

**Meeting Minutes of October 21, 2004**  
**Board of Supervisors**

Chairman McCaffrey called the Board of Supervisors Meeting of October 21, 2004 to order at 7:33 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 Thomas J. McCaffrey and Supervisor Josef G. Obernier, Sr. in attendance. Vice-Chairman Carl S. Lindborg arrived at 7:46. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief of Police, Dale Barnett; Codes/Zoning Officer, and Thomas Eells; Director of Public Works.

**Treasurer's Report**

Manager Rambo presented the following Treasurer's Report for the month ending September. There were no comments.

General Fund.....	\$13,578.72
Solid Waste and Recycling Fund.....	\$31,729.12
Capital Reserve Fund.....	\$887,156.68
Construction Sweep Fund .....	\$1,593.63
Developer Escrow Fund.....	\$335,452.54
Operating Reserve Fund .....	\$60,091.76
Police Pension Fund.....	\$945,905.36
Non-Uniform Pension Fund.....	\$183,566.78

**Public Comments** (those individuals requesting to be on the agenda)

Marie Pantalone, P.E., of McMahon Associates, Inc. had requested to be on the agenda to go over the Roadway Sufficiency Analysis and Transportation Capital Improvements Plan with regard to the Township's ACT 209 Study that is underway, however, Ms. Pantalone is currently addressing the Manager's comments and has requested to be put on the November 18, 2004 agenda. Manager Rambo requested that comments from the BoS be given to him within the next week so they can be forwarded onto Ms. Pantalone.

Representatives of the Civil Air Patrol are in attendance to talk to the Board of Supervisors with regard to how they can assist the Township. Corporal Gary Williams explained they would be able to supplement the Township with manpower in case of natural disasters. Major Bo Gibbons, Squad Commander of Coatesville Civil Air Patrol based out of the Chester County Airport explained

their primary mission is emergency services, which includes missing aircraft services, lost person searches, and natural disasters. They would like the opportunity to have an in-service on activities such as roadblocks and detouring roads. The Civil Air Patrol can be contacted through PEMA.

Supervisor Obernier asked if a vote is needed to use their services and noted that the Fire Police are covered under the Township's insurance. Major Gibbons explained that they are already covered under the Federal Government's insurance. Chairman McCaffrey would like to have the Cadets be involved in a training situation that involves police, fire, etc.; it may be very constructive for them as far as their education in the whole process. He would also like to get a list of contacts for the Manager and Police Chief from the Civil Air Patrol for drills and emergencies. Chairman McCaffrey thanked Corporal Williams for bringing the Civil Air Patrol in front of the Board. At this time in the meeting it was noted that Vice-Chairman Lindborg had arrived.

Steve DiMarco is in attendance to talk to the Board of Supervisors with regard to the Golf Zone lighting and Stan Stubbe review letters. Mr. DiMarco explained how they are going to resolve the lighting issue by angling the lights down as well as shield them. Chairman McCaffrey explained the Board was looking to mitigate with their new addition, some sort of solution to decrease the glare problem. Mr. DiMarco met with Mr. Stubbe on September 10, 2004 and noted his light meter reading covered the whole range, which he references in his letter. Supervisor Obernier asked what the light's purpose is. Mr. DiMarco explained the purpose is to track the ball for about 175 yards. Supervisor Obernier suggested using black lights and florescent balls. Mr. DiMarco explained how it wouldn't be prudent to use glow balls, they wouldn't be able to use them during the day it is a different ball. Vice-Chairman Lindborg felt they should wait for Mr. Stubbe's comments before making any decisions. Supervisor Obernier asked what the conditions were that were given to the Golf Training Facility with regard to the hours of lighting. Chairman McCaffrey suggested they reexamine their current ordinance and incorporate what they have learned with the Golf Training Facility and the Golf Zone to prevent having to go through this again with the next similar activity that comes to the Township, the current ordinance doesn't make any kind of an assessment based on location or types of roadways that these activities are held near. The Board will wait for comments back from Stan Stubbe with regard to Mr. DiMarco's solution to the lighting issue before commenting.

### **Acceptance of Minutes from Precious Meetings**

The next order of business that was addressed was the Acceptance of Minutes from August 19, 2004, September 2, 2004, September 16, 2004 and October 7, 2004. Supervisor Obernier motioned to accept the minutes. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey all voted aye.

