

Meeting Minutes of July 2, 2009
Board of Supervisors

Chairman Obernier called the Board of Supervisors meeting of July 2, 2009 to order at 7:33 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Josef G. Obernier, Sr. and Thomas J. McCaffrey Jr. in attendance. Supervisor Carl S. Lindborg was not in attendance. Township Manager Ronald A. Rambo, Jr. and Chief Walter Werner were also present.

Acceptance of Minutes from Previous Meetings

May 21, 2009, June 4, 2009, June 18, 2009, and June 30, 2009. Vice-Chairman McCaffrey motioned to table the minutes until all BoS members were present. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Public Comments (individuals requesting to be on agenda)

Holley Gates requested to talk with the Board about what can be done about the excessive speeding that is occurring on Icedale road. Ms. Gates was not in attendance.

Correspondence/Communications *Information to act upon*

The Township is in receipt of Ordinance No. 2009-03 for consideration with regard to the participation in the Western Chester County Regional Planning Committee. John Good has reviewed this Ordinance. Manager Rambo would like to move forward and advertise this. This deals with intergovernmental cooperation to perform an economic study within the municipalities within CASD along with the school district itself. Chairman Obernier didn't want to advertise this until he has the opportunity to discuss this with the other BoS members. Vice-Chairman McCaffrey was concerned about the cost of hiring professional consultants and doesn't want to get locked into something that steps over our local municipalities rules and regulations. Manager Rambo explained they are hoping to get 90% of the funds through grant money, 10% would be divided among the school district and municipalities. They would not ask for more than \$1,000 from each municipality to participate. This item was tabled until all BoS members are present.

The Township is in receipt of a June 5, 2009 letter from Lake, Roeder, Hillard, and Associates requesting 4 waivers from the Township's Subdivision and Land Development Ordinance on behalf of the Mosteller Subdivision Plan. The BoS will address this later in the meeting.

The Board to sign the Agreement of Sale prepared by John Good, for the purchase of the 16.9 acre Authority tract located on the south side of Horseshoe Pike. Vice-Chairman McCaffrey motioned to sign the agreement of sale. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of a ninety-day letter of extension for the review of the Cycle Max Self Storage Preliminary Plan. Manager Rambo recommended that the BoS accept the extension. They submitted revised plans that are currently under review by the Township's engineer. Vice-Chairman McCaffrey motioned to accept the letter of extension for the Cycle Max Preliminary Plan. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of a letter of extension until September 17, 2009 for the review of the Pulte, Final 55+ Phase I Plans. Manager Rambo noted the Engineer has received revised plans and recommended that the BoS accept the extension. Vice-Chairman McCaffrey motioned to accept the letter of extension, seconded by Chairman Obernier. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of a letter of extension until October 16, 2009 for the review of the Brandywine Meadows Preliminary Subdivision Plans. Manager Rambo noted they are in the process of addressing the engineer's latest review letter and recommended that the BoS accept the extension. Vice-Chairman McCaffrey expressed that he didn't mind a legitimate extension, but some of these are old and there may be new ordinances that have gone into effect, it may be in the best interest of the community if they would just resubmit. Chairman Obernier concurred. Vice-Chairman McCaffrey motioned to accept the letter of extension. Chairman Obernier seconded the motion. Board Members McCaffrey 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, located on Manor Road north of Route 340, as it pertains to the previous sewer presentation. Manager Rambo noted this information is currently under review by the engineer. They are looking into the establishment of a stream discharge sewer system for the property. Vice-Chairman McCaffrey further explained this is an old lot that wouldn't be approved today because there isn't a proper setback for a septic system, etc.

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

Opening of Public Hearing Time: 7:47 p.m.

Discussion on Ordinance NO. 2009-05, Oversize and/or Overweight Vehicles traveling of Township roadways. Vice-Chairman McCaffrey stated that these Ordinances are living documents, designed to be adjusted if they are harmful or cause problems to Township residents. Chairman Obernier stated that is probably true of all the ordinances the Township has.

