

Meeting Minutes of April 3, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of April 3, 2003 to order at 7:32 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, Vice-Chairman McCaffrey, and Supervisor Lindborg 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 Officer, and Thomas Eells; Road Foreman.

The first item of business to address was the approval of the Township minutes of March 6, 2003. Supervisor Lindborg motioned to accept the Minutes of March 6, 2003. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The next item on the agenda was the swearing in of the New Police Officer. The Board of Supervisors swore in Gerald DiNunzio, Jr. as a part-time police officer for West Brandywine Township. Chairman Obernier welcomed Gerald DiNunzio, Jr. to West Brandywine.

Chairman Obernier moved onto Public Comments. The first item was Karen Vollmecke of Cedar Knoll Road is in attendance to talk to the Board of Supervisors with regard to the deer population in the area. Karen Vollmecke noted the deer are consuming her source of revenue and stated it's not only her family business that has suffered; many others in the county have as well.

Vice-Chairman McCaffrey noted he also has a small farm and sees the abundant deer population as well. Kim Hoopes, Little Washington Road asked if they were allowed to bow hunt? Karen Vollmecke answered not off-season. Vice-Chairman McCaffrey suggested she hire her own personal hunter as an employee and look into whether this would be legal. Manager Rambo will send a letter to the game commission to support a hunt or extended season for sight specific farms.

The second item under Public Comments was not yet discussed being Colin Judge of the Parks and Recreation Board was not in attendance.

The Chairman moved onto the third item under Public Comments. Craig Poff of Bentley Communities is in attendance to review the sewer and housing unit study requested by the Board

and go over the Special Study Area that would be established within the Township's ACT 537 Plan. Craig Poff noted he received review letters from Jim MacCombie, Township Engineer and noted there were several issues on them.

Vice-Chairman McCaffrey commented that he objects to when items come in that are less than forty-eight hours old and people expect a decision based on them.

Craig Poff outlined the letter that was dated March 20, 2003 regarding the planning and sewer feasibility exercise and noted the exercise was to show they could develop on the three sites they presently have applications on. They could develop the same number of dwelling units and dispose of all of the sewage themselves. They submitted data that was prepared by Evans Mill Environmental for the sewage capacity of the Swinehart property. They received a letter back from Jim MacCombie's office dated April 2, 2003. He noted they responded to the review letter to the extent that they are applicable to the density and sewage capability of the development. Any review items not specifically sighting a section of the Zoning Ordinance was not addressed in their response. He then outlined items addressed in their response letter.

Supervisor Lindborg then asked Mr. Poff what he was responding to? Mr. Poff stated they faxed two review letters over this afternoon. Manager Rambo noted the Board only has one letter dated April 2, 2003 with regard to sewage disposal feasibility analysis.

Mr. Poff stated they have met the requirements that were asked of them to demonstrate they can physically meet the zoning requirements on this site.

Vice-Chairman McCaffrey stated it was hard to comment being they don't have the review letter. He understood the feasibility study was to show the Board that you could take all the pieces of property you had, and could develop them by piping sewage from one particular parcel to another within our ordinance.

Mr. Poff stated the first question they had to answer was a zoning question, "is sewage on the Swinehart property a permitted use," and they found that it was a permitted use. It also provides public utility.

Manager Rambo stated he didn't have the letter Mr. Poff was referring to regarding zoning. The Manager then noted he had the opportunity to read the March 21, 2003 letter with regard to sewer feasibility and stated that Mr. Poff did the layout based on our Act 537. He made the Board aware that Mr. Poff was not required to utilize the same type of houses, so the units that were once proposed - 172 townhouses have now become 300 apartments, that's how Bentley is showing they can meet the zoning.

Vice-Chairman McCaffrey asked if the number of units that are allowed are permissible for the particular zoning district in which they are located. Manager Rambo answered yes, Mr. Poff brought it up to the Board as he has in the past, our RM does not require sewer to be treated on those specific sites. He is taking that ability and putting it in one area and showing that he can get 584-apartment units in the two areas. It's feasible and is showing that he can do it. We are trying to

compare whether we want everything shoved into one open area with the sewer system or whether we will go with the interconnecting pump station.