### **Correspondence/Communications *Information to Act Upon***

The Township is in receipt of a waiver request from Commonwealth Engineers, Inc. with regard to the McAndrew/Dehaven Subdivision and the paving of a common driveway. Manager Rambo noted this gentleman came before the BoS a month ago with a sketch plan for property on Hibernia Road. He wants to subdivide the twenty plus acres into two lots while keeping the existing stone driveway and not have to pave the common part and is requesting special exception from Section 167-48.B.(3) that requires common private driveways shall have a minimum width of 12 feet, paved to Township specifications. He is proposing to split the driveway about 600 feet in. Glenn Dehaven delineated his plan as reflected on his sketch. Chairman McCaffrey stated he doesn't

have any objection for the ground to be used in the way it is right now, as agricultural, but if were to change and someone decides to sell theirs off, at that point it wouldn't be appropriate to have a shared driveway. Both Supervisor Obernier and Vice-Chairman Lindborg concurred with Chairman McCaffrey. Manager Rambo noted Mr. Dehaven should have a legal agreement drawn up with maintenance and upkeep denoted on the plans, so that it can be recorded and become part of the deed. Also, Mr. Dehaven needs to pave according to PennDOT's requirements. John Cassels noted that the Planning Commission favors the waiver request and also concurs with the Supervisors about future additional subdivisions, that the common driveway would have to go and it would need to be turned into a street or multiple driveways. Chairman McCaffrey motioned to grant the conditioned waiver, that should any further subdivision of either lot occur, that the common drive aspect should be negated and individual drives and the construction of the dedicated street if required shall take place, and also the conditions must be noted on the plan. Vice-Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye. Chairman McCaffrey noted that part of this is an encouragement of larger lot agricultural properties being retained in the Township.

The Township and Authority are in receipt of correspondence from Warwick Land Development, Inc. with regard to sewer ability at the James Mobilehome Park. Manager Rambo stated it is going up for sale and they wanted some type of assurance that they will be allowed to participate as part of the new public sewer district. The property is next to Hunters Run that currently has sewer and directly across from Bentley's proposed lower entrance. Chairman McCaffrey felt uncomfortable guaranteeing somebody sewer ability. Manager Rambo stated they would not guarantee it, they will allow them to participate in the district if capacity is available. Vice-Chairman Lindborg suggested adding the verbiage, "if there is adequate sewer capacity, then they will be considered." Supervisor Obernier concurred. Manager Rambo will forward a letter onto James Mobilehome Park with the noted verbiage.

### **Correspondence/Communications *Information to Note***

The Township is in receipt of the annual Liquid Fuel Allocation and Turnback Fund Reports for 2005. Manager Rambo stated they anticipate receiving \$144,977.74 for Liquid Fuels and \$3,775 in Turnback Funds.

Manager Rambo noted that John E. Good, Esquire has forwarded the Township a recent article on how to determine the lowest responsible bidder.

The County Association has forwarded the Township information on the proposed Resolutions for the upcoming fall convention. There were no comments made.

The Township is in receipt of acknowledgement from DEP that its NPDES Phase II Individual Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) has been found to be administratively complete. DEP is reviewing the permit to make sure the Township is beginning its compliance requirements.

### **Reports of Departments**

Chairman McCaffrey then moved onto the Reports of Departments for the month of September 2004. Chief Werner presented the police report. Vice-Chairman Lindborg and Supervisor Obernier asked Chief Werner about an incident that happened near Fox Hunt in which Chief Werner

commented. There were no further questions or comments. Tom Eells presented the Public Works report. Dale Barnett gave the report from the Buildings/Codes Department. Manager Rambo then gave the report for Wagontown's and Martins Corner Fire Departments and also the report of the Fire Marshall. There was no report from East Brandywine Fire Department. There were no comments.

### **Reports of Organizations, Boards and Commissions**

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of September. John Cassels gave the report of the Planning Commission. There was no one present from the Historic Commission or the Parks and Recreation Board. Manager Rambo gave the report of the Municipal Authority. The Authority is currently reviewing bid specs for the lining of sewer pipes within the Monacy Manor area. They will do a cost comparison associated with lining pipes versus replacing the pipes and will select the best alternative possible for the Authority. Manager Rambo noted a new pipe is better than a lined pipe. Chairman McCaffrey concurred as long as it is not in the street. Manager Rambo stated that all the problems are in grassy fields. The Authority will make a recommendation after receiving comments from the Authority Engineer and Manager.

### **Old Business**

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board and Historic Commission. There were no comments made.

