

**Meeting Minutes of January 15, 2004**  
**Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of January 15, 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 Dale Barnett; Codes Officer.

The first order of business to address was the Acceptance of Minutes from the previous meetings of December 18, 2003 and January 5, 2004. The Minutes were tabled until all members of the Board are present.

Treasurer's Report for the month ending December 2003 as follows:

General Fund.....	\$75,054.39
Solid Waste and Recycling Fund.....	\$5,161.85
Capital Reserve Fund.....	\$985,702.38
Developer Escrow Fund.....	\$251,079.91
State Liquid Fuel Fund.....	\$2,794.56
Operating Reserve Fund .....	\$80,199.87
Police Pension Fund.....	\$884,634.01
Non Uniform Pension Fund.....	\$155,316.83

Chairman McCaffrey requested that a single identifying name or number be given to all subdivisions and be listed the same on all future correspondence.

Chairman McCaffrey moved onto Public Comments (individuals requesting to be on the agenda). Ross Unruh, Esquire is in attendance to review with the Board of Supervisors his December 19, 2003 correspondence addressing questions of the Janiec Conditional Use application. Ross Unruh indicated the location of their proposed access road that would align directly across from the proposed reconfigured Swinehart Road.

Chairman McCaffrey felt that the road does not have to move and that everything would be more spread out than the way Janiec has it on his plan. When the subdivision first moved in they tried to accommodate Mr. Janiec with a more logical arrangement so that the zoning made sense. The reason they zone property up against the highway and have a requirement for square footage is so it wouldn't be crowded.

Ross Unruh explained when the plan first came in Mr. Janiec approached the Township to see if the Township would rezone a portion of the property along Route 322 to allow for commercial development and after that the thought process was that Swinehart Road was going to be realigned. He disagreed with Chairman McCaffrey with regard to it being more crowded in that area and felt that you would then have an extra one half acre of open space that will always be open space.

Supervisor Obernier asked Chairman McCaffrey to explain what problem he sees with their plan of realigning the road. Chairman McCaffrey explained that the aligning would be nice, but that they are attaching this parcel to another so that they would have enough acreage of property to have two uses on the commercial area instead of one use and this would intensify the use of the property.

Supervisor Obernier asked Mr. Janiec if he was proposing any relocation of the new piece of Swinehart that is coming from the south and going to Route 322. Mr. Janiec answered no; he was not proposing any relocation on the south side of Route 322.

Mr. Janiec explained they added a parcel, not to increase density but to make it two buildings. It makes it a nicer looking plan with a little bit more green area and also will allow for a half acre of open space. The square foot density is not being increased; they are just providing two buildings. The lot coverage now is only 30%. Mr. Janiec noted they would meet the requirements.

Chairman McCaffrey was concerned about them expanding the buildings in the future. Manager Rambo stated they are required to keep the setbacks and buffers.

Chairman McCaffrey stated that he would be okay with the plan as long as they were restricted from any future expansion of the development along the road. Manager Rambo noted that in tying everything together, e.g. zoning change with the conditional use process, then you would make that a condition that he would have to agree to. Chairman McCaffrey stated that he could agree to their plan as long as the condition noted above was guaranteed.

Mr. Janiec explained to what extent they would need to use the open space if they have to do it all on-site. They would use the area where they had gotten good perks for subsurface disposal of sewage and stormwater.

Chairman McCaffrey stated they have an open space design that has been presented with no need for on-site sewage and would like to see a calculation of the percentage of open space based on the sewage system being on-site and off-site. Ross Unruh explained these calculations are in the letter dated December 19, 2003.

Chairman McCaffrey was concerned that Ross Unruh was representing several developers that are all interdependent on the proposed sewage system. Ross Unruh explained that it is not unusual for a variety of developers to get together in a township to try and solve a common sanitary sewage disposal issue and stated that to date there has been no conflict of interest between Mr. Janiec and Bentley.

Chairman McCaffrey was concerned that they don't have the details worked out with their proposed sewage system. The Board will review and further discuss Janiec's Plank Farm plan before they reach a decision.

The Chairman moved onto Correspondence/Communications - Information to note and act upon. The first item under Information to Act Upon was the Board is in receipt of correspondence dated January 6, 2003 from Steve DiMarco explaining the uses being sought for the Irish Oaks Facility and a videotape of the go-carts being considered. The Manager will send a letter to Steve DiMarco requesting his plans to resolve the lighting issue and to also set up a time for the Board to see other go-carts.

The second item to act upon was Larry Leisey of Stapleton & Leisey has forwarded the Township a list of waiver requests for the Final Subdivision Plan for the Estate of Ellen Eckert. Supervisor Obernier made a motion to waive the two-foot contour line interval and the site analysis plan. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye

Information to Note was the next item of business on the agenda. The Township is in receipt of a draft ordinance for a Transfer of Development Rights (TDR) Program in West Brandywine Township from Dennis Glackin with regard to the Pulte Homes' proposal. Manager Rambo noted he forwarded a copy of the draft to John Snook and John Good for their review and comment. The Manager noted that there are ways to address this issue without establishing a TDR.

The next piece of information to note was Comcast has forwarded a breakdown of what makes up the revenue components of the Township's Franchise Fee Calculation as per the Township's request.

The third piece of information to note was the Township is in receipt of the Bentley Community ACT 537 Special Study for review. The Board has been given a copy of this information.

The final piece of information to note was Rhoads & Sinon, LLP has forwarded correspondence with regard to the CASD. Manager Rambo noted Rhoads & Sinon, LLP letter was premature, that the school district had already entered into an agreement with Berkheimer and this correspondence was a letter of apology.

Chairman McCaffrey moved onto the Reports of Departments for the month of December. Walt Werner was present from the Police Department to give the police report. There were no comments made. Tom Eells was not present to give the report from the Road Department. Dale Barnett gave the report from the Buildings/Codes Department. No comments were made. Manager Rambo gave the report of the Fire Marshal, Martins Corner Ambulance, and the Fire Department

report from Wagontown. There was no report from East Brandywine or Martins Corner Fire Companies.

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions. John Cassels gave the report of the Planning Commission. Supervisor Obernier suggested that they set up a fund and utilize the money to put trees throughout the Township for those developers who are requesting waivers for vegetative plantings.

Being there was no one present from the Historic Commission or the Park and Recreation Board the Chairman moved onto the report from the Municipal Authority. Supervisor Obernier gave the report from the Municipal Authority and asked what areas Kimberwick services. Manager Rambo noted Hunters Glen, Ramblewood, Andover, and Kimberwick.

Chairman McCaffrey moved onto Old Business. The Board of Supervisors is searching for five volunteers to serve on the Building Appeals Board, two volunteers for the Parks and Recreation Board, and three volunteers for the Historic Commission. Manager Rambo noted that the newly elected auditor expressed interest, however, he cannot serve on any voluntary or appointed board or committee.

The Public Works Director and Manager are finalizing specifications for an equipment storage facility for a February 2004 bid. Manager Rambo noted they will be meeting with a company within the next week to discuss the specifications.

Chairman McCaffrey moved onto Old Business from the Floor. Jeff Chelfant expressed interest in serving on the Parks and Recreation Board.

Robert Demuth noted that he and his neighbors have a myriad of concerns about the possibility of opening up Raleigh Drive off of Route 322 as an access road to a newly proposed development. Chairman McCaffrey suggested that he and his neighbors put their concerns in writing and call to find out when that particular developer will be on the agenda.

Being there was no Old Business from the Board the Chairman moved onto New Business. The final release request of escrowed funds for the Stone Barn Project totaling \$48,393.51 was tabled along with the final release request for remaining Ashberry Lane funds being the Manager was awaiting final written approval.

The next item under New Business was the Township's Planning Commission will be given a presentation of the progress made on the updating of the Township's Comprehensive Plan during their January 22, 2004 meeting. The Board of Supervisors presence is requested at the January 22, 2004 meeting.

The final item under New Business the Township will be advertising for the hiring of a full-time road employee. There were no comments made.

There was no new New Business from the floor, from the Board, and no Public Comments (individuals not requesting to be on the agenda). Chairman McCaffrey moved onto Open Issues.

The Cable Franchise list review, Manager Rambo sent a list to Comcast of those individuals that were not listed on the Comcast list for their review and comparison.

Chairman McCaffrey moved onto the next item on the agenda regarding the Facility/Park Update. The current interest rate is 1.26%. Chairman McCaffrey asked if they could do a comparison of how much money was saved between their interest rate or going with a Bond.

The Chairman moved onto the payment of the bills for the General Fund, State Fund and Solid Waste Fund that total \$142, 016.23. Chairman McCaffrey motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye in favor of their payment.

Chairman McCaffrey noted upcoming meetings and events as follows:

- Planning Commission, Thursday, January 22, 2004 at 7:30 p.m.
- Historic Commission, Monday, February 2, 2004 at 7:30 p.m.
- Board of Supervisors, Thursday, February 5, 2004 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, February 10, 2004 at 7:30 p.m.
- Municipal Authority, Thursday, February 12, 2004 at 7:30 p.m.

Manager Rambo will talk with the Public Works Director with regards to putting a brochure together for the Culbertson Run Road relocation, so they may enter the contest that PennDot holds yearly for Road and Bridge safety.

With no other business to discuss, Supervisor Obernier motioned to adjourn the meeting at 8:46 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