

Meeting Minutes of September 2, 2004
Board of Supervisors

Chairman McCaffrey called the Board of Supervisors Meeting of September 2, 2004 to order at 7:35 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 McCaffrey, Vice-Chairman Lindborg, and Supervisor Obernier 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/Zoning Officer, and Thomas Eells; Director of Public Works.

Acceptance of Minutes from Previous Meetings

Vice-Chairman Lindborg motioned to table the minutes of August 5, 2004 and August 19, 2004. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Public Comments *Individuals requesting to be on the agenda*

There were no Public Comments.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of a letter of extension from Dave Shafkowitz in which to schedule a Conditional Use Hearing (CUH) for the Ridings of Hibernia. Manager Rambo noted they have been given until October 7, 2004 in which to schedule a CUH. The Hearing has been scheduled for Tuesday, September 28, 2004. Vice-Chairman Lindborg motioned to accept the letter of extension, seconded by Supervisor Obernier. Board Members Lindborg, Obernier, and McCaffrey voted aye.

The Township is in receipt of a letter of extension from Greg and Amy Tremoglie until Sunday, October 31, 2004 in which to render a decision on their Glenmoore Veterinary Hospital Land Development Plan. Manager Rambo noted the Township's engineer is currently reviewing the plans. Vice-Chairman Lindborg motioned to accept the letter of extension, seconded by Supervisor Obernier. Board Members Lindborg, Obernier, and McCaffrey voted aye.

The Township is in receipt of a letter of extension from Marc Jonas, Esquire granting an additional sixty days to the Township in which to render a decision on the City of Coatesville Golf Training Facility Preliminary Land Development Plan. Manager Rambo noted that the recommendation of the Planning Commission was to reject it because they didn't have a letter of extension on hand that night. The Township sent the modified Zoning Ordinance to the City of Coatesville with regards to what they have been able to renegotiate. Manager Rambo noted the extension was

sitting in his email, which was not retrieved until he returned from vacation. Vice-Chairman Lindborg motioned to accept the letter of extension. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

The Township is in receipt of letters of extension for the Swinehart Realty Associates, LP and Culbertson Realty Associates, LP Preliminary Subdivision Plans from Ross Unruh, Esquire. Manager Rambo noted they have received extensions for those two projects. The Manager was advised that the Planning Commissions recommendations were written up incorrectly, that they did recommend rejection unless the Township received letters of extension. They are currently working with the engineer to address all of his concerns. They are still in the process of doing perc. tests for sewer. Chairman McCaffrey was concerned about where the sewage was going to go, and that they might have to keep the existing Kimberwick facility running because they can't find the right placement, the open space that is supposed to be in the development is dwindling, there has been no movement on the part of the developer to decrease intensity of this development because of these problems, only an idea that they can fit it in somewhere and make it work. Chairman McCaffrey didn't think it would be a good idea to keep giving extensions to these development projects unless there is some movement of accommodations made to have the sewage taken care of. He doesn't want to see the opportunity to abandon the Kimberwick treatment facility for something more modern and effective.

Manager Rambo stated they are continually working on percs with DEP and are waiting on DEP to come out and give their approval. Chairman McCaffrey noted that the developer is working with DEP to gain permission to do something in which the Township will ultimately be responsible and have to pay to maintain it. Chairman McCaffrey rejected the Swinehart plan as well as another plan from this developer because of the lack of square footage for the disposal field. He doesn't feel that it is the same approved plan. Manager Rambo stated that he and Jim MacCombie are looking into it, they can't tell what capacities they are going to have until DEP is done. Chairman McCaffrey suggested they deny the plan because of those things and have the developer resubmit it when they finally have the particulars. If it doesn't work, they can knock a few houses off of a cul-de-sac somewhere and put in a disposal there. Manager Rambo noted that he would rather them knock off some of the apartments. Manager Rambo noted the extension of time runs until November 19, 2004. Chairman McCaffrey suggested they grant a thirty-day extension and not grant the sixty days, he feels they are not getting the best treatment they could from this particular development. Vice-Chairman Lindborg made a motion that they grant a sixty-day extension and ask for a letter stating where the sewage facilities are going. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from Nancy Fromnick, Chester County Recycling Coordinator, with regard to the County Processing and Marketing Program. Manager Rambo noted he is reviewing the P&M Program so that he can finalize the bids for solid waste collection.

