

Meeting Minutes of November 18, 2004 Board of Supervisors

Vice-Chairman Lindborg called the Board of Supervisors Meeting of November 18, 2004 to order at 7:30 p.m. and then led those present in the Pledge of Allegiance. Vice-Chairman Carl S. Lindborg and Supervisor Josef G. Obernier, Sr. were in attendance. Chairman Thomas J. McCaffrey arrived at 7:40 p.m. 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.

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

Marie Pantalone of McMahon Associates, Inc. is in attendance to present the Board of Supervisors with the ACT 209 Roadway Sufficiency Analysis and Transportation Capital Improvements Plan. Ms. Pantalone gave a detailed outline of the roadway analysis and transportation improvements and noted the Land Use Assumption Report that was adopted by the Board in April 2004, served as the basis for the future development traffic projections within the Roadway Sufficiency Analysis that she was presenting tonight for the Boards approval. The costs of the roadway improvements have not yet been determined, if the Roadway Sufficiency Analysis is adopted this evening, then the Transportation Capital Improvements Plan will be completed and available for review in early December. The scope of the Roadway Sufficiency Analysis included twenty-two intersections and ten roadway segments. Ms. Pantalone outlined the recommended needed road improvements within the Township and noted after the completion of the Transportation Capital Improvements Plan the Board would then have the opportunity to adopt the Transportation Capital Improvements Plan and Traffic Impact Fee Ordinance.

Vice-Chairman Lindborg asked what the recommendation was for Hurley and Reeceville Roads. Ms. Pantalone answered that the development-conditioned improvement is to add a left turn lane northbound on Reeceville Road for entrance onto Hurley Road, there is also a recommendation for a traffic signal.

Supervisor Obernier asked Ms. Pantalone when she referred to the intersection of Swinehart and Route 322 was she referring to the current intersection or the relocated intersection. Ms. Pantalone answered the current intersection and noted that a traffic signal has been identified as needed there regardless if the roadway is realigned or not.

At this time the meeting was turned over to Chairman McCaffrey who had just arrived. Chairman McCaffrey asked Ms. Pantalone if this plan could be amended as time passes. Ms. Pantalone answered absolutely, at any time if you feel it is outdated there is always the opportunity to go back and reinvestigate and revise the analysis accordingly. Chairman McCaffrey commented that a plan like this gives the Township a chance to take all the subdivision developments as a group with their accumulative affect over time, rather than looking at each one individually.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of a letter of extension from Drew Taylor of Nave/Newell with regard to the St. Peter's Church Preliminary Land Development Plan. Vice-Chairman Lindborg motioned to accept the letter of extension dated October 28, 2004. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Genterra Corporation has forwarded the Township a letter dated November 11, 2004 with a list of waiver requests for the Susan B. Maes 2-Lot Minor Subdivision Plan. Vice-Chairman Lindborg made a recommendation for the Board to take the waiver requests under consideration. The waiver requests were tabled.

Theresa R. Lemley, Esquire of Riley, Riper, Hollin & Colagreco has forwarded the Township a petition to amend the Township's Zoning Ordinance and establish a Transfer of Development Rights Ordinance. Vice-Chairman Lindborg stated this deals with the potentially proposed fifty-five plus community. The Board tabled this item until further review and will take this under consideration.

The Chester County SPCA has forwarded the Township a copy of the 2005 Boarding and Animal Protective Services Contracts for review and consideration. Vice-Chairman Lindborg motioned to table signing the contract until further review. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Charles M. Pennypacker has forwarded the Township correspondence with regard to the possible sale of his client's property to the Township. The Board will consider the purchase of the property after the Township Manager obtains an appraisal. At this time it was noted that Manager Rambo had arrived. Manager Rambo noted that there are two parcels, one 1-acre and one 1.2-acre parcel that abut the 6.9 acres the Township currently owns.

Correspondence/Communications *Information to Note*

The Township is in receipt of an email from John Zaleski of the Coatesville Taxpayers Alliance requesting to be on the December 2, 2004 agenda. There were no comments made.

The Township is in receipt of correspondence from John E. Good, Esquire with regard to voluntary contributions. Chairman McCaffrey stated that there are people within the community that are looking into alternatives for CASD, part of which involves secession within the district. The governing body of the Township has not taken a position on it and is open to suggestions; however, the contribution of funds to any group within the community is illegal, except for certain specific groups. Vice-Chairman Lindborg then read the Township solicitor's letter dated November 10, 2004 out loud.

The Township is in receipt of correspondence from John E. Good, Esquire with regard to the acquisition of property at a public auction. Manager Rambo stated this is with regards to a 4-acre parcel on Hurley Road that abuts 18-acres that the Township owns. Manager Rambo stated they would have to have an executive session to set an amount they would be able to go up to for the bid. They could use open space funds to purchase it, deed restrict it, purchase the easement right-of-ways through it to abut the Township's property, then in the future they would have to sell it and put money back into the open space fund, less any deed restrictions or easements that the Township put on the property.

The Police Department is in receipt of a letter of thanks for the forwarding of care packages to the soldiers in Iraq. Chief Werner noted that Township resident Joyce Kline stated that the men and women in Iraq are in need of items such as powder and powdered drink mixes, etc, so the Township has been and is still collecting donated items. Some items have been sent to Iraq already. Donations are being accepted at the Police Department.

The Reeceville Elementary School PTA has forwarded the Township a letter of thanks for the allowing of a book drop-off box at the Township building. There were no comments made.

H. Craig Tyson of 135 Hurley Road has forwarded the Board a letter with regard to Ordinance No. 04-04. Manager Rambo suggested the letter be read the out loud during the Public Hearing.

Comcast Cable has forwarded the Township correspondence with regard to Video-On-Demand revenue. Manager Rambo read out loud Comcast's letter dated November 9, 2004. There were no comments.

Reports of Departments

Chairman McCaffrey then moved onto the Reports of Departments for the month of October 2004. Chief Werner presented the police report. There were no questions or comments. Tom Eells presented the Public Works report. Dale Barnett gave the report from the Buildings/Codes Department. Manager Rambo gave the report of the Fire Marshall, Wagontown Fire Department, Martins Corner Fire Department, and also East Brandywine Fire Department. Manager Rambo noted he received a report for the whole year for East Brandywine Fire Department because there was a problem in receiving their reports by fax. There were no comments.

Reports of Organizations, Boards and Commissions

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of October. John Cassels gave the report of the Planning Commission. There were no comments. 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 Municipal Authority received seven bids for the Connies Drive gravity line that ranged from \$162,000 to \$336,000 that are under review by the Township Engineer and Authority Manager. They are currently looking into the cost of replacing the current pipe in-lieu-of lining it and suggested the Public Works department is competent to do the work at a reasonable figure. With regards to Bentley Communities, they are waiting to hear from the Keagan's with regard to an easement for location of a pump and gravity line; at that point the Authority will have to determine what they want to do in pursuing the easement needs for Bentley and also benefit the Township in the future with regard to the location of the pump station, which would include Kimberwick sewer district also.

Continued efforts are on going with regards to Bentley Communities and the Authority in talking with Pennsylvania American to see if sewer capacity would become available, so that there would be no need to consider the construction of a new treatment facility. Manager Rambo would like the Board's consensus so that the Municipal Authority would know that the BoS would amend the Act 537 Plan to allow additional effluent to go into the Friendship Village sewer system.

Chairman McCaffrey asked if this would be available to anyone in the community that would want to participate in this system. Manager Rambo stated that it will address those that he had originally talked with, such as Bentley, Genterra, and other properties along Route 322. Supervisor Obernier noted that there is no expectation of higher density as a result. Chairman McCaffrey was concerned that if they open up the heartland areas of the community with a sewer line this would cause more intense development from anyone who wishes to participate in the sewer project. Manager Rambo then listed all of the current potential parcels that could utilize the sewer line and felt that by the Township having the "Open Space" option with community systems, it does that now. Manager Rambo stated Bentley is still willing to talk and consider having their sewer go to Coatesville.

Chairman McCaffrey expressed misgivings with the concept, and would like to know about the coincidental effects before he decides, and would like to seek legal council with regard to what rights all these additional properties along there may have to connect. Vice-Chairman Lindborg stated he had similar concerns that Chairman McCaffrey expressed, he is in favor if possible and feasible to pump the effluent down to the treatment facility in Coatesville and would also like to see details for the property owners' rights to connect. Supervisor Obernier stated that the Municipal Authority manages the spray irrigation plant, and whatever money they spend on it, they have to get from those folks that are on that system. They are always throwing more money into the Kimberwick spray irrigation plant. Supervisor Obernier also agreed that he didn't want to open up the Township to increase the density of development. He felt that if they just have a collection system and get out of the treatment business it would be the best and cheapest service for the people that live there.

Adjournment from Township Meeting 8:15 p.m.

Opening of Public Hearing 8:16 p.m.

Hearing on Ordinance No. 04-04 dealing with the discharge of firearms in residential areas. Manager Rambo presented documentation showing that the hearing was duly advertised. The Manager then read Ordinance No. 04-04 out loud. A letter was received from the Township's solicitor John Good, finding the Ordinance to be satisfactory with regards to how it was written.

Public Comment. Manager Rambo presented and read out loud a letter dated November 6, 2004, from Greg Tyson of 135 Hurley Road requesting that the approval of Ordinance No. 04-04 be delayed for a short period until he can research and present to the Township his views as well as request minor modifications to the Ordinance.

Karen Tyson of 135 Hurley Road, wife of Greg Tyson, stated that she and her husband became aware of the Ordinance No. 04-04 after reading an article from the Coatesville Ledger. She felt that this issue was between the person that complained and her husband. Mrs. Tyson presented a

picture of where the house is, compared to where they shoot. They have lived at that location for 18 ½ years and Mr. Tyson has been shooting throughout this time and there had never been a problem. Mrs. Tyson then read the following letter out loud: *After reading the article "WBT reviews shooting ordinance," by Joan Thompson, in the Coatesville Ledger, on November 4, 2004, I realized that the article was in reference to me. This issue is between two residents and should be addressed between the two individuals not through an ordinance for the entire township. I am extremely concerned that the affected resident never contacted me to address their concerns. I was totally unaware that the resident felt that I caused them to be unable to use their backyard and that I was excessively disrupting their enjoyment of their own property. It truly disturbs me that this resident feels that due to my shooting activities, I was affecting their "Quality of Life," while this resident has never attempted to contact me. There was never a chance to work out an agreement that would satisfy both our needs. Instead, the resident contacted the police on two occasions and then when nothing could be changed because I was acting within the law, the resident went to the township to get the issue resolved. I am an avid hunter who sights in my gun and target shoots, maybe 3-4 times a year. I do not shoot in the direction of the resident's house and I always ensure that I act in a safety conscious manner. I thought that I needed to poll my neighbors and asked how they felt about my shooting activities. Each neighbor I contacted reassured me that I have not affecting their quality of life and they had no problems or concerns about my shooting. I also asked if they would be able to attend the township meeting on November 18th. As some residents will not be able to attend, I am asking that you accept the signature of the resident below to confirm my shooting activities have not been discourteous, nor have the residents felt in harms, nor do the residents feel their quality of life has been affected.*

Jim Connor of Lafayette Road noted that the State Game Commission has a shooting area that is only twenty minutes away. He feels that the time is coming in WBT, where the Township is getting so densely populated, the Township has to do what they have to do to keep people safe.

Bruce Delucca of Country Lane expressed that he favored Ordinance No. 04-04. He stated this ordinance is about being a good neighbor. He moved here in 1978 and the population then was about 4,000 and today there is nearly twice that number. Since moving here in 1978 he endured several incidences including the following, shot gun shell pellets struck trees and then fell onto his roof, while working in his front yard, he also noted nine millimeter rounds went crashing into a tree less than 100 feet from where he was standing, he had confrontations with armed men and boys tromping through his back yard, just off his property line, and the most recent annoyance was on Mother's Day when his mother was over for dinner, when shot after shot rang out behind his property, and he had to close his doors on a warm spring day. He watched his mother's discomfort. Shooting was not permitted in her Township and she wasn't use to it. He had been told that in Pennsylvania you need to maintain a buffer zone of 150 yards from a residence and believes the same safe zone should be applied to target shooting. He believes that this is a good and fair ordinance and was very well written. He noted that similar ordinances were past in other Township's in this County. Mr. Delucca thanked the Supervisors for introducing this ordinance and stated that he has seen this Board in action and is impressed at the care they take in debating issues.

Vice-Chairman Lindborg asked if the incidences that he had experienced with the nine-millimeter rounds, shotguns and so forth, if they had come from a neighbor? Mr. Delucca stated that he was working in his front yard and after being in the military and knowing what rounds sound like when

they crash into things, and one went into a tree one hundred feet from where he was standing. He went looking for who fired it, but could not see anybody, and noted another person that was looking for a deer they thought they shot. Vice-Chairman Lindborg stated that the instances Mr. Delucca has had were not target shooting issues, they were hunters that were closer than 150 yards to his home and wanted to clarify what they are doing is against the hunting laws and not target shooting.

Chairman McCaffrey stated that after hearing Mr. Delucca, that most of what made him uncomfortable isn't going to be corrected by this ordinance. The ordinance here is specifically for people on their own property target shooting. Not people that have come from off their property on to someone else's and are hunting, this ordinance isn't going to correct that problem. And hopes that Mr. Delucca isn't going to be disappointed, once this is enacted that the same things that have happened in the past, will still be permitted. Vice-Chairman Lindborg stated that if someone is shooting too close to his home and are violating the hunting laws he could call the police, that wouldn't be something that is covered under this proposed ordinance. Mr. Delucca felt that it sets the tone and gives the Township a firmer stand than what was in the past.

Lena Zittle of 140 Hurley Road stated they moved into the Township in 1980. The reason they came to the Township is because it is a rural community. She noted an issue they had 2 ½ year's ago with a neighbor that complained about their barking dogs and how they worked it out after talking with the neighbor. She felt that she would like to see Adam Tyson learn to be a safe hunter from his father and that they be able to continue this activity. She doesn't want to lose what WBT is all about. Ms. Zittle believes that safety is needed in the Township, but feels that we owe it to our children to show them that we are better than making rules and regulations.

Wille Jemison of Hurley Road stated he lived in WBT for twenty-six years and lives across the street from the Tyson's and that in all of the years they have lived there, the shooting has not been a problem. He wasn't aware of what the problem is, to put an ordinance in like that with a \$600 fine, there must be a reason for it to be so high, and didn't know if was a personal thing or what. He feels that this needs to be looked at and talked about some more. They have lived in a very good neighborhood for a quarter of a century.

Manager Rambo explained so that everyone was aware, that fines are dictated to the Township by state agencies, they are told what fines they need to levy, based on the types of ordinances and in addition to that, if it is not a fine, they are also told what type of jail term there has to be. Both Dale Barnett and Chairman McCaffrey agreed that the fine could not exceed \$600.

A resident stated that he approved of target shooting if you abide by the law. He took exception to the person that said they were only a couple hundred feet from their property. The Tyson's were only 250' and no more with only a 4' X 4' target. He felt that Ordinance No. 04-04 is a good common sense law. You can target shoot and hunt to your hearts content if you are in the proper location. He is concerned about the violations, first of all, this one incident when there was shooting, his wife had to run into the house, you don't know where the bullet was coming from or if the bullet is coming to you or not, they could have the police verify this. Recently a bullet went right through a house in Honey Brook and fortunately they were not at home and he was concerned that it could happen here in WBT, she could have been killed. He also noted an article in the Daily Local News where a person had four bullets through his garage and hunting season

hasn't even started yet. Manager Rambo stated that hunting season started at the beginning of October for small game. The resident stated that the Township has an elementary school and asked if you have no law, how can you stop these people from shooting?

Vice-Chairman Lindborg asked Chief Werner how many other complaints the Township has had about target shooting. Chief Werner answered one over a period of fifteen years. Vice-Chairman Lindborg took exception to someone using children, stating that by the Board of Supervisors not doing this Ordinance #04-04, the BoS would put the school kids in jeopardy; Vice-Chairman Lindborg stated that is nowhere near where this particular shooting is going on. The resident said are you saying it can't happen? Vice-Chairman Lindborg answered that he was just stating his point, anything could happen. The resident also stated they have Freedom Village where elderly people are walking the grounds, if they have no law within WBT then what protection do you have? Vice-Chairman Lindborg asked if they need this for Freedom Village. The resident said they are not shooting over there, but it could happen, and noted an incident in New Jersey where someone was target shooting at a school building. The fact is that the Township is growing by leaps and bounds, a lot of Townships have this law and he can't understand why they don't have it here. It's not something new that nobody else has. His final comment was that he hopes the Board approves Ordinance #04-04 and feels that it is a good common sense law.

Harold Root of Manor Road stated that the boy has a good backstop, when you try to teach the boy about a gun and nobody wants it to happen, all they talk about is shooting somebody. He is a hunter and a target shooter; he has good backstops and felt that they were just trying to crucify that boy.

Mary Benkovich, who lives next door to the people that are shooting, stated that unless you live next door to a target shooter, you don't know what this is all about. She explained that she was in the woods working and the shooting started and it sounded so close that she just dropped everything and went into the house, that is no way to be in your back yard. She approves of Ordinance No. 04-04 and felt there should be a rule about safety. Vice-Chairman Lindborg asked how far away her home is from this property. Michelle Benkovich answered 340 feet.

Russ Johnson, a hunter and tracker stated that he is surrounded by good neighbors, including the Tyson's. He has been hunting for 69 years and has never had a problem and never shot anybody. He hears the target shooters as he himself has done in the past. He doesn't do that anymore, he goes to a club. He stated that a ground hog had chewed the shed door and car wires, etc., and asked how he could protect his family without discharging his gun and stated that he wants the privilege to be able to shoot the ground hog. Mr. Johnson stated he has 15 acres and already has the privilege to hunt, fish, trap or do whatever he wants to do by state law and disapproves of this Ordinance.

Michelle Benkovich of Country Lane stated they are the original people that brought this issue to the Township. This is not a personal vendetta against one neighbor. They have multiple shooters surrounding them. What the target shooters don't realize is, unless you are on the other end of that gun, you don't realize the sound, when you hear the sound, you can't be outside working. Sometimes it takes up to two hours to calm the animals down, even if you go in the house and close all the windows, you can still hear it. She feels that in her neighborhood there seems to be no regard for the neighbors when the shots go off at 8:00 a.m. or dinner hour, etc. There is not a

regard for neighbors and the noise that you are making, or a regard for the neighbor's safety. They have had three different officers come out to their home and check the area, not one of them could tell them they were safe. She guarantees they are not safe and is in favor of Ordinance No. 04-04 which will give them some safety. The hunting laws are 150 yards, it doesn't make sense that they can't hunt but they can pick up any weapon and shoot it as many times without a fixed target to shoot into. We need to pass this law before something happens, not after. Vice-Chairman Lindborg asked how many times in the past year have these particular people target shot. Ms. Benkovich answered January, February, March until they complained, over the course of the summer there was be a shot here and there. Vice-Chairman Lindborg asked Ms. Benkovich if she would be willing to work out an agreement with them that they could shoot at certain times. Ms. Benkovich answered they would have to discuss this. Chairman McCaffrey stated that discussing this is something to do after they take testimony of individuals.

Mr. Benkovich asked who would be willing to authorize a proper background? Supervisor Obernier asked if his question was about the safety of the backstop. Mr. Benkovich answered yes. Supervisor Obernier stated they would discuss that after the hearing ends. There were no further comments from the audience and no comments from the Board.

Adjournment from Public Hearing was at 9:03 p.m.

Re-Opening of Township Meeting was at 9:04 p.m.

Supervisor Obernier stated that they have people on the police department including the Chief that have more knowledge and background about shooting safety and asked Ms. Benkovich if she would be willing to leave that decision about safety to the Police Chief. Chairman McCaffrey felt they need the engineer to study this. Vice-Chairman Lindborg suggested the two parties make a reasonable effort to resolve this; reasonable people can work out reasonable solutions. If you can establish a time, then you wouldn't be working out in the yard when they would shoot.

Mr. Benkovich stated if the Tyson's target shoot at the other end of the Tyson's property, then what about the neighbors on that side? Vice-Chairman Lindborg stated that they haven't complained yet and said let's see what happens. Chairman McCaffrey explained there is no way that you could cover every little iota of safety, a person could go out and shoot himself in the foot and the Township could be sued because they didn't think about people shooting themselves in the foot if they cavalierly approved this range or backstop without preventing damage to the person that was ignorant enough to shoot themselves in the foot. Vice-Chairman Lindborg reiterated that he would like to propose they work this out between neighbors, as opposed to the BoS getting involved. The less laws they pass, the less intrusive they become to residents. Chairman McCaffrey stated that there is a big difference between calling the police and sending them to your neighbor's house to talk to them and knocking on their door and talking to them yourself and suggested they somehow all get together and iron out your difference and find a logical solution. He went by the property and felt that the Benkovich's house was not in the direct line of fire as it had been presented to him in the meetings here. Chairman McCaffrey stated when it comes up in the meeting to vote on this ordinance; he has four reasons to not vote on it at this time. The first reason is that they have neighbors in attendance that are also adjacent to this case that actually look at this as part of the neighborhood's heritage and their cultural background, it had a positive aspect for some people. The second reason is that everyplace in the Township has not grown and to pass a regulation that may not have been effected by that growth may be inappropriate. The third reason

is, where did the 150 yards come from, if you pick 150 yards because of a hunting regulation, a hunter seems to be more of an indiscriminant shooter, he looks at something that moves, then fires. Where as someone shooting at a target may be more considerate about where they are aiming the firearm in the first place. Lastly, one of the biggest complaints he heard was the amount of shooting and time of day, and none of those things are addressed in the proposed ordinance. He would like to table passing the ordinance and allow additional input for it. Vice-Chairman Lindborg suggested using a County mediation service that Chief Werner had told him about. Chief Werner will forward the contact information on to the concerned parties. Chairman McCaffrey suggested including some sort of dispute resolution for the cases that don't fit this exact mold.

Supervisor Obernier asked if the Tyson's would be willing to speak directly with the Benkovich's. Supervisor Obernier agreed with Vice-Chairman Lindborg and Chairman McCaffrey that they don't have to make a decision on Ordinance No. 04-04 tonight and agreed with Vice-Chairman Lindborg in that it would be fruitful if the Tyson's and the Benkovich's would meet directly to discuss this and feels they would come up with some common ground. He also agreed with Chief Werner that they could visit the mediation group, if this doesn't work out, the Supervisors can always revisit this ordinance. Supervisor Obernier noted that he himself used the mediation service a few years ago and everything worked out better in the end.

Old Business

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

At this time in the meeting Chairman McCaffrey moved to address Craig Poff, representing Bentley Communities an item not on the agenda. Mr. Poff was in attendance with regards to the property on the corner of Swinehart Road and Route 322. He recalled the Snyder's, who a year or two ago brought an application before the Board for that corner for a convenience store and service station, etc., which never came to fruition. The plan also included realignment of the intersection. Mr. Poff noted that a few months ago they became involved in the property and stated that one of the critical aspects of that particular location was mentioned in the Act 209 Study is the Township's desire to realign Swinehart Road because of the angle and site distance problem. Mr. Poff discussed his realignment plan for the ten-acre parcel. They will pay for the road realignment but help is needed in the flexibility of the RM district zoning which requires a 65/35 percent in break of uses and that they can't get it to work organically. Mr. Poff outlined what he would like to accomplish it with the realignment and asked for the Board's feedback. Mr. Poff stated that from a practical standpoint from the residents in Cross Creek, they have indicated a need or have had a positive response whenever putting in a service and/or convenience use in this location was discussed. They may be able to alleviate some of the Route 322 traffic during the peak hours by creating a use there, so people could come there and do their business and actually bring some business to this portion of the Township where there exists very little. Mr. Poff would like the Board to consider this particular plan or some variation of it. This might be something that we take care of now, but build it in five to ten years.

