

**Meeting Minutes of December 21, 2006  
Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of December 21, 2006 to order at 7:30 p.m. and then led those present in the Pledge of Allegiance and turned the meeting over to Supervisor Lindborg for the evening because he was losing his voice. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Chairman Josef G. Obernier, Sr. and Supervisor Carl S. Lindborg in attendance. Vice-Chairman Thomas J. McCaffrey, Jr. arrived at 7:34. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Walter Werner [Chief of Police], Dale Barnett [Building Inspector/Codes Officer] and Thomas Eells [Director of Public Works].

**Acceptance of Minutes from Previous Meetings**

The minutes of December 7, 2006 are being finalized and have not been distributed.

**Treasurer's Report** *Month ending November*

- Treasurer's Report presented by Manager Rambo. There were no comments.
- |                                |              |                                    |                |
|--------------------------------|--------------|------------------------------------|----------------|
| Construction Sweep Fund .....  | \$17,881.62  | Operating Reserve Fund .....       | \$8,267.50     |
| Capital Reserve Fund .....     | \$788,800.19 | Police Pension Fund.....           | \$1,231,805.28 |
| Developer Escrow Fund .....    | \$741,159.91 | Public Works Cap. Projects Fund .. | \$647,464.86   |
| General Fund .....             | \$19,938.32  | Solid Waste & Recycling Fund.....  | \$608.22       |
| Non-Uniform Pension Fund ..... | \$304,077.31 | State Liquid Fuel Fund.....        | \$43,907.08    |

**Correspondence/Communications** *Information to Act Upon*

The Township is in receipt of the final version of the Decision and Order and layout exhibit for the proposed Pulte 55+ Community. Supervisor Obernier motioned to table the Pulte's Decision and Order. Supervisor Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of a letter of extension for the rendering of the Opinion & Order for the proposed Pulte 55+ Project from Theresa Lemley, Esquire. Supervisor Obernier motioned to accept the letter of extension. Supervisor Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of a "draft" proposal from the City of Coatesville for the furnishing of Animal Control Services and is also in receipt of an Animal Control Agreement from the SPCA for 2007. The BoS will discuss items regarding animal control services in the near future.

Michelle Benkovich has submitted a letter of interest and her resume to participate on the Township's Parks and Recreation Board. Supervisor Obernier motioned to appoint Michelle Benkovich to the Parks and Recreation Board. Supervisor Lindborg seconded the motion. Supervisor Lindborg noted that Vice-Chairman McCaffrey has arrived at the meeting. Board Members Obernier, Lindborg and McCaffrey voted aye.

The Township is in receipt of a letter from Ross Unruh, Esquire requesting an additional year in which to submit plans for the Bentley Community Beaver Creek Realty Project located on the south side of Route 322. Ross Unruh is in attendance to update the BoS. Mr. Unruh stated that Bentley is asking for an extension until June 2008 being that they have no sewer. They received Conditional Use Approval in 2003 and the Township requires that a preliminary plan be filed within one year. They have been working on their three plans; Culbertson, Swinehart, and Beaver Creek and have not yet received an agreement from PAWC. Bentley is asking to delay spending the money on plans for a project that they cannot build because they have no sewer. Manager Rambo explained that the Township and other municipalities have been meeting with PAWC on a monthly basis for sixteen months regarding sewer. Every time they think they are moving forward there is always something setting them back. The latest being that PAWC bid out for the east end trunk line, however Bentley, who is willing to put up the money, will not put the money up until they get some type of agreement from PAWC to get capacity from the Township and for upgrades necessary for additional flows for WBT.

Supervisor McCaffrey noted from the very onset of this he personally didn't feel there is enough open space provided to the Township with a guarantee, everything hinged on the development going through and with everything being satisfied for the development if there is a little extra open space left over, then it could be considered open space, there is nothing set in stone for the Township. Supervisor McCaffrey has objected to this plan from the very beginning on that basis. He has asked that the plan be modified and the developer has stuck with the number of units as paramount over any other issue. Supervisor McCaffrey suggested that Bentley talk with the Township about modifying their plan to make it more palatable for the community, he would be glad to work with them.