The Township's Building Inspector/Codes Officer continues his review of the recently adopted building code bill for presentation of his recommendations to the Manager and Board of Supervisors. There were no comments made.

Discuss the proposed zoning amendments prepared by the Code Officer and Manager with regard to fences and signage. Vice-Chairman Lindborg felt the height restriction of 4-foot and 6-foot fences was not acceptable and noted stockade fence comes 6 or 8-foot high. He was also concerned about a berm not exceeding 2-foot in height. Dale Barnett noted the concern of how a berm would affect storm water runoff. Manager Rambo explained that if an individual wants to incorporate a fence in a berm, not to have the berm more than 2-foot, because you would incorporate either a 4 or 6-foot fence on it, if you are just going to put a berm, that would not be considered a fence. Manager Rambo stated he never saw an 8-foot stockade fence. Vice-Chairman Lindborg stated that a 4-foot fence would not do anything if you have a property that is going downward off the roadway. Chairman McCaffrey suggested that the Codes Officer determine the right height that would shield lights from the road, etc, or whether the person just wants to be disruptive of the viewshed because he or she wants to be nasty. Manager Rambo suggested that the total height of the berm and fence couldn't exceed 8 feet and that they could take an average from each side of the berm for its total height. He was concerned about the berm creating additional stormwater runoff into the street or for a neighbor, if they are permitting it; they are condoning the change of the water flows. Supervisor Obernier disagreed with that. Manager Rambo explained if a person creates a berm that is more than 5,000 square foot or if he puts a berm on more than 10 percent of his lot, if it is a smaller lot, then it would fall under the grading permit. Supervisor Obernier noted they all agree on the combination of berm and fence not to exceed 8 feet, but if you are just having a berm and no fence, you could make the berm as high as you want. Vice-Chairman Lindborg felt that design standards for the berm weren't necessary. Chairman

McCaffrey expressed that you would have to incorporate the concept of the lot, if you have a cluster design development of small homes and you allow everyone to put an 8-foot fence around their house, then it will look like people are living in cubicles. After a brief discussion, it was decided that the Manager would come up with criteria for amending the zoning permit with regard to fences.

Chairman McCaffrey noted if a more definitive use for political signs is added, he would like to see what the additional language is. Manager Rambo noted the definition of a political sign. Chairman McCaffrey doesn't want the definition restricted just to the municipality and wants people to have the ability to express themselves within dignity. Vice-Chairman Lindborg noted that is a viewpoint sign. Supervisor Obernier felt that the opinion signs are an issue they should not tread upon, if someone wants to put up a sign expressing whatever he or she wants to on their own property, it is up to them. Chairman McCaffrey stated that they see it this way today, but when they go back to when they were going to pass the referendum for open space, a large sign was stuck out on the highway was in clear violation of the sign regulations in this community and not a word was said because they were afraid it would be an objection to his or her free speech. That was a personal judgment that the Board made in saying that was acceptable free speech, although he agrees with what Supervisor Obernier is trying to say, part of him objects to having to determine what is acceptable free speech. Chairman McCaffrey felt that Supervisor Obernier was trying to say that he didn't want someone with a Neo-Nazi viewpoint. Supervisor Obernier said he didn't say that at all, but that he hasn't seen anything that makes him want to pass any law about this. Chairman McCaffrey stated he has seen violations that are not objected to and violations that are objected to and people come in and ask for action and referenced the Conti sign as an example. Manager Rambo noted the Township didn't get involved with it. Chairman McCaffrey stated that windows were broken and the house they were trying to restore was burglarized. Supervisor Obernier felt it is their ground and their opinion. With regard to the sign for the open space tax, the gentleman had come in, and they didn't think it was the appropriate thing to do, based on him coming and talking to the Board about the taxes, so it was left there. Vice-Chairman Lindborg felt that sign had a significant effect. Chairman McCaffrey stated he is trying to incorporate viewpoint signs into the regulation, the existing regulation specially states that only signs for political candidates could be permitted. Manager Rambo will draft a sign ordinance and present it to the Board and John Good for comment.

Manager Rambo noted the Township's 2005 budget preparation is underway and will be available to the Board by the end of October.