Suzanne Tucker, Berkley Drive asked if this was regarding the property on Swinehart Road and Manager Rambo answered yes. Suzanne then asked if they will have apartments there and the Manager answered no, they were required to do a study to leave that piece intact.

Vice-Chairman McCaffrey explained the idea was to take a measure of what the ultimate development option would be and have that on paper and to see what changes need to be done.

Suzanne Tucker does not prefer the use of spray, noting they are down wind. Chairman Obernier noted they are proposing drip and said they have a third option by the interconnection series of pump stations that would connect to Coatesville.

Vice-Chairman McCaffrey explained this study would give the community an idea of the potential of what could be there versus what will be there.

Mr. Poff noted they could have added more than 571 units.

Supervisor Lindborg stated he would like the opportunity to further discuss this study. Mr. Poff stated they have April 23, 2003 scheduled for their next hearing and would like to schedule a meeting prior to that.

Vice-Chairman McCaffrey was concerned about the Special Study Area that was designed by the state; anyone who wants to can pay their fair share and get on board and the possibility of a negative impact there will be by running the sewage system through the Township. Supervisor Lindborg stated there are limitations.

Vice-Chairman McCaffrey stated that if they go under the by-pass the only limitation will be their needs. Chairman Obernier stated that Coatesville quoted \$8,000,000 to run the pipe under the by-pass.

Vice-Chairman McCaffrey stated it would be less expensive for a developer that has all his own equipment.

Mr. Poff asked if there would be a possibility of releasing the TAR (Task Activity Report) to the DEP. Manager Rambo will confer with Jim MacCombie about passing on TAR. A meeting will be held on April 10, 2003 at 6:30 p.m. or April 11, 2003 at 8:30 a.m. between Bentley, the Board and Jim MacCombie.

Chairman Obernier moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Township is in receipt of a letter of extension from Chris Catania for the rendering of a decision on his preliminary subdivision plan currently before the Township. Supervisor Lindborg motioned to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The second item to act upon was the Township is in receipt of a letter of extension from Schnatz & Rhorer for the rendering of a decision on their preliminary land development plan currently before the Township. Supervisor Lindborg motioned to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The third piece of information to act upon was the Township is in receipt of a letter of extension from the Downingtown Congregation of Jehovah's Witness for the rendering of a decision on their preliminary land development plan currently before the Township. Supervisor Lindborg motioned to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The fourth and final piece of information to act upon was the Township is in receipt of a waiver request from the Downingtown Congregation of Jehovah's Witness with regard to perimeter buffering on their preliminary land development plan. James Terlingo from the regional building committee of Jehovah's Witness noted they were in attendance last week to talk about the waiver requests and stated that the calculations were off according to Jim MacCombie, P.E. They have proposed a dense buffer of shrub for the neighborhood. This would include a planting strip of 220 feet along the one side and 420 feet along the other side so they would not impose light and noise upon the neighbors.

Chairman Obernier asked if the Planning Commission had requested additional planting to the south. It was noted they moved the drive, thus eliminating the additional planting to the south.

Supervisor Lindborg motioned to grant the waiver request with regards to the perimeter buffering as shown on their plan. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye. James Terlingo noted there was an additional waiver that is regarding the exact quantity of planting. Supervisor Lindborg motioned to grant waiver #4 referencing a release from a certain number of trees. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye. Manager Rambo stated they are putting in less lights than required and then noted the four waivers requested. Supervisor Lindborg motioned to grant the four waivers. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier asked if they had obtained an easement with their neighbor pertaining to water run-off. Manager Rambo noted the Jehovah's have been discussing a permanent storm water easement through the property. James Terlingo stated they will either ask for a signed easement from their neighbor giving them permission to put the water on his property or they would change it so it would not require an easement.

Chairman Obernier asked if the dollar amount for the easement was a hurdle and James Terlingo said they are concerned about the amount the easement would cost. They will be back on the April 23, 2003 meeting.

