. Mr. Friedman then asked if he could revise and resubmit that request and Jeff answered yes you can. Mr. Friedman brought up another issue concerning Act 167, stating the Sunoco plans are not compliant with the Flood Plain and Stormwater requirements. He asked Mike Ciocco if they were, and Mike could not answer that question right now. Chairman Raith asked Mike to work with Jim Byrne on this. Mr. Friedman then complained that they were presently tearing up the property and Jeff explained the work presently being done is for a Safety Valve installation that pertains to the existing Mariner I line, not any new line. Mr. Friedman said they donôt have property rights and it is his contention that Chairman Raith asked Mr. Byrne to look into this. Mr. Friedman added that they applied for Highway occupancy permits and are prohibited in our neighborhood, and they are trying to build a new road that ties into the open space. Chairman Raith asked Jeff to look into this as well.

Christine Ney of 14 Andover asked about the Easement and then thanked the Board for working toward a solution.

Moira Gregonis of 74 Locksley asked for a timeline to monitor the process because a lot of the information is not made public, just so we know. Mr. Friedman added, public and private water supply DEP excerpts were made available to you and asked that baseline testing on all water supplies be done. Chairman Raith said as of yet they have not gotten back to us and added that this is very important to me and asked Jeff to follow-up on this. Mr. Friedman lastly spoke of their property rights, and John Price of 8 Fallbrook mentioned if he had more information, he would feel more comfortable. Mr. Price said we need more information.

Peter Alois asked who is designated to follow and monitor this, and they should be pro-active. Chairman Raith said we are pro-active, were the first municipality to file a letter of concern and proclamation with the Governor. He added that Mr Seagraves reaches out to them constantly. Mr, Ciocco, Mr. Byrne and I want try to find common ground. The more we push, the little communication we get back. Mr. Alois said that is appalling. All of the work is

tainted and we don't know if we are in a contaminated swamp we are driving through. You have to get more aggressive, and should be enraged. If you need volunteers, we would love to help. He asked for a show of hands to volunteer. He mentioned the progress should be made available. Trish Mangan of 1 Tanguy Road reiterated.

Beth Alois asked about the pipeline zoning ordinance. Chairman Raith explained it is still in the works and our Planning Commission is working on it. Mr. Friedman asked if the original is still working and not dormant. Chairman Raith confirmed that and then asked if there is anything else? With no reply, he moved on to Staff Reports.

STAFF REPORTS

TOWNSHIP MANAGER'S REPORT- Jeff Seagraves

Jeff mentioned the Recommendation Letter from the Historical Commission.
On a motion by James Kelly, seconded by James Raith, and carried unanimously, waiving the Historic Resource Impact Study on HRP #136, at 430 Glen Mills Road, was approved. Chairman Raith called for comment. There was no comment.

Jeff then reported on the 2017 road program. We are recommending that the Board of Supervisors approve the Annual $1,000.00 contribution to the Walk for the Wounded and Warriors 5K Run to be held on Saturday May 20th at Rose Tree Park. The construction for the Chlorine Contact Tank has been moving along smoothly. Two of the four tanks have been placed and we will be scheduling a construction coordination meeting for next week. We met with Chris and Cindy McCord to go over the plans for the Thornbury Township Summer Arts and Recreation camp. We are adding a couple of new activities throughout the summer for campers. We are scheduled to attend a table top exercise at Cheyney University next Thursday March 9, 2017. We are collaborating with the EAC to clean up some trash and debris at Bonner Park as part of their March 11th trail clearing. Lastly Jeff also mentioned the NYC Bus Trip on May 6th, the Annual Dog Show on May 13th and Yoga in the Park begins May 31st. There was no comment on Jeff's report.

TOWNSHIP ROADMASTER'S REPORT – Lindsey Price

The Roadmaster's report was submitted and is attached. Lindsey reported on the Thornbury Park Field and the Eagle Scout Project. There was no comment on the Roadmaster's report.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the purchase of 46 tons of M&S Premium Infield Mix from Excavating by M&S, LLC of Woolrich, New Jersey, at a cost of $28.00 per ton delivered, for a total cost of $1,288.00, was approved. Chairman Raith called for comment. There was no comment.

On a motion by James Kelly, seconded by James Raith, and carried unanimously, the purchase of exercise equipment for an Eagle Scout Project, previously approved in June 2016, for Thornbury Park, from Outdoor Fitness Inc. of Monument, Colorado at a total cost of $4,426.00, was approved. Chairman Raith called for comment. There was no comment. Chairman Raith explained the new equipment.

TOWNSHIP SOLICITOR'S REPORT – Kenneth Kynett, Esq.

The Township Solicitorôs Report was submitted and is attached. Ken reported that the Greenbriar Subdivision is close to dedication.
There was no comment on the Solicitorôs report.

TOWNSHIP ENGINEER'S REPORT – Michael Ciocco, PE

The Township Engineerôs Report was submitted and is attached. Mike reported that it was that time of year to read the NPDES MS4 Report, and did so, meeting the requirements for public notification. There was no comment on the Engineerôs report.

TOWNSHIP SEWER ENGINEER'S REPORT – Charles Faulkner, PE

The Township Sewer Engineerôs Report was submitted and is attached. Chuck reported that the Bids for Sewer Line Inspections is out and due on March 7, and should have a recommendation by the next meeting. He reported that the Chapter 94 Reports will be going up to the DEP next week, and the Chlorine Tank installation was going well. There was no comment on the Sewer Engineerôs report.

ADJOURN

The meeting adjourned at 7:48 pm
Respectfully submitted,

Geoffrey Carbutt, Township Secretary

cc: Board of Supervisors
Kenneth Kynett, Esq.
Jeffrey Seagraves, Township Manager