Elizabeth Zanowiak asked for an explanation of the Ordinance. Manager Rambo explained that this is an Ordinance regulating the travel of oversize overweight vehicles similar to what PennDot has. Vice-Chairman McCaffrey also explained that PennDot has regulations for heavy vehicles on state roads and the Township would like to have regulations for heavy vehicles on local roads. If someone with heavy machinery damages a highway by being too heavy for certain areas, they can prevent that or recover from it. Ms. Zanowiak stated the Township is trying to initiate its own ordinance so that the Township can regulate or define... Manager Rambo stated the Township is trying to regulate the same type of permitting that is done by PennDot on their roads for instances when heavy loads are within Township roads. Currently there are no ordinances so if damages occur there is no means to recoup any damages, this would enable the Township to recoup damages. Ms. Zanowiak asked if this would limit them so they are not permitted on certain roads. Manager Rambo stated it is hard to not permit vehicles on certain roads when you get liquid fuel money. Liquid fuel money is given to the Township by the State.

It comes from tax money paid by the people. Ms. Zanowiak stated if they don't have State money coming in suggesting that the Township write an Ordinance stating that certain vehicles are not permitted on say Manor Road. Manager Rambo stated that Manor Road is a state road within our Township. If the Township does not want to take the \$200,000 plus from the State each year, the Township wouldn't have money to maintain the roads. The Township gets State money to maintain Township roads.

Vice-Chairman McCaffrey explained the State licenses a vehicle that is permitted to drive around on roadways and the Township accepts money from the State for the maintenance of roadways, the Township has to allow vehicles that the State permits on roads on Township roads. There are weight limits the Township can have on certain highways if posted according to regulation. Ms. Zanowiak didn't understand why the Township is having this discussion if that is the case. Manager Rambo explained they are having a hearing to establish similar laws on Township roads as on State roads and requiring permits. Chairman Obernier clarified, from time to time on Township roads, the Township noticed there are overweight vehicles. The overweight vehicle tends to damage the road and causes the Township to repair the road sooner than expected. The purpose of this Ordinance is so there is a legal reason for the Police Department to weight the vehicle and demonstrate that it is overweight; to try and stop damage to Township roads.

Ms. Zanowiak asked if they are going to stop them at the border. Manager Rambo answered to travel on a Township road if the vehicle is overweight or oversized they will have to get a permit from the Township. The Township has its own scales and there is an officer that specializes in enforcement of laws like this.

Ms. Zanowiak stated she doesn't understand why put all of this in place with the rationale being that the Township has to abide by State laws because the Township is receiving money from them, she feels she is missing something. Vice-Chairman McCaffrey explained she is missing that the State has these laws in effect for State highways. State laws for State highways don't apply to local roads. To have the same laws apply to local roads, you have to write this Ordinance so the Township can apply them to its local roads because the State does not control our local roads. The requirements the State has are for State highways, the Township has to enact an Ordinance for local highways.

Chairman Obernier didn't believe the State is paying for local roads, the liquid fuels money comes out of the taxes we all pay for gasoline and diesel fuel and depending on how many miles of State roads. Manager Rambo clarified it is based on local roads and population. Vice-Chairman McCaffrey stated the reason the Township accepts the money is because the Township needs it to help maintain our local roads. It is very sensible to have, you can't prohibit vehicles that make it here on state highways and stop them at the border and prohibit them from going on local roads, that wouldn't make sense. The State assumes that if they license a vehicle it is permitted on the Township's roadways. The Township asks for safety measures to be taken so they don't damage things as they take this huge vehicle down the road. Vice-Chairman McCaffrey was concerned about farm vehicles having a problem going on the road and local farm vehicles that haul hay or transport horses, etc. There were no further comments.

Vice-Chairman McCaffrey motioned to adjourn the hearing. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Adjournment from Public Hearing Time: 7:54 p.m.

Re-Opening of Township Meeting Time: 7:55 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. Manager Rambo has not yet received the Code Officer's revisions.