The Township Manager is in receipt of correspondence from John A. Jaros, Esquire with regard to property located within the LI Zoning District. Manager Rambo noted that he and Dale Barnett are currently working on this, the person that owns Mr. Mulch is interested in two parcels within the LI Zoning District that are located southwest across from Myers.

Neighborhood Health Agencies, Inc. has forwarded the Township correspondence requesting that the Township consider a contribution to their organization during the budget preparation process. Manager Rambo will look into a contribution to their organization when he does the budget.

The Township is in receipt of documentation from BEAM, Ltd. with regard to the Conditional Use hearing for the Golf Zone, which has been forwarded onto Stan Stubbe for his review and comment. Manager Rambo will meet with Stan Stubbe the following week. Supervisor Obernier stated that after looking at the letter from Illuminating Architecture, they are saying that what is there meets Township ordinance. His understanding that the permissible illumination at the property line is .4-foot candles and asked the Board for an explanation, he finds the report lacking information. Chairman McCaffrey and Vice-Chairman Lindborg agreed they need an explanation and also need to improve the situation. Supervisor Obernier noted that they should get a commitment for shielding to make it conform to the ordinance.

Metcalf & Eddy has provided the Township Manager with dates in which additional soiling testing will be taking place for the Swinehart and Culbertson Tracts of Bentley Communities. There were no comments made.

Barbacane/Thornton & Company has provided the Township with copies of the final Tax Collector audit for the period of January 16, 2003 through January 15, 2004. There were no comments made.

Hawk Valley Associates, P.C. has provided the Township with a copy of the Caln Township Zoning Ordinance of 2004 for review. Manager Rambo noted the BoS can give their input about the Zoning Ordinance. Chairman McCaffrey stated this is to make sure they don't put industrial or commercial right up against conservation use.

Adjournment from Township Meeting was at 7:57 p.m.

Opening of Public Hearing

The public hearing was opened at 7:58 p.m. on Ordinance NO. 04-03, proposed zoning amendments for home occupations. The hearing was duly advertised as required by law. The hearing deals with the modification of the definition of home occupation, the deletion of some of the existing home occupation requirements and adding them to minor or major home occupations. It enables more than two people that are non-residents to be employed on the premises. It also enables an operation of an office without the individual that owns the property to live in the residence. They have received comments from the County Planning Commission regarding limiting the number of employees that are residents. Chairman McCaffrey asked if they should consider limiting the total number of employees. Vice-Chairman Lindborg noted they are talking about the residents of the property. Chairman McCaffrey stated that is a small structure; only a few people could live there and asked if that was something they need to worry about. Manager Rambo noted they discussed this at a prior meeting it was decided to put into the ordinance. John Good has reviewed and found everything to be satisfactory. Vice-Chairman Lindborg stated that if you have ten people living in the house then they could all be employed there. Chairman McCaffrey was concerned that some other piece of property in the area could potentially have more people living there. Manager Rambo explained that it would be on a case-by-case basis that will be looked at by the zoning officer. Chairman McCaffrey suggested that the Manager notify the County that

the Township codified their ordinance. Manager Rambo stated that he is tired of notifying them to insert the piece every time it is done.

A resident had concerns if it were to be a daycare. Manager Rambo stated that a daycare has specific definitions and then read the amended definition of a home occupation. Chairman McCaffrey noted the BoS is feeling their way through this and trying to find some accommodations for the person's use of the property considering the surrounding area and maintaining the look and character of the neighborhood that adjoins it and felt this is the best they could come up with.

Andrew Gottlieb of Horseshoe Pike asked for clarification, if a house could be leased to someone and then could that leased house be used for home occupation. Manager Rambo stated there is nothing that does not permit it; they would have to follow the same rules that are in the zoning ordinance. Interior changes to operate as offices would have to be submitted to the building inspector and would have to meet code. Supervisor Obernier clarified that they are not passing this ordinance for just one property.

Adjournment from Public Hearing was at 8:09 p.m.

Re-Opening of Township Meeting was at 8:09 p.m.

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.

Additional comment period on the proposed Zoning Ordinance NO. 04-03 dealing with Home Occupations. Andrew Gottlieb asked if the BoS was comfortable with his property. Manager Rambo noted that it would be more proper to say "with everyone's property" so that the Board can treat everything across the Board and not be site specific.

The Parks and Recreation Board continues their search for volunteers to assist with the Township's Community Day Celebration scheduled for Saturday, September 25, 2004. There were no comments made.

The Township Manager is finalizing the bid specifications for the collection of solid waste and recycled materials for a September 2004 advertisement. Manager Rambo noted the bids would be opened at the October 7, 2004 meeting.

Discussions are continuing with surrounding municipalities with regard to police services. Manager Rambo, Vice-Chairman Lindborg, Chief Werner, the Honey Brook Township Manager, and a Honey Brook Township Supervisor have met with legal council with regards to gathering information and what would be suggested to proceed. They are looking at going to a merger and trying to come up with a means to do contractual basis first before considering anything else. Vice-Chairman Lindborg noted they have to see how it would benefit West Brandywine Township. Supervisor Obernier asked if other Townships had expressed any interest. Manager Rambo noted that West Caln was interested to some degree, however they have not attended the meetings.

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. Manager Rambo noted there have been recent revisions that Dale Barnett has been looking into.

The Township Codes Office and Manager are in the process of preparing a zoning amendment with regard to fences and their placement. Chairman McCaffrey asked about the consideration of signs to allow freedom of expression. Manager Rambo will add signs to the amendment. Supervisor Obernier suggested they label those types of signs as an opinion statement.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

There was no Old Business from the Board.

Ordinances and Resolutions

Ordinance NO. 04-03; amendments to the Township's Zoning ordinance dealing with home occupations. Chairman McCaffrey noted there were very few comments during the hearing. Vice-Chairman Lindborg made a motion to adopt Ordinance NO. 04-03 after discussion, there didn't seem to be any downside to it and people were given opportunity to talk. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

New Business

The Township has begun its 2005 budget preparation. There were no comments made.

Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission recommended approval of Hide Away Farms Cluster Option (fifty-seven lot) final plan to the BoS. This plan was presented to the BoS in 2002. The Manager recommended conditioned approval based upon the establishment of all required escrow funds for public improvements and inspections, as well as submitting seven sets of final plans for signing and recording, in addition to the pertinent documents for Homeowners Association and maintenance of easements. Manager Rambo noted they are waiting for the plans and the escrows to be established, they can take the conditioned approval, the escrow review that Jim MacCombie has approved to the bank so that the developer can get their funding. John Good has reviewed and signed off on the Homeowners documents. Vice-Chairman Lindborg made a motion that they recommend conditional approval for Hide Away Farms Cluster Option plan with the conditions as noted by Manager Rambo. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye. Chairman McCaffrey recommended that if there are to be items voted on, that they be better delineated on the agenda.

Manager Rambo noted another recommendation was to establish a Conditional Use for the Ridings of Hibernia, which they have done.

The Township's Police Chief, Supervisor Obernier, an East Brandywine Officer and Manager, and Manager Rambo met in July with an organization known as Cost Recovery Corporation with regard to Police Billing for Service for accidents and such. After meeting with them and requesting additional information Chief Werner and Manager Rambo met with the Township's insurance

company. They have received a letter back from the insurance company who recommended against the Township engaging in these services. Currently there is no state statute to do this. Supervisor Obernier noted that 72% of the accidents they have in WBT involve people from outside the Township. He had asked Chief Werner to look into cost recovery and these folks from Ohio are the only ones that do it, they have no clients in Pennsylvania yet.

Vice-Chairman Lindborg asked why would they use an outside source to generate bills and not do it in-house. Supervisor Obernier stated they had discussed that, and one option they had was having the police secretary bill the insurance company. Vice-Chairman Lindborg asked what the benefits would be to get this company involved? Supervisor Obernier stated that the advantage would be that it wouldn't cost them anything, the insurance company would pay for their fee, the Township would have no man-hours expended on it at all, they would just send them the information and this company would recover the money. The alternative is to have it done in-house, but the bottom line is that Pennsylvania state law doesn't permit this for police departments. Manager Rambo commented there were still a lot of unanswered questions.

New Business from the Floor

Karen Vollemecke of Cedar Knoll Road was concerned about the Valley View housing development's sewer drain fields being too close to her property line, considering the setbacks and buffers. Manager Rambo stated that the County requires the drain fields to be 10-foot from the property line. Chairman McCaffrey asked about their requirement to maintain a 20-foot buffer. Supervisor Obernier asked if her farm is in an agricultural security area. Karen Vollemecke answered that it certainly should be. Chairman McCaffrey stated that Karen has written several letters and is also on the Agricultural Security Committee. Vice-Chairman Lindborg stated that it was partially his fault, that he doesn't have the time, he would like to resign from the committee and have someone else take over. Chairman McCaffrey suggested that as part of the committee's activities they enact a Vice-Chairman, and then if the Chairman is not there the Vice-Chairman can hold the meetings.

Karen Vollemecke would like to see the buffer near her property where they put the drain fields. Chairman McCaffrey asked how could you declare a buffer strip, and then permit activity within the buffer and still call it a buffer. Manager Rambo noted that within the planted buffer there couldn't be any structure of any sort, the drainage field isn't, according to definition a structure. Manager Rambo will look at the plan and speak to the developer and County.

Karen Vollemecke asked about a barking dog ordinance and stated there is a dog barking during the night. Chief Werner suggested she call the office in the morning to file a complaint.

Kim Hoopes felt they placed an inadequate buffer behind his house where Sutton Woods is and asked what criteria needed to be met. Supervisor Obernier stated that every developer asks for a waiver on the tree/shrubbery-planting requirement. Since Kim Hoopes feels there is an inadequate buffer and the money is in escrow they can require them to do more. Manager Rambo stated they would check to make sure they have the buffer according to the plan when they dedicate it. Chairman McCaffrey felt that holding money in escrow until the end to make sure that the buffer meets what they want is better than to grant a waiver of the buffering.

New Business from the Board

Chairman McCaffrey noted the NATAT convention in Washington the following week.

Supervisor Obernier noted an article that was in the latest edition of Township News about accreditations of Police Departments. This subject came up a few years back and after a brief review they recognized there was no way they could possibly do it at that time, but the Police Department should make this a goal to try for that accreditation. Vice-Chairman Lindborg asked how the accreditation would be beneficial. Supervisor Obernier answered a more professional police department, a safer department, and provide a better level of service to the Township's residents. Chairman McCaffrey would also like to find out about the accreditation agency. Chief Werner stated that Police Chief's across the state put the accreditation initiative together. MOPEC and the state police came up with the standards.

Manager Rambo noted that back in 1993 he had DCA in to do an overview of all Township operations, Gerry Joarskovich who did part of the police review is now the directing manager of the accreditation teams. They would come out and compare what was recommended years ago and see where we are now with regards to manpower, facilities, etc. Chairman McCaffrey noted that he doesn't want to be pushed into hiring more people than they feel is necessary for our community. Our community may have certain qualities or characteristics where you can't look up in text book and have a formula for. He doesn't want someone from an outside agency to dictate how many people you have working or whether the shower has an appropriate number of holes. He doesn't feel that the expense is worth a piece of paper that won't have any benefits. Supervisor Obernier stated he wasn't thinking about holes on a showerhead, and felt he was clear that maybe they can't afford to do everything that needs to be done, but it seems that looking at this or a portion of it can't help but to make the department better. They have a good department, they are all happy with it, but there wouldn't be any harm in making it better.

Chairman McCaffrey noted that the way it was referred earlier sounded like a goal was set for years of effort. He likes a tailor made organization that works the way that people here like it rather than having it meet someone's arbitrary standards somewhere else. Vice-Chairman Lindborg asked what the cost would be associated with it. Supervisor Obernier stated he wasn't asking for that, he is asking for the Chief to make a list of things that he feels need to be done to apply for the accreditation. Manager Rambo noted that it doesn't cost anything to have them come out for an overview.

Supervisor Obernier suggested for Community Day that they run an electric line from the amphitheater to the edge of the parking lot. Manager Rambo noted that last year they hooked up all the inflatable's to the same outlet, which blew the circuit breakers rather than splitting it. This year the company they hired will bring in their own equipment. Supervisor Obernier feels that an outlet there would also give the Police Department an opportunity to plug their cars in to recharge their batteries.

Tom Eells Director of Public Works stated they would have to dig up the grass and run conduit under there and across the walkway. They would have to make sure the panel is adequate to handle additional outlets. Supervisor Obernier would like Tom Eells let the BoS know the costs associated with this. Chairman McCaffrey suggested they run a cord across for this Community Day.

Public Comments (individuals not requesting to be on the agenda)

There were no comments made.

Open Issues Before the Township

Cable Franchise. Manager Rambo noted he followed up with a second letter. Supervisor Obernier feels they are just not responding. Manager Rambo will call the cable franchise representative. Supervisor Obernier suggested they review their contract, that Comcast's total lack of response is inappropriate. Chairman McCaffrey noted that several other Townships have renegotiated their cable contracts. At the request of Chairman McCaffrey and Supervisor Obernier, Manager Rambo will send a certified letter stating that the BoS is dismayed at the total lack of response for the past six months and they would like to get an explanation of how to get a response from Comcast.

Facility/Park Update

Interest rates on the variable rate Park and Building Bond are 1.66%. Chairman McCaffrey noted that was higher than it had been in a while. Supervisor Obernier noted there is a chart placed in the meeting books in the reports section, that shows the fluctuation of the bond rate from the beginning.

Review and Payment of the bills

Manager Rambo noted bills for the State Fund, Solid Waste Fund, and General Fund totaling \$61,727.75. 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

- Municipal Authority meeting, Thursday, September 9, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, September 13, 2004 at 7:30 p.m.
- Park and Recreation Board meeting, Tuesday, September 14, 2004 at 7:30 p.m.
- Conditional Use Hearings; Conti Property, Route 340 & Pratts Dam Road, Wednesday, September 15, 2004 at 7:00 p.m., Brandywine Meadows (Mayes Tract), Highspire Road, Wednesday, September 15, 2004 at 8:30 p.m.
- Board of Supervisors meeting, Thursday, September 16, 2004 at 7:30 p.m.
- Planning Commission meeting, Thursday, September 23, 2004 at 7:30 p.m.
- Conditional Use Hearing, Tuesday, September 28, 2004 at 7:30 p.m., Ridings of Hibernia.

Joan Thompson asked for an update with regard to CASD. Manager Rambo stated they have not received an acknowledgement with regard to the budget being public record from them yet and will contact John Good asking him how they can get it. The CASB representatives have been sent letters with regards to attending an upcoming BoS meeting.

Adjournment

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:06 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