

Meeting Minutes of August 6, 2009
Board of Supervisors

Chairman Obernier called the Board of Supervisors meeting of August 6, 2009 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 Township Manager Ronald A. Rambo, Jr. noted Supervisor's Josef G. Obernier, Sr., Thomas J. McCaffrey Jr. and Supervisor Carl S. Lindborg in attendance.

Acceptance of Minutes from Previous Meetings

July 16, 2009. Vice-Chairman McCaffrey motioned to approve July 16, 2009 Minutes. Chairman Obernier seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Public Comments (individuals requesting to be on agenda)

John Panizza is in attendance to talk with the Board with regard to the Valley View Subdivision. Mr. Panizza was not in attendance because he was going to request that the BoS hold all of Bob Fleming's money from release. Manager Rambo had a conversation with Mr. Panizza earlier and explained that he would recommend that this not be done because it is not permitted under the Municipal Planning Code. The issue is a civil issue between Mr. Panizza and the developer.

Correspondence/Communications *Information to act upon*

The Township is in receipt of correspondence from the Western Chester County Chamber of Commerce with regard to Ordinance NO. 2009-03 and the Township's participation in the Western Chester County Regional Planning Committee. This item will be addressed under Ordinance consideration.

The Township is in receipt of the completed Act 205 Questionnaire from Thomas J. Anderson for signing and submitting to the Public Employee Retirement Commission. Supervisor Lindborg motioned to sign the Act 205 questionnaire, seconded by Vice-Chairman McCaffrey. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The Township is in receipt of a letter of extension from Adam J. Brower, P.E. for the rendering of an Opinion & Order for the Castaldi Conditional Use Hearing. Manager Rambo recommended the BoS accept the extension. Supervisor Lindborg motioned to accept the letter of extension, seconded by Vice-Chairman McCaffrey. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Al Costa has forwarded a letter to the Township with regard to the Township's possible interest in the Hidden Meadows Open Space. Manager Rambo explained Mr. Costa owns dedicated open space that abuts the Township's fire school property, along the creek, and across the street from that area. Vice-Chairman McCaffrey motioned to accept the two portions, about nine acres, of the Hidden Meadows Open Space as part of the Township's Open Space, leaving the basins and certain other areas under the

control of the homeowners association, seconded by Supervisor Lindborg. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from Rettew with regard to the Rachel Wachs Project as it pertains to the previous sewer presentation. Manager Rambo noted that Jim MacCombie has found this satisfactory and has no objections with the BoS allowing this project to move forward and recommended they sign the planning module. This non-conforming property was previously approved and developed. The previous system failed and there is no adequate area for a system. They will be doing a stream discharge. The Wachs will provide an operation maintenance agreement. Vice-Chairman McCaffrey noted that it should be clear that all other possible disposal systems, as certified by the Township Engineer, would not be viable and motioned to move forward with the Wachs project. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

The Coatesville Library has forwarded a request to the Township for its yearly contribution. Supervisor Lindborg commented the Township still awaits the requested information from last year regarding the number of people from West Brandywine Township that are active members. The BoS tabled the request from Coatesville Library.

DEP has forwarded the Township correspondence with regard to the upcoming public meeting for the proposed expansion of Area E at the Lanchester Landfill scheduled for Tuesday, September 1, 2009 at 7:00 p.m. at the Caernarvon Twp. building. There were no comments.

Mae Marie has forwarded a letter of thanks to the Township for the assistance in preserving her North Manor Road property. The Township is waiting for documents so that it can officially participate with Natural Lands Trust to preserve the open space.

John E. Good, Esquire has forwarded the Township correspondence with regard to the Office of Open Records. The BoS recommended that the Manager look at establishing a retention time for tape recordings.

Adjournment from Township Meeting Time: 7:46 p.m.

Opening of Public Hearing Time: 7:46 p.m.

Ordinance NO. 2009-03; participation in the economic study for the Western Chester County Regional Planning Committee. Manager Rambo noted Ordinance No. 2009-03 has been duly advertised, reviewed by the solicitor, and found satisfactory. This deals with the participation of intergovernmental cooperation agreement for multi municipal planning with South Coatesville Borough, West Brandywine Township, Caln Township, West Caln Township, East Fallowfield, Sadsbury Township, Modena Borough, Valley Township, the City of Coatesville, and the Coatesville Area School District regarding an economic study within the area. Vice-Chairman McCaffrey asked about the financial responsibility for West Brandywine Township. Manager Rambo explained it appears that isn't established in the regulations, you pay as you go. Everyone would pay equally; there is a maximum responsibility of \$1,000 based on receiving grants. Vice-Chairman McCaffrey asked for clarification about the "non-voting community." Manager Rambo explained different groups could send individuals that are not participants, e.g. Chester County Economic Development Group, Chester County Planning Commission; they are not registered but can provide input. Vice-Chairman McCaffrey asked if the Township's participation was solely advisory even though they may do multi municipal planning for membership, that doesn't mean they have to agree and abide by what the membership has decided on. Manager Rambo answered yes, it states that in the agreement. There were no further comments.

Ordinance NO. 2009-04; amendments pertaining to the uses of historic structures. Manager Rambo stated the solicitor has reviewed Ordinance No. 2009-04, found the language appropriate, and it has been duly advertised. The Chester County Planning Commission has also reviewed this, they support the concept of preserving the Township historic resources amendment to help preserve its historic resources by expanding the range of land uses that could be permitted within these resources; the Township should adopt the amendment after reviewing the comments in their letter.

Manager Rambo then noted the comments of the Township Planning Commission (PC): that while the PC understands that the applicant is trying to accomplish expanding allowable uses to include all of those in the draft amendment is not appropriate since the historic resource is defined in the ordinance and may be located within a residential area. Manager Rambo asked Chuck Dobson, Chairman of the PC who was in attendance in this meeting if he read the existing ordinance as it pertains to language, not just the required amendments. Mr. Dobson had not, so Manager Rambo read him section 201-189h, out loud which states the BoS may deny the request for additional use or for modification of area and bulk regulations where, upon the review of the Historical Commission, it deems the proposal to be unacceptably destructive of the integrity of the Identified Historic Resource or where the Board finds the proposal to be inappropriate in the context of the immediate neighborhood. The Board has the ability under the conditional use process not to approve what they deem it is not appropriate in a residential area. Mr. Dobson was then okay with what was proposed because it addressed the PC's concerns.

Manager Rambo noted the applicant must go through the conditional use process, each request would be considered separate. In some instances the BoS may not want some stuff in the residential areas. In this instance it is along Route 322. Vice-Chairman McCaffrey stated he was always told that if something is available under conditional use, it means it is available but just has to meet certain conditions to be placed there. It is not whether you can reject it or not, it is that you have to be able to put conditions up so that it may be there. Manager Rambo said that it states if the BoS finds it inappropriate that they don't have to permit it, the solicitor has reviewed this and has approved the way it has been written. Vice-Chairman McCaffrey understands and agrees with why they are doing this but would like the Manager to ask the solicitor, if something is applicable for conditional use, which means that the use cannot be denied and you have to develop conditions so that it may be acceptable. It may end up being a court battle over whether the Township's conditions are so onerous that they can't do it rather than if it is applicable. Manager Rambo will contact the solicitor and get this put in writing. Supervisor Lindborg agreed with Vice-Chairman McCaffrey's request. There were no further comments.

Adjournment from Public Hearing Time: 7:56 p.m.

Re-Opening of Township Meeting Time: 7:56 p.m.

Old Business

The Codes Officer is in the process of re-drafting the proposed Ordinance for rental inspection requirements and the resale U & O. The revised information has been forwarded to the BoS for their review.

The Township is awaiting the review of Ordinance NO 2009-07, amendments to the Township's zoning ordinance from the CCPC and WBTPC. This ordinance was advertised and they should have the review back by their next BoS meeting.

General discussions on Act 32, Consolidation of Earned Income Tax Collections. This deals with the appointment of individuals, a primary and alternate, to serve on the tax committee. The initial meeting is November 12, 2009. This will be considered under Resolutions.

The Township has submitted proposed Ordinance NO. 2009-06, amendments to the Township's Stormwater Management Section of the Subdivision and Land Development Ordinance to John E. Good, Esquire for review and input. Manager Rambo noted the solicitor finds the amendments appropriate. Vice-Chairman McCaffrey motioned to send this to the Chester County Planning Commission and Jim MacCombie for their review and input. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Final discussions on proposed Ordinance NO. 2009-03; economic study participation. There were no further comments.

Final discussions on proposed Ordinance NO. 2009-04; uses of historic structures. There were no further comments.

Old Business from the Floor

Rod Rollman of Mendenhall Drive requested an update for the dedication of Valley View. Manager Rambo summarized the progress to date. Discussion ensued regarding issues with Mr. Panizza's property.

Karen Vollemecke of Cedar Knoll noted she lives next to Mendenhall Drive and asked about buffer and plantings. Manager Rambo noted he is in receipt of the contract. The contractor would like to see the Township holding the funds and the payments go directly to the contractor.

John McClay of Hunter Drive asked for an update regarding issues he brought up at a previous BoS meeting. Chairman Obernier and Manager Rambo answered briefly.

Old Business from the Board

Chairman Obernier asked for the status regarding the requested speed humps on Ashberry Lane. Manager Rambo explained they just completed the study with the traffic control device and will look at the criteria to see if it warrants speed humps.

Ordinances and Resolutions

Resolution #06-2009; appointment of Township delegate to serve on the County Tax Collection Committee. Supervisor Lindborg motioned to appoint Township Manager Rambo as the delegate. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye. Vice-Chairman McCaffrey motioned to appoint Carl Lindborg as the alternate delegate. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Ordinance NO. 2009-03; participation in the economic study of the WCCRPC. Vice-Chairman McCaffrey motioned to participate, seconded by Supervisor Lindborg. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Ordinance NO. 2009-04; amendments pertaining to the uses of historic structures. Vice-Chairman McCaffrey motioned to adopt Ordinance No. 2009-04 based on it being open to modification if John Good's review is not satisfactory. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Resolution #09-2009; acceptance of the Hunters Glen Roadway from AMS Enterprises. Manager Rambo noted this roadway was inspected and found appropriate five to eight years ago. Vice-Chairman

McCaffrey motioned to adopt this roadway. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

New Business

Establishment of the Phase I public escrows for the Bentley Projects. Manager Rambo recommended the BoS table this item because the Township awaits paperwork from the applicant. Supervisor Lindborg motioned to table this item. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The Manager continues to gather information to prepare bids specs for the Township's Solid Waste and Recycling bids. Manager Rambo explained last time they bid commingled recycling; this time single stream will be bid. Discussion ensued regarding the pros and cons of single stream recycling.

Ed Barr of Brandywine Drive asked the difference between commingled and single stream. Manager Rambo gave a brief explanation. Supervisor Lindborg suggested applying for a grant for recycling totes. Vice-Chairman McCaffrey suggested several options be listed on the new bid for bulk trash, e.g. weekly, monthly.

Release request for work performed by Alan Myers at the Valley View subdivision. Manager Rambo noted the release request in the amount of \$63,170.25 has been reviewed and found satisfactory by the engineer and Manager. Manager Rambo recommended the BoS approve the request. Discussion ensued regarding the basins. Vice-Chairman McCaffrey motioned to approve the request. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Recommendations of the Township Planning Commission. The PC made only one recommendation that was addressed earlier in the meeting, it was regarding Ordinance No. 2009-04.

The Board to discuss purchasing Heart and Lung Insurance Coverage. Manager Rambo explained the Township is required to pay a police officer 100% of their wages if they are out on workman's compensation. Workman's comp insurance only pays 66%, the Township is responsible for the additional 34%. The cost of this insurance has been revisited and is less expensive than in the past. Heart and Lung insurance costs \$4,236 per year and covers up to a \$40,000 claim. This will only cover new claims and not existing ones.

A resident from Hunter Drive asked about Heart and Lung insurance. Manager Rambo explained that Heart and Lung insurance is required by law under Act 600 for police officers and fire fighters. Ed Barr asked if this would be in addition to workman's comp insurance. Manager Rambo answered yes.

Vice-Chairman McCaffrey stated, without sounding mercenary, the officers that are the biggest risk factor for the Township are retired or already out and can't include them if the Township gets this insurance. It seems sensible rather than starting it today to wait until this person comes back to save money, but was okay to go along with it. Manager Rambo explained the Chief or the other three officers could get hurt at any time and go out on workman's comprehension. Supervisor Lindborg motioned to purchase the Heart and Lung insurance coverage. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

New Business from the Floor.

There was no Now Business from the Floor.

New Business from the Board.

There was no New Business from the Board.

Open Issues Before the Township

The Manager and Township Engineer will be completing the update of the Township's Act 537 Plan by the end of August 2009 for presentation to the Board. Manager Rambo stated he and the engineer have been meeting; it is their intention to present the scope of plan that has to be submitted to DEP to the Board at the next BoS meeting for concurrence to move forward to get approval by DEP to officially begin the study.

The Township continues to seek volunteers to serve on the Historic Commission. There were no comments.

The Chief and Manager are finalizing the Stopping, Standing and Parking Ordinance for advertisement and adoption. The Manager noted there is another road to add.

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

Interest rate for the week 3.65%.

Review and Payment of the bills.

Manager Rambo noted the general fund bills total \$23,564.13 and the Solid Waste bills total \$17,987.30. Vice-Chairman McCaffrey reviewed the bills and motioned payment for the general fund and solid waste. Supervisor Lindborg also reviewed the bills and seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Manager Rambo requested the BoS have an executive session following this meeting to discuss personnel issues; any discussions will be brought forth at the next public meeting.

Upcoming Meetings/Events

- Historic Commission meeting, Monday, August 10, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, August 11, 2009 at 7:00 p.m.
- Municipal Authority meeting, Thursday, August 13, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, August 20, 2009 at 7:30 p.m.
- Open Space Review Board meeting, Thursday, August 27, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, August 27, 2009 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 8:50 pm. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer