

**Meeting Minutes of August 18, 2005**  
**Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of August 18, 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; Dale Barnett, Codes/Zoning Officer; and Thomas Eells, Director of Public Works.

**Acceptance of Minutes from Previous Meetings**

June 16, 2005, July 7, 2005, July 21, 2005 and August 4, 2005. Supervisor McCaffrey motioned to accept the minutes of June 16, 2005 and July 7, 2005. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye. Vice-Chairman Obernier motioned to accept the Minutes of July 21, 2005 and August 4, 2005. Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg and McCaffrey voted aye.

**Appointment of Public Works Employee**

The BoS to appoint Lawrence Weaver as a full-time Public Works employee. Chairman Lindborg noted Larry had worked for Sonoco Paper Company for twelve years prior to them closing their Downingtown facility. He has a CDL Class A license a requirement for the position. Vice-Chairman Obernier motioned to appoint Lawrence Weaver as a full time Public Works Department employee. Chairman Lindborg seconded the motion based on Tom Eells meeting with him. Board Members Obernier, Lindborg and McCaffrey voted aye.

**Treasurer's Report**

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

Capital Reserve Fund.....	\$858,763.18
Construction Sweep Fund .....	\$1,656.69
Developer Escrow Fund.....	\$340,128.86
General Fund.....	\$23,301.52
Solid Waste & Recycling Fund.....	\$79,610.97
State Liquid Fuel Fund.....	\$109,831.46
Operating Reserve Fund .....	\$2,955.27
Police Pension Fund.....	\$1,053,113.39

Non-Uniform Pension Fund.....\$216,036.55

**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. The Township is awaiting a scaled lighting cross-section plan from Carroll Engineering. Vice-Chairman Obernier motioned to table the waiver request for the light fixture heights. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

PNC Bank has forwarded the Township a proposal to provide funding for planned renovations to the Public Works Department facilities. Manager Rambo noted they met with PNC and others with regards to funding. PNC has provided the Township with a proposal for borrowing \$750,000.00 tax exempt, with a fixed rate for fifteen years at 3.83%. If the Board signs the proposal, they will have to meet with the bank to properly provide them with all the documentation to follow the local government Debt Act requirements. Vice-Chairman Obernier stated the Township has a two-year period to actually use the money; they will immediately put the money in a CD that will earn more than the 3.83%. Manager Rambo stated he requested that the CD's be no less than 3.9%. Manager Rambo noted that they would get an official letter from counsel stating that it is tax exempt when they go through the formal process. Vice-Chairman Obernier motioned to authorize the Township Manager to enter into the agreement with PNC Bank to facilitate borrowing the money. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

The Township is in receipt of a letter of resignation from Officer Alan D. Johnson. Chairman Lindborg suggested a letter be sent from the BoS to Officer Johnson. Supervisor McCaffrey motioned to accept Officer Johnson's letter of resignation, noting that if Mr. Johnson were brought back to normal health, that he would have some sort of preferential place to be reinstated. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Township is in receipt of a letter of extension for the Coatesville Golf Training Facility Land Development Plan from Marc Jonas, Esquire. Manager Rambo stated they were already given conditioned preliminary approval on their plan, they have not moved forward with it, they are granting the Township a sixty-day extension of time in which to render a final decision. Manager Rambo recommended that the Board accept the letter. Supervisor McCaffrey motioned to accept the extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Township is in receipt of a letter of extension for The Golf Zone Land Development Plan from John H. Pogue of Lake, Roeder, Hillard & Associates. Manager Rambo stated they have conditioned final approval upon establishment of escrows. Supervisor McCaffrey asked if there is a time clock for how long an approved plan can sit idle before it has to be resubmitted. Vice-Chairman Obernier agreed with Supervisor McCaffrey because that happened with the subdivision north of the Old Township Building. Manager Rambo explained that was a recorded plan. They have not signed off on this plan yet and clarified they are talking about The Golf Zone and not the City of Coatesville's Golf Training Facility. Supervisor McCaffrey motioned to accept the letter of

extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

### **Correspondence/Communications** *Information to Note*

The Township is in receipt of correspondence from the BVA with regard to the upcoming meeting with State Senators and Representatives on August 25, 2005 in Downingtown with regard to the NPDES Phase II and MS4 requirements. There were no comments.

The East Brandywine Fire Company has forwarded the Township correspondence with regard to the Contract for Emergency Service Response. Representatives of East Brandywine Fire Company and East Brandywine Township's Manager have been before the BoS numerous times. Manager Rambo noted he has met with them three times over the summer. They have requested that the Township give them an answer with regard to their request by September 1, 2005. The Board has been given a spreadsheet detailing contributions, donations, and breakdown of calls. General discussion ensued.

Supervisor McCaffrey would like the Manager to ask John Good about service area districts; it might be sensible and fairer to tax people that are using the service, more for that service. Manager Rambo suggested for this year they look at utilizing some of the Emergency Services Capital Reserve Funds. Starting next year the Manager suggested that they do away with the hydrant tax and consider an across the board Fire Services Tax. Chairman Lindborg suggested they come up with something that will be equitable and also address the funding issue. Manager Rambo stated the current hydrant tax only brings in the amount to pay for the hydrants and the mailing of the tax notices. Vice-Chairman Obernier wanted clarification that if they drop the hydrant fee completely and instead establish a fire tax based on assessed value and then have not just enough money in there to cover the cost of the hydrant inspections that Aqua Pennsylvania charges the Township, but have additional monies in there for the fire department. Manager Rambo explained that if they establish the Fire Tax across the board there will be money to pay for maintenance on the hydrants, the money to pay back to each fire department that serves West Brandywine Township for the proportionate amount of workmen's comprehension that they pay each year, and more money to give to the fire companies. The rate would depend on the contribution amount. Manager Rambo suggested that the Board meet with him to go over the information.

John E. Good, Esquire has forwarded the Township a review letter with regard to the Open Space Design Option- Revised Draft of zoning amendments. Manager Rambo noted this would be addressed under New Business.

### **Reports of Departments**

Chairman Lindborg then moved onto the Reports of Departments for the month of July 2005. Chief Werner presented the police report, Tom Eells gave the report from the Public Works department, and Dale Barnett presented the Buildings/Codes Department report. There were no comments. No Fire Marshall report was presented. Manager Rambo presented the reports from Martin's Corner Fire Company and Wagontown Fire Company for the month of July. The Manager also presented the report for Martin's Corner ambulance. Mr. Shaffer, President of East Brandywine Fire Company (EBFC) was in attendance to present their July report. Mr. Shaffer also noted that they received the FEMA Grant for 2005 for \$66,300 that will go toward safety equipment. EBFC also received a state grant in the amount of \$11,863.66. There were no comments.

## **Reports of Organizations, Boards and Commissions**

Planning Commission Board Member Kim Hoopes gave their report for July. No one was present from the Historic Commission. Manager Rambo noted that the Parks and Recreation Board are working on Community Day event and are going to establish a movie night in October. A projection screen has been hung in the amphitheater, for testing purposes.

Municipal Authority Manager Rambo gave the report of the Municipal Authority noting that the Authority is working with the Keegan's to obtain easements for the pump station that would handle effluent from Bentley Communities, the existing Kimberwick Communities, and other communities within the vicinity. They are also reviewing videotapes so they can get started with repairs and upgrades to the Monacy Manor lines. A letter was sent from George Aman, Esquire to Aqua Pennsylvania regarding the Township's purchase of 345,000 gallons a day treatment capacity, of which only 160,000 gallons (plus or minus) are being sent, of which they are told they can't accept anymore until they do upgrades as well as settle differences with DEP with regards to how much they can actually treat. The Township is awaiting their response.

Vice-Chairman Obernier stated he sat in on the Municipal Authority meeting. The Engineer had brought in two pump impellers that were damaged because of construction debris. There was discussion about requiring video inspection of the pipes. Manager Rambo explained there was a recommendation by the Authority that the Authority approach the BoS to amend the current Lateral Ordinance to require homeowners, prior to making the actual connection, have their lines video taped to ensure that construction debris has not been left in the laterals. The Authority Manager is in the process of getting quotes so that they can talk to the Authority Board, if it is a fair cost it may be a recommendation of the Authority to the BoS to amend the current Lateral Ordinance to require that.

Supervisor McCaffrey stated they would have to amend the Act 537 to allow this additional fee to be charged per home. If they are connecting a large number of homes that are going to be going through that pump station, then some thought should be given to upgrading the commutator so that it operates on diesel power backup during power failures or put something else in place to catch stuff when the unit is turned off. Manager Rambo stated the Authority is looking into the cost of putting in a backup generator. Manager Rambo also stated the BoS wouldn't need to amend the Act 537. The Authority would recommend that the BoS modify the Lateral Ordinance. Vice-Chairman Obernier noted that he brought the issue up because Chairman Lindborg was not at the Authority meeting. Vice-Chairman Obernier agreed with Supervisor McCaffrey that the commutator should be put in proper working order.

## **Public Hearing**

No Public Hearing

## **Old Business**

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board (2) and Historic Commission. There were no comments.

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and is in the process of preparing an Ordinance amendment for the BoS to consider. There were no comments.

The Manager is finalizing the Township's proposed sign management policy and safety/wellness program policy. Manager Rambo stated that he is working on the final review.

The Manager is finalizing the "draft" Right of Way and Access Management Ordinance for review by the BoS. Manager Rambo stated he met with McMahon & Associates and is discussing with them, establishing an ordinance that would require specific design requirements in the future signalization of any intersections. The Access Management Ordinance is a document from PennDOT that has three different tier levels. The Manager is trying to decipher which tier level would best suit the Township or if they should have all three.

Airwork's is in the process of the final stages to adjust the air circulation and exchange within the shooting range. Manager Rambo noted correspondence received from Airwork's and read it out loud. Vice-Chairman Obernier suggested that they have the Architect and the Engineer send the documents with the specifications of what the target range should be doing. Manager Rambo stated they didn't have those specifications; they relied on the Engineer and Architect to prepare the specifications. The Township only provided them with the size and the snail system target trap. The Township has not paid for any improvements they have made. The Board discussed numerous ways to solve the problem and Chairman Lindborg moved on to the next item on the agenda.

#### **Old Business from the Floor**

There was no Old Business from the Floor.

#### **Old Business from the Board**

There was no Old Business from the Board.

#### **Ordinances and Resolutions**

Resolution #14-05; establishment of fire companies servicing West Brandywine Township. Manager Rambo noted they received a request from PIRMA to officially establish the fire companies that can work within their boundaries and spell out guidelines. The Manager recommended that the Board pass the Resolution and then read the Resolution out loud. Supervisor McCaffrey motioned to adopt Resolution #14-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

#### **New Business**

The BoS to appoint one of the four candidates interviewed to the Township's Planning Commission (Jay Arnold, Chuck Dobson, Sue Bowar, and Seth W. Mackay- Smith). Chairman Lindborg noted he had the opportunity to meet with the other two candidates, Chuck Dobson and Sue Bowar last week. The Chairman would like to get the Planning Commission's input prior to their next meeting before appointing a new Planning Commission member.

The Manager and Solicitor are preparing an Opinion & Order for the Genterra (49 Singles/Open Space Design Option) Conditional Use Hearing. Manager Rambo will have a draft by the end of the month.

Coatesville Regional Catholic Elementary School: Signing of the final plans and establishment of necessary escrows. Manager Rambo noted the Township is in receipt of the tri-party agreements establishing the letter of credits from PNC Bank, a check for \$92,074.12 from the Archdiocese to

cover inspection fees, and fourteen sets of plans (both subdivision and land development plans) that need to be signed. Vice-Chairman Obernier motioned to sign the final plans. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

Presentation of revised zoning ordinance pertaining to the Open Space Design Option and Age Restricted Communities by John Snook, of the Brandywine Conservancy, on behalf of the Township, with representatives of Pulte Homes in attendance to go over sketch plan. Manager Rambo noted Pulte Homes approached the Township over a year ago with regards to an age-restricted community. John Snook, John Good, and Manager Rambo met with Pulte Homes, their legal council Theresa Lemley and their designer with regard to modifications to the Township's current open space design option, which was the recommendation of John Good, rather than an exact Transfer of Development Rights (TDR). The following five tracts involved within WBT are: Gable and Cedar Knoll, Overlook Farm on Swinehart, a Farm that abuts East Brandywine Township on the north side of Reeceville, the remaining part of Kay's property that abuts East Brandywine on the south of Reeceville, and Beachwood Campground.

John Snook stated that it was requested that Pulte consider the Transfer of Development Rights concept to developing the age restricting community, concentrating development on one parcel while transferring the rights from several other parcels that will remain permanent open space. Manager Rambo and John Snook met with Mr. Good who recommended that the Township consider using its existing open space design option as a vehicle to accomplish this rather than adopting a new TDR section in the Ordinance, partly because there is a benefit in this particular case to the Township that Pulte, in their agreement with Mr. Kay and the campground, control all of the property and thereby using the open space option, may dedicate all of the open space parcels to the Township. In a traditional TDR scenario, those would remain in private ownership. Mr. Snook gave a brief explanation of the required amendments in order to use the open space design option.

Supervisor McCaffrey noted that this project is positive in nature but was concerned about opening the Township up to this particular design option, it is open to every district to have this exact same pattern of development. The Township had been "snake bit" on some of the parcels it was given, they are the swamps, steep slopes, and the places that are unusable in any fashion, then the developer concentrates development more intensely in those areas where they can develop. Supervisor McCaffrey stated, while wanting to protect wetlands, he doesn't want the Township to be open to extreme intense development in areas where you can put houses and then giving whatever is left over in various districts spread out all over the place that nobody would want for development in the first place as the gift.

John Snook explained that one of the issues they were wrestling with was that they did not want to open up a can of worms throughout the Township by accident. The proposed amendments do not change the manner in which open space is measured. The Township has already made several amendments since the "snake bite" situations have occurred. Mr. Snook explained an easy fix angle for this particular situation, in the new use provision, providing for age restricted, to limit to locations with frontage on Reeceville Road, which would essentially limit it to this situation and limit any of the significant changes to this situation, which you could later rescind if you saw another worthwhile proposal.

Supervisor McCaffrey stated he read several articles about the nature of age restrictive communities and the consideration that some of that is not really legal to restrict based on age, that certain percentages have to be allowed and was concerned where this would lead in the future. John Snook stated that in the proposed definition of age restricted communities it refers to the extent permitted by law. There are certain restrictions you have to allow a minimum percentage of units to be available for non-age restriction.

Ms. Lemley, attorney for Pulte Homes explained that she did not know the details of the law, but that eighty percent must be over fifty-five and that there is some provision for college age children to live there. John Snook explained that typically they see very few units actually opened up because the whole community is designed around the market for age restricted, that young people don't choose to buy in there. Supervisor McCaffrey was concerned that if there are not a large number of people that are in that older age group, discouraging younger people from moving in, the whole system collapses and you wind up with small houses and families. Ms. Lemley explained that it is a huge trend. Mr. Snook stated it would take a change in Federal law to open it up.

Ms. Lemley stated since last December, when they were in attendance to give a presentation on the proposed TDR Ordinance, there were a lot of questions and a lot of perplexity. Shortly thereafter they met with John Good, who recommended that they consider this other option that they have been working on since February. Ms. Lemley felt they have a very attractive plan and her expectation of tonight's meeting is that the BoS vote in favor to advertise the ordinance amendments.

The Board was each given a set of plans. Ray Grochowski, Jr., a representative of Pulte Homes gave a brief summary of the plan. Under this proposal there are approximately 195 acres that would remain as open space out of the total 323 acres, approximately 60%. Additional open space in the development would bring the total open space to around 71%. General discussion ensued. Manager Rambo stated it is the intent that the Township will receive in fee simple, the three larger tracts. Chairman Lindborg stated one thing that is important to him is how they would propose usage of the space; the land needs to be of value to the Township. Vice-Chairman Obernier agreed with Chairman Lindborg. Mr. Snook noted that the proposed open spaces fits into the comprehensive plan.

Manager Rambo noted that the Open Space Ordinance was advertised two months ago, at that point additional discussion was requested with Pulte Homes for further review, some amendments have occurred from what was previously advertised. Pulte has graciously agreed to advertise everything this time. Manager Rambo recommended that the Board allow the Manager to forward the modifications to the Chester County Planning Commission and the Township's Planning Commission for review and input, and also to the Daily Local News. Pulte is on the Planning Commission's agenda next week for the same presentation. If they get everything done within the next week, the Township is looking at the first meeting in October for a Public Hearing and adoption of the ordinance. Vice-Chairman Obernier motioned to authorize the Manager to move forward as per his abovementioned recommendations. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

### **New Business from the Floor**

There was no New Business from the Floor.

### **New Business from the Board**

There was no New Business from the Board.

### **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 stated he was okay to remove the Cable Franchise from the agenda, after having met with Manager Rambo who gave him some good suggestions.

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

The interest rate for the week is 2.9 %. There were no comments.

### **Review and Payment of the bills**

The bills presented for payment totaled \$90,127.53 in the State Fund, and \$49,858.07 in the General Fund. Vice-Chairman Obernier stated he reviewed the invoices, found them in order, and motioned to pay the bills. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

### **Upcoming Meetings/Events**

- Planning Commission meeting, Thursday, August 25, 2005 at 7: 30 p.m.
- Board of Supervisors meeting, Thursday, September 1, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, September 8, 2005 at 7:30 p.m.
- Historic Commission meeting, Monday, September 12, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, September 13, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, September 15, 2005 at 7:30 p.m.
- Planning Commission meeting, Thursday, September 22, 2005 at 7:30 p.m.
- WBT Community Day, Saturday, September 24, 2005 from 10:00 a.m. to 3:00 p.m.

### **Adjournment**

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

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