

## **Meeting Minutes of February 19, 2004 Board of Supervisors**

Chairman McCaffrey called the Board of Supervisors Meeting of February 19, 2004 to order at 7:30 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 McCaffrey and Supervisor Obernier in attendance. Vice-Chairman Lindborg was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, and Thomas Eells; Road Foreman.

The first order of business to address was the Acceptance of Minutes from previous meetings. Supervisor Obernier made a motion to approve the meeting minutes of January 15, 2004 that was seconded by Chairman McCaffrey. Board Members Obernier and McCaffrey both voted aye. The minutes of February 5, 2004 were tabled.

The next item on the agenda was the Recognition of Volunteers and the distribution of plaques to be awarded to the Park and Recreation Board members that have served the Township as volunteers. Chairman McCaffrey commended the individuals for serving on the Park and Recreation Board and applauded them for the success of the Grand Opening event. The Chairman presented a plaque to the following individuals: Christina Cella, Kristin Boldaz, Colin Judge and Joan Meehan. Christina Cella was present to accept the plaque as well as Mary Judge who accepted the plaque on behalf of her husband Colin. Supervisor Obernier expressed gratitude toward these individuals for giving their time and expecting nothing in return.

Chairman McCaffrey moved on to address the Treasurer's Report. Manager Rambo noted the Treasurer's Report for the month ending January 2004 was not yet available.

The Chairman moved on to address Public Comments (those individuals requesting to be on the agenda). John Conti was not yet in attendance to present a sketch plan of the Siousca property. The Chairman then moved onto Correspondence/Communications - Information to note and act upon. The first item under Information to Act Upon was the Township is in receipt of correspondence and documents from HugheyLaw requesting signatures that will officially withdraw the Irish Oaks Golf Center from the Township's Agricultural Security Area. Chairman McCaffrey made a motion for the Township Manager to sign and forward the appropriate documentation showing that Irish

Oaks withdraws from the Agricultural Security Area. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier both voted aye. Chairman McCaffrey noted that participation in the Agricultural Security Area is voluntary and that you don't have to petition to be removed from it.

The second item to act upon was Steve DiMarco has forwarded the Township correspondence with regard to financing that he is obtaining to move forward with the completion of the Irish Oaks Golf Center and a request to move forward with the zoning amendment that will allow additional commercial recreation uses in the LI Zoning District. Manager Rambo noted that he met with Steve DiMarco who has presented the paperwork to his bank that will allow him to gain appropriate funding to finish the project, do what he is proposing with the clubhouse, add additional parking, lot area to build the sewer system, lighting issues, and go-cart tracks. He will establish a bond to for the reconstruction of a barn replacing the one that will be torn down as well as for the future signalization of Icedale Road and Route 322. Everything Steve DiMarco is requesting along with the lighting issue will go through the Conditional Use Process once they move forward with the amendment. Steve DiMarco has had a lighting consultant on his site and in order to have the lights point down the lights have to be raised.

Chairman McCaffrey noted that he will agree to move forward but without a definite timetable and plan until they go through the Conditional Use Process he would not like to participate. There have been two different owners that have had Irish Oaks that have made promises to do things that have not come to fruition. Manager Rambo explained he has a commitment from his bank to establish the escrows to address the lighting, finish the parking lot, finish the miniature golf, finish off the clubhouse and build a sewer system that will handle that area. He has those monies committed by the bank but they won't move until they see that the Board will move to allow the additional uses through zoning. He is borrowing \$2.1 million dollars. The Manager recommended the Board move forward with advertising the zoning change amendment. Chairman McCaffrey made the motion upon the Manager's recommendation. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The third piece of information to act upon was the Board of Supervisors is in receipt of correspondence from Jim McGonigle who is also in attendance with regard to the Township's support of a skateboard park being considered by the Brandywine YMCA. Manager Rambo noted the YMCA will alleviate some of the tennis courts there. They have grants along with a design in hand and are looking for community support from West Brandywine Township along with other municipalities. Everything will be on their property and as of yet have not asked for financial contributions. Chairman McCaffrey stated he has no problem with them having the skateboard park on their property. Manager Rambo noted he has an upcoming meeting scheduled with them.

Jim McGonigle stated he has attended two meetings regarding the skate park and noted they plan to open the park on June 1, 2004. Supervisor Obernier asked Jim the size, materials used, and how many people this would service. Jim will come back to the Board when he obtains this information.

The fourth piece of information to act upon was the Department of Labor & Industry has forwarded the Township information with regard to the Uniform Construction Code Program and

its administration and enforcement. Manager Rambo recommended that the Board move forward with making preparations to adopt the necessary ordinances that will finally establish the uniform code based on the IBC. Chairman McCaffrey made a motion that they prepare an ordinance adopting the state's building code. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier both voted aye.

Information to Note was the next item of business on the agenda. The first piece of information to note was the Township is in receipt of information with regard to the P & M Contract coming up for consideration from the County's Recycling Coordinator. Manager Rambo noted that he would see if the Township would benefit from the P & M contract. The trash contract will expire at the end of this year and will soon be put out to bid.

The second piece of information to note was the Township is in receipt of correspondence from PSW advising of their new name to AQUA Pennsylvania, Inc. Chairman McCaffrey noted the new name for the big company is AQUA America and for the branch in Pennsylvania it is AQUA Pennsylvania, Inc.

The Chairman then moved onto the Reports of Departments for the month of January. Walt Werner was present from the Police Department to give the police report. There were no comments made. Tom Eells was present to give the report from the Road Department. Supervisor Obernier asked Tom when the winter road damage assessment and categorization would be available. Tom explained that this is already being implemented that the road damage is constantly being monitored. Supervisor Obernier asked if there was some way to know with the program that he is using when they have to increase the road repair budget based on the amount of damage. Tom noted that the program is based on statistics of averages and will not look at a harsh winter and be able to project the outcome.

Manager Rambo gave the report from the Buildings/Codes Department. No comments were made. Manager Rambo then gave the report of the Fire Marshal and Wagontown's Fire Department. There were no reports from East Brandywine, Martins Corner Fire Department, and Martins Corner Ambulance. There were no comments made.

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of January. John Cassels gave the report of the Planning Commission. John also noted that the Planning Commission would like to clean up the agenda's and would like to stick with the time clock without spending time tracking people down and recommends that in the future they reject the plans and that according to the Municipal Planning Code (MPC) it is up to the applicant to come in with an extension of time. He asked what the Boards thought was on them sticking with the time clock. Chairman McCaffrey stated he agrees with the Planning Commission that if there is not a specific and logical good reason to continue it then it would be in the Township's best interest not to carry them indefinitely. He also noted that there is a difference between the major subdivisions and minor ones where they may have less of an impact on the Township and maybe some latitude may be given to them. If the ordinances change then it would be in the Township's best interest to start anew with the plan so that whatever changes have taken place, they will start with the current zoning and subdivision regulations. Manager Rambo noted that the MPC talks about rejection based on the engineer's findings based on our zoning and subdivision ordinances.

According to John Good if they are awaiting items such as housekeeping that need to be addressed and everything else is in order, then the Township does not have the ability to reject it if they have met the criteria. Both Catania and Schnatz Roherer are waiting for stuff from the County with regards to sewer. Chairman McCaffrey didn't agree with the attorney's position, that if the applicant is unable to design a sewage system for his property, then it's not the Township's responsibility to continue the subdivision application until such time that technology provides him a solution. They have a responsibility to carry them through but at some point it is not our responsibility to leave a subdivision application open until they find an alternative solution. He agreed with the Manager and the Planning Commission, there are times when you would want to leave it open e.g., there may be bargaining taking place or something that would be an advantage to the community and other times the applicant may have something that they are waiting for and it's out of their hands.

Supervisor Obernier asked which plans would fall under the category where you could legitimately deny their plan that John Cassels is referring to. The Manager noted that Catania is having a final review of their sewage module. Schnatz Roherer may be questionable, he would have to confer with John Good about it, the Elliot Building Group is currently looking at the Golf Course that has been given an open-ended extension by the Board until such time they bring it back. Chairman McCaffrey would like to know from the solicitor the rights and prerogatives of how long an open-ended extension is good for. Manager Rambo noted they have always had a policy that the Township gives the applicant a reminder when their time clock runs out and he would be in agreement with the Board if they would like to change this policy.

Supervisor Obernier stated he was willing to accommodate the request that the Planning Commission is making to make the applicants responsible and not taking the Planning Commission Secretary's time in having to remind them that their time clock is about to run out. Chairman McCaffrey noted there is no requirement in the law to remind or not to remind anyone about the time clock. The consensus by Board Members McCaffrey and Obernier was to leave the decision up to the Township Manager as to whether or not to remind the applicant that their time clock is running out and that the Manager keep the Board informed as to the current correspondence with the applicants.

Chairman McCaffrey stated that if it is to our advantage to extend their time clock, then they should extend it but if it is to our disadvantage, then the Board should make a decision on whether or not to extend it. He also suggested that when an applicant comes in, that their plan be referred to by one name on all correspondence and communication.

John Conti from the Planning Commission was concerned that some of the applicants have been on the agenda with extensions for so long that there may have been updates to the ordinances that would not allow them to do some things they are going to do.

The Chairman moved onto address John Conti who was in attendance to present a sketch plan to the Board of Supervisors of the Siousca property located at the intersection of Pratts Dam Road and Route 340. Conti noted the plan was pretty much the same as the previous sketch that the Board had seen. He noted the following: changes to the layout of the buildings so that it would not look like a strip mall, spacing of the parking lots, keeping the historic building visible from the

road, moving the stable to a new location in Valley Township, they have a new 2500 square foot building in the back that would be designed to match the stone look of the house. They may flip flop this with the stable and put the stable in the back. Conti noted they will be going through a reverse subdivision. The only way to make it work is to go back to one lot to meet the ordinance requirements. He will keep the integrity of the existing historic building. They may not put the addition on the front of the barn because it will be difficult to keep the configuration of the barn, the addition in the back will be fine.

Chairman McCaffrey asked if he could get away with less than 82 parking spaces. Conti felt they needed this many parking spaces. Manager Rambo noted that this setup was comparable to the one in Intercourse where the parking lot is always full.

Chairman McCaffrey expressed that he liked the way the parking is located around the back of the building. Conti noted the preliminary list of interested tenants: pharmacist, restaurant, pizza place, and a bank.

Chairman McCaffrey recommended that Conti suggest to Valley Township about keeping the historic integrity of the corner property at Route 340 and Route 82.

Conti noted he had MacCombie design the concept plan but would turn it over to another Engineering firm. Supervisor Obernier asked Conti if he would need any variances for this plan. Conti stated that currently he is not asking for any waivers.

Bob Karpovich of Frasier Boulevard was concerned about traffic in this area. Manager Rambo stated that the entrance for Conti's plan would be located on Route 340. Chairman McCaffrey stated that when the City of Coatesville follows through with their plan, whatever is done at this particular corner will have a miniscule effect compared to the traffic the Golf Course will create. Supervisor Obernier agreed with Chairman McCaffrey.

At this time in the meeting the Chairman moved to address the Historic Commission, Parks and Recreation Board and Municipal Authority. There was no one present from Historic Commission. The Manager noted that the Parks and Recreation Board is requesting an order be placed for the Easter Egg Hunt. Tina Cella noted an available grant for Unity Day for entertainment and that this would have to be filled out soon and submitted. Supervisor Obernier noted he would like this day to be called West Brandywine Township Day. Supervisor Obernier asked if they have a budget for entertainment. Manager Rambo stated that they anticipate contributions coming in from outside.

Manager Rambo gave the report from the Municipal Authority. Supervisor Obernier asked if the cost has been determined for the repair of the Monacy Manor sewer line. Manager Rambo said he has not yet looked at the taping of it.

Chairman McCaffrey moved onto Old Business. The first piece of Old Business was the Board of Supervisors is searching for volunteers to serve on the Building Appeals Board, two people for the Parks and Recreation Board and three people for the Historic Commission. The Manager noted that Kim Hoopes expressed interest in serving on the Building Appeals Board and he also spoke with another individual that showed interest in serving on the Parks and Recreation Board. He will

see if Hoopes fits the states criteria. A notice will be placed in the Newsletter requesting volunteers to serve on the various Boards.

The second piece of Old Business was the Public Works Director and Manager are finalizing specifications for an equipment storage facility for a March 2004 bid. Manager Rambo noted they have received quotes that vary between \$45,000 and \$50,000 for the storage facility. They have also researched on the Internet to purchase a kit for a pole barn.

The final piece of Old Business was the Spring edition of the newsletter is being prepared for printing. Chairman McCaffrey suggested that we purchase Adobe Acrobat to put the Newsletter into a PDF format.

There was no Old Business from the Floor or from the Board so the Chairman moved to Ordinances and Resolutions. Resolution No. 02-04; Police Officers' Contributions to Police Pension Plan. This leaves it at the current rate of 1% the same last year. Supervisor Obernier made a motion to adopt Resolution No. 02-04 a resolution eliminating/reducing Police Officers' contributions to the Police Pension Plan for the year 2004. Chairman McCaffrey seconded the motion. Board Members McCaffrey and Obernier voted aye. Supervisor Obernier commended the Manager and the Pension Review Committee for their management of the pension fund and noted that the plan is well funded.

New Business was the next item on the agenda. The first item was the Community Values Survey for the Township's Comprehensive Plan Update has been mailed to gain public input for use by the Task Force. Manager Rambo asked if anyone has received the survey yet. Several members of the audience had received their survey.

A resident noted that several people that have farms had talked to him with concern about one of the questions that is on the survey. Manager Rambo noted that this question was on the prior survey and was put back into this one because they have gotten recent complaints by some of the newer residents about farm equipment and such. Chairman McCaffrey noted that there was no intent to try and make it worse on the farmers, the questions were intended to gauge if there is a potential problem that can be alleviated before it gets to be one.

The second item under New Business was the Appointment of Eric Marsh as a full-time Public Works employee. Manager Rambo noted they had 24 applicants for the position and he and Tom Eells feel that Marsh is the best individual that will suit the needs of the department. Chairman McCaffrey made a motion to appoint Eric Marsh as a full-time Public Works employee. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The third item under New Business was to discuss the establishment of a committee or task force to look into open space that will be pursued through either, easements, purchases or transfer of development rights utilizing the Open Space Tax funds and other funding sources. Manager Rambo noted this was briefly discussed at the Comp Plan; different maps were presented that he would like the Comp Plan Committee to look at. The map that was sketched by John Cassels was on different areas that could be interconnected. The Comp Plan Committee has looked at this and would like the new group to be involved and to further look into the plan to see if something they

may want to pursue. It starts to tie in some areas that may end up being developed in the future. Chairman McCaffrey noted that as people look at it, they may find key pieces that would secure areas that are important. The Manager noted that the sketch put a lot of pieces together throughout the Township. Chairman McCaffrey does not want to make decisions today that would “nail peoples feet to the floor.” If land becomes available through the trading of development rights, it might be nice to be able to build on those assets that they were able to obtain that way. The Manager recommended that the Comp Plan people look this as well as consulting with John Cassels, they will condense the plan on a 11” X 17” map and present it to the Board. Chairman McCaffrey made a motion for the Manager to move forward with the establishment of a Task Force. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The final item under New Business was the annual audit of the 2003 Township funds is underway by Barbacane/Thornton & Company. Manager Rambo noted there is a new requirement this year that one of the supervisors sit in during the audit; they also want the same individual to sit in on the tax collector.

Chairman McCaffrey moved onto New Business from the floor. Jesse Edwards noted that he read in the newspaper that President Bush wants to do away with overtime and asked how this will affect the Township Employees. Manager Rambo noted they already have a policy in place where an individual can elect to have time off instead of receiving overtime.

Bob Karpovich was concerned about lighting for future developments. Supervisor Obernier noted they are requiring the latest owner of Irish Oaks to get money up front for public improvements. They are looking to rectify the lighting situation that is currently there. Chairman McCaffrey noted that the solution is a combination of the height and to also put more lights around rather than a humongous big light in one location. As improvements take place with the lighting at Irish Oaks it may be a lesson learned that can be applied to lighting for the City’s Golf Course.

Richard Kane commented that he had no visual way of judging lighting. Manager Rambo noted that there is a computer program that figures the light factor for you when you input information such as height, watts, etc. Supervisor Obernier noted the budget includes a light meter for the Codes Officer. Richard Kane asked if we will hold the City of Coatesville, and other new developers to these new lighting standards. Manager Rambo stated they submit plans to the Township that are forwarded on to the lighting consultant for review and input. It maybe requested do to a study. The Township has not received the lighting study back from the City of Coatesville yet for presentation to the lighting consultant. The City has only submitted revised land development plans so far.

Chairman McCaffrey explained they are trying to make standards and that we will have objective criteria to measure the lighting by. With Irish Oaks we went in there thinking that having more lower lights would be better, as it turns out by raising them and pointing them down would have been better. There are going to be lights there, you can push as far and bargain for a little bit more but the end result is that there are going to be lights there and you try and make the effect on everyone as small as possible.

Supervisor Obernier stated they recognized they made some errors in the past and so they generated the Lighting Ordinance. He noted that Friendship Village went in after the Lighting Ordinance was established. They don't know until the end what the right thing to do is, or how to phrase it in the Ordinance to guarantee that it will work correctly in the end. Supervisor Obernier suggested they have Stanley Stubbe attend a Board Meeting so that he can explain the Lighting Ordinance that was written by him. Chairman McCaffrey suggested he also bring a light meter and adjust some lights to they can see what the intensity is.

Jack Conti was concerned about the lighting ordinance interpretation. Chairman McCaffrey stated that any ordinance that doesn't have specific objective criteria is difficult to enforce. We are trying to keep the rural character of the Township, so you can see the stars at night.

There was no New Business from the Board and no Public Comments. Chairman McCaffrey then moved onto Open Issues. The first Open Issue was the Cable Franchise list review. Manager Rambo noted that they are reviewing the list of individuals that we forwarded on to them. Supervisor Obernier would like to meet with the Manager regarding Comcast's contract that is based on 5% of gross revenue to get an understanding of Comcast list of line items broken down, instead of one big number.

Chairman McCaffrey moved onto the next item on the agenda regarding the Facility/Park Update. The current interest rate is 1.26%.

The Chairman moved onto the payment of the bills for the General Fund, State Fund, and Solid Waste Fund totaling \$68,048.52. Supervisor Obernier motioned to pay the bills and Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey all voted aye in favor of their payment.

Chairman McCaffrey noted upcoming meetings and events as follows:

- Planning Commission, Thursday, February 26, 2004 at 7:30 p.m.
- Historic Commission, Monday, March 1, 2004 at 7:30 p.m.
- Board of Supervisors, Thursday, March 4, 2004 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, March 9, 2004 at 7:30 p.m.
- Municipal Authority, Thursday, March 11, 2004 at 7:30 p.m.

With no other business to discuss, Supervisor Obernier motioned to adjourn the meeting at 9:34 p.m. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye in favor of adjournment.

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