

**THORNBURY TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS
WORK SESSION**

MINUTES – December 3, 2013

The Thornbury Township Board of Supervisors' Work Session was called to order at 6:05 p.m. in the Thornbury Township meeting room. In attendance were Supervisors Bob Anthony, Chairman; Jim Benoit, Vice-Chairman; Mike Gallagher, Bob Miller, and Mike Gast. Also in attendance were Kathy Labrum, Township Solicitor; Brody Bovero, Township Manager; and Teresa DeStefano, Secretary. An executive session was held before the regularly scheduled meeting to discuss real estate, and litigation. There were eighteen signed-in guests.

I. DISCUSSION ITEMS:

1. OUTDOOR SPECIAL EVENT ORDINANCE

Bob Anthony stated that this item has been a topic discussed at several work sessions.

Brody Bovero mentioned that due to persistent complaints from neighboring property owners of the Penn Oaks Golf Club, the Board of Supervisors has considered regulations for outdoor amusements associated with a business. The current draft will define what activities will be regulated, optional noise regulations for such activities, and special fireworks regulations for these activities.

Mike Gast inquired about charitable functions and how they would be exempted, and how to clarify that an event is exempt .

George Stasen wanted to raise a point of order and table this discussion since new Board members will be in office in January and they may or may not be in favor of this. He felt the Board should wait on this matter.

Bob Anthony noted that this current Board has been discussing this for the past five months and has a responsibility to conduct business regarding this issue.

Robert Woodward questioned why the Board would want this since he lives right near the Penn Oaks Country Club and he doesn't have an issue with the noise.

Mike Gast noted that Township residents have complained and the Board needs to address those complaints.

Steve DeMarco inquired about how many complaints come to the Township.

The discussion continued with the Board addressing the issue of noise and how the Penn Oaks Golf Club has gone from a Golf Course to an Event Venue.

Joseph Chupein was concerned how this issue has come up and why no one was notified of the ordinance being discussed. He suggested that the Township should canvass the neighborhood and collect facts and information from the Township citizens before they implement legislation.

Bob Anthony mentioned that this item has been on the agenda for the past five months. We posted it on the web site and also sent notification through an email blast. This issue has been made public and no one has showed up before.

Joseph Chupein feels that this problem is isolated in the Township so the Board should have reached out to the surrounding residents that are affected and see how they feel and you may have found out it is not a problem, or something different. His only issue is with the process that been used in this matter.

Mike Gast noted that in defense of the Board, whenever this topic has come up, he reached out to Penn Oaks and that he has met with the Penn Oaks ownership at least once about a year ago.

Bob Miller noted that this issue is a broader issue and if, as a Board, we have to choose, we need to protect all the residents.

Bob Anthony also mentioned the Township needs to give the police definition so that in responding to the complaints they have a guideline to follow.

Bob Miller stated that over the past few years the noise has been increasing. Previously, we didn't have an issue. Bob is concerned if it is even appropriate to have an event venue in a residential area.

Alan McCormack was also concerned about this issue since he was not notified about the topic. As a member of the club, Alan has never had an issue with the noise at the club and also inquired how many citations has the club received about the noise?

Bob Anthony stated that the police have been called and over the past few years the calls have increased. This is an issue that has to be addressed.

Steve DeMarco wanted to let the Board know he has always addressed issues when they are brought to his attention. All the Country Club wants, he stated, is to be a good neighbor with the Township, and follow the rules. Steve also suggested to the Board to they just call him and he will make the changes.

Bob Miller stated that since the club is changing, then the ordinances of the Township need to change in order to do the right thing for everyone.

Steve DeMarco was very concerned about this ordinance stopping the club from doing business.

Mike Gast corrected that statement by saying that is not the intention of this Board to hinder business; the Township is just putting guidelines in place.

Bob Anthony stated that this agenda item has been on the web site, in the Gander and also sent out as an email blast.

Steve DeMarco noted that he had no knowledge of this because he is not on our email list.

Brody Bovero suggested that getting on our email list is the best tool for getting information from the Township.

Leaf Erikson mentioned that unless you are looking, you cannot locate the agenda. A lack of communication is an issue and a mailing should be sent out because when things are running smoothly people are not interested.

Steve DeMarco stated that he wants to be communicated with and the Township should have called him to attend a meeting to address this issue. Mike Gast noted that he has done so on several occasions.

Mark Williamson stated that the Country Club has done decibel readings, but they are not always correct due to other noises. The Country Club has always done weddings since its opening; it is just that they are getting bigger and better.

Bob Anthony noted that this ordinance will not take away from your business but it is intended to address the complaints and that the township and the Club must be able to work together.

Mike Gast wanted to mention that this ordinance is also here to protect the Country Club.

Mike Clay stated that he is the president of the Greens at Penn Oaks HOA and can speak for the members that the noise and fireworks are not an issue for the residents, the Club is a successful business and we want to keep it going. Also, when an ordinance is written, the affected businesses should be contacted. He is concerned that this issue is personal.

George Stasen quoted from the handbook, making a point that legislation should only be pursued if another way cannot be found.

Bob Miller suggested that Brody and Kathy could adjust wording for a clearer definition.

Ari Christakis pointed out that the proposed draft ordinance will require a permit, a bond, insurance, and a fee will be set. Also, Police and a Fire Ambulance are required to be present.

Mike Gast agrees with Ari that some of the issues need to be addressed.

Helene Kolanko is concerned about this ordinance and feels it is directed at Penn Oaks, The Bond is very high and the decibel level for the noise would need to be determined.

Bob Miller inquired about the draft language and asked if it is based on other Townships' ordinances.

Brody Bovero noted that the draft is a combination from different Townships that already have this ordinance.

The discussion continued with the Board letting the public know that it is not their intention to have the venue get a permit for every event.

Kathy Labrum noted that this ordinance is a rough draft and would not be the draft that would be approved.

After some more conversation, the Board decided to table this agenda item and have a few more work sessions before the Board takes a vote on it. Bob Anthony invited all in attendance to come to future meetings.

2. AMUSEMENT TAX

Bob Anthony mentioned that, based on the previous item, he would like to work with the Township Solicitor and Brody to look more closely at the amusement tax. Then, he would like to set up a meeting with Steve DeMarco, since it would impact his business.

Bob Miller also suggested that any other business that would be affected by an amusement tax, should also attend.

George Stasen stated that this tax is to raise money; therefore you need to determine how much is needed before you implement this tax. The Board should not discuss an amusement tax before you find a feasible alternative.

Steve DeMarco noted that he has a solution for this problem.

3. SQUIRE CHEYNEY SPRINGHOUSE RESTORATION

Bob Anthony noted that the springhouse at Squire Cheyney Park needs to be stabilized and sealed in order to ensure the safety of those who will use the new trail system. Jim Benoit and Brody Bovero examined the springhouse and concluded that in order to ensure the springhouse was safe, the roof needed to be replaced, and the door and windows restored. Jim Benoit suggested at the last work session exploring the option of partnering with the Williamson Trade School to restore the springhouse.

Bob Anthony would like to wait until it is determined if using the Trade School is a possibility. So, for now, we should tarp the roof before we put more money into it.

The discussion continued regarding using tarps on the roof and also, digging out the inside and getting the water moving.

Mike Gast suggested looking into grant funding. He also wanted to thank Jim for his time.

4. FIRE SERVICES CONTRACT WITH WEST CHESTER BOROUGH

Bob Anthony mentioned that the 2009-2013 Annual Contract Price was \$54,112 and the 2014-2018 Proposed Annual Contract Price is \$81,849. This is fixed until 2018.

Brody Bovero noted that he has contacted other Fire services and they are not interested in increasing their coverage.

Bob Miller suggested going with a three year contract instead of five years and see if, then, someone else may be interested in covering our Township.

Renee Braun asked if he needs to pay all the fire services that ask for donations, since the Township pays all this money.

Jim Benoit responded with “do what is in your heart.”

Joseph Chupein suggested that maybe before the contract is up we meet with the other four townships and see if it is possible to pool our resources.

5. PUBLIC COMMENT FOR 2014 PROPOSED BUDGET

Bob Anthony noted that this topic has been on the work session agendas since August and the Board has addressed all the funds and tonight we are here just to receive public comment.

George Stasten inquired about the shortfall for 2014.

Brody Bovero noted that as of now it is about \$37,000 and for 2013 there may be a slight surplus depending on the snow related expenses at the end of this year.

II. ADJOURMENT:

As there was no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Teresa Destefano, Secretary