Supervisor Lindborg noted that the BoS and the Township felt that they have been very cooperative in working with Mr. Unruh and Bentley. Mr. Unruh stated if they had sewer they would probably be building. Supervisor Lindborg stated that the Township has worked hard to facilitate that and continues to work with the various entities for sewer. Supervisor Lindborg noted that Manager Rambo's recommendation is to move forward with the plans, it has been four years and if it's not a viable development to do, maybe they should do something different. Mr. Unruh stated that it is not that it isn't viable, Bentley was testing for sewer and they stopped testing because they were asked by the Township...Mr. Unruh didn't see how moving forward with the plan would help the Township.

Supervisor Lindborg stated that the Township has been accommodating and didn't think anyone was trying to hurt the developer. Mr. Unruh stated they will end up having approved plans sitting and not be able to do anything because of sewer, they took this route with sewage because they were asked to by the Township and have been working cooperatively with the Township and are asking for a favor for the extension of time.

Supervisor Obernier noted that the Township has given Bentley three extensions; the issue is not with the Township it is with DEP and PAWC. Manager Rambo noted that Bentley is requesting additional time in which to submit their plans. Their time clock runs until June 2007 and the BoS does not need to

take any action at this time. Vice-Chairman McCaffrey noted that he would be more than happy to discuss this plan with Bentley at any time to go over John Snook's suggestions.

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

John Snook has provided the Township with proposed zoning modifications to the Open Space Design Option for the Board's review. Manager Rambo suggested that the BoS review the letter, comment, and give a copy to John Snook to address Jim's concerns. At that time the Manager will recommend that they move forward with preparing the amendment for consideration.

Stan Stubbe has forwarded the Township proposed language to update and modify the Township's existing lighting ordinance requirements. There were no comments.

The Township is in receipt of the County's single reporting system form for use when submitting tonnage rates for its recycling program. There were no comments.

The Township is in receipt of correspondence from John E. Good, Esquire and the County Recorder of Deeds office with regard to the Township's Ordinance pertaining to the collection of Real Estate Transfer Tax. Manager Rambo noted that John Good and himself have had an opportunity to review this and both feel that they are in compliance so they are sending it to the Department of Revenue and ask if they concur with their decision. This will allow the Department of Revenue to collect any back real estate transfer tax. Without the Ordinance being up to date, the Township would not be able to receive any funds if they found that there are funds do to the Township.

The Brandywine Conservancy has forwarded the Township its 2007 planning assistance rates. There were no comments.

The Township is in receipt of a letter of support for its recent Section 902 Recycling Grant, submitted to DEP, from Representative Schroder. There were no comments.

The County Assessment Office has forwarded the Township a form requesting information on the Township's 2007 millage rate. Manager Rambo will send the information once the BoS adopts the budget.

The Township is in receipt of correspondence from the Chester County Solid Waste Authority with regard to tipping fee rates for next year. The fees for 2006 are \$52 a ton, for 2007 they will be \$58 a ton. This goes into effect February of 2007. Additional recycling information will be included in the newsletter.

**Reports of Departments** *Month of November 2006 unless otherwise noted.*

- Police Report presented by Chief Werner. There were no comments.

Total hours .....	1,402	Fatalities .....	0
Miles patrolled .....	9,517	Domestics.....	14
Complaints .....	353	Criminal arrest.....	16
Accidents.....	16	Non-traffic arrest.....	5
Injuries .....	0	Traffic arrests .....	61
- Public Works Department Report, presented by Tom Eells.

Total man-hours .....	728.5	Total Equipment hours .....	43
Miles traversed .....	3,058	Fuel gallons .....	956

Tom summarized the work completed throughout the month. There were no comments.
- Buildings/Codes Department Report, presented by Dale Barnett. There were no comments.