Vice-Chairman Lindborg asked what sort of building were they proposing. Mr. Poff explained they would be office condo type uses, e.g. Joe's Plumbing next to Furniture Medic, etc. Vice-Chairman Lindborg stated they don't favor the sort of strip stores that are along Business 30 in Thorndale. Mr. Poff agreed that this would look a little like the ones along Route 30. Vice-

Chairman Lindborg asked how many acres Wawa would need? Mr. Poff answered two acres. Chairman McCaffrey was concerned that whenever there is a piece of ground that you can't use, everyone counts it as the open area for their impervious surface, nobody ever comes in with something less intense than the zoning would permit. Chairman McCaffrey and Vice-Chairman Lindborg both agreed that there is too much on that one small lot. Vice-Chairman Lindborg feels that the idea of a having convenience store that is done well in the location is needed, but would like it pulled back off the road more and a little less intense. Mr. Poff stated they tried to mitigate that somewhat by creating a little bit of green up in the front. In order to get the use they have to have the exposure and be able to see them as your driving by. Chairman McCaffrey asked Mr. Poff what would be economically viable. Mr. Poff stated they don't have to realign Swinehart Road, they are trying to do this to satisfy the desire of the Township. Mr. Poff said he could come back with a plan that is completely compliant. He could come in and do seven one-acre building lots that eats up the site, doesn't realign and looks like garbage and is still marketable. Vice-Chairman Lindborg suggested that Mr. Poff take his plan to the Planning Commission and suggested that the types of uses could be constrained to certain types of businesses. Mr. Poff will go before the Planning Commission the following week and also come before the Supervisors at the next meeting to address some time constraints.

Old Business continued.

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 that Dale Barnett will have them available for the next meeting.

The Manager is finalizing the proposed zoning amendments with regard to fences and signage for presentation, to John E. Good, Esquire, the Chester County Planning Commission and WBT Planning Commission for review and comments. Manager Rambo stated that everyone has a copy of Ordinance No. 05-01 for their review. It will be sent to John Good for his review and comment before sending it to the Chester County Planning Commission.

Old Business from the Floor

Andrew Gottlieb of 1404 Horseshoe Pike asked for clarification regarding Home Occupancy before filling out a Conditional Use Form. Manager Rambo and Dale Barnett explained the requirements for Home Occupancy. Chairman McCaffrey explained that you couldn't call it a Home Occupation if no one is living there; it would just be an office, which would be a commercial use. The original Home Occupation was so that the person that lived there could have an occupation within their own home. Mr. Gottlieb came to the Township and asked if he had to live there himself and that is what was changed. Mr. Gottlieb was concerned that he wouldn't be able to open his office if he didn't have a tenant. Chairman McCaffrey stated that personally, if Mr. Gottlieb has an apartment that goes without being rented for a while, as long as it is a viable dwelling unit according to our inspector, the Township would not fault him because nobody has rented it. Mr. Gottlieb asked if there was any leeway to get that aspect of the ordinance waived just for one particular property. Manager Rambo stated the Township would not advise him, that if Mr. Gottlieb wanted to consider that he should seek legal council.

Old Business from the Board

There was no Old Business from the Board.

Ordinances and Resolutions

Resolution #09-04; adoption of the ACT 209 information presented by Marie Pantalone, P.E. of McMahon Associates, Inc. Manager Rambo recommended that the Board adopt Resolution #09-04. Vice-Chairman Lindborg motioned to adopt the resolution and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Resolution #10-04; adoption of the Officers' Contributions at 3% to the Police Pension Plan for 2005. Manager Rambo recommended that the Board adopt Resolution #10-04. Vice-Chairman Lindborg motioned to adopt the resolution and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Ordinance No. 04-04; dealing with the discharging of firearms in residential areas. Manager Rambo recommended that the Board table Ordinance No. 04-04. Vice-Chairman Lindborg motioned to table Ordinance No. 04-04 and Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

New Business

Discuss the proposed 2005 Township Budget that will be available for public review starting on Wednesday, November 24, 2004. Manager Rambo noted that the General Fund, Capitol Reserve, and Highway Aid Fund show no tax increase. The Solid Waste and Recycling Fund will be set at \$210.00 for the next five years if the tipping fee stays similar. The Budget is balanced for presentation to the public. Vice-Chairman Lindborg noted that the Solid Waste fee is based on the bids that the Township received. The new contract includes weekly bulk trash, co-mingled recycling with newsprint, mixed paper, and corrugated cardboard. It includes fall leaf vacuum and once a month dropping off of materials for chipping by the residents. This will be included in the Newsletter.

The winter edition of the Township Newsletter is slated for mailing the week of Monday, December 27, 2004. Vice-Chairman Lindborg suggested that the newsletter include local businesses.

New Business from the Floor

Lena Zittle of 140 Hurley Road was concerned about a storm drain on her property. Tom Eells will look into the storm drain problem.

Richard DeLucca of Country Lane commended the Public Works Department for the great job they are doing with leaf collection.

New Business from the Board

Chairman McCaffrey would like to revisit and consider revising the Use and Occupancy permit. Dale Barnett will provide copies of the forms that are given out for the Use and Occupancy permit to the Board. Dale would like the opportunity to meet with the Supervisors to discuss each item listed.

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

Pat Edwards of Manor Road was concerned about making a left turn from Route 82 going west onto Route 322 and asked if a left arrow could be put there. Manager Rambo stated that it all depends on what was in the Act 209 study that was submitted and the Board approves. Also, Pat Edwards would like to see some business move into the Township to help with the burden of school taxes. Supervisor Obernier disagreed and explained that money from those businesses would go into the black hole of the school budget, the problem is they keep raising taxes. Chairman McCaffrey stated that it costs more per student in CASD than in Downingtown and stated they had a net gain of over \$1,000,000 from Freedom Village for CASD and there is not a student in Freedom Village. Supervisor Obernier stated that didn't reduce our taxes at all. Vice-Chairman Lindborg stated that businesses do help in that they don't generate more children in the school, but won't significantly offset what the resident's pay in taxes. Supervisor Obernier noted that it had been more difficult this year in providing a balanced budget than he could remember from any other year, a large part of that is because of what the school district is doing, a lot of the money that the Township usually has come in through real estate transfers, is not. Vice-Chairman Lindborg explained one reason being that fuel has increased dramatically for the Public Works and Police Departments. Chairman McCaffrey stated that the CASB has to realize they work for its citizens and not the children. Supervisor Obernier feels that the School Board is trying to get control of their own ship.

Jesse Edwards of Manor Road commented about the homes that don't have children in the district. Chairman McCaffrey said just wait until the school district grants tax relief for buildings in Coatesville and they have children entering our schools, we will not only pay for our children, but will be paying for the TIFF program also.

Open Issues

Cable Franchise. Supervisor Obernier noted we have received a letter about one revenue line item and its description, Comcast notes in their letter that we have additional revenue coming in from that line item. Comcast still needs to report to the Township about the remaining three revenue line items that are new and unknown and whether Comcast has added the additional 350 cable customers that the Township advised them of the beginning of 2004.

General Obligation Note

The current interest rate for the adjustable rate loan based on a bond for the Facility/Park construction is 2.02%. There were no comments.

Review and Payment of the bills

Chairman McCaffrey noted bills totaling \$204,887.01 for the General Fund and \$896.68 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, Tuesday, November 23, 2004 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, December 2, 2004 at 7:30 p.m.
- Municipal Authority meeting, Thursday, December 9, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, December 13, 2004 at 7:30 p.m.

- Parks and Recreation Board meeting, Tuesday, December 14, 2004 at 7:30 p.m.

Adjournment

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 10:20 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