

London Britain Township Board of Supervisors Meeting

January 25, 2016 approved 2/8/16 BOS mtg

Hearings

David Owens, Chairman of the Board of Supervisors opened the Events Ordinance Hearing at 7:10 pm. In attendance were Supervisors Glenn Frederick and Aileen Parrish, Secretary Carolyn Matalon, Planning Commission members Les and Stephanie Town, Park and Recreation member Bill Maslanka and a few residents.

Events Ordinance Hearing- The Board reviewed the Special Events Ordinance revisions from Township attorney Tom Oeste. David Owens expressed his opinion that the Ordinance violates the public's rights to hold a political event and violates the Right to Farm Act. Aileen Parrish asked for a definition of what David Owens means by the Ordinance is a violation of the Right to Farm Act. He quoted Section 953 from PA Right to Farm Act. Stephanie Town stated that the people who live here have a constitutional right to live as they have through the years and doesn't understand why David Owens brought up violation of rights. Aileen Parrish explained that the Ordinance only states that you need a permit if the event is expected to have 50 or more people in attendance. David Owens states that the people have the right to farm and this Ordinance violates the Right to Farm Act. Aileen Parrish obtained Section 953 from David Owens and read Section 953 from the PA code.

§ 953. Limitation on local ordinances (a) Every municipality shall encourage the continuity, development and viability of agricultural operations within its jurisdiction. Every municipality that defines or prohibits a public nuisance shall exclude from the definition of such nuisance any agricultural operation conducted in accordance with normal agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety. (b) Direct commercial sales of agricultural commodities upon property owned and operated by a landowner who produces not less than 50% of the commodities sold shall be authorized, notwithstanding municipal ordinance, public nuisance or zoning prohibitions. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.

Aileen Parrish stated that there is nothing in the Special Events Ordinance that violates the PA Farm Act. David Owens read the Entertainment event section of the Ordinance and stated that this blocks the farm use and doesn't agree that they should need a permit for events. Township resident Russell McKinnon asked why the Special Events Ordinance is being considered now with a possible distillery coming into the Township but not when he had been complaining about his neighboring farm in the past years. Township Secretary Carolyn Matalon and Zoning Office Dave Gargula stated the proposed Special Events Ordinance is not to prevent events, the purpose is to make sure the proper procedures are in place for events such as permits from the Chester County Health Dept, fire police, parking, etc. Dave Gargula believes there should be a permit fee because there will be paperwork to review for the events. Aileen Parrish reminded everyone that the Board of Supervisors is charged with the health safety and welfare of everyone in the township and the Ordinance doesn't mean precluding anyone it means overseeing in a responsible way. The Board agreed to the following changes in the Ordinance; the Ordinance should state

that neighboring properties should be notified and Section 4/ #4 should include showing shared driveways.

Zoning Office Dave Gargula agreed that the Special Ordinance will protect the public health, safety and convenience of all residents of the Township. David Owens doesn't like taking the people's rights away. Stephanie Town stated that as the Special Events Ordinance exists today, it is most unrestrictive and there should not be any changes. David Owens wants the "included but not limited to wine tastings, other alcohol tastings" statements removed from the Entertainment Event section of the Ordinance. Aileen Parrish stated that she would not agree to that. David Owens stated that Aileen Parrish is against farms in the Township when she stated she would not exclude wine tastings and alcoholic tastings when he requested that they should be excluded. David Owens asked Aileen Parrish why she is against the farms. Aileen Parrish stated she is greatly insulted by his comment. Glenn Frederick stated he does not think the Ordinance is unconstitutional. Aileen Parrish stated that if you take Borderlands Vineyard for an example, this Ordinance protects them and it is in their best interest. Russell McKinnon stated that he spoke to worker at Borderland Vineyard farm and he is concerned with the Ordinance permit fees. Aileen Parrish stated that Borderland Vineyard owner Karen Kalb had participated in many conversations about many items contained in this Ordinance and it is a shame that with her recent passing she can't be here to participate in this conversation. Carolyn Matalon stated that the permit fee would not be a considerable amount probably less than \$100. David Owens stated that he visits and purchases wine from Borderland Vineyard to support the Township farms. Aileen Parrish stated that as elected officials currently dealing with guidelines for certain establishments in the Township, some of us believe that it is important not to show bias, but this does not mean we do not support farms. Les Town stated that this Township supports farms and does many things to get grant money to keep the farms that we have. Stephane Town stated that Aileen Parrish did much of the work to assist residents in getting these grants and doesn't see how anyone can think she doesn't support Township farms. Aileen Parrish made a motion to continue the hearing to 2/22/16 to have the document revised. Glenn Frederick seconded and the motion carried unanimously.

Board of Supervisors meeting

David Owens, Chairman of the Board of Supervisors opened the Board of Supervisors meeting at 7:16 pm. In attendance were Supervisors Glenn Frederick and Aileen Parrish, Secretary Carolyn Matalon, Planning Commission members Les and Stephanie Town, Park and Recreation Board member Bill Maslanka and a few residents.