Building Permits issued.....	42	CL Fees collected .....	\$800.00
Permit base fees collected .....	\$5,740.60	Inspections completed.....	67
Occupancy fees collected .....	\$200.00	Failed Inspections (FI) paid .....	2
U&O permits issued .....	6	FI Fees collected .....	\$80.00
U&O permits issued cursory .....	12	Total fees collected .....	\$6,820.60
Contractor Licenses (CL) issued .....	32		
• Fire Marshall Report was submitted by Paul Gainor and presented by Manager Rambo. There were no comments.			
Permit inspections done .....	60	Hours on Permits .....	26
Other type inspections done .....	4	Hours on Ins/Complaints/Violations.....	8.5
Code violations/Complaints .....	1	Hours on patrol .....	4
• Wagontown Fire Company Report presented by one of their representatives. There were no comments.			
Alarms into WBT .....	3	West Brandywine Gas .....	31.2
• Martin's Corner Fire Company Report presented by Manager Rambo. There were no comments.			
WBT Fire Calls .....	1	Total Alarms.....	17
• Martin's Corner Ambulance Report presented by Manager Rambo. There were no comments.			
ALS .....	34	Fire/Standbys.....	10
BLS .....	48	WBT Total Responses.....	101
MVA .....	9		
• East Brandywine Fire Company Report presented by Scott Piersol. There were no comments.			
WBT Fire .....	24	Time in Service QRS: 7 hrs 9 mins.	
WBT EMS .....	42	WBT Miles traveled Fire .....	118
WBT Time in Service Fire: 7 hrs 39 mins.		WBT Miles traveled QRS.....	90

### Reports of Organizations, Boards and Commissions

There was no one in attendance from the Historic Commission. At the Supervisor's request a memo was sent to Dr. Vilcheck requesting that someone from their Commission attend the meeting to give updates and reports to the Township. Fence quotes were sent to the Historic Commission so they could determine what they preferred and also to give the Township a timeline on the project. The BoS has requested that they have an engineer look at it and provide a breakdown of what they are going to do. Vice-Chairman McCaffrey expressed that having the kids doing "something" is more than what is being done now. Supervisor Lindborg was concerned about liability. Manager Rambo noted that the Township has owned the property for two years and people are beginning to move in the area. Vice-Chairman McCaffrey asked Manager Rambo to write a letter to the appropriate people, with Dr. Vilcheck carbon copied on the letter, to obtain a time line as well as a breakdown of what they are going to do.

Mark Hartnett gave the report of the Parks and Recreation Board noting that their next event scheduled is the annual Easter Egg Hunt on March 31, 2007 at 10:00 a.m. with a rain date scheduled on April 1 at 1:00 p.m. and Community Day is tentatively scheduled for Saturday, May 5, 2007. Mark also noted they have been talking with Caln Township about combining a concert series. Vice-Chairman McCaffrey suggested that the Township look into grant opportunities.

Chuck Dobson gave the report of the Planning Commission noting that all items on the agenda were tabled with the exception of two. One being Schnatz and Rohrer with the applicant requesting a waiver, the details are outlined in the letter dated December 8, 2006. The Planning Commission recommended approval. The second was regarding Cobblestone at Horseshoe Village Subdivision Plan; the Planning Commission recommended rejection of the plan unless a letter of extension is granted. Manager Rambo noted that their time clock runs until January 24, 2007.

Manager Rambo noted that no one is in attendance from the Open Space Review Board to give a report; they did not meet last month because they did not have a quorum.

Municipal Authority Manager Rambo gave the report of the Municipal Authority. The Municipal Authority is preparing to begin restoration of the lines so that they can bring Monacy Manor on board.

### **Old Business**

The Township Manager continues to finalize the Ordinance to enable the Technical Specifications for Traffic Control Signalization prepared by McMahon Associates, Inc. to be adopted. There were no comments.

The Township Engineer and Manager continue in the efforts to update the Township's ACT 537 Plan for presentation to the Board. There were no comments.

Final discussions on the proposed 2007 Township budgets. Manager Rambo noted that the BoS and the public have the budget for review. There is no proposed tax increase for 2007. The only increase is the fee for the solid waste that will be \$225.00 per year. Supervisor McCaffrey felt that the budget seems to be less conservative, which means there is less money available for planning and would like to see some measure of how they are sticking to the budget. Supervisor Lindborg concurred with Supervisor McCaffrey.

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

There was no Old Business from the Floor.

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

Supervisor Obernier asked Manager Rambo about the Fire Department Report he has requested. Manager Rambo noted that a copy was in the BoS mail bin.

Supervisor Obernier stated he noticed that the lights at the church are full cut off fixtures with different heights and are not horizontal. Understanding they are going to go through a changeover process asked that when they are done, that it is the levelness of the light that is important. The lights on the north side of the church building appear not to be full cut off fixtures. Dale Barnett asked if the BoS was acceptable to occupancy be granted to the school even though the lights are not compliant, if they agree to make them compliant. Supervisor Obernier stated as long as they are willing to make the lights compliant. Supervisor Lindborg concurred as long as they are in agreement to make it compliant with the plan. Manager Rambo noted at both facilities, there are lights on the buildings that are not full cut off because they are only emergency lights.

