

Meeting Minutes of February 6, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of February 6, 2003 to order at 7:30 p.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman Obernier and Supervisor Lindborg in attendance. Vice-Chairman McCaffrey arrived at 7:55 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, Dale Barnett; Codes Officer, and Thomas Eells; Road Foreman.

The first item of business to address was the approval of the Township minutes, which was postponed until Vice-Chairman McCaffrey is present.

Chairman Obernier then addressed the report of the Park and Recreation Board that was held over from the last Board of Supervisors meeting. Colin Judge was present to give a summary of the report. Mr. Judge asked if it was possible to get information regarding proposed developments prior to going before the Park and Recreation Board. Manager Rambo stated they could be asked to write a letter of intent.

Mr. Judge would also like to put a demonstration together that would track the developments. Manager Rambo would like to review it prior to it being demonstrated.

Colin Judge stated the Easter Egg Hunt will be April 12, 2003. He noted a discussion that took place at a prior meeting regarding an Open Space Commission and asked about researching a West Brandywine Trust for the Township. Chairman Obernier stated if they would like to research it and then bring their information back to the board.

Some of the members of the Park and Recreation Board would like to attend a seminar for special events and festivities. Kristen Boldaz questioned whether they are following an agenda that was intended for the Park and Recreation Board. Chairman Obernier outlined his thought on what the Park and Recreation Board's focus should be and said it was best to talk to the Manager with any questions.

Chairman Obernier moved onto Public Comments. Stephen M. DiMarco was in attendance to talk to the Board of Supervisors with regard to his plans for the Irish Oaks Golf Facility. Mr. DiMarco noted he met with the Historic Commission regarding the removal of the barn. They will establish an escrow for the construction of a new barn. Joann Conti asked what the purpose would be to build a new barn being the historical barn was coming down.

Mr. DiMarco noted at this time they would have no use for a newly constructed barn. Discussions took place pertaining to how a newly erected barn would contribute to being a historical building. Mr. DiMarco noted construction would begin on February 20, 2003. He would like to obtain a letter from the Township stating it is okay to tear down the barn.

Manager Rambo stated they have issued permits for the new building that is partially finished. Dale will review them and make sure everything is compliant. Mr. DiMarco wants to establish an escrow equal to his construction. He needs a letter from the Township stating he can proceed with finishing the project.

Supervisor Lindborg made a motion to ask the Manager to write a letter to the Golf Center allowing him to remove the barn, finish the clubhouse, and receive an occupancy permit upon it's completion, and contingent upon setting up an escrow. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

Chairman Obernier moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Township is in receipt of correspondence from the Jehovah's Witnesses with regard to waiver requests for their Land Development Plan for their Kingdom Hall. Manager Rambo noted they have not received a response from PennDOT and recommends they table the requests. Supervisor Lindborg motioned to table the waiver requests and Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The second item to act upon was the Township is in receipt of an extension of time in which to render a decision on the Jehovah's Witnesses Preliminary Land Development Plan. Supervisor Lindborg motioned to accept the extension of time and Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The third item was the Board of Supervisors is in receipt of correspondence from Genterra with regard to waiver requests for the Valley View Subdivision. Manager Rambo noted he and Jim MacCombie had met with Chuck Dobson with regard the wavier requests to discuss the Boards comments and concerns as well as to review the plans that are before us. They discussed swale issues. Manager Rambo suggested they allow the 22-foot wide road base and to extend the sub base out a foot on either side, establish the swales, require him to place storm piping within the swales and inlets prior to each side of the driveways, which can then be interconnected through the pipe system. Chairman Obernier asked if there were any objections to the scale they used and Manager Rambo noted that the Township Engineer will recommend that we allow the 1"= 50" scale or larger.

At this time it was noted that Vice-Chairman McCaffrey had arrived and the Board then recapped the discussions that took place. Supervisor Lindborg motioned to grant the waiver requests. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The fourth item was the Township is in receipt an of extension of time in which to render a decision on the Preliminary Land Development Plans of the All Souls Cemetery from Chris Cummings, Esquire on behalf of the Archdiocese of Philadelphia. Supervisor Lindborg motioned to accept the extension of time. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The fifth item under information to act upon was the Township is in receipt of an extension of time in which to render a decision on the Schnatz & Rohrer Land Development Plans. Supervisor Lindborg motioned to accept the extension of time. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The sixth item was the County Association of Township Officials has forwarded information to the Township with regard to the Annual Spring Convention slated for March 6, 2003. Manager Rambo asked who would be attending the Convention so he could make the reservations.

The seventh item was East Brandywine Township has forwarded the Township a letter with regard to possible participation in a study to enact a Traffic Impact Fee under ACT 209. Manager Rambo stated he spoke with members of East Brandywine and noted they are asking for additional participation from West Brandywine Township, Honeybrook Borough, and Honeybrook Township. They would need to establish a group of seven to fifteen individuals and noted the guidelines of who can participate. Vice-Chairman McCaffrey asked what the area of dedication consists of. Manager Rambo noted they are looking at the 322 corridor and recommended the Chairman consider attending East Brandywine's next meeting.

Jack Conti asked what the purpose of the Traffic Impact Fee was. Manager Rambo stated that Uwchland and West Whiteland have both established one. It requires a certain contribution from developers within an area that has been studied based on an established formula. The money is then set aside for future road improvements for the corridor.

At this time in the meeting Chairman Obernier went over some of the meeting rules and noted new faces in the audience.

Chairman Obernier noted he would attend the meeting at East Brandywine Township and come back to the Board with his comments.

The eighth piece of information to act upon was Chris Catania has forwarded the Township an extension of time in which to render a decision on his Hurley Road Preliminary Subdivision Plan. Supervisor Lindborg motioned to accept the extension of time. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The ninth and final piece of information to act upon was the Board of Supervisors is in receipt of an e-mail from Jim Dix with regard to the City of Coatesville Golf Training Facility. Manager Rambo noted he would forward a letter onto him with the responses from the two supervisors who voted yes with regard to the lighting variance.

Supervisor Lindborg noted there were some issues that were not particularly clear to someone who wasn't participating in it, under the circumstances they did the best they could as far as conditions that would benefit the area Township residents.

Chairman Obernier noted how there were several concerns that were addressed in the conditions and said they made a genuine effort to let the residents know about the meetings. The Township solicitor told them that if they challenged the zoning permit and it went to court they would lose. They would then lose the conditions that were agreed to. He would have preferred it to work out differently, but that wasn't what they had.

Jim Dix, Fraser Blvd. noted his specific question was why was the variance given to the City of Coatesville for the height of their light posts. Supervisor Lindborg noted they have to go before the Planning Commission and abide by our lighting ordinance. This only gave them the right to move forward they haven't granted any specific height. Discussions pertaining to lighting and its effects took place.

Vice-Chairman McCaffrey then rehashed how he and the City of Coatesville had differences of opinion as he explained in a previous meeting.

Jim Dix would like the Board to be very diligent in looking at the height of the lights. Supervisor Lindborg noted there would be opportunity to come in during the planning process when the lighting is discussed.

Vice-Chairman McCaffrey stated the way the Constitution is set up in the state of Pennsylvania it protects the landowner, if you want to preserve your view you have to buy it. They could have put something a lot worse than a golf facility. He explained his argument on not voting on this in a positive way was due to the language being too loose. He suggested that people continue to attend the meetings and noted that there was only one person in attendance the night the conditions were discussed. He noted how the property was posted and the attorney was contacted.

Bob Karpovich, Fraser Blvd. noted he was contacted about the meeting that was cancelled, but had not been contacted about the special meeting. He was concerned about the lights and hours of operation. Supervisor Lindborg noted this was a critical issue for him as well.

Chairman Obernier stated they will have lighting consultant Dan Stubbe look at the plan. He also noted he was disappointed when only one person showed up at the special meeting. They would have liked to put the meeting off until later, but were constrained by being up against a clock to issue the zoning permit.

Rhonda Mowday, Hibernia Road had concerns that the surrounding wells will dry up with all these new developments. She asked how much effort they take when looking at the developments to assess what the impact will be on the groundwater. Supervisor Lindborg noted he attended a presentation in Wallace Township and noted that the groundwater in Chester County is phenomenal.

Ms. Mowday brought up her concerns particularly along the Brandywine, she noted that “Bob” has the resources to do any study to assess wells and said there is a computerized program. Ms. Mowday was asked if she is talking about “Bob” from Stroud Water Research or “Bob” from the Brandywine Valley Association, Bob Struble the Henry He Model? She said she didn’t know, but wants to make sure we are taking advantage of the available tools and to insure that we are not going to dry up wells.

Vice-Chairman McCaffrey noted he was an environmentalist and stated you are not allowed to drill a well if it affects the stream. They had already agreed to do some testing to the wells in that area.

Steve Jakatt, Ashley Court noted he is a hydrogeologist and said the model they speak about is not scientifically accepted, to forget about the model. He stated the Board of Supervisors is protecting the Township as best they can.

Jesse Edwards had questions whether the City of Coatesville’s development is a non-profit organization and asked if they will have to pay taxes to the Township. Chairman Obernier stated they have agreed to pay real estate taxes regardless of their status.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first item under Information to Note was the Township is in receipt of correspondence from Paul Ylvisaker with regard to his interest to serve on the Historic Commission. Manager Rambo suggested they review his résumé. If we establish a group of individuals to look into traffic impact, being an attorney, he would be an ideal person to have on it.

The second piece of Information to Note was Marc Jonas, Esquire has forwarded a letter to the Township advising that the City of Coatesville desires to continue indefinitely the Conditional Use Hearing for the Golf Training Facility. Manager Rambo noted this advertisement has been placed in the Newspaper.

The third piece of Information to Note was the County Agricultural Development Council is requesting information with regard to farm markets, roadside stands, etc. Manager Rambo will forward this information to the County.

The fourth piece of Information to Note was the Board is in receipt of information from Robert Karpovich with regard to Ordinances pertaining to water usage. Manager Rambo noted he has supplied the Board with the Ordinances that were established in Caln and one other local municipality for review and consideration as to whether we would like to move forward to enacting a similar ordinance. Chairman Obernier noted there were parts he didn’t understand and suggested Mr. Karpovich come to the zoning subdivision meeting.

Vice-Chairman McCaffrey stated that when he suggested they try and write an ordinance for water usage. Our attorney has told us the Delaware River Basin Commission are the ones that control water usage. They take precedence over those things, there is a gray area in there for water usage between so many thousand gallons to so many thousand gallons where a township might enact an ordinance to try and control water usage.

Chairman Obernier asked Mr. Karpovich if he is aware that the Township has enacted a Water Overlay Ordinance? Vice-Chairman McCaffrey explained this is basically controls the use and distribution of public water and noted it doesn't pertain to ground water withdraw.

Mr. Karpovich noted that other Townships are enacting this and he would like to see West Brandywine Township enact this. Vice-Chairman McCaffrey asked that we write a letter to Caln Township and ask for the reason they wrote it. Manager Rambo said he was provided a copy of it by Mr. Karpovich and will be talking with the Manager of Caln and their legal council that wrote it.

At this time in the meeting the Chairman moved back to the approval of the Township minutes of January 6, 2003-r, January 6, 2003, and January 16, 2003. Supervisor Lindborg motioned to accept the minutes of January 6, 2003-r and January 6, 2003 and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye. The Board tabled the minutes of January 16, 2003.

Being the Reports of Departments and Reports of Organizations, Boards, and Commissions are not applicable for this meeting, Chairman Obernier moved to adjourn from the Township Meeting at 8:43 p.m. and open the Public Hearings at 8:43 p.m.

Public Hearings

The first item was for input into proposed zoning and subdivision and land development ordinance amendments; Ordinance No. 03-01 and Ordinance No. 03-02.

Supervisor Lindborg noted he has not recently had an opportunity to review this and stated that the Manager had tried unsuccessfully to get in touch with John Snook our consultant from the Brandywine Conservancy with regard to questions that he had, including a letter from our solicitor that questions the constitutionality of it.

Vice-Chairman McCaffrey noted that he has been pushing for some of these things to be enacted for our own protection. He would like to see some action on these as they come up. They can always be amended or modified as we see fit.

Chairman Obernier noted he had the opportunity to sit in on the Planning Commission meeting and said at the end of the meeting there was universal shock and condemnation with regard to the Scenic Overlay Ordinance. I was stunned when I read the letter from the County Planning Commission. When we went over this with John Snook a year ago, we all seemed okay with it, at the time it didn't seem to be a bad thing. Tom often makes a point that the visual aspects of the

Township can be lost forever; we can never get them back. I don't think anybody understood a year ago the impact this would have when John Snook brought us this proposed Ordinance at our request. He also wanted to take Toms point into consideration that we let things linger along. He suggested two things with regard to Ordinance No. 03-01 that perhaps we need to rework it or start all over with it. The second point he made was the Conservancy has been unresponsive to the Manager and noted they could look elsewhere to see what other organizations are out there; maybe they have a different view. He concluded his thoughts on Ordinance No. 03-01. by stating that what came down the line on this one particular thing a lot of people, including himself, were unhappy with it.

Vice-Chairman McCaffrey stated that anything they can enact that can be put into the subdivision regulations is waivable by the Board of Supervisors, some of these items could be used for bartering for a better position when dealing with the developer and stated they were a "toothless lion" when it comes to doing anything. You feel for the individual lot owner, you could provide the latitude when dealing with the small individual, you would create a situation where the community is really great. He would like to see things tightened up when a large subdivision comes in. With regard to the problems with the Brandywine Conservancy, he suggested the Manager carbon copy the Supervisors on the e-mails, they can then contact them and let them know we are dissatisfied with their service. He would like to keep the Brandywine Conservancy as they have been our consultants for a decade and would rather not play catch up with somebody new.

Supervisor Lindborg stated he concurred with Vice-Chairman McCaffrey and noted they worked well with the Brandywine Conservancy over the years. With regard to Ordinance No. 03-01, he would like to have time to review and discuss it with the Planning Commission and confer with John Snook with the Brandywine Conservancy. He noted they have to be careful about how they affect people's properties by enacting ordinances.

Manager Rambo stated that with regard to some recent applications the zoning application for special exception for the elementary school has been found to be complete and will fall under Old Ordinances. The application for St. Peters Parish has been found to be complete and will fall under Old Ordinances. Two other Conditional Use applications are currently being reviewed; both deal with Bentley properties if they are deemed complete they will also fall under existing ordinances. The Manager stated he confers with the Township Solicitor anytime he gets a rush on applications within a four-day period of passing a new ordinance. The Solicitor will put this in writing.

Steve Jakatt, Planning Commission noted he was on the committee that passed this Ordinance onto the Board of Supervisors. He expressed his concerns regarding the way the Scenic Overlay reads. If a person wants to redo their basement, they would be under the Scenic Overlay District, which is the way he and other people have interpreted it. Second if they are going to use the Scenic Overlay District in the Open Space Plan as a guidance map, there is reference to a map in there which would be the choice of the Board of Supervisors, but if they use the map of the Scenic Overlay District, he denoted there are no real boundaries and noted it opens up the whole Township for falling under this Ordinance. His recommendation was to send Ordinance No. 03-01 back to the committee and reject it.

Robert Mowday Jr. voiced his opposition to Ordinance No. 03-01. He noted the disagreement in his family being that they have watched farm after farm turn into developments. They have always advocated keeping as much open space and agriculture as possible, not within the limitations against citizens and their rights and thinks it's unconstitutional. This is America; people have the right to do with their land what they choose. The writing is horrible. We would have to hire attorneys to fight your attorneys that the taxpayers are paying for. He disagreed with Vice-Chairman McCaffrey that they should pass it, and then go back and amend it. It's very hypocritical when people have come out with opposition in West Brandywine Township about the next development being put in when they had no problem with having their own home erected. They want to stop other people of the same privilege. As far as the Township being "toothless lion," there are enough regulations and zoning ordinances.

Melissa Alton, voiced concerns regarding the statement that was made "if you want to have a view, you have to buy it," how much are you prepared to pay the people for the view that you want them to keep open? Vice-Chairman McCaffrey clarified that this was misunderstood and explained that when they have a view, it doesn't mean that it is prevented from being obliterated, it means that the community identifies it as an asset. It isn't ignored; it's something that you try to mitigate.

Melissa Alton said people have worked their entire lives to keep it open, and doesn't think it's right to come in and impose these types of things and ask people to support them, when we have supported the Township and we have worked hard to keep the land open.

Vice-Chairman McCaffrey explained he lives on a farm right down the street, it affects him the same as everyone else. This is a tool when someone is building to save what we have identified as an asset. He noted this will give us an opportunity to bargain and to try and save by identifying these areas, if this needs to be worked on and made a little less stringent that's fine. Keep in mind that any subdivision regulation is waivable by the Board of Supervisors.

Melissa Alton further voiced her displeasure with the proposed Ordinance and said that this is going to make people want to move. Further discussions between Ms. Alton and Vice-Chairman McCaffrey took place.

Chairman Obernier moved on to the next person. Rhonda Mowday read and outlined their family's position as reflected in their letter dated and signed by five members of the Mowday family on February 6, 2003.

It was noted the Township received several letters of opposition to Ordinance No. 03-01 that are on file with the proposed Ordinance.

Rocco D'antonio, landowner in West Brandywine Township noted that he is in one hundred percent agreement with the Mowday family and thought that John Snook from the Brandywine Conservancy should be removed for writing this Ordinance and said that this Township has enough regulations. He gives credit to the Planning Commission, Supervisors, and Ron Rambo for everything that has been done here in the Township. He noted that we are in a recession and

close to a depression, as far as development of any type. If we fall down in real estate development, there's no doubt that we will hit a depression. His main concern is keeping land available and open. The taxation almost forces you to go to development. This Ordinance should be taken out and burnt on the front lawn and that should be the end of it.

Bob Schihni, Croce Lane, Planning Commission member noted he was surprised when he read the Ordinance and stated that the intent was lawable and noted he is opposed to the Ordinance even in a polished form. He noted that after hearing what Ms. Mowday read leaves you to the conclusion that almost every property in the Township is covered by this definition and is within site of a public road.

John Cassels, Chairman of the Planning Commission requested on behalf of the entire Planning Commission that the Board reject Ordinance No. 03-01.

Jack Conti, Hibernia Road Planning Commission member stated he agreed with the previous opponents that have spoken out with regard to Ordinance No. 03-01. This is intended for the developers, but the developers never owned this land. It's the landowner that owns when he's going through all that process with the Township. It doesn't affect the developer one iota; it affects the landowner's value. He agrees with the person who stated that it's eminent domain without confrontation. One paragraph in particular he read a dozen times, and the language was so bad it was unbelievable. He suggested that the Township take a look at direction that the task force has been going and look into the way our expert advisors have been taking it, noting that this is a disgrace.

Chairman Obernier noted that he has no disagreement with John Snook as a person, he means well. He noted that as a conservancy they have a direction they go in as a group; their consulting services have that same direction.

Ed Henderson, asked why the Township is not standing behind the farms in the township that have been applying to Chester County Conservancy to have their development rights bought out?

Vice-Chairman McCaffrey stated they have been trying, unfortunately the structure of that program looks at the agricultural value of that farm and the cluster of farms that are located within the same area that are a part of the same program. They are trying to create nodes of farms that can agriculturally support themselves. Our Township falls through the cracks with most of these programs.

Chairman Obernier noted that the County came back and said there are not enough acres where there was interest on the corner of Routes 82 and 322. He explained that the idea of forming the West Brandywine Trust is this group gets money whether it's from taxes or donations or in some way that is yet to be determined, they would spearhead the effort of buying development rights.

Ed Henderson Sr. of Route 322 and 82 noted it took him three years to realize what was going on with the farm and the Conservancy. The definition of open space doesn't apply to us, that leaves us vulnerable to any body who wants my ground.

Vice-Chairman McCaffrey stated that he exceeds to the wisdom of the Planning Commission on this particular ordinance. He objects to the venom that is cast at the people who are working on this. People who come to these meetings ask for the impossible, they want complete latitude with their property, but preserve the open areas and farms in our community. He noted the trick is to find a happy medium. To have people talk about this ordinance is a positive first step. He would like to find the balance between not stealing a persons rights and preserving a persons ideal.

Melissa Alton explained about preserving open ground, that we were raised as Americans, meaning that we never give anyone else the right to take from us what belongs to us, but we also carry the responsibility for that heritage, the true American way encourages those kinds of individuals to maintain their integrity and their individuality to be able to do what they are trying to do without being penalized financially and without having it forced upon them from the outside, these things have to be inside decisions instead of trying to force something on top of Americans.

Vice-Chairman McCaffrey made a final comment when he said he thought that Ordinance No. 03-01 is a viable ordinance.

Chairman Obernier moved onto Ordinance No. 03-02. Chris Cummings asked for clarification with regard to riparian buffers and Vice-Chairman McCaffrey then defined the riparian buffer as a limited area around the edges of the stream. Mr. Cummings asked why part C was in the ordinance, asking if it could be eliminated with regard to hydrosol. Manager Rambo stated this could be struck from the definition without readvertising.

Steve Jakatt, Planning Commission read the definition of first order watershed noting that unless you live along a major creek, that includes the rest of the Township, because hydrogeologically everything drains to some degree to a major creek. Secondly, the proposed ordinance states that it would affect or be effected on any map adopted by the Board for the purpose of delineating headwaters within the Township, he advised that we do this very carefully.