Bob Fleming and Allan A. Myers have provided the Township with a schedule to complete the roadways, basins, and landscaping at the Valley View Project that is necessary for dedication. Manager Rambo stated that Myers and Fleming have signed an agreement for work to begin on Monday, July 6th. They will be repairing basins, roads, shoulders, swales, installing a walking trail, and top coating the road in preparation of dedication. Landscaping will commence as soon as the contract is signed. Chairman Obernier asked what the landscaping duration is expected to be. Manager Rambo didn't know how long it would take. Work will be complete in the development when Sandone and Myers are finished.

Rod Rollman of Mendenhall Drive asked if they will be notified when they start paving the road. Manager Rambo stated the developer is supposed to contact the homeowners association and requested Mr. Rollman's email address so that he can forward any pertinent information.

Bob Dilorenzo of Mendenhall Drive voiced concern about the non-signature of the landscaping contract and the start of road paving prior to the landscaping being done. Manager Rambo explained that Mr. Sandone is preparing a contract for Mr. Fleming to sign. The Manager has been in touch with both parties; it will take a few weeks to get other stuff done before paving takes place. Manager Rambo will contact the developer and ask him if he can't get the contract signed, to go to another landscaper. The developer will be responsible for fixing the roads for a period of eighteen months after they are dedicated.

Final discussion on proposed Ordinance No. 2009-05. There were no comments.

The Township has submitted Ordinance No 2009-04, pertaining to amendments to the Historic Resources section of the zoning ordinance, to the CCPC for review. Manager Rambo explained the Township is adding additional uses of the historic resources within the Township.

General discussions on Act 32, Consolidation of Earned Income Tax Collections. Manager Rambo explained that Act 32 passed by the governor deals with the establishment of a single earned income tax collector within the county, the municipality is responsible to appoint a primary delegate to the tax committee as well as an alternate delegate to attend future and upcoming meetings. The BoS is in receipt of Resolution #06-2009 to consider. Chairman Obernier asked if other Township's are appointing their manager, supervisor's, or someone from the general population. Manager Rambo explained the ones that have managers appoint the manager with a supervisor as an alternate. This Resolution will come up later in the meeting for consideration.

The Township is preparing proposed Ordinance No. 2009-06, amendments to the Township's Stormwater Management Section of the Subdivision and Land Development Ordinance to meet current MS4 requirements for submission to the County for review. The Manager outlined the Stormwater Management Section for the benefit of those present. Vice-Chairman McCaffrey pointed out this is another unfunded mandate.

Old Business from the Floor

There was no Old Business from the Floor or from the Board.

Ordinances and Resolutions

Ordinance No. 2009-05; Oversize and/or Overweight Vehicles traveling on Township roads. Vice-Chairman McCaffrey motioned to adopt Ordinance No. 2009-05. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Resolution #06-2009; appointment of Township delegate to serve on the County Tax Collection Committee. Vice-Chairman McCaffrey motioned to table Resolution #06-2009 until all BoS members are present. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

New Business

Release of remaining funds for the completion of the springhouse reconstruction located on the Archdiocese of Philadelphia property. Manager Rambo recommended to the BoS that the remaining funds be released. The Historical Commission reported to the BoS at the last meeting that they found the work satisfactory. Vice-Chairman McCaffrey motioned for the release. Chairman Obernier seconded the motion based on the Manager and Historical Commission's recommendation. Board Members McCaffrey and Obernier voted aye.

Establishment of the Phase I public escrows for the Bentley Projects. Manager Rambo noted the Township is in receipt of the letters of credit but doesn't have the plans for signing and recommended the BoS motion to table. Vice-Chairman McCaffrey motioned to table this item. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Release of remaining funds for the All Souls Cemetery public escrow account. Manager Rambo recommended the BoS table the release request being the Township has not received a letter from the engineer. Vice-Chairman McCaffrey motioned to table the request. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Ms. Zanowiak asked for an explanation of the release of remaining funds for the All Souls escrow account. Manager Rambo gave a brief explanation.

Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission's recommendations from their June 25th meeting. Brandywine Meadows: they recommended rejection unless a letter of extension was received. A letter of extension was received. Brandywine Manor: they recommended preliminary approval, all minor issues remaining can be dealt with under the final plan. Discussion ensued regarding sewer. Vice-Chairman McCaffrey noted that based on the fact that the BoS has an engineer's letter stating that everything left is minor and can be dealt with for the final subdivision and the fact that the BoS don't have the ability to approve or deny home onsite septic systems voted for preliminary approval. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Manager Rambo noted two other PC recommendations; Pulte and Cycle Max, stating the BoS accepted their letters of extension.

The PC recommended to the BoS that the BoS grant the waivers from the SALDO Section 167-61K(7), 167-61M(1)(e)(1) berm width and 167-61M(1)(f)[3] the freeboard requirement and in addition, grant the waiver from the requirements of the Zoning Ordinance Section 200-107D(1)(c) and Section 100-107D(1)(d) and also recommended the BoS grant approval to the Mosteller Minor Subdivision Plan conditioned on the granting of the waivers requested by the application. Vice-Chairman McCaffrey stated vegetation already exists so he didn't have a problem with granting waivers for planting but asked

about the freeboard. Daniel Errett, a representative for Mosteller explained it is smaller less intrusive basin and gave a brief description of their waiver requests. Manager Rambo stated they are requesting conditioned final approval so that they have an opportunity to address any engineer's comments and also to get to provide a breakdown of cost estimates to the engineer. Vice-Chairman McCaffrey asked the benefit of giving a conditioned final approval when the outstanding items have to be addressed anyway. Manager Rambo answered it stops the clock, it does not require another letter of extension, and all he needs to do is get his paperwork together. If Mosteller is granted conditioned approval a letter will go out to him stating all of the conditions. The letter can then be taken to their lending institute so show that they have conditioned final approval. Vice-Chairman McCaffrey motioned to grant conditioned final approval provided that the engineer's comments are addressed, all escrows are established, and all necessary permits are obtained from outside agencies. Vice-Chairman McCaffrey also requested that the Manager check the subdivision plan for completeness. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township to submit proposed Ordinance No. 2009-07, amendments to the Township's Zoning Ordinance to the County for review. Manager Rambo explained this deals with various sections of the Zoning Ordinance regarding accessory buildings and structures, fences, and signs. Vice-Chairman McCaffrey motioned for Manager Rambo forwarded the proposed Ordinance onto the Chester County Planning Commission. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

New Business from the Floor.

Elizabeth Zanowiak commented about the old township building noting she felt it was disrespectful to the building to have the wood chips in front of it. Ms. Zanowiak also addressed an area on Monacy Road where a shrub interferes with site distance. Manager Rambo will contact the Public Works Department to have this addressed.

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

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. There were no comments.

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. There were no comments.

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

Interest rate for the week 3.60%. Chairman Obernier commented this is slowly going down.

Review and Payment of the bills.

Manager Rambo noted the general fund bills total \$17,301.72. Solid Waste bills total \$9,177.65. The State Fund bills total \$4.51. Vice-Chairman McCaffrey asked about the \$800 invoice to Caln Township. Manager Rambo explained this is a reimbursement for a concert held at WBT. Vice-Chairman

McCaffrey reviewed the bills and motioned payment for the general fund, solid waste, and state fund bills. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- Municipal Authority meeting, Thursday, July 9, 2009 at 7:30 p.m.
- Historic Commission meeting, Monday, July 13, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 14, 2009 at 7:00 p.m.
- Board of Supervisors meeting, Thursday, July 16, 2009 at 7:30 p.m.
- Open Review Board meeting, Thursday, July 23, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, July 23, 2009 at 7:30 p.m.

Ms. Zanowiak asked who was responsible for basin maintenance. Vice-Chairman McCaffrey explained the Township tries to make it the responsibility of the homeowners association in the subdivision where it is located but sometimes it is the responsibility of the property owner. Further discussion ensued.

Adjournment

There being no further business before the Board, Vice-Chairman McCaffrey motioned to adjourn the meeting at 8:47 pm. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

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