### **Ordinances and Resolutions**

Resolution #14-06; Pope John Paul II Regional Catholic School Pump and Haul Agreement. Manager Rambo recommended that the BoS accept the resolution. Supervisor Obernier motioned to accept Resolution #14-06. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

Resolution #15-06; adoption of the 2007 Township Budgets.

Resolution #16-06; establishment of the 2007 Township Real Estate Tax rate.

Resolution #17-06; establishment of the 2007 Township Fire Service Appropriations Tax rate.

Resolution #18-06; establishment of the 2007 Solid Waste and Recycling Fee. Supervisor Obernier motioned to pass Resolution #15-06 through #18-06. Supervisor McCaffrey seconded the motion. Obernier, McCaffrey and Lindborg voted aye.

Resolution #19-06; establishment of the WBTMA Board meeting compensation rate. Manager Rambo noted the budget for the Municipal Authority is \$500,000. This resolution pertains to raising the compensation rate from the \$50 per person per meeting, which it has been for the past eleven years to \$100. Supervisor Lindborg felt that the board members have responsibility and should receive the increased amount. Supervisor McCaffrey noted that the other committees are not compensated and asked why they would consider raising this without offering compensation to the other committees. Manager Rambo explained that if the Planning Commission, Parks and Recreation Board, Historic Commission, etc. spend their own funds they get compensated, they get mileage if they submit it. The WBTMA is another governmental entity, it's not a Board or Commission. Supervisor McCaffrey stated that 1% of the Municipal Authority budget would go into paying people that meet once a month and didn't feel comfortable approving it. Supervisor Lindborg motioned to approve Resolution #19-06. Supervisor Obernier seconded the motion. Lindborg and Obernier voted aye. McCaffrey voted nay.

### **New Business**

The Township has advertised to receive bids for the proposed Public Works Facility. Manager Rambo noted that the advertisement was in the Daily Local News on Tuesday and will also be in next Tuesday.

Signing of release request #2 for the Glenmoore Veterinary Hospital Project. The Manager, Township Engineer, and Inspector have reviewed it, found it satisfactory, and recommended that \$40,305.33 be released. Supervisor Obernier motioned to approve the release request. Supervisor McCaffrey seconded the motion. Obernier, McCaffrey and Lindborg voted aye.

Signing of release request #1 (\$341,801.87) for Costa's Hidden Meadows Project on Beaver Creek. The release request was reviewed by the appropriate authorities and found satisfactory. Supervisor McCaffrey motioned to approve the release request and Supervisor Obernier seconded the motion. McCaffrey, Obernier 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**

Ordinance amendments with regard to the IBC (International Building Code). There were no comments.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. There were no comments.

The Township continues to seek volunteers to serve on the Building Appeals Board and the Parks and Recreation Board. This has been advertised in the DLN as well as the newsletter.

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

Interest rate for the week was 4.24%.

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

Bills from the General Fund (\$4,828.12) and State Fund (\$7,380.38). Upon the Board's review of the invoices and finding them in order, McCaffrey motioned to approve payment of the bills. Obernier seconded the motion. McCaffrey, Obernier and Lindborg voted aye.

### **Upcoming Meetings/Events**

- Board of Supervisors re-organizational meeting, Tuesday, January 2, 2007 at 7:00 p.m. followed by the first BoS meeting of the year.
- Historic Commission meeting, Monday, January 8, 2007 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, January 9, 2007 at 7:30 p.m.
- Open Space Review Board, Thursday, January 11, 2007 at 7:00 p.m.
- Municipal Authority re-organizational meeting, Thursday, January 11, 2007 at 7:00 p.m. followed by the first Authority Board meeting of the year.
- Board of Supervisors meeting, Thursday, January 18, 2007 at 7:30 p.m.
- Planning Commission re-organizational meeting, Thursday, January 25, 2007 at 7:00 p.m. followed by the first PC meeting of the year.

### **Adjournment**

With no other business to discuss, McCaffrey motioned to adjourn the meeting at 8:33 p.m. Obernier seconded the motion. McCaffrey, Obernier and Lindborg voted aye in favor to adjourn.

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