New Business

WGFC contract- David Owens made a motion to approve the WGFC contract in the amount of \$64,490. Aileen Parrish seconded and the motion carried unanimously.

Avondale Fire Co EMS contract- Glenn Frederick made a motion to approve the Avondale Fire Co EMS contract in the amount of \$5,000. Aileen Parrish seconded and the motion carried unanimously.

Avondale Fire Co contract- Glenn Frederick made a motion to approve the Avondale Fire Co contract in the amount of \$27,638. Aileen Parrish seconded and the motion carried unanimously.

Resolution #16-9 David Owens read Resolution #16-9 for dedication of the Windsor Subdivision roads. Glenn Frederick made a motion to approve Resolution #16-9. Aileen Parrish seconded and the motion carried unanimously.

Resoltuion #16-10 David Owens read Resolution #16-10 which is a Resolution of London Britain Township establishing sewer user fees and billing and collection procedure of delinquent fees for the Windsor farms subdivision. The sewer user fee imposed upon the owner of each property served by the sewer system is \$771.25 per single family detached dwelling unit per quarter.

Aileen Parrish shared the research on the potential tax and potential billing of HOA vs the residents. As a Second Class Township we are not allowed to levy this as a tax. Aileen Parrish read the comment from Tom Oeste about charging a Homeowners Association (HOA) and he recommends against billing the HOA. Aileen Parrish outlined everything the Township did: meeting with DEP, meeting with the residents, research, improvements at the plant. In addition following the presentation by Township Waste Water Engineer Joe Boldaz to the Windsor residents with viable options, the Township has never heard back from the residents about the presentation. Aileen Parrish asked the Windsor residents present at the meeting if the homeowners agreed as a whole to any of the options. A Windsor resident responded by saying residents did not feel all the options were presented, they did review but do not feel it was a complete list and it excluded the best options. Aileen Parrish noted that 2 of the options would have taken the permit to the county level and would have relaxed the standards. The Windsor resident agreed that Joe Boldaz did a lot of work to present to them their best options. Aileen Parrish stated that even as we got further along and when alternate ways of billing were presented to the Township, again the Township tried as much as we can to work with the residents to legally do what we could and to this point and time we haven't been able to come up with another option. The Township Resolution #16-10 fee is less than it was because of lessened testing standards by DEP. If something else comes to the forefront the Township is open to hearing about it. Bruce Yost suggests that the contractor at the treatment plant be a performance based contract. David Owens made a motion to approve Resolution #16-10. Aileen Parrish seconded and the motion carried unanimously.

Old Business

Treasurer Report

Aileen Parrish read the December 31, 2015 Treasurer Report (report attached)
General Fund- David Owens made a motion to acknowledge the ACH transactions for the payments of interest on the DVRFA Loans, payroll taxes, bank fees. Aileen Parrish seconded and the motion carried unanimously.

General Fund – David Owens made a motion to pay bills as represented by General Fund M&T with checks# 14566-14581 from the General Fund. Glenn Frederick seconded and the motion carried unanimously.

Aileen Parrish read the January 25, 2016 Treasurer Report (report attached)

Bills Over \$1000

Alger Oil	\$1247.34	PSATS	\$1323.00
Chuck Freese	\$1539.00	Janie Schnelle	\$1229.00
Walton Water	\$2228.35	H. Demorjian	\$5000.00
Guidemark	\$3122.80		

General Fund- David Owens made a motion to acknowledge the ACH transactions for the payment of interest on the payroll taxes, insurance, and P card purchases. Aileen Parrish seconded and the motion carried unanimously.

General Fund- David Owens made a motion to pay bills as represented by General Fund M & T with checks# 14582-14589 from the General Fund. Glenn Frederick seconded and the motion carried unanimously.

Plgit-General Fund- David Owens made a motion to pay bills with ck# 6874-6900 from the Plgit General Fund. Glenn Frederick seconded and the motion carried unanimously.

Parks Fund- David Owens made a motion to pay bills with ck#2716-2717 from the Parks Fund. Aileen Parrish seconded and the motion carried unanimously.

Capital Fund- David Owens made a motion to pay bills with ck#1406 noting that ck#1405 is void from the Capital Fund. Glenn Frederick seconded and the motion carried unanimously.

Highway Fund- Glenn Frederick made a motion to pay bills with checks#6467-6468 from the Highway Fund. Aileen Parrish seconded and the motion carried unanimously.

Business from the Floor-

TLC- The Board of Supervisors agreed to place the link to The Land Conservancy for Southern Chester County on the Township website.

Chicken BBQ- The Board of Supervisors agreed that the contract and fee for the Rotary Club Chicken BBQ proposed at Nichol Park in May 2016 should be the same as field use contracts at Nichol Park.

Adjournment –David Owens made a motion to adjourn the meeting at 9:32pm. Aileen Parrish seconded and the motion carried unanimously.