

**Meeting Minutes of December 18, 2003
Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of December 18, 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 7:45 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.

Chairman Obernier moved on to address the Treasurer's Report. Manager Rambo presented the Treasurer's Report for the month ending November 2003 as follows:

General Fund.....	\$34,145.38
Solid Waste and Recycling Fund.....	\$1,418.70
Capital Reserve Fund.....	\$972,286.31
Developer Escrow Fund.....	\$253,422.41
Construction Sweep Fund.....	\$2,390.61

The Chairman moved on to address Public Comments (those individuals requesting to be on the agenda). The first item under Public Comments to address was Ross Unruh, Esquire is in attendance to talk to the Board of Supervisors about the request of Dr. Gotleib for a zoning map change for properties on Horseshoe Pike just west of the Culbertson Run Road, Springton Road, Little Washington Road and Horseshoe Pike intersection. Ross Unruh explained the best way to accommodate a change to RM so that Dr. Gotleib could open up a doctor's office would be to extend the RM district further to the north. Two parcels located near there already have the RM zoning. Ross would like the Boards input before going to the Planning Commission. Dr. Gotleib noted that the house that he intends to use as a doctor's office is next to the dentist office that is zoned RM.

Chairman Obernier asked how many doctors' plan on utilizing the office. Dr. Gotleib explained the house is small, that the medical doctor would be utilizing the office for the next couple years; he would probably see three or four people per hour. Dr. Gotleib may join him after a few years and that would increase the amount of people by another three to four per hour. Dr. Gotleib is willing to come before the board in the future should the need arise to discuss traffic problems.

Manager Rambo noted that this is directly adjacent to existing RM. Dr. Gotleib's proposed plan would fall under the Act 209 for road improvements. He would have to do a study that shows standard trips. Dr. Gotleib will go to the January Planning Commission meeting.

The next order of business to address was the Acceptance of Minutes from October 31, 2003, November 5, 2003, November 20, 2003, and December 4, 2003. Supervisor Lindborg made a motion to accept the Minutes of November 5, 2003 and November 20, 2003. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye. The Minutes of November 20, 2003 and December 4, 2003 were tabled.

The Chairman moved onto Correspondence/Communications - Information to note and act upon. The Board of Supervisors is in receipt of an amended Tax Collection Contract and associated resolutions from H.A. Berkheimer, Inc. with regard to the collection of the Open Space Tax being considered. Manager Rambo noted that this will come up for further discussion under new business.

The second item to act upon was the Township is in receipt of a resignation letter from Colin Judge of the Parks and Recreation Board. Supervisor Lindborg made a motion to accept the letter of resignation from Colin Judge. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The third piece of information to act upon was the Township is in receipt of a resignation letter from Kristen Boldaz of the Parks and Recreation Board. Supervisor Lindborg made a motion to accept the letter of resignation from Kristen Boldaz. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The fourth piece of information to act upon was the Board of Supervisors to vote on the final draft of the Community Values Survey scheduled for mailing as part of the Comp. Plan update fact gathering. Supervisor Lindborg stated he was okay with the survey but was not sure what will be accomplished by the survey. Vice-Chairman McCaffrey thought that some people may be offended by some of the questions on the survey. The Board's general consensus was to give Vice-Chairman McCaffrey some time to edit the survey so Vice-Chairman McCaffrey would be satisfied with the questions on the survey. The Board will make a decision at the next Board meeting.

The next piece of piece of information was the Board of Supervisors is in receipt of a resignation letter from Howard Lambert of the Historic Commission. Supervisor Lindborg made a motion to accept the letter of resignation from Howard Lambert. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The next piece of information to act upon was the Board of Supervisors to determine if they will be participating in the 2004 – 2006 Regional Household Hazardous Waste Collection Program of the County as in the past. Manager Rambo recommended that the Township participate. Supervisor Lindborg made a motion that the Township participates in the 2004 – 2006 Regional

Household Hazardous Waste Collection Program. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The next item on the agenda to act upon was the Board of Supervisors is in receipt of John E. Good's review letter with regard to the zoning change being considered for the Irish Oaks property and the Board to determine whether to move forward with the proposed change. Manager Rambo noted they would like to add uses to the RM that would include commercial recreation facilities, bowling, tennis, swimming, go-cart track, rock climbing, and similar operations. Steve DiMarco is willing to take the Board to some sites that have go-cart tracks and also show a videotape of the cars running. Supervisor Lindborg noted the current lighting issue and also asked if noise would be an issue as well. Manager Rambo will request a more detailed list of what the Irish Oaks operation will consist of from Steve DiMarco

The next item addressed was the Township is in receipt of a sixty-day letter of extension from JoAnne Speers for the review of her final subdivision plan. Supervisor Lindborg made a motion to accept the sixty-day letter of extension. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

Information to Note was the next item of business on the agenda. The Township will be participating in the 2004 – 2005 Chester County Intermediate Unit purchasing program for fuel oil, gasoline, and copy paper. There were no comments made.

The Township is in receipt of the Chester County Planning Commission review letter for the proposed zoning map change in the area of the Janiec Project. Manager Rambo noted this will come up for discussion once they move forward for adoption of the proposed zoning map change in conjunction with the Janiec project.

The next piece of information to note was John E. Good, Esquire has forwarded the Township a Certification letter for the completion of the Township's Community Park. Manager Rambo noted the letter was forwarded onto the County along with the final reimbursement request for the Park.

The final piece of information to note was Fran Rubert of DCNR has provided the Township with a final site inspection report for the Township's Community Park. Manager Rambo noted he has sent correspondence back to Fran Rubert with regards to his report.

Chairman Obernier moved onto the Reports of Departments for the month of November. Walt Werner was present from the Police Department to give the police report. There were no comments made. Tom Eells gave the report from the Road Department. Jesse Edwards was concerned about a tree stump on Culbertson Run Road. Tom Eells will remove the stump. Dale Barnett gave the report from the Buildings/Codes Department. No comments were made. Manager Rambo gave the report of the Fire Marshal and the Fire Department reports from East Brandywine, Wagontown, and Martin's Corner. There were no comments made.

Chairman Obernier moved onto Reports of Organizations, Boards, and Commissions. John Cassels gave the report of the Planning Commission. There were no further comments.

Being there was no one present from the Historic Commission or the Park and Recreation Board the Chairman moved onto the report from the Municipal Authority. Manager Rambo gave the report from the Municipal Authority and noted that the individuals who served on the Kimberwick system will be seeing a 10% increase in rates that is do to escalating insurance costs and updating of equipment. There were no comments made.

Adjournment from the Township Meeting was at 8:08 p.m. and the Opening of the Public Hearing was at 8:08 p.m. The Public Hearing was regarding Ordinances No. 03-18. Manager Rambo noted the Ordinances is pursuant to Act 153 of 1996 to authorize an increased existing tax on earned income to purchase open space property. The Manager noted this was duly advertised as required by law. John E. Good, Esquire finds the wording of the Ordinance satisfactory. The amount will be an additional 1/8th of one percent on earned income.

Chairman Obernier wanted clarification as to what “net profit” would be and if farmers would be paying into this. Manager Rambo stated if they make a net profit then they would have to pay into this.

Jim Dix of Fraser Boulevard stated he supports this Ordinance for an additional tax for the purchase of open space.

Edward Baldwin of East Reeceville Road stated his opposition to the Ordinance and felt that as a farmer he shouldn't have to pay the Open Space Tax.

Supervisor Lindborg explained that Ed Baldwin was fortunate that he was able to still work his farm, but there are people in a different position that can't. The money can be used along with additional funds from both the County and State to help preserve some of the farms that otherwise would have to go to developments.

Ed Henderson of Horseshoe Pike supports the Open Space Ordinance. He owns a farm and stated that unfortunately it's a loosing battle and they are in need of help.

Chairman Obernier explained that some people on a fixed income struggle to keep their property and they are being forced to sell.

Supervisor Lindborg noted they had put this Referendum on the ballot as a non-binding referendum and there had been some confusion as to what the people in West Brandywine were voting for, some thought they voting no against the City of Coatesville building the golf facility. The Open Space Referendum passed by over one hundred votes.

Vice-Chairman McCaffrey explained that because they are moving forward with the Open Space tax that does not mean they are in any way supporting or contributing to the loss of Saha's farm.

Chairman Obernier viewed the Open Space vote results in a different way than Vice-Chairman McCaffrey and explained that in the West precinct, the Open Space referendum vote failed by two votes and felt that due to some confusion by some of the people that voted for the Open Space referendum there would have been as many yes votes in both precincts by percent; that some

people thought they were voting “yes” they were against the City of Coatesville taking the Saha land. Chairman Obernier finds it difficult to accept the vote that passed by such a small margin. He is in favor of saving Open Space but is opposed to passing the Open Space tax today. There is no plan in place of how they will select properties or manage the money. Manager Rambo noted the expected amount of money that would come in the Township with the Open Space tax would revenue between \$125,000 to \$140,000 per year.

Chairman Obernier was concerned that everyone wants to hurry up and pass this Ordinance because they can't afford to lose the \$140,000 per year. At the last board meeting a developer came in and agreed to donate almost 200 acres of ground to the Township that is worth about \$8,000,000. He felt that the most effective way to do this is to take their time and put the plan in place before they start collecting the money. He is in favor of saving Open Space, but is against rushing ahead just to pass this.

Vice-Chairman McCaffrey explained they are moving slowly that this was suggested more than four years ago and was also brought up again at the organizational meeting at the beginning of this year. The Vice-Chairman had done his own survey regarding Open Space four years ago and people thought that this was a good idea. Literature was sent to the Board Members. He noted that the \$140,000 could be parlayed into much more. Every other community has already adopted an Open Space plan.

Supervisor Lindborg explained his intention is to get the resident's input through public hearings and public meetings. The public should be able to give us their input, if they have a particular piece of ground they are looking at or a way they are looking to invest some of the money for preserving open space.

Chairman Obernier said the Board agreed to have meetings before the end of the year to get the public's input and isn't aware of any Open Space conversations with one exception that was at a Planning Commission meeting. Manager Rambo noted they had discussions that pertained to open space at a few of the Supervisors meetings.

Vice-Chairman McCaffrey noted if you are not earning any money then this tax would have no impact on you. This tax is based upon net profits has a specific purpose.

Jesse Edwards stated he gets nothing from the County for the taxes he has paid for the past forty years. Supervisor Lindborg explained that he has the County roads, court system, justice system and about \$260,000 from the County toward the Township Park. Jesse Edwards stated that if you don't go to court then what would you get.

Vice-Chairman McCaffrey explained that the park was a perfect example of open space, that if they didn't put any money toward the park, then the County wouldn't have put any money into it. If they collect the money and it is not going to be used for the purchase of open space then it should be refunded. The money can't be used for anything else.

Chairman Obernier stated you could, that there are no rules attached to this. Vice-Chairman McCaffrey stated that it would have to be for real property acquisitions and cannot be used to purchase anything else.

Supervisor Lindborg noted the part of ordinance that reads “ the money that is collected as a result of this additional tax shall be used to purchase interest and real property and/or to make additional acquisitions of real property for the purpose of securing open space benefit in the Township as more particularly set forth and required by Act 153 of 1996.” This statement narrows the scope that you can use the money for this purpose only.

Chairman Obernier expressed concern that they are moving forward with the Open Space tax without a solid plan. Everyone had promised that they would work out all of the details before tonight’s meeting.

Supervisor Lindborg motioned to close the Public Hearing at 8:42 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Chairman Obernier reopened the Township Meeting at 8:43 p.m. and moved onto Old Business. The first piece of Old Business was the Board of Supervisors continues their search to fill the Building Appeals Board that will be established in 2004 and the recent resignations of the Parks and Recreation Board. An advertisement will be placed in the paper for the Parks and Recreation Board.

The second piece of Old Business pertained to final discussions pertaining to Ordinance No. 03-18, the imposition of an additional 1/8% Earned Income Tax for the preservation of Open Space. Chairman Obernier asked if anyone was confused about his position on this issue. There were no comments made.

Vice-Chairman McCaffrey felt that this Open Space Ordinance is a good idea that has been a long time in coming.

Jim Dix asked if Social Security is considered income. It was noted Social Security is not but unemployment is considered income.

John Cassels of East Reeceville Road asked if the Board intends to establish an Open Space Committee to look into tax parcels that would be pursued for preservation. Chairman Obernier stated it would help if they had a group that put at least the framework together for purchasing developments rights, park land, etc. and where they would be willing to spend the money.

Manager Rambo hopes that the framework was started for a written plan with the presentation that he recently gave to the Planning Commission, it included some of the key parcels they are trying to acquire by donation that are adjacent to other large ones that dovetails right into the center of the Township. It was also presented to the Comprehensive Planning Committee. The Manager recommended that some Planning Commission Member’s serve on this Committee.

Chairman Obernier appreciated John Cassels thoughts about forming a committee but noted there will be a vote tonight and the other Board Members will vote for the Open Space Tax. If the integrity is there then the committee will be formed.

The third piece of Old Business was the 2003 winter edition of the newsletter is being prepared for distribution. Chairman Obernier thanked Pat and Jesse Edwards for their volunteer work in preparing the Newsletters for mailing.

The last piece of Old Business was final discussions on the proposed 2004 budgets. Manager Rambo noted the budgets had been presented to the Board at the November meeting and has been available for public review. There were no comments made.

Being there was no Old Business from the Floor or Old Business from the Board the Chairman moved to Ordinances and Resolutions.

Ordinance No. 03-18; imposition of an additional 1/8% Earned Income Tax. Vice-Chairman McCaffrey motioned to enact Ordinance No. 03-18. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye. Chairman Obernier voted nay due to reasons he explained earlier in the meeting.

Resolution No. 14-03; adoption of the 2004 Operating Budgets.

Resolution No. 15-03; adoption of the 2004 Real Estate Tax

Resolution No. 16-03; adoption of the 2004 Fire Hydrant Tax.

Resolution No. 17-03; adoption of the Solid Waste & Recycling Fee.

Manager Rambo noted the following taxes will remain the same with no increase for 2004; Real Estate Tax is .861, Fire Hydrant Tax is .15 milage, Solid Waste and Recycling Tax is \$164 per year.

Supervisor Lindborg made a motion to adopt Resolutions No. 14-03 through Resolution No. 17-03. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Resolution No. 18-03; appointment of Liaison between Berkheimer and Township. Supervisor Lindborg made a motion to adopt Resolution No. 18-03 appointing the Township Manager as Liaison between Berkheimer and the Township. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Resolution No. 19-03; appointment of Berkheimer to collect Open Space EIT. Supervisor Lindborg made a motion to adopt Resolution No. 19-03. Vice-Chairman McCaffrey seconded the motion. The motion carried with two aye votes from Board Members Lindborg and McCaffrey. Chairman Obernier voted nay because the tax does not come up for review each year.

New Business was the next item on the agenda. The Township is to sign the H.A. Berkheimer, Inc. amended collection contract. Supervisor Lindborg made a motion to sign the amended contract.

Vice-Chairman McCaffrey seconded the motion. The motion carried with two aye votes from Board Members Lindborg and McCaffrey. Chairman Obernier voted nay.

The second item under New Business was the final release request of escrowed funds for the Stone Barn Project totaling \$48,393.51 and the third item was the final release request for remaining Ashberry Lane funds. The Manager recommended that both items be tabled until he receives the final approval from the Township Engineer. Supervisor Lindborg made a motion to table both items as listed above. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The final item under New Business was the Township office will be closed on December 24, 2003, December 25, 2003, and January 1, 2004. There were no comments made.

Chairman Obernier moved onto New Business from the floor. A resident asked for clarification from the Chairman as to what he meant when he voted nay on the Open Space Ordinance Tax. Chairman Obernier stated he would have liked it so that every year the Board would review the Open Space Tax and vote on it, but that is not how it was written. Manager Rambo noted that it is a three-year contract from Berkheimer.

The Chairman moved onto New Business from the Board. Vice-Chairman McCaffrey would like to see Newsletter articles about our residents that are serving overseas. Chairman Obernier suggested that the Township website include more elaborate articles since the Newsletter space is limited.

Being there were no Public Comments, Chairman Obernier moved onto Open Issues. The first Open Issue was the Cable Franchise review letter. Manager Rambo noted the list is being formulated with regards to what addresses were not found so they can be presented to the cable company. Chairman Obernier asked the number of addresses that were found. Manager Rambo noted they are still being tallied.

Chairman Obernier asked that the Manager request a specific list of items from the cable company on behalf of the Board that the Township receives the 5% fee on.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. The current interest rate is 1.37%. Manager Rambo stated the average adjustable rate in the last ten years has been 3.9%. Chairman Obernier noted that Supervisor Lindborg was concerned that at some point the adjustable rate may become more expensive than the fixed rate. Manager Rambo suggested when the rate goes up to 3% they should start looking into getting a fixed rate.

The Chairman moved onto the payment of the bills for the General Fund, State Fund, and Solid Waste Fund totaling \$53,810.86. Supervisor Lindborg motioned to pay the bills and Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Board of Supervisors meetings (re-org & 1st of year), Monday, January 5, 2004 at 7:00 p.m.

- Historic Commission meeting, Monday, January 5, 2004 at 7:30 p.m.
- Board of Auditors meeting, Tuesday, January 6, 2004 at 7:30 p.m.
- Municipal Authority meeting, (re-org & 1st of year), Thursday, January 8, 2004 at 7:00 p.m.
- Parks and Recreation Board meeting, Thursday, January 13, 2004 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, January 15, 2004 at 7:30 p.m.
- Planning Commission meeting (re-org & 1st of year), Tuesday, January 22, 2004 at 7:30 p.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:06 p.m. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye in favor of adjournment.

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