

**Meeting Minutes of September 16, 2004
Board of Supervisors**

Chairman McCaffrey called the Board of Supervisors Meeting of September 16, 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 Thomas J. McCaffrey and Supervisor Josef G. Obernier, Sr. in attendance. Vice-Chairman Carl S. Lindborg arrived at 7:43. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief of Police, and Thomas Eells; Director of Public Works.

Treasurer's Report

Manager Rambo presented the following Treasurer's Report for the month ending August. There were no comments.

General Fund.....	\$5,556.85
Solid Waste and Recycling Fund.....	\$47,494.26
Capital Reserve Fund.....	\$900,830.54
Construction Sweep Fund	\$1,589.05
Developer Escrow Fund.....	\$334,711.04
State Liquid Fuel Fund.....	\$131,242.61
Operating Reserve Fund	\$100,091.76
Non-Uniform Pension Fund.....	\$183,566.78

Public Comments (those individuals requesting to be on the agenda)

There were no Public Comments.

Correspondence/Communications Information to Act Upon

The Township is in receipt of correspondence from the Chester County Association of Township Officials and the upcoming Fall Convention. Manager Rambo will forward the number of attendees onto the County Association.

The Township Board of Supervisors is in receipt of correspondence from Michelle Benkovich with regard to the status of the target shooting issue. Manager Rambo noted Chief Werner handed out a proposed ordinance and asked the Board for comments. Chairman McCaffrey stated he would like to start out by indicating the appropriate minimum lot size and feels that if the person has a rock

wall and asked why the distance separation has to be so great. The issue here is the noise, no matter what the separation distance is, the noise is going to be there. Having a larger parcel of ground in which the activity takes place can diminish the noise. It is very restrictive the way it was written. Manager Rambo noted the BoS was presented with a model ordinance found within the state of Pennsylvania. Chairman McCaffrey feels that this would create a situation that makes it restrictive for everyone. Manager Rambo also noted that the setbacks follow with the guidelines of the Pennsylvania Game Commission. Chairman McCaffrey stated that the PA Game Commission guidelines are for active hunting and couldn't be applied to this; the simplistic idea was to prevent people from shooting without having the same setbacks that are required for hunting. Manager Rambo explained that not being experts at this, they are trying to follow set guidelines that another organization has already set.

Supervisor Obernier asked what changes Chairman McCaffrey would like to see. Chairman McCaffrey likes the simplicity of going with the game regulations for distance, if you can hunt there, then you can shoot there. Supervisor Obernier asked Chief Werner if the place next to Michelle Benkovich's property would be suitable for hunting according to the PA Game law. Chief Werner stated that part of it might be. Chairman McCaffrey was concerned that people may look at this as a regulation that makes shooting safe and it isn't. He doesn't want to be placed in a position of writing an ordinance where the Township would become liable for an accident that were to take place because they didn't write some detail into it that affects a particular situation. Supervisor Obernier asked Chief Werner in this situation is hunting permissible for the property in question. Chief Werner answered no. Supervisor Obernier suggested it would solve the problem if they state simplistically, "if you can't hunt there, then you can't shoot there." Chairman McCaffrey stated there are basic guidelines that he doesn't mind setting in place, but when specific issues come up in which the circumstances are generally describable for every property owner, that is why they have a court system.

At this time it was noted that Vice-Chairman Lindborg joined the meeting. Chairman McCaffrey reiterated that he would like to go with the PA game regulations, "if you can't hunt there, then you can't target shoot there," that way they haven't written any thing in that they could be liable for. He didn't favor the regulation he saw a few weeks ago, if you start to put details into this that are not in the state regulations for game, then the responsibility that all the safety issues have been addressed will fall on the Township. Chairman McCaffrey felt that Supervisor Obernier would like to have the ordinance there with all the details put in place. Supervisor Obernier explained that he didn't say that, his point is that they have one resident that has a problem; there should a simplistic solution, as pointed out by Chairman McCaffrey, without putting a burden on everyone else.

Vice-Chairman Lindborg feels that people come to the Board asking for help, and to some degree that is why they are there within certain limitations and asked Chief Werner what his input is on this. Chief Werner stated that currently if someone calls about shooting, the police go out and assess the situation and as long as they are shooting safely there is no violation. There is nothing they can do about the noise. Chief Werner explained the proposed ordinance regarding the number of feet you would need to stay away from occupied structures. Jesse Edwards stated there is a difference in the distance a bullet travels between shotguns and rifles. Chairman McCaffrey stated the range on a rifle is a mile and doesn't want to put limitations on someone that has twenty acres of ground and wants to shoot on it. People want a simple response, and this seems to be more

complicated in detail than a simple response, when they write something to fix her problem quickly, they have imposed it on everyone, everