

Meeting Minutes of August 7, 2003

Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of August 7, 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, Vice-Chairman McCaffrey, and Supervisor Lindborg in attendance. 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.

Chairman Obernier then moved onto the next item of business to address which was the approval of the Township minutes for July 3, 2003, July 17, 2003 and July 31, 2003. The minutes were tabled.

Being there was no Treasurer's Report and there were no Public Comments to address, Chairman Obernier moved on to address Correspondence/Communications (information to Act Upon). The first item was the Board of Supervisors is in receipt of information from Marc Jonas, Esquire with regard to the Brandamore Golf Course Property and the approved subdivision of the early 1990's. Manager Rambo noted they are waiting for the review and comment from the Township Engineer.

The second item to act upon was Marc Jonas, Esquire has forwarded a letter to the Township granting a sixty-day extension for the review and rendering of a decision on the Coatesville Golf Training Facility proposal. Supervisor Lindborg made a motion to accept the letter of a sixty-day extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye. Manager Rambo noted this was their first extension and they are trying to address everything.

The third item under Information to Act Upon was Marc Jonas, Esquire has forwarded the Township and Solicitor correspondence with regard to concerns raised by the Engineer and Manager. Manager Rambo noted this is under review by the Township Solicitor and is waiting for his comments. The Manager had brought up concerns about building heights, grading issues at the site, and storm water management issues at a prior Planning Commission meeting. Mr.

Jonas was under the assumption that he feels since the Township issued the zoning permit they have granted the variances and/or waivers to that.

Vice-Chairman McCaffrey commented that the City of Coatesville had presented a plan with regard to where things were going to go and how they would operate and now they are changing them.

The fourth item under Information to Act Upon was Schnatz & Rohrer Landscaping has forwarded a letter to the Township granting a sixty-day extension for the review and rendering of a decision on their land development plan. Manager Rambo noted they are in the process of trying to address their sewer facility needs (e.g. design, perk, approval) on the site and will have them addressed by late fall or early spring. Manager Rambo recommended the Board accept the extension. Supervisor Lindborg made a motion to grant a sixty-day extension but noted at some point in time they need to move this along. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye. Manager Rambo will send a letter noting they need to move along and finish this.

The Board of Supervisors is in receipt of a sixty-day letter of extension from Chris Catania for the review and rendering of a decision on his Hurley Road Project. Manager Rambo noted they have just finalized comments to the Township Engineer for their preliminary plans. They are under review by the Township Engineer and are awaiting his comments. Supervisor Lindborg noted they have had a few extensions and suggested the Manager send a letter for them to expedite this. Supervisor Lindborg made a motion to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The Township has been awarded a Vision Partnership-Tier I- Cash Grant from the Chester County Planning Commission in the amount of \$44,683.00 and is in receipt of agreement documents for review and execution by the Board of Supervisors. The Manager noted the grant is for the updating of the Township's Comprehensive Plan and recommended that the Board sign the contract so he can return it to the County for their signatures. Supervisor Lindborg made a motion to accept the grant and sign the letter of agreement. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The Board of Supervisors is in receipt of correspondence from Ross Unruh, Esquire with regard to the Bentley Communities Sanitary Sewer Proposals and scheduling a meeting with DEP. Manager Rambo noted DEP switched individuals that are in charge and that Clinton Cleaver now oversees everything. The meeting would be to see what criteria DEP is looking for to address the sewer needs in the area in these projects.

Vice-Chairman McCaffrey feels that he is being manipulated by Craig Poff and wants to be cautious when meeting with DEP and was concerned that Mr. Poff wants to bring his attorney when they meet with DEP. He didn't see how having the expertise of an attorney fits in with having an informational meeting about engineering strategy.

The Board agreed that the Board, Manager, Township Engineer, Mr. Poff, and Evan's Mill will meet with DEP as long as Ross Unruh, Mr. Poff's attorney does not attend. The Manager will set up the meeting and inform Ross Unruh about the Board's decision regarding the meeting with DEP.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first piece of Information to Note was the Police Department has received a thank you from the Large Animal Protection Society for their recent assistance. Chief Walt Werner noted that Corporal Shappell and Officer DiNunzio assisted in retrieving sheep and horses from an individual who was no longer able to care for them.

The second item was the Township is in receipt of the 2002 real estate tax collector audit from Barbacane/Thornton. Manager Rambo noted a copy has been made available.

The third piece of Information to Note was the Chester County Association of Township Officials has forwarded the Township resolution information for the Fall Convention. Manager Rambo asked that the Supervisor's let him know if they have any resolutions they want to forward on to the County Association.

The fourth piece of Information to Note was East Brandywine Township has forwarded the Township a copy of their Land Use Assumptions Report to review and comment with regard to their ACT 209 Study that is currently underway. Manager Rambo noted this will be reviewed within the next thirty days as requested.

The final piece of Information to Note was the Township is in receipt of an invitation from the Coatesville Veterans Medical Center with regard to their upcoming Veterans Week Parade. Manager Rambo noted that the Chief should let them know what they will be taking to the parade.

Public Hearing - Chairman Obernier adjourned from the Township meeting at 7:44 p.m. and opened the Public Hearing at 7:45 p.m. The Hearing was regarding input into Ordinance No. 03-12 which pertained to rules and regulations for use of municipal parks and property. Manager Rambo noted this Ordinance was duly advertised in the Daily Local. The Manager then read the Ordinance out loud. There were no comments.

Chairman Obernier adjourned from the Public Hearing at 7:48 p.m. and re-opened the Township meeting at 7:49 p.m. The next item on the agenda was Old Business. The first item of Old Business was the Board of Supervisors continues their search to fill the Historic Commission and Building Appeals Board vacancies. There were no comments made.

The second piece of Old Business was the Manager and Public Works Director are continuing the process of completing their list of proposed improvements to roadways being considered under the PennDot Turnback Program. Manager Rambo noted the list will be finalized by the fall.

The third piece of Old Business was additional discussion or comments on Ordinance No. 03-12, rules and regulations for use of municipal parks and property. Karen Volmecke of Cedar Knoll asked if the rules and regulations will be posted. Manager Rambo answered yes; every park that is zoned has to be posted.

The fourth piece of Old Business was the Township has submitted a copy of Ordinance No. 03-11 on August 1, 2003 to the Chester County Board of Elections with regard to the Open Space Referendum for the November 2003 general election. Manager Rambo noted they will have an Open Space referendum on the November ballot.

Colin Judge of Hawthorne Lane asked what kind of approach the Board of Supervisors will have on educating the public and what can be done with regards to the grand opening and maybe having a booth to educate the public. Manager Rambo noted at the last BoS meeting the Board decided they will educate the public via the Newsletter and the grand opening.

Old Business from the Floor was the next item on the agenda. Moe Finn of Ashberry Lane stated he was asked to attend this meeting to see if the Township had received any correspondence from PennDot with regards to traffic in their area.

Manager Rambo stated he has not yet had any correspondence with Tom Stefanic. The Manager will have Tom Eells contact Tom Stefanic and have him come out and look at the Ashberry area and will also obtain copies of what other municipalities have recently adopted regarding certain times and days. He explained they receive liquid fuel funds for public streets and was concerned that imposing time constraints for traffic might have an effect the liquid fuels fund if they don't meet certain requirements.

Old Business from the Board was the next item on the agenda. Vice-Chairman McCaffrey noted he brought in a suggested resolution a month ago and explained that a resolution is a statement of policy or a suggestion and is not a law. The resolution was regarding regulations in the USA Patriot Act. When it was passed, it was a time when everyone was panicked about the 9-11 incident and there was a feeling of desperation to do something to restore a feeling of security amongst people. Congress felt the Patriot Act would make it easier to catch terrorists and other individuals. It was passed without any debate or public notification of the content prior to it being passed. Vice-Chairman McCaffrey feels it is a threat to one's basic constitutional rights and feels he has the responsibility to respond.

Vice-Chairman McCaffrey then delineated what was in the resolution that he was proposing and explained that the Patriot Act limits your rights as far as searches and seizures go. It allows the Federal Government to search your home when you are not there and not tell you they were there. They no longer have to show probable cause of a crime when they get a search warrant. People should have the right to look at, read, and say what is on their mind without a feeling that there will be reprisals. It is very important that those rights be sustained for ourselves and passed along to future generations. Freedom is lost in small increments and you hardly notice it is going until it is gone by trying to protect your rights and freedoms by giving them up. The terrorists are partially victorious by altering the way the country is run by changing it with the USA Patriot

Act. He explained that is the reason he put the resolution forward and hopes that the Board would support it. Other major cities and some other communities have already passed it.

Colin Judge stated he was in complete agreement with Resolution No. 12-03.

Supervisor Lindborg felt that the Patriot Act is something that should be looked at and scrutinized. He noted that he doesn't share a lot of the concerns that Vice-Chairman McCaffrey brought up, and feels it gives the Federal Government a lot of the same capabilities that a grand jury would have in subpoenaing information. The terrorists want to kill us and destroy our way of life and we need tools to avert this. Perhaps the Patriot Act is extreme but that the aspects of it are necessary. As a small Township we are here to try and protect the essence of West Brandywine Township and do not feel it is their position to pass the Resolution. Supervisor Lindborg unwaveringly votes against Resolution No. 12-03.

Chairman Obernier feels that the United States is at war. If our elected representatives felt they had a need to put together something that would help us, as time passes they should all look back and reexamine the Patriot Act. We don't want to give up our freedoms, however, reality is that terrorists committed acts of war on us and put our country into an economic spin by knocking down the World Trade Center. If after a few years we feel it should not be there anymore then let it be repealed. Chairman Obernier stated this is not the venue for this.

Vice-Chairman McCaffrey pointed out they are not at war, and since we are governed from the bottom up, not the top down. They didn't pass something like the Patriot Act during any other war and feels this Resolution will encourage our congress to see what is proper about it and give them some support. Vice-Chairman McCaffrey made a motion to adopt Resolution No. 12-03 and to see that it is forwarded to our federal representatives. Being there was no second to the motion, the motion dies.

Vice-Chairman McCaffrey explained that he takes personal offence to being called "grand standing" over something that is not popular among his fellow members of the Board and is painful to do.

Ordinances and Resolutions was the next item on the Agenda. The first was the adoption of Ordinance No. 03-12, rules and regulations for use of municipal parks and property. Supervisor Lindborg motioned to adopt Ordinance No. 03-12, Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The Chairman moved onto New Business. The first item under New Business was Recommendations of the Township Planning Commission. Manager Rambo noted there were no recommendations from the Planning Commission. The time clocks and the extensions were addressed earlier in the meeting.

The second item under New Business was regarding discussion on providing a composting area at the Township building or providing curb collection of grass, weeds, branches, etc. with the trash. Manager Rambo noted that many residents are requesting having some type of brush collection. They are in the third year of the solid waste collection contract.

Vice-Chairman McCaffrey suggested they establish an area and a few weekends a year that people would be able to take their brush over and chip them using Township personnel and equipment. Karen Vollmecke suggested looking into having composting bins and perhaps the County could have educational materials at the Grand Opening about composting.

Vice-Chairman McCaffrey asked Karen if she had been in contact with DEP regarding her collecting leaves. She said she hadn't yet, but would like to continue receiving leaves.

A resident stated he thought the idea of having people be able to take their tree limbs and brush to a designated site and chip them using the Township's chipper and then be able to take them back home with them would be beneficial. Manager Rambo will look into the costs and the means of recycling this waste.

The third item was the Fall Newsletter articles are due to Linda Formica on Wednesday, August 13, 2003. There were no comments made.

The fourth item was to discuss the preparation of an ACT 209 Traffic Impact Fee Study. Manager Rambo noted he is waiting for a quote from a company that had previously done these studies and may already have some data for the preparation of an Act 209. This company is the same company they will be utilizing for circulation data for the Township's Comprehensive Plan which may lessen the cost.

Supervisor Lindborg asked how long it takes to conduct the study. Manager Rambo answered twelve to eighteen months.

Vice-Chairman McCaffrey explained that Act 209 was tainted by the Builders Lobby at the last minute, it covers a narrow area, costs a lot, and has a limited life span. However, he is willing to take a look at it.

Chairman Obernier stated that he felt if they could pay for it now and recoup the expenses later, then the impact study would be a good idea.

The fifth item under New Business was the Board to consider adopting a resolution on August 21, 2003 establishing the Taskforce members that will be working on the Township's Comprehensive Plan update. Manager Rambo noted they had their initial meeting and it was suggested by John Snook, the County, and members of the Task Force that they officially adopt a resolution establishing the members. It is their belief that it will help them in the future if anything is ever challenged with the findings and the recommendations to the Board.

Vice-Chairman McCaffrey suggested they put something in the resolution that if someone never shows up, then they could appoint another person. The Board of Supervisors would be appointing the members.

Colin Judge asked if they would consider having someone from the Park and Recreation Board be appointed to the Task Force Board. Manager Rambo answered that it was brought up that they

should have someone from the Park and Recreation Board on it as well as one person from the general public. The Manager will prepare a list for presentation to the Board for consideration.

The sixth item was the approval of release request No. 4 for the Catania 5 lot subdivision. Manager Rambo noted they have not received the approval from the Engineer for the release of funds.

New Business from the Floor was the next item on the agenda. Pat Edwards of Manor Road noted she enjoyed hearing Vice-Chairman McCaffrey's discussion on the Patriot Act and his suggested resolution and felt the Members of the Board should have the right to speak their opinion. Chairman Obernier felt that Tom had the time to complete everything he wanted to say and would be glad to further discuss the Patriot Act after the Board of Supervisors meeting was over. This was not the right venue for discussion on the Patriot Act.

New Business from the Board was the next item on the agenda. Supervisor Lindborg noted the Township gave a contribution to the Coatesville Library of \$7,152 and asked what other area municipalities give to the Coatesville Library. Manager Rambo stated they give according to the census and will find out what the other municipalities do.

The second item under New Business was the Manager noted the meetings will be at the New Facility commencing on August 21, 2003.

The third item under New Business was Vice-Chairman McCaffrey will serve on a committee dealing with the Constables of Chester County.

The Chairman moved onto Public Comments. Steve Jakatt asked if all the meetings will be at the new township facility. Manager Rambo answered yes, subject to approval from L&I, they do the final walkthrough, and they get the furniture in the meeting room.

Doug Smith commented he felt that Chairman Obernier and Supervisor Lindborg stepped over the line of professionalism with comments they made when discussing the "Patriot Act Resolution." Supervisor Lindborg felt he had not personally attacked Vice-Chairman McCaffrey and was just expressing his feeling about politicizing the Board and their position and stance with regard to the Patriot Act. Chairman Obernier expressed he didn't feel he was attacking him personally but strongly disagrees with the resolution.

Vice-Chairman McCaffrey stated he didn't take it as a personal attack and understands they should stick with things that affect the Township like road repair. Chairman Obernier expressed having the discussion regarding the Patriot Act after the Township meeting is over because he felt that is not the business of why the Board was there.

Vice-Chairman McCaffrey feels responsible as a Township Supervisor to bring information he feels people should be aware of back and give it to the people he represents. The resolution had no binding character to it, it wasn't a law, it was something that educated, a mechanism that brings something to people's attention. Government doesn't begin at Congress it begins right

here and feels that the Township meetings are the proper venue to discuss national issues between neighbors and their representatives.

Colin Judge stated that Vice-Chairman McCaffrey had brought this up under New Business a month ago and noted that the Board had made a resolution about the Coatesville Area School district. He asked what rules they follow when they conduct the Township meetings.

Supervisor Lindborg explained they have always agreed the way they run their Board is the Chairman runs the meeting with the ability to move along or discontinuing discussions but has no greater authority than anybody else

Chairman Obernier noted that Vice-Chairman McCaffrey had uninterrupted time to say what he wanted to say.

The first item under Open Issues was the CASD tax audit review and response. Manager Rambo noted the information is in the process of being located.

The next Open Issue was the Cable Franchise review letter. Manager Rambo noted that the individual is working with the Park and Recreation Board at the present time and will proceed with this after the grand opening.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted L&I will walkthrough on August 8th and the building walkthrough is scheduled for next week. The building contract runs out the end of next week and the park contract runs out the end of August. The Manager noted the interest rate at 1.08%.

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

Chairman Obernier noted upcoming meetings and events as follows:

- Parks and Recreation Board meeting, Tuesday, August 12, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, August 14, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, August 21, 2003 at 7:30 p.m.
- WBT Planning Commission meeting, Thursday, August 28, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, August 26, 2003 at 7:30 p.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 8:50 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye in favor of adjournment.

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