The next item that was discussed was under Public Comments. Colin Judge of the Parks and Recreation Board is in attendance to talk to the Board with regard to the upcoming Easter Egg Hunt. Colin noted they had attended an events planning seminar and stated he would like to hand out a flyer at the Easter Egg Hunt regarding the grand opening. The grand opening for the Park and the New Facility is scheduled for Saturday, September 27, 2003 at 10:00 a.m.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first piece of Information to Note was Chris Cummings, Esquire has provided the Township with correspondence for its review with regard to the re-use of the existing farmhouse and related structures on the All Souls Cemetery. Supervisor Lindborg asked if the Historic Commission has looked at this and Kim Hoopes, Chairman of the Planning Commission answered yes.

Vice-Chairman McCaffrey asked what Jack Conti would estimate the restoration of the Spring House at. Supervisor Lindborg noted there are different levels of restoration.

The next piece of Information to Note was the Chester County Planning Commission has provided the Township with a preliminary concept summary for the restoration of the Icedale Lake site. Manager Rambo noted this involves the restoration of the lake and a trail system that goes from Honeybrook Township to Honeybrook Borough. He met with the Honeybrook Township Manager last October with regards to the lake.

The next piece of Information to Note was the Chester County Planning Commission is requesting that the Township review the proposed Twelve Year program of PennDot. Manager Rambo noted the last time he reviewed this, they had added a bikeway trail along Route 82, Route 322, Cedar Knoll, and Reeceville Road. They would like to know if we would like to modify it.

The next item discussed under Information to Note was the Township is in receipt of correspondence from Greg Wolf of Glenview Drive with regard to water run-off concerns from Suttonwoods Phase II. Manager Rambo will be meeting with the Township Engineer for his comments. Vice-Chairman McCaffrey noted Suttonwoods had said it wasn't going to change from what was there when they put in the first development. Chairman Obernier suggested they record it after a storm. Manager Rambo stated they have to decipher what's there and where it's coming from.

Chairman Obernier moved onto Old Business. The first piece of Old Business was Dale Barnett, Codes Officer, has provided the Township's Zoning and Subdivision Task Force with proposed ordinance amendments with regard to signage and day-care facilities. Manager Rambo noted Dale had provided the proposed amendments after the last board meeting. Dale Barnett will fax them to the Board.

The second piece of Old Business was the Board of Supervisors is continuing their search to fill the Historic Commission, Parks and Recreation Board, and Building Appeals Board vacancies. There were no comments made.

The third piece of Old Business was the Spring Newsletter has been finalized and mailed.

The fourth piece of Old Business was the Manager continues his research into the placement of a concrete silo adjacent to the Township's new facility. No comments were made.

The fifth piece of Old Business was the Township has submitted a grant application to the Chester County Parks and Recreation Department seeking funding for the Purchase of 1.8 acres of ground to the west of Schoolhouse Lane. Manager Rambo noted this property is on two tracts owned by the same individual. The individual has been sent a certified letter with regard to the Township's interest in the property and he has not responded yet. The appraisal on the property is \$14,400 for 1.8 acres of wetland. Chairman Obernier asked if that was a fair price and the Manager said yes, it's not a building lot.

Being there was no Old Business from the Floor the Chairman moved onto Old Business from the Board. Chairman Obernier noted the Hooper Estates are no longer conforming to what they had agreed to and requested the Code Officer look into this. Vice-Chairman McCaffrey stated he concurred with the request and stated they had originally all decided there are a number of places within the Township they would make regular visits.

The Chairman moved onto Ordinances and Resolutions. Resolution #08-03 pertained to the reimbursement of funding from the Emergency Declaration of February 14-19, 2003. Manager Rambo noted this resolution designates himself as the applicant. Supervisor Lindborg made a motion to adopt Resolution #08-03. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

New Business was the next item on the agenda. The first item was the Board of Supervisors and Manager will be attending the 2003 Pennsylvania State Association of Township Supervisors Convention from April 6 through April 9.

The second item under New Business was to discuss the construction of the pavilions for the Township's Community Park. Manager Rambo noted they had the engineer layout the medium size pavilion in which Dale and the Road crew will be putting together. They will be doing the one larger and the two smaller pavilions. The Township will also be buying the roofing material from the contractor. The contractor will do the band shell pavilion. Supervisor Lindborg, Vice-Chairman McCaffrey, and Chairman Obernier all voted aye to have Dale and the road crew build the pavilions.

The third item under New Business was Conditional Use Hearings for the Bentley Communities have been scheduled as follows; Wednesday, April 23, 2003, 7:00 p.m., Culbertson Village, Monday, April 28, 2003, 7:00 p.m. and 8:30 p.m., Beaver Creek Realty and Swinehart Realty. No comments were made.

The fourth item under New Business was Recommendations of the Township Planning Commission. Manager Rambo then read the recommendations of the Planning Commission. Supervisor Lindborg made a motion to give preliminary plan approval to All Souls Cemetery. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier asked where it was listed on the agenda that they would be approving plans. Manager Rambo stated it was on the Planning Commission's Recommendations. Vice-Chairman McCaffrey stated that when you are giving preliminary approval to a plan, then it should be an item on the agenda so they can go over the details ahead of time. Chairman Obernier stated the issue has nothing to do with the cemetery.

Manager Rambo noted they have always had the recommendations of the Planning Commission on the first Thursday. The Board requested that when there are plans that need action taken or approval that they be listed separately on the agenda.

The fifth item under New Business was the approval of release request #4 for Suttonwoods Phase II totaling \$15,966.00. Manager Rambo recommended the release request be tabled until they receive the engineer's approval. Vice-Chairman McCaffrey made a motion to table the release request #4 for Suttonwoods Phase II. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The sixth and final piece of New Business was the Township Manager will be meeting with Dave Ward of the Chester County Planning Commission and John Snook of the Brandywine Conservancy with regard to the availability of funds to update various plans and ordinances of the Township. Manager Rambo noted he would be meeting with them on April 4, 2003.

Chairman Obernier moved onto New Business from the floor. Jesse Edwards, Manor Road noted the Chestnut Tree Bridge would be closed for a year for improvements.

Karen Vollmecke, Cedar Knoll asked when the Cedar Knoll Bridge would be reopened. Manager Rambo answered next summer.

Chairman Obernier thanked Pat and Jesse Edwards for labeling the Newsletters.

Chairman Obernier moved onto New Business from the Board. Vice-Chairman McCaffrey had issues with the propaganda the state has published regarding bridges.

There were no Public Comments. Chairman Obernier then moved onto Open Issues. The first Open Issue was the CASD tax audit review. Manager Rambo stated he has heard from their attorney and from Brenda Hawes. The Manager will go to the storage area and pull the old records.

The last Open Issue was the Cable Franchise review letter. Manager Rambo will send a reminder letter asking for information and a breakdown of funding received. Vice-Chairman McCaffrey asked if we could get a quote from someone else to review the existing Cable Franchise Ordinance. Manager Rambo stated that there were some local legal firms and others in the Philadelphia area.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo stated they are still looking toward the end of June for its completion. The current interest rate is 1.43%.

Jesse Edwards noted he took his son-in-law through the new facility.

Chairman Obernier noted they will not have a tax increase to pay for the new facility and stated he had read in the newspaper that Wallace increased their taxes 3 ½ times. Vice-Chairman McCaffrey noted they had a decimal point error and everyone thought it was a small amount until they received their tax bill, then they went to their next township meeting. Jesse Edwards stated that a lot of people are not going to meetings until something like this comes up. Supervisor Lindborg stated he didn't think just because they didn't attend the meetings was no reason to have that done.

The Chairman moved onto the payment of the bills. Supervisor Lindborg motioned to pay the bills and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Historic Commission meeting, Monday, April 7, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, April 8, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, April 10, 2003 at 7:30 p.m.
- Annual Easter Egg Hunt, Saturday, April 12, 2003 at 10:00 a.m.
- Zoning and Subdivision Task Force meeting, Wednesday, April 16, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, April 17, 2003 at 7:30 p.m.

Kim Hoopes asked what the outcome was when Sutton Woods was before the Board asking to reduce the number of trees. Manager Rambo noted this hasn't happened yet due to the fact that the Engineer has not verified it.

Supervisor Lindborg asked why they are asking when it's an approved plan. Manager Rambo stated Sutton Woods were required to put up so many trees based on what they cleared. They stated they cleared fewer trees and saved 31 specimen trees. If they have done this they have the right to ask for the reduction. The Engineer will decide the number of trees.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:07 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of adjournment.

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