Vice-Chairman McCaffrey stated that finding headwaters cost money and the intent is to wait and have the developers of the subdivisions find out where the headwaters are. Mr. Jakatt noted that is not the way he interprets this ordinance.

Chairman Obernier asked the Manager to clarify this ordinance. Manager Rambo noted the intent is as Vice-Chairman McCaffrey said, it's to have the developer pin point the headwaters as they come in, once again, all of this ordinance is waivable, whereas Ordinance No. 03-01 was not.

Steve Jakatt noted he is basically in favor of the ordinance but wanted to make those two points.

Rocco D'antonio asked if the items in Ordinance No. 03-02 fall under DEP? Vice-Chairman McCaffrey answered that as far as buffers are concerned, they don't fall under anybody's regulations. Mr. D'antonio's expressed if the streambank isn't disturbed at all and a builder doesn't disturb it and they have proven that there is no water going back into it in an excessive

flow, then why should they be required to do anything with it, this ordinance doesn't hold water and is almost as bad as Ordinance No. 03-01.

Vice-Chairman McCaffrey noted the reason they ask for reforestation of the edges of the streams is because the ecology of the stream is very much benefited by having it shielded from being out in the open. Studies have shown that streams that have forestation about them have been shown to purify themselves faster and are more resilient. It's logical that a person who will be putting in a couple of trees to shield the street from a subdivision, can put in a few trees to preserve the water.

Rocco D'antonio noted the ordinance doesn't state how many trees are needed. Vice-Chairman McCaffrey stated that unfortunately the developer only does what is required, e.g. put in a development of houses in a cornfield with no landscaping or trees. That is why the language is there.

John Cassels, Planning Commission Chairman noted that on behalf of the Planning Commission he recommended the Board move forward and adopt Ordinance No. 03-02 and felt an obligation to people that live downstream. We need to protect the quality of the water.

Mary Jane Trego Henderson, Horseshoe Pike was concerned this ordinance would affect their overgrown field that they would like to put back into pasture. Supervisor Lindborg stated this would be applied to a developer.

Bob Schihni of the Planning Commission noted this ordinance is a good example, with the first two comments about this with some excellent questions about definitions and applications for the ordinance. He noted this shows how critical that careful drafting of an ordinance is. He shutters when he hears "that's not the intent." The ordinance should state exactly what its intent is.

Craig Poff wanted clarification as to whether item C of the first section will be eliminated from this ordinance and asked for clarification regarding the number of feet for the buffers within Headwater Areas.

Chairman Obernier moved onto the next item regarding input into the adoption of the International Codes pertaining to building, mechanical, plumbing and maintenance; Ordinance No. 03-03 through 03-07. Manager Rambo noted that Pennsylvania will be going with the International Building Code by early fall. Within the Plumbing Code it states there is no need to acquire a permit for a general repair.

Vice-Chairman McCaffrey pointed out that he was concerned about the overindulgence of regulations for general repairs. Manager Rambo stated this pertains to new construction, additions, and major alterations only.

Supervisor Lindborg had concerns about this becoming intrusive for people in their own homes and also thought there would be a list of what will need to be inspected. Manager Rambo noted there is a list in the Resolution.

Supervisor Lindborg then asked if they will need to hire outside people. Manager Rambo stated Dale Barnett is certified and will be carrying out the inspections.

Chairman Obernier moved to comments from the floor. A resident asked if it is necessary for the Township to adopt the Ordinance since Pennsylvania is making this a requirement. Manager Rambo answered yes it is a requirement to adopt them.

Jack Conti asked if it was correct that no Municipality will be able to add to or amend to it. Manager Rambo stated yes, that was his understanding.

Vice-Chairman McCaffrey thought that they will be allowed to amend it, if we enact it and have our own Building Appeals Board then if you came in with a better solution for a stated problem, we will have some latitude. If we don't adopt it, then you would have to appeal to the state. He thought it was a minimal building code and therefore the Township could build on it.

Chairman Obernier moved onto the next item being the proposed amendments to the existing solid waste and recycling ordinance; Ordinance No. 03-08. Manager Rambo stated this Ordinance brings us into compliance with regards to what we are recycling and when you can place your trash out prior to pick-up.

Being there were no comments from the floor Chairman Obernier moved to adjourn the Public Meeting. Adjournment from the Public Hearings was at 9:55 p.m. and the Re-Opening of Township Meeting was at 9:55 p.m.

Adjournment of Public Hearings

Chairman Obernier moved onto Old Business. The first piece of Old Business was The Codes Officer and Township Manager are continuing their preparation of ordinance amendments with regard to; signage and day-care facilities.

The Board of Supervisors has completed their interviews for the Planning Commission vacancy and is to consider appointing an individual to fill the vacancy. Supervisor Lindborg noted that they had interviewed exceptionally qualified people and it was a difficult decision to make. He recommended Anita M. Ferez and thought she would bring a fresh viewpoint to the Board.

Chairman Obernier noted he also thought that everyone was well qualified, he thought someone with the background and knowledge of Anita M. Ferez's work experience would be a definite asset.

Vice-Chairman McCaffrey noted that Anita had also volunteered for the Historic Commission as well as Howard Lambert.

Steve Jakatt noted he thought they had a large number applicants for the Planning Commission position due to the generous amount of time the position was left open.

Supervisor Lindborg made a motion to accept Anita Ferez to fill the Planning Commission position. The motion was seconded by Vice-Chairman McCaffrey. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The Board of Supervisors is continuing their search to fill the Historic Commission, Parks and Recreation Board and Building Appeals Board vacancies. Vice-Chairman McCaffrey made a motion to have Howard L. Lambert fill the Historic Commission position. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Vice-Chairman McCaffrey recommended that Andrew Reczek be one of the possibilities for the fieldwork. Manager Rambo noted he is the Building Inspector and Code Officer for Caln Township.

Chairman Obernier moved onto the next item on the agenda which pertained to additional discussion on Ordinance No. 03-01 and Ordinance No. 03-02, Zoning and Subdivision and Land Development amendment ordinances. Supervisor Lindborg made a motion to table Ordinance No. 03-01. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Rhonda Mowday asked for a definition of table. Manager Rambo explained that it leaves it open for discussion, review, and modification. Major modifications would have to be re-advertised.

Chairman Obernier moved onto additional discussion on Ordinance No. 03 –03, Ordinance No. 03-04, Ordinance No. 03-05, Ordinance No. 03-06 and Ordinance No. 03-07, International Building Code ordinances. There were no comments made.

The Chairman moved onto additional discussion on Ordinance No. 03-08, amendments to the Solid Waste and Recycling ordinance. There were no comments made.

Being there was no Old Business from the Floor or from the Board the Chairman moved onto Ordinances and Resolutions. The first Ordinances were Ordinances No. 03-01 and 03-02; Zoning and Subdivision and Land Development amendment ordinances. Vice-Chairman McCaffrey made a motion to reject Ordinance No. 03-01 and with the amendment on hydrosoil to accept Ordinance No. 03-02. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye. Manager Rambo noted that with the adoption of No. 03-02 the definition of Municipality now means West Brandywine Township or West Brandywine Municipal Authority. Supervisor Lindborg noted that if the Coatesville Golf Training Facility doesn't materialize for Coatesville, they couldn't put another Municipal use there.

Melissa Alton asked how does one be made more aware of the Ordinances that are being proposed and asked where they originate from, stating she was alarmed that she has to watch what is going on. Steve Jakatt stated they have a group of volunteers that get together and are trying to do judicious and wise ordinances.

Chairman Obernier stated that legally whenever an Ordinance is coming, and is up for public input and adoption they are required by law to advertise it in the Newspaper. They could also

attend the Board of Supervisors meetings or the Planning Commission meetings. He pointed out that most of the people who created the Ordinance were present at this meeting and were clearly as alarmed as she was and made note that it was rejected. Supervisor Lindborg noted this is a great example of how local government should work.

Doug Smith, Fraser Blvd. had questions about Ordinance No. 03-02 regarding how it would prevent the City of Coatesville from applying for another zoning permit. Supervisor Lindborg reiterated how they had to clarify the definition of Municipality. Vice-Chairman McCaffrey noted this Ordinance pertains to changes that were picked from several different Ordinances.

Rocco D'antonio noted that Chairman Obernier had brought up a good point. He thought the Township was "trying to pull the wool over their eyes." He was concerned if these residents hadn't showed up that this Ordinance might have been passed. Supervisor Lindborg stated that it would not have been passed.

Joanne Conti, had concerns with the definitions of the by right issue. Manager Rambo reiterated that they changed the definition of Municipality.

Chairman Obernier moved onto Ordinances No. 03-03 through 03-07; International Building Code ordinances. Vice-Chairman McCaffrey made a motion to accept the International Building Code ordinances. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Chairman Obernier moved onto Ordinance No. 03-08; Solid Waste and Recycling amendment ordinance. Supervisor Lindborg made a motion to accept the Solid Waste and Recycling amendment ordinance. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The next item was Resolution #02-03; Permit Fee Schedule. Vice-Chairman McCaffrey voiced concerns over the fees for agriculture. Supervisor Lindborg noted they will review the Sign Ordinance and they can address this issue at that time. Supervisor Lindborg made a motion to adopt Resolution #02-03. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The next item on the agenda was Resolution #03-03; participation in the Automotive and Equipment Contract of the City of Harrisburg. Vice-Chairman McCaffrey made a motion to accept Resolution #03-03. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Chairman Obernier then moved onto New Business. The first item under New Business was the Township Manager will be meeting with a representative of the Brandywine Conservancy to discuss putting together grant applications for the updating of the Township's Zoning and Subdivision Ordinances. Manager Rambo noted he will be meeting with John Snook.

The second piece of New Business was the Spring Newsletter articles are due into Linda Formica by Friday, February 21, 2003.

The third piece of New Business was the Recommendations of the Township Planning Commission. Manager Rambo reported the Planning Commission's recommendations. The Manager asked Mr. Roundtree, Hide Away Farms if he has complied with Jim MacCombie's review letter and the Conservation District's review letter? Mr. Roundtree stated they are in the process of complying with Jim MacCombie's but have not received a letter from the Conservation District and noted they are seeking conditional approval. The approval will be conditioned upon complying with the letter from Jim MacCombie and the County Conservation. Supervisor Lindborg made a motion to grant the conditioned approval. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The fourth piece of New Business was the Manager requests input from the Board with regard to the placement of a concrete silo directly adjacent to the new facility that could be utilized to place the various antennas and dish units utilized by the Township and to consider seeking others that may wish to rent space within the silo. Manager Rambo noted they currently have four antennas and a six-foot dish. After searching the Internet he found two companies that builds these silos. The Board was in agreement for the Manager to pursue and collect additional information.

Being there was no New Business from the Floor or from the Board, Chairman Obernier moved onto Public Comments.

Jack Conti noted that the Ordinance that was rejected had been discussed at length at the last two Planning Commission meetings and except for Rhonda Mowday there was nobody in attendance for comment.

Dennis Whitely, Horseshoe Pike suggested ways of keeping the country feel when developing in West Brandywine to keep its integrity.

A resident asked if the Board has considered raising taxes for improvements. Chairman Obernier stated this is why they are considering a West Brandywine Trust. He wouldn't want to increase taxes for this without input and a positive response from the community.

Doug Smith expressed his disappointment with the two Supervisors that approved the City of Coatesville's zoning permit. Chairman Obernier explained they had no legal opportunity to put conditions on it, according to the Township solicitor they said if they don't approve it, the City will take them to court and the judge will rule in their favor. With the course they took the City ended up with conditions.

Supervisor Lindborg noted if they had put unreasonable conditions on them, the court would overturn them. Further discussions and a rehashing of items discussed previously at a Board meeting took place pertaining to lighting, closing times, etc. Chairman Obernier stated they will have a public meeting to explain the Conditions for the City of Coatesville.

Chairman Obernier then moved onto Open Issues. Irish Oaks Golf Facility barn restoration and preservation was first which had been discussed earlier in the meeting.

The next Open Issue was the CASD tax audit review. Manager Rambo stated he heard from the district attorney in Harrisburg after sending a letter to them.

The last Open Issue was the Cable Franchise review letter. The Manager has sent a letter requesting an updated list.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they are ten days behind schedule. The current interest rate is 1.37%.

The Chairman moved onto the payment of the bills. Supervisor Lindborg motioned to pay the bills and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Parks and Recreation Board meeting, Tuesday, February 11, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, February 13, 2003 at 7:30 p.m.
- Zoning and Subdivision Task Force meeting, Wednesday, February 19, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, February 20, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, February 27, 2003 at 7:30 p.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 11:02 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of adjournment.

Ronald A. Rambo, Jr.
Township Manager/Secretary/Treasurer