

**Meeting Minutes of May 19, 2005
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of May 19, 2005 to order at 7:30 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by the Township Manager noted Chairman Carl S. Lindborg, Vice-Chairman Josef G. Obernier, Sr., and Supervisor Thomas J. McCaffrey in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

Vice-Chairman Obernier motioned to table the May 5, 2005 minutes. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Treasurer's Report

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

Capital Reserve Fund.....	\$787,689.83
Construction Sweep Fund	\$1,598.89
Developer Escrow Fund.....	\$242,451.24
General Fund.....	\$50,845.42
Solid Waste & Recycling Fund.....	\$187,659.76
State Liquid Fuel Fund.....	\$130,901.64
Operating Reserve Fund	\$2,936.33
Police Pension Fund.....	\$926,355.21
Non-Uniform Pension Fund.....	\$209,417.58

Public Comments *Individuals requesting to be on the agenda*

There were no public comments.

Correspondence/Communications *Information to Act Upon*

Carroll Engineering Corporation has forwarded the Township a waiver request for the light fixture heights of the Coatesville Golf Training Facility. This waiver request was tabled at a previous BoS meeting until such time that they receive a review letter from Stan Stubbe. The Manager has received a letter from Stan Stubbe on May 16, 2005, however, has not yet had a chance to discuss the letter with Stan Stubbe. Manager Rambo recommended the BoS table the waiver request.

Supervisor McCaffrey motioned to table the City of Coatesville's waiver request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Drew Taylor of Nave/Newell has forwarded the Township a letter requesting to reduce the planting requirements of the St. Peter's Church Land Development Plan. The Township is in receipt of a follow-up letter dated May 13, 2005 from Nave/Newell that denotes that the Planning Commission has voted in favor to approve their requests for relief of landscaping. Supervisor McCaffrey asked about holding money in escrow for landscaping as Vice-Chairman Obernier suggested at the last BoS meeting. Manager Rambo will discuss the landscaping escrow with Gregg Newell to see if they concur. Supervisor McCaffrey motioned the table St. Peter's request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Township is in receipt of a sixty-day letter of extension from Tom Rohrer of Schnatz & Rohrer with regard to their Land Development Plan currently before the Township. Manager Rambo recommended that the BoS accept the extension in view of the fact that Schnatz & Rohrer formally brought on their engineer to complete the work. Supervisor McCaffrey motioned to accept the extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Township in receipt of correspondence dated May 12, 2005, from Ross Unruh, Esquire that was addressed to both the BoS and the Township's Municipal Authority with regard to the Bentley Communities Projects currently before the Township. The content of the letter was to notify both Boards of Bentley's perceived difficulty dealing with the Manager with regards to Bentley's projects. Supervisor McCaffrey stated that Mr. Poff called him and gave him specifics, he in turn had a meeting with the township engineer to go over their issues. Supervisor McCaffrey found that a lot of that didn't come out the way that Bentley perceived it. Some of the submissions that were considered incomplete were incomplete coming into the township engineer's office. There were a number of things in there that didn't seem so extraordinary that Bentley thought was a contemplated or conspiratorial delay of some kind. If representatives of Bentley had been at that meeting, they would have had the same opinion.

Supervisor McCaffrey noted an issue that some people perceive as a minor point and some kind of delay tactic. There was a question about parking within the right-of-way and Mr. Unruh's client suggested that it is just a drafting exercise to merely move things back, which is not true. If you move the buildings back it encroaches on the rear setbacks and other dimensions, it's not that simple. Mr. Emerson stated his understanding was that there would have to be some reengineering to eliminate the problem. Chairman Lindborg expressed that the parking issue that the engineer brought up was not an insignificant point. Supervisor McCaffrey then commented on the issue regarding sidewalks. Vice-Chairman Obernier felt that two parking spots, with one being inside the garage are not enough for a three-bedroom facility. Supervisor McCaffrey stated there are not two parking spaces; one was half way in the road right-of-way. If the snowplow goes by, people will be complaining about stones chipping their automobile.

Manager Rambo noted MacCombie's letter with regards to parking lots and safe pedestrian access (section 120 of the zoning ordinance) and stated the engineer's recommendation. Supervisor McCaffrey said that he was left with unfounded accusations and suggested that Mr. Unruh's client and his engineer meet with the Township Engineer in the presence of the BoS and the Manager

and define their feeling of abuse. Further discussions ensued regarding parking and sidewalks. Manager Rambo noted at the end of the meeting, the Board is to discuss the recommendations of the Planning Commission. Their current clock runs until May 20, 2005. Mr. Unruh stated there are three issues that need to be addressed. Manager Rambo noted an issue with regard to landscaping from Menke & Menke that also needs to be addressed. Chairman Lindborg suggested there might be some sort of reasonable compromise with regards to the parking issue.

Mr. Unruh stated that if the BoS is so inclined to grant conditioned approval subject to resolving the landscape issue from the Menke & Menke letter, he feels confident that he can convince his client to put the sidewalks in. Manager Rambo noted that during a meeting with Mr. Emerson, as the Authority Manager, they went over a 2 ½ page correspondence, and asked Mr. Emerson if that hour meeting was amenable and helpful to address their concerns and was it a benefit to meet. Mr. Emerson answered yes. Manager Rambo asked Mr. Emerson if the letter held him up or benefited him. Mr. Emerson answered that the Manager brought up issues and concerns. Manager Rambo noted that was part of Mr. Unruh's letter that the Manager was holding up the study, and Mr. Unruh's client is saying that it was a benefit to meet and go over it, and would like it noted that it was a benefit to meet and go over the letter.

Chairman Lindborg suggested that Bentley grant the Township an extension and in that interim the BoS would get together with the Township Engineer and Bentley representatives within the next two weeks and try to resolve the off-street parking, apron, and sidewalk issues. Manager Rambo noted that he has had contact with John Good and Jim MacCombie numerous times today and as a result of that, they will find in their book a memo dated May 19, 2005 with regards to preliminary plans of Culbertson Village. Manager Rambo then read the memo out loud.

Chairman Lindborg stated that asking for an extension is not an effort to delay things, it is an effort to work out the issues, it seems that it would make sense to grant an extension of time until the day after their next meeting, the Township would set up a meeting with the Township Engineer and the representatives of Bentley Communities. Supervisor McCaffrey would like Bentley to bring up the points that they put in the letter regarding obstruction of progress and come to a decision if they honestly feel that there was planned obstruction of this process taking place. He would like to have the letter be reviewed to Bentley's satisfaction and would like a letter of conclusion drawn up from Mr. Unruh and his client. If they feel there is obstruction, then the Township should take further steps to clear it up. Mr. Unruh cited in his letter that they have made significant progress in the past two weeks. Manager Rambo will contact the Township Engineer to establish an 8:00 a.m. meeting on either May 25th or June 1st to meet with Bentley representatives, the BoS, and the Township Manager to discuss the aforementioned issues.

Ross Unruh, Esquire presented the BoS with a letter of extension dated May 19, 2005, that states that the Board has until Friday June 3, 2005 in which to render a decision on the applicants preliminary subdivision and land development plan. Chairman Lindborg asked Mr. Unruh if he had the authority to write the letter on behalf of Bentley Community's and Mr. Unruh answered yes. Vice-Chairman Obernier motioned to accept the letter of extension. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Manager Rambo noted that the Act 537 is on tonight's agenda; he has given comments on behalf of the Township as well as the Municipal Authority. The Township has received Bill Bonner's letters that were drafted that need to be put on letterhead with regard to responses and the

Township Solicitor has found them to be in order to be sent out. The public notice was in the paper yesterday. Mr. Unruh is to send a proof of the notice to the Manager.

The Township is in receipt of a letter from Jay Arnold with regard to his interest to serve on the Building Appeals Board. A copy of Mr. Arnold's résumé is in the BoS book for their review. The Manager will talk with Dale Barnett regarding needed qualifications for the Building Appeals Board.

Correspondence/Communications *Information to Note*

The Township is in receipt of the MS4 Report Form, due June 2005, for completion. The Engineer and Manager currently reviewing the form.

DEP has forwarded the Township a letter noting that its grant release request of \$75,651.00 is being processed. Chairman Lindborg expressed that is encouraging.

M. Cynthia Quinn has forwarded a memo noting that she and Donna cannot be at the June 2, 2005 Board of Supervisors meeting. Manager Rambo will contact the three School Board members to inquire about another date they could come.

Reports of Departments

Chairman Lindborg then moved onto the Reports of Departments for the month of April 2005. Chief Werner presented the police report. Tom Eells gave the report from the Public Works department. Vice-Chairman Obernier questioned Tom about the truck with regards to recycling and when it would be ready for use and Tom answered in September. Manager Rambo presented reports from the following: the Buildings/Codes Department, the Fire Marshall, Wagontown Fire Department, Martins Corner Fire Department, and Martins Corner Ambulance. Mr. Shaffer, President of East Brandywine Fire Company was in attendance to present their report. Manager Rambo noted that as a result of the last BoS meeting, East Brandywine Fire Company has provided the BoS with the breakdown of QRS calls.

Reports of Organizations, Boards and Commissions

There was no one present from the Planning Commission, Historic Commission or the Parks and Recreation Board to present their reports. Chairman Lindborg moved onto the report of the Municipal Authority.

Manager Rambo gave the report of the Municipal Authority and noted the majority of discussion at the last Municipal Authority meeting was with regards to an easement with the Keegan's. The Municipal Authority received permission to go on the Keegan property to survey and mark the easement out. Authority Engineer representative Herb MacCombie, three Authority Board members, Manager Rambo, and Supervisor Obernier met and walked the easement. As a result of the walking, various discussions were held with regards to the easement with Mr. Keegan, who is going to contact his attorney. The Manager is waiting to hear from the Keegan's attorney.

Vice-Chairman Obernier stated he didn't realize that Mr. Keegan was having such a level of non-communication with Bentley. Mr. Keegan has changed his position on some things, which makes it more reasonable to provide accommodation. Mr. Keegan expressed that this project has no benefit to him; he gains nothing and it is just an eyesore. It was noted that Mr. Keegan's attorney will formalize discussions that ensued between Mr. Keegan and Supervisor Obernier. Manager

Rambo's understanding is that they verbally suggested something, but they are waiting to receive something in writing. Chairman Lindborg stated that collectively they would all like to see this worked out.

Manager Rambo noted they are working on another easement for a pump station and possibly a second easement on the northern property line of what is considered the fire school property that the Township currently leases from the Fireman's Association. If the Township is interested in obtaining the property, Manager Rambo noted that Scott Piersol thinks that the Fireman's Association that owns the property would be willing to allow the Township to obtain it and suggested that the Township make a contribution to the Hero's Fund for fire fighters in lieu of paying for the property itself. Mr. Piersol will put it in writing, which will be forwarded to John Good, Esquire. The Township currently uses the building that is on the property for storage. If they obtain this, they would then have another piece of property that abuts the open space that will be obtained from Bentley on the Swinehart tract and well as the Pulte tracts.

Old Business

The BoS is searching for volunteers to serve on the Building Appeals Board, Historic Commission, and Planning Commission. An ad for these positions has been placed Daily Local News. Manager Rambo has received one call and one email regarding the Planning Commission position. The Township has not received any résumés.

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and has presented his recommendations to the Board of Supervisors for comments. Manager Rambo stated that he and Dale will prepare their recommendation to present to the Board.

The Manager has forwarded proposed zoning ordinance amendments (05-01[Fences], 05-05[TDR's] and 05-06[zoning map]) to the Chester County Planning Commission for review and input. There were no comments.

Review and discuss proposed zoning ordinance amendments pertaining to signs (05-04), so that they may forwarded to the respective parties for review and input and prepared for advertising. Chairman Lindborg questioned the size of the sign in the ordinance. Manager Rambo stated that the ordinance states that the size of the sign is not to exceed 16.' There was further discussion regarding the size of the sign. Vice-Chairman Obernier was okay with the sign ordinance and didn't have a preference for the size of the sign. Supervisor McCaffrey was concerned about the safety of having a big sign, that it may not be properly installed and propel into oncoming traffic during a storm, his opposition to the size of the sign was not based on aesthetics, but based on safety. Vice-Chairman Obernier suggested having one stick to hold up a standard size sign of 18" X 24" and having an additional stick for any sign that is larger. Manager Rambo stated that a political sign is 3' X 4.' Both Chairman Lindborg and Supervisor McCaffrey favored a 3' X3' sign for safety reasons. Manager Rambo will amend the size of the sign to 9 square feet in Ordinance No. 05-04 and forward it on.

Old Business from the Floor

There was none.

Old Business from the Board

There was none.

Ordinances and Resolutions

Resolution #05-05; City of Coatesville proposed TIFF Plan to CASD. Vice-Chairman Obernier motioned to table Resolution #05-05. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

New Business

The Manager is finalizing the “draft” cell phone policy, sign management program policy, snow removal policy and safety wellness program policy as recommended by the insurance company for presentation to the BoS. These policies pertain only to Township employees.

The Township Manager and Chief are continuing in their efforts to have Airwork’s Company, Inc. address the air circulation and exchange in the shooting range. Manager Rambo will contact Airwork’s to find out when they will install the parts they sent to the Township.

The Board to provide input into the ACT 537 “draft” Bentley Community Special Study. Both Supervisor McCaffrey and Vice-Chairman Obernier agreed that in the future, for any type of study like this, the Township would select the firm that does the study. Manager Rambo stated that he had forwarded letters and 2 ½ pages of comments that have been resolved in an amicable fashion. Supervisor McCaffrey would like a copy of the information.

The Township Manager is continuing in his efforts to meet with various lending institutes with regard to the Township’s General Obligation Note and has prepared an RFQ for mailing. Manager Rambo noted the RFQ’s have been mailed and the Township should be receiving them back by May 27, 2005. The Township has received information from Legg Mason and PFM. The Manager is still waiting to hear from Milt Lopus and PNC. The chart that Vice-Chairman Obernier had requested has also been received that depicts the rates of the last twenty years. Vice-Chairman Obernier wanted clarification that the chart is representative of the particular variable rate that the Township is dealing with and Manager Rambo answered yes. Vice-Chairman Obernier would also like to obtain for comparison, additional charts representative of the fixed rate for bonds and mortgages that covers the same twenty years of the variable rate chart they already received. The Manager will get the requested information.

The Manager is in the process of preparing a “draft” Right of Way Ordinance and Access Management Ordinance for review and input by the BoS. There were no comments.

Manager Rambo and John Good, Esquire met and are in the process of preparing Opinion and Orders for the Ridings of Brandywine Valley Project located on Hibernia Road and the Steve Janiec Project located on Horseshoe Pike.

The Manager has advertised Ordinance NO. 05-07 pertaining to barking dogs for a public hearing and adoption consideration at the Supervisors meeting of June 2, 2005. Manager Rambo then noted several ordinances that are currently before the Board.

The BoS will hold a public hearing during their meeting of Thursday, June 16, 2005 for the Bentley Community Opinion and Order and the Janiec zoning map change. There were no comments.

The Township will be accepting sealed bids for Micro-Surfacing Treatment at their public meeting of Thursday, June 16, 2005. Manager Rambo explained that this is a mixture that includes Portland cement and oil. Chairman Lindborg asked how it holds up and Tom Eells answered that it is very effective. Supervisor McCaffrey noted that the surface has to be well prepared before it goes down. Manager Rambo stated the only complaints that the Township ever received from any resident was that they don't like the color of it and it is too rough for the kids to play on.

The Board of Supervisors to render a decision on the Bentley Communities Preliminary Plans for the Culbertson Village Townhouse Development. The Township has received a letter of extension until June 3, 2005.

New Business from the Floor

Frank Keegan questioned Culbertson Run's time frame of the process. Chairman Lindborg answered that Bentley is asking for preliminary plan approval. Manager Rambo stated that prior to final they would have to have the sewer finalized. For final they have to set a new set of plans which starts a ninety day clock, it depends on how well their engineer has performed his/her services whether it goes smooth or not.

Mary Dodds, Ponds End Drive, Cross Creek expressed that she was not in favor of moving the units back to accommodate the requirements for Bentley's driveway issues which would move them closer to the homes in Cross Creek. Chairman Lindborg stated that there is a minimum setback.

Doris DiCataldo Cross Creek, inquired about Bentley's commercial project. Manager Rambo stated that an extension of time has been granted until June 2006, so that they don't have to submit plans to the Township. Supervisor McCaffrey explained that Bentley wants to postpone building that commercial space out until it becomes more profitable and more residents move into the area. Ms. DiCataldo also asked if setbacks were measured from the house itself or does it include the deck. Manager Rambo stated he didn't have the plan in front of him to see if the footprint includes a deck or not, but the deck would have to comply with the setback.

A resident asked about Bentley's landscaping. A copy of the plan will be placed in the back of the meeting room for the residents to view. Manager Rambo explained that the Planning Commission has recommended preliminary approval of Bentley's plan to the BoS, until the Planning Commission gets it back as a final submission it is in the hands of the BoS.

New Business from the Board

Supervisor McCaffrey noted Stan Stubbe's letter regarding lighting for the Coatesville Golf Training Facility. There are several issues in which the BoS is not going to approve the waivers until they have those issues addressed.

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

There were no Public Comments.

Open Issues Before the Township

Cable Franchise. Vice-Chairman Obernier would like to meet with the BoS to discuss the cable franchise fees. Manager Rambo stated he and the Manager of East Brandywine spoke briefly about having multiple municipalities share the cost to come up with an ordinance that specifically deals with Verizon and the services they offer.

General Obligation Note (Adjustable Rate Bond for the Facility/Park Construction)

Interest rate for the week was 3.33%. There were no comments.

Review and Payment of the bills

The bills presented for payment from the General Fund, Solid Waste Fund, and the State Fund totaled \$59,050.37. Supervisor McCaffrey motioned to pay the bills upon reviewing the hard copies of the bills and invoices and finding them to be in order. Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Upcoming Meetings/Events

- Brandywine Meadows (Maes Tract) Conditional Use Hearing, Tuesday, May 24, 2005 at 7:30 p.m.
- Planning Commission meeting, Thursday, May 26, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, June 2, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, June 9, 2005 at 7:30 p.m.
- Historic Commission meeting, Monday, June 13, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, June 14, 2005 at 7:30 p.m.

Manager Rambo noted that each Board Member has been invited to attend a formal ground breaking ceremony for the new Coatesville Area Catholic School scheduled for Sunday, June 5, 2005 at 4:00 p.m. They have received conditioned final approval and are in the process of getting their escrows together.

Adjournment

With no other business to discuss, Vice-Chairman Obernier motioned to adjourn the meeting at 9:23 p.m. Supervisor McCaffrey seconded the motion. Board Members Vice-Chairman Obernier, McCaffrey, and Lindborg voted aye in favor of adjournment.

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