

Meeting Minutes of May 15, 2003
Board of Supervisors

Vice-Chairman McCaffrey called the Board of Supervisors Meeting of May 15, 2003 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 Vice-Chairman McCaffrey and Supervisor Lindborg in attendance. Chairman Obernier was absent. 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 April 3, 2003, April 11, 2003, April 17, 2003, and May 1, 2003. The minutes were tabled.

Vice-Chairman McCaffrey then moved to address the Treasurer's Report. Manager Rambo presented the Treasurer's Report for the month ending April 2003 as follows:

General Fund	\$57,536.74
Solid Waste and Recycling Fund.....	\$176,985.04
Capital Reserve Fund	\$843,440.19
Construction Sweep Fund	\$8,172.87
Developer Escrow Fund	\$253,102.41
State Liquid Fuel Fund	\$126,150.08
Operating Reserve Fund	\$222,244.89
Police Pension Fund	\$841,940.27
Non-Uniform Pension Fund	\$145,790.85
Payroll Fund	\$2,385.40

Being there were no Public Comments to be addressed Vice-Chairman McCaffrey moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Board of Supervisors is in receipt of John E. Good's review letter of proposed Ordinance No. 03-10, amendments to the RM Zoning District. Manager Rambo noted that John E. Good, Esquire has questions regarding the wording in paragraph f. The Manager, John Good, and John Snook will get together to rewrite the paragraph for resubmission to John E. Good and the Planning Commission.

The second item to act upon was the Township is in receipt of additional documentation from Ross Unruh, Esquire with regard to the Culbertson Village Conditional Use Application. Manager Rambo noted that Ross Unruh has provided them with the additional information that was requested at the final hearing. The Manager requested that the Supervisors review this information before the next meeting to make sure the information is complete so they can establish the hearing is closed. The Manager will contact Ross Unruh to let him know the Board will review the information.

The third piece of information to act upon was John E. Panizza of GenTerra has forwarded the Township correspondence with regard to contributing \$500.00 per lot as a fee in lieu of providing open space for recreation at his Valley View Subdivision. Manager Rambo noted this amount is the average they have been receiving from other developers. He noted GenTerra has 22-23 lots.

Vice-Chairman McCaffrey asked how they arrived at the figure of \$500 per lot. Manager Rambo noted when talking with John Snook he stated the figure varies between \$250 through \$750.

Bob Bower from the Park and Recreation Board noted they are in favor of considering the money in lieu of providing open space. They also would like to see them keep a ten-foot access between two of the property lines on the north side. Manager Rambo noted that GenTerra is doing the ten-foot access between the property lines. The Supervisors will look at the plan again before making any decisions to accept the \$500 per lot.

The fourth piece of information to act upon was Lisa Westervelt of 31 Ramblewood Drive has forwarded correspondence to the Township with regard to the use of “jake brakes” within the Township. Manager Rambo noted they would have to consider an adoption of an ordinance to limit the use of “jake brakes.” Supervisor Lindborg asked how many complaints they have received regarding “jake brakes” and Tom Eells stated they have only had a couple. Manager Rambo noted that some municipalities post signs. At the suggestion of Vice-Chairman McCaffrey the Board will look into whether other municipalities have an ordinance regarding the use of “jake brakes.”

The fifth piece of information to act upon was Dr. Gordon Eck of 120 Germany Hollow Road is requesting permission to install temporary holding tanks on his property until such time that his new sewer system is installed. Manager Rambo noted that Dr. Eck has elected to move into and operate the Bed and Breakfast. Dr. Eck has submitted an application for a temporary system and will pay a fee. Manager Rambo requested a decision be made from the Board to accept the approval of holding tanks so that Dr. Eck can move forward. Vice-Chairman McCaffrey was concerned if they have arranged for adequate capacity. Manager Rambo noted they have arranged to put in 3 or 4 tanks that will adequately address their sewer needs. Both Vice-Chairman McCaffrey and Supervisor Lindborg noted they are okay with approving Dr. Eck’s request to approve the holding tank.

The sixth piece of information to act upon was Ms. Tina Cella of 101 Wynne-Wood Drive is responding to the call for Parks and Recreation Board members and has forwarded her résumé to the Board. The Supervisors will meet with Ms. Cella at the end of the Board meeting.

Vice-Chairman McCaffrey moved onto Correspondence/Communications - Information to Note. The first item under Information to Note was the Manager is in receipt of correspondence from Bitten Krentel of the Wallace Trust with regard to the Girl Scout Camp Easements and Agreement of Sale. Manager Rambo noted this information has been forwarded to John E. Good, Esquire for his review.

The second piece of Information to Note was the Township is in receipt of correspondence from Bentley Communities that has been forwarded to residents abutting the proposed Culbertson Village Project. Manager Rambo noted the letter dated May 7, 2003 that Craig Poff had forwarded to the residents that live around the proposed Culbertson Village Project.

The third piece of Information to Note was the DEP has forwarded the Township its interim authorization stickers to transport municipal waste to the Lanchester Landfill, along with a Compliance History Application. Manager Rambo noted this is a new law that requires municipalities to have a DEP sticker for \$100 per truck besides having the Lanchester Landfill sticker from the County.

The fourth piece of Information to Note was Marc D. Jonas, Esquire has forwarded the Township correspondence dated April 30, 2003 with regard to the City of Coatesville's Land Development Application. There were no comments made.

The fifth piece of Information to Note was the Conservation District has forwarded the Township information with regard to an upcoming seminar on the Municipality's Role in Agriculture. Vice-Chairman McCaffrey requested the information regarding the seminar be sent to the Agricultural Security Members.

Vice-Chairman McCaffrey moved onto the Reports of Departments for the month of April 2003, which was the next item on the agenda. Chief Walt Werner was present from the Police Department to give the police report. Tom Eells, Road Foreman then gave the Road Department report. Supervisor Lindborg asked if they had received the new mower and Manager Rambo said yes, they also received the new trailer as well. Code Enforcement Officer, Building Inspector; Dale Barnett, gave the report for the building and codes department. Manager Rambo then gave the report of the Fire Departments. Included in this report were Martin's Corner for March and April, Wagontown's report for March, and East Brandywine's April report. The Manager also gave the Fire Marshall report.

Vice-Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions. John Cassels gave a report from the Planning Commission. Mr. Cassels stated at a prior Planning Commission meeting they discussed Janiec's sketch plan and conditions for the Plank farm and noted all Planning Commission members were favorable to the plan and recommended moving onto conditional use application. There were no questions.

Being there was no one present from the Historic Commission Vice-Chairman McCaffrey moved onto the report for the Park and Recreation Board. Bob Bower gave the report from the Park and Recreation Board. Bob would like feedback from the Board regarding the plans for the Grand

Opening. Supervisor Lindborg noted it would be up to the Park and Recreation Board to have a rain date and whether the vendors would be able to commit to the rain date as well. The time for the Grand Opening is set for Saturday, September 27 from 10:00 a.m. until 4:00 p.m. with a tentative rain date set for Sunday, September 28th from 1:00 through 6:00 p.m. Manager Rambo estimated there will be between 1,200 and 1,500 people in attendance. Coatesville Rotary will supply the food at a small charge. The Park and Recreation Board will contact local craft vendors for the Grand Opening as well. Manager Rambo noted they have cookbooks available, but will have to print the historical books. The Park and Recreation Board will contact local business for sponsorship. They would like to have banners printed announcing the Grand Opening. Manager Rambo stated they would have to apply for a permit from PennDOT.

Supervisor Lindborg and Manager Rambo gave the report from the Municipal Authority. Supervisor Lindborg noted the Municipal Authority voted to pay for a portion of the newly purchased mower.

Vice-Chairman McCaffrey moved onto Old Business. The first 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 second piece of Old Business was the Manager continues his research into the placement of a concrete silo adjacent to the Township's new facility. Manager Rambo noted the estimated cost for a 12' X 60' silo is \$37,000. They would also need to do special wiring and setup for future uses, this would be an additional cost between \$25,000 and \$30,000. The Manager will look into whether the interest would be there from businesses such as Verizon before he pursues this any further.

The third piece of Old Business was the Township Manager is to receive a cost breakdown from John Snook of the Brandywine Conservancy with regard to updating the Township's Comprehensive Plan, Zoning Ordinance, and Subdivision and Land Development Ordinance and an associated outline to complete the tasks. Manager Rambo noted that John Snook is still working on this. Vice-Chairman McCaffrey suggested that the Manager have another agency such as the Chester County Planning Commission or the National Lands Trust review, comment, and possibly suggest additions on this as well.

The fourth and final piece of Old Business was the Township will be advertising for road materials for the 2003 construction and maintenance projects that will take place this year for a June 5, 2003 opening. There were no comments made.

Being there was no Old Business from the Floor or from the Board Vice-Chairman McCaffrey moved onto Ordinances and Resolutions. Resolution # 09-03; a resolution for ACT 537 Plan revision allowing the placement of a residential drip irrigation system for the Stanley Wannop & Elaine Gerwig property on Springton Road. Manager Rambo recommended passing the resolution so that the information can be sent to DEP for review. Supervisor Lindborg motioned to accept Resolution # 09-03. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye.

New Business was the next item on the agenda. The first item was the Manager and Public Works Director will be meeting with the Township Engineer to discuss PennDot's Turnback Program with regard to accepting Swinehart and Reeceville Roads. There were no comments made.

The second item under New Business was the Township will be advertising the sale of used vehicles and equipment for a June 5, 2003 opening. Manager Rambo noted the equipment that will be advertised.

The third item under New Business was the Summer Newsletter articles are due on the desk of Linda Formica by Friday, May 23, 2003. There were no comments made.

The fourth item under New Business was to discuss the impact that the proposed CASD Occupational Privilege Tax will have on the Township with regard to lost revenues. Manager Rambo noted the Township will lose about \$12,000.

Vice-Chairman McCaffrey noted an article in the Newspaper where the CASD had received \$100,000 back from the state and rather than them putting the money into their reserve they decided to allocate it for new programs because for them "it was just a drop in the bucket." He noted the Township would like to have a small amount of money for Open Space preservation and other things they would like to do in our community and one of the big reasons they don't is because people are hard pressed by the school's taxation policy and that any other tax seems like a burden. Vice-Chairman McCaffrey noted that the seniors on a fixed income find themselves in a position where they can't afford to live in their own homes because the school district have taxed them right out of them. People in the community that want to do something should be writing to their legislator. He expressed concern that if a person would take \$10,000 and lose it at the racetrack they would have no further obligation to that money, but if a person takes the \$10,000 to make their house more beautiful, the government can come back and get more of that \$10,000 every year for the your life that you own the property.

Bob Karpovich of Frazer Blvd. asked who regulates the school district and Manager Rambo answered they are regulated by state code. Bob then asked if the Township could impose political pressure on them. Manager Rambo noted the Township passed a Resolution last year with regards to the big tax increase and it didn't go anywhere.

Vice-Chairman McCaffrey expressed concern that they have many administrators and are going to hire more. Back in 1996, they borrowed money to build and spent that on something else. Now they don't have the money to build.

Jesse Edwards of Manor Road noted that he went to the Senior Expo and was talking to Representative Timothy F. Hennessey and asked him about the Coatesville School Board. He felt that Representative Hennessey thought the school board was number one.

Vice-Chairman McCaffrey stated that the representatives think everything is fine because nobody says anything to the contrary. He noted that the school board doesn't want to switch to

an income based tax system. They want a smooth income, even if your not working they can still tax you.