Awarding of the Solid Waste Contract for the upcoming 3 to 5 year period. Manager Rambo explained that he looked at it numerous ways, if you digress and go back to source separated recyclables you will lose participation (about 30 ton a year). The Manager then outlined what was reflected on the spreadsheet and recommended Alternate 1, with bulk trash once a month. Both Vice-Chairman Lindborg and Supervisor Obernier agreed the Township should continue with bulk trash being every week. Supervisor Obernier noted for \$194 a year or \$16.10 per month you would have bulk trash only once a month and for an additional \$1.40 per month you would have bulk trash weekly. A resident noted in her development people put out a pile of bulk items and the trash company just picks one item per week. Vice-Chairman Lindborg was in favor of Alternate 1 and 3. Chairman McCaffrey felt that bulk pick-up was not necessary on a weekly basis. Manager Rambo stated that incorporated with the increased fee is the ability for once a month, to man the chipper

for four hours. Manager Rambo noted that he and Karen Vollemecke met with an individual from an outside company that applies for grant monies with regards to getting some assistance in recycling leaves and yard waste. They have asked for \$6,000 in grant money to do a study on how to improve the recycling effort at her farm. If the grant goes through they will then meet with DEP and put a grant together to purchase small equipment that will help turn the leaves over. More grant money is available if you go together with another municipality.

Manager Rambo noted he is waiting to hear about the court case with regards to not being able to charge an Authority the \$5 and \$10 tax, if that is the case he will switch over to the Municipal Authority operating trash pick-up and recyclables and pass the savings onto the residents. The Manager recommended they go with a five-year contract for Solid Waste. Supervisor Obernier motioned to accept the Charles Blosenski bid, Alternates 1 & 3 for a five-year contract with a yearly price of \$210 per household. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey all voted aye although Chairman McCaffrey favored Alternate 1 with monthly bulk trash. Vice-Chairman Lindborg noted he voted for Alternate 1 & 3 to maintain the current level of service.

### **Old Business from the Floor**

Michelle Benkovich as well as five other residents was at the meeting to present information with regards to the Shooting Ordinance. Chairman McCaffrey explained the public hearing process for the Shooting Ordinance and stated from that public hearing for the public's comment, the Board has the ability to enact it, amend it and re-advertise it or throw the whole thing away. Chairman McCaffrey also explained that this individual has the prerogative as a citizen whether there is a law at the Township about it or not, to go to the courts and petition to have that person to stop that activity. In his opinion Michelle Benkovich has a good argument with her neighbor. Supervisor Obernier noted they have a copy of the Ordinance that will be advertised in the newspaper. Vice-Chairman Lindborg stated the Board hears, understands, and appreciates their complaint and stated that is why they are at this point right now, until the hearing they don't know what will happen. Chairman McCaffrey suggested they put their complaints in writing for the Hearing and also comment at the hearing so that the residents can hear her side of it, to get a more balanced perception. Manager Rambo noted they are still looking into a noise ordinance. Supervisor Obernier emphasized the importance of Ms. Benkovich and the other residents to attend the public hearing. In addition to being there, it would be helpful as a group to write down their objections and have everyone sign it, and present the letter as testimony, then their testimony would be on public record whether or not they speak and they would have the five people who clearly have a certain point of view about this.

### **Old Business from the Board**

Supervisor Obernier asked Tom Eells for electrical costs to add an outlet near the police parking. Mr. Eells recollected they were going have a meeting to discuss exactly what was needed. Supervisor Obernier, Vice-Chairman Lindborg, and Tom Eells will meet on Thursday November 4, 2004 to discuss the additional outlet. Chairman McCaffrey stated he would go along with what they agree upon at their meeting.

Supervisor Obernier asked Chief Werner if he obtained any information with regards to the requirements for accreditation. Chief Werner stated he would have more information after he attends a seminar in the spring and stated at the end of May he should have the list available.

Chairman McCaffrey said no to a request for an increase in manpower because he didn't know what the increase was going to be and now that he knows the Township already picked up an additional \$100,000 expense in police services, an increase in manpower would have to be justified really good. Chairman McCaffrey felt that requesting a list for accreditation was to justify requests for additional manpower. Supervisor Obernier disagreed and stated that had nothing to do with it, they discussed this previously in a Board meeting and the idea was to ask Chief Werner to generate a list, if there is any, of areas that may be lacking, there was no commitment on anybody's part. Chairman McCaffrey disagreed and felt that this came on the heels to justify requests for additional manpower. The Board was in agreement for Chief Werner to come up with a list.

Chairman McCaffrey noted they should reschedule meetings that conflict with the CCATO Convention each year.

Vice-Chairman Lindborg asked for the status with regards to a salt barn, additional garage space, and grant money. Manager Rambo noted there is no grant money for it but they have \$49,000 in the budget for it. They were researching doing the storage building themselves, there was no decision on it, so no action was taken. With the recent request from East Brandywine Fire Company, they need see how they are going to address the placement of everything across the street if they are to put a substation in. Manager Rambo expressed the need to go over the book they were given prior to doing the budget. Chairman McCaffrey asked for a map of the Township's property so they can plan and incorporate suggested changes on it.

### **Ordinances and Resolutions**

Resolution #09-04; adoption of the ACT 209 information presented by Marie Pantalone, P.E. of McMahan Associates, Inc. Chairman McCaffrey noted Marie Pantalone was not present. The Resolution was tabled.

### **New Business**

The Township will be advertising Ordinance NO. 04-04 for a November 18, 2004 public hearing and adoption consideration. There were no comments made.

Corporal David Domblesky has forwarded the Manager a letter requesting that the intersection of Gable and Cedar Knoll Roads be looked at with regard to site distance. Manager Rambo noted the Director of Public Works has already cut vegetation back to help with the visibility at the intersection. Manager Rambo, Chief Werner, and Tom Eells will meet at the site to evaluate it and make a recommendation.

Supervisor Obernier noted a site distance problem with the intersection of Cedar Knoll and Hibernia Roads. Both Cedar Knoll and Hibernia Roads are state roads. Manager Rambo stated they have had PennDOT out there numerous times and it doesn't warrant four way stop signs. Tom Eells will call PennDOT and ask them to do some vegetation clearing and tree trimming.

### **New Business from the Floor**

Karen Vollemecke of Cedar Knoll Road agreed there is a site distance problem with both intersections aforementioned.

### **New Business from the Board**

There was no New Business from the Board.

### **Public comments (individuals not requesting to be on the agenda)**

There were no public comments.

### **Open Issues**

The first Open Issue was the Cable Franchise list review. Manager Rambo noted he and Supervisor Obernier had a fruitful meeting with representatives of Comcast and were presented how the billing has changed. Comcast will come back in the future with a more definitive list, so they can do a comparison of what they collect fees for and what they pay the Township franchise fees on.

Supervisor Obernier noted it took two years to review the Comcast address list and the Township's address list, which they were given eight months ago; Comcast has not yet incorporated the list and corrected their records. They have acknowledged that when they have found discrepancies, they don't go back in time and correct the franchise payments that have been made. If they don't correct this, the Township will not get the money. He explained that the original request was for them to explain how the old accounting system differed from the new one. There were four items that Comcast couldn't explain what they represent, Video on demand, etc., so they will come back with an explanation. Subscribers pay a 5% franchise fee that the Township is supposed to receive, it turns out that the subscribers pay more than 5%, the cable company has subscribers they bill monthly that they get money from. They also have advertising they receive revenue from and they pay the Township 5% on, the cable company charges the subscribers who are then paying for the 5% tax. Comcast offered to drop that off so that people would only pay 5%. Supervisor Obernier feels that it would be beneficial to have a few more meetings with Comcast.

### **General Obligation Note**

The current interest rate for the adjustable rate loan based on a bond for the Facility/Park construction is 2.06%. There were discussions as to whether the note is actually a bond or loan.

### **Review and Payment of the bills**

Chairman McCaffrey noted bills totaling \$66,433.06 for the General Fund and Solid Waste Fund and \$9,390.61 for the State Fund. Vice-Chairman Lindborg motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of their payment.

### **Upcoming Meetings/Events**

- Planning Commission meeting, Thursday, October 28, 2004 at 7:30 p.m.
- Trick or Treat, Sunday, October 31, 2004 from 6:00 p.m. to 8:00 p.m.
- General Elections, Tuesday, November 2, 2004 from 7:00 a.m. to 8:00 p.m.
- Conditional Use Hearings, Wednesday, November 3, 2004 at 7:30 p.m., Ridings of Hibernia and at 8:45 p.m., Brandywine Meadows (Maes Tract).
- Board of Supervisors meeting, Thursday, November 4, 2004 at 3:00 p.m.
- Historic Commission meeting, Monday, November 8, 2004 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, November 9, 2004 at 7:30 p.m.
- Municipal Authority meeting, Thursday, November 11, 2004 at 7:30 p.m.

**Adjournment**

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 10:27 p.m. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of adjournment.

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