

GLENBURN TWP BOARD OF SUPERVISORS' MEETING MINUTES SPECIAL MEETING April 15, 2014

Board Members in Attendance: Mike Savitsky, David Jennings and Bill Wicks

Board Guests in Attendance Solicitor MacGregor, Secretary/Treasurer Benson

Public in Attendance: Attachment

-Supervisor Savitsky called the meeting to order at 7:30 pm with the pledge to the flag.

Overview of Meeting Intent: Solicitor MacGregor gave a brief overview of events to date and the reason for the meeting to those in attendance. The meeting was called to discuss the Countryside Conservancy (CC) Trail and Arch Avenue Issues. The supervisors were made aware of work being done on the CC Trail through residents of Arch Avenue who came to the February Township Meeting to express their concerns over a 2 space unpaved handicapped parking area being planned on CC land next to their property. The board followed up on these concerns and asked the CC to provide plans for the proposed parking areas and trail head as well as the proposed work on the trail. The CC came to the March meeting and provided the plans. The Township had some concerns with issues along the trail and an interest in addressing resident concerns as well. It was decided that the Planning Commission (PC) should be involved as well as the township engineer. A PC meeting was called and the Township planning consultant and engineer were in attendance as well as the CC. The Township Ordinance although encouraging green space and recreation areas did not address the trail issue. The Board of Supervisors (BOS) and PC felt that there was much gray area in the Ordinance and the PC recommended that the CC obtain a Special Exception from the Zoning Hearing Board with regard to the parking areas and trail head. The issues along the trail itself were worked out between CC's Engineer and the Township Engineer and a letter from the Township Engineer dated 3-28-14 itemized the changes made and approved the plans for the trail. The PC recommended approving the trail with the engineer's approval and the BOS's approval. The BOS felt it was appropriate to take a position on the trail at a Public Meeting. Since one of the supervisors will not be available for the regular meeting, a special meeting was called to address these issues in order to have a voting quorum and to render a timely decision for the CC.

Countryside Conservancy Trail: Based on the approval of the Township engineer and the PC recommendation to approve, Mike Savitsky motioned that the CC be allowed to move forward with the trail with the exception of the parking areas and trail head. Bill Wicks 2nd. All in Favor. There was no public input.

Arch Avenue Issues: Malcolm explained that sometime after the March Township meeting, the Cosner family presented a "Notice of Claim" for the dirt portion of Arch Avenue. This was totally unexpected by the Township. The purpose of this meeting is to determine if legal action should be authorized to address the Cosner claim, if necessary. This "Notice of Claim" was presented after the Township had marshalled considerable resources to follow up on the Cosner concerns with the CC parking area. The BOS felt blindsided by that action. The supervisors were disappointed that the Cosners took such an action and that the Cosners put a chain across the road to deny access to anyone else owning property at the end of the street. Malcolm met with Cosner's attorney Don Jensen and attorney Dave Smith to discuss the claim and the chain was subsequently removed. The Township is caught in the middle between residents and the Conservancy. The BOS has no desire to litigate but can assert an ownership interest in the road due to the fact that the Township maintains it, has done drainage work and piping and receives liquid fuels money for it. The issue before the BOS tonight is whether to pursue legal action on the "Notice of Claim". Supervisor Jennings, an heir to the Stetler property, is prepared to abstain from this issue but could vote as a tie breaker provided he reveals his conflict of interest. BOS Chairman Savitsky echoed Malcolm's sentiments stating that the initial concern was the CC parking area off of Arch Ave and not the ownership of the road. Supervisor Wicks stated that the Township needs all of the Liquid Fuels money it receives for maintenance of Township Roads and that the Township was not willing to give it up.

Chairman Savitsky motioned that if the ownership of Arch Avenue is not resolved in 7 days, solicitor MacGregor is authorized to take any legal action necessary. Supervisor Wicks 2nd. 2 in favor, Jennings Abstained.

Public Input:

Attorney Jensen asked what exactly was meant by the motion. Malcolm stated that the Township would like to see the Township, the CC and Cosner's sit down and try to resolve the issue without legal action being necessary. Attorney Jensen stated that the dead end street was not conducive to parking. Bill Kern, director of CC, stated that the handicap parking was mandated by the state and that Arch Avenue was the only area suitable for the parking. He stated that he was sorry the Township had to be dragged into this situation. He pointed out that it was also a matter of access for pedestrians, bikers and emergency vehicles. The CC is willing to discuss the issue but he doesn't know what more can be done. Mike Williamson, PC member and former supervisor, stated that historically he cannot remember the Township ever abandoning a road. He also stated that the Zoning Ordinance encourages the use of green space and non-motorized trails. "The Zoning Ordinance is not explicit about the use of parking in residential zones and that was an oversight at the time the Ordinance was written. It is a safety concern and people should not have to park on the street." Mrs. Cosner claimed that people would park on the street if the 2 spaces were full and that non-handicapped people would use the lot and street for parking. She claimed that no one would monitor the parking and that it is a narrow street with not enough room for 2 cars to pass. Malcolm stated that it would be the Township's duty to have the police monitor the parking situation and site people for improper parking. The Township would ensure that the street was properly signed and that the parking was enforced. Attorney Jensen echoed his client's concern that people would continue to park along the street. Bill Wicks stated that the Township has invested thousands of dollars on drainage and pipes on Arch Avenue. Mike Williamson stated that people would more likely use the Little League parking or the Trailhead at Ackerly and Waterford Roads. Caroline Seamans, a biker and CC Board member, stated that bikers are considerate of where they are not allowed to park and in her experience they quickly learn where they are permitted to park. Renee Czubowicz stated that she lives off of a narrow road in S. Abington Township. The CC put parking on her road and there have been no problems with that road or parking area and that the CC has been a good neighbor.

Mike Savitsky motioned to adjourn the meeting at 8:05pm and Bill Wicks 2nd. All in Favor.

Respectfully Submitted,

Joanne Benson, Secretary/Treasurer