The fifth item was the Board of Supervisors will discuss the Coatesville Golf Training Facility zoning permit conditions under the Public Comments section of their Thursday, June 5, 2003 meeting. Vice-Chairman McCaffrey noted this had been proposed a while ago to go over what things were covered and what the conditions are.

An area resident then stated that the information had stopped coming to them and that is why people stopped coming in, not because there was a lack of interest, the area residents heard it was a done deal and it wouldn't do any good to come in.

Vice-Chairman McCaffrey noted that they have very open Township meetings and they welcome public comments.

Supervisor Lindborg noted they had a meeting and the residents didn't show up for it. A resident from the floor stated that the people didn't show up because it was moved or changed and they were not notified about it.

Vice-Chairman McCaffrey noted that the Conditional Use Hearings were cancelled because rather than invest in West Brandywine Township, the City of Coatesville invested in their attorney looking for whatever mechanism they could find to subvert the process. The conditions that were hammered out were because of the Township's Manager and the Board of Supervisors.

Manager Rambo wanted to make everyone aware that the City of Coatesville has submitted their land development plan to the Township for preliminary review. The Township has reviewed the packet and has been forwarded on to the various agencies; the Conservation District, Chester County Planning Commission, the Township Engineer, and the Health Department. The City of Coatesville's legal council Marc Jonas, Esquire asked when it would be on the agenda. The Manager noted that if the packet is deemed complete they will start discussions next Thursday, May 22, 2003 at the Planning Commission meeting.

Vice-Chairman McCaffrey pointed out that some of the things that the people didn't like are still part of the subdivision process, e.g. lights, buffer. He noted that the zoning permit argument merely said they have the right to do it, but they have to do it within the guidelines of the Township's existing ordinance. They still have to go through subdivision like the regular developer.

Supervisor Lindborg noted that the Planning Commission process is an important one to attend because you have a chance to state your concerns or objections.

A resident from the floor asked if they could sell this land, say five years from now since it is now going to be used for municipal purposes. Supervisor Lindborg noted they changed the ordinance so it is no longer municipal use by-right.

Vice-Chairman McCaffrey noted they could sell it but they would have to do with it what is permitted within the building ordinance. He noted that for us as a Township, if the Golf Course is done appropriately there, in the long run it might not be the worst thing that could have gone there.

The resident agreed except for the nighttime operation of it. Supervisor Lindborg noted this was a hot topic when they were negotiating this. If it were up to him, closing would have been dusk; they came up with a compromise. Lighting was another issue of concern and they will work with a lighting expert to find out what works best.

The resident asked why they have a drilling rig. Manager Rambo answered to test wells and noted that the City of Coatesville is sending out letters to the area residents asking permission to check their wells.

Greg Stillwell of Green Valley Circle stated that the majority of the residents had concerns over water issues and they had a misunderstanding of what the process was and that's where the volatility came from. Supervisor Lindborg noted that if the Conditional Use had continued it would have given everybody the opportunity in a public forum to discuss his or her issues and concerns. He felt that the results from the negotiations would have been close to what the conditions would have been at the end of the conditional use process.

Supervisor Lindborg agreed with Vice-Chairman McCaffrey and said the difference would have been that it would have given everybody more of an opportunity to feel involved if the Conditional Use Hearing had continued.

Vice-Chairman McCaffrey suggested that the Township ask the DRBC to impose whatever their testing guidelines are on withdrawal regulations.

Supervisor Lindborg noted the amount of water the City of Coatesville is going to use for their facility was not that much, but was concerned about the amount they would use for irrigation.

Vice-Chairman McCaffrey noted that township supervisors have very limited authority over the use of property. The Township could be sued if they said no. He noted that the amount of money for this project is around \$30,000,000 - \$60,000,000. Some years ago when the whole county of Chester was going to borrow \$30,000,000 for the widely popular securing of open space and they went out for a referendum on it. The City of Coatesville is one of the poorest communities that is borrowing money and they never asked their people what they wanted to be obligated to.

Greg Lownes of Wagontown Road noted that this is not a done deal. At one of the City council meetings the subject came up about how the local golf courses are getting involved in possibly suing the City of Coatesville.

Vice-Chairman McCaffrey noted he was waiting for somebody's lawyer to bring up the fact that for a recreational facility you may condemn ground, but for a redevelopment you may not condemn ground. He feels that this is not a recreational facility for the City; it's something to attract people into a redevelopment project.

The sixth item was to discuss the purchase of the updated windows version of the existing accounting software from Software Innovators. Manager Rambo noted this was approved under last years budget and that the Authority has money set aside to assist with this purchase. It would also comply with the requirements that they have to start keeping associated costs with the Township's roadways and equipment.

Vice-Chairman McCaffrey asked if they checked out any of the newer software like QuickBooks and the Manager answered yes, it will not work for budgets over \$1,000,000. Manager Rambo noted part of the \$30,000 cost is to upload the old files. He stated it would be an arduous task to have the staff re-enter all of the old files into the new system.

New Business from the floor was the next item on the agenda. Bob Karpovich asked if they had gotten a determination on the Caln Water Ordinance and whether it was feasible. Manager Rambo answered no they haven't received anything yet. Vice-Chairman McCaffrey asked the Manager to request this information again.

Being there was no New Business from the Board Vice-Chairman McCaffrey moved onto Public Comments. Jesse Edwards noted that a gentleman asked when they are going to start the golf course that is proposed behind his property. Manager Rambo stated they are not going to do the golf course because they ran out of funding and that it is back on the market.

Pat Edwards asked what the new playground equipment was made of and Manager Rambo noted the equipment is made out of plastic and metal.

Vice-Chairman McCaffrey then moved onto Open Issues. The first Open Issue was the CASD tax audit review. Manager Rambo has talked with Brenda Hawes about negotiating property for the relocation of Reeceville Road if they can't come up with a dollar value.

The last Open Issue was the Cable Franchise review letter. Manager Rambo noted a second request was sent out.

Vice-Chairman McCaffrey moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they are into the second week of July for the move in date and noted they will probably be fully moved in by the middle of August. He noted that the ceilings are finished, doors need to be hung, and special glass needs to be done. Landscaping is supposed to be started next week. The current interest rate is 1.57%.

The Vice-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 and McCaffrey voted aye in favor of their payment.

Vice-Chairman McCaffrey asked if the new submission was in for Culbertson Village and Manager Rambo noted that is the additional information that Culbertson Village was supposed to submit to the Township.

Vice-Chairman McCaffrey noted the letter dated March 19, 2003 stated the Gordon property is not eligible for the National Registry of Historic Places. Supervisor Lindborg noted that the building will be taken down and reassembled on the Eck property.

Mr. Scott Emerson, Bentley Communities then summarized his thoughts after having met with the Historic Commission on several occasions regarding the property and on reassembling the historic building onto the Eck property. Vice-Chairman McCaffrey stated his view on moving the structure; that the historical value has a sense of place, noting that he was not sure that it would retain history just because you retain the lumber.

Vice-Chairman McCaffrey stated his objection to Genterra sending documents directly our solicitor regarding the Valley View land development. Manager Rambo noted that John E. Good, Esquire will not review the letter until he has the okay from him.

Vice-Chairman McCaffrey noted upcoming meetings and events as follows:

- Conditional Use Hearing, Beaver Creek Realty, Tuesday, May 20, 2003 at 7:00 p.m. at the Township building.
- Conditional Use Hearing, Swinehart Realty, Tuesday, May 20, 2003 at 8:30 p.m. at the Township building.
- Zoning and Subdivision Task Force meeting, Wednesday, May 21, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, May 22, 2003 at 7:30 p.m.
- Historic Commission meeting, Monday, June 2, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, June 5, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, June 10, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, June 12, 2003 at 7:30 p.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:05 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye in favor of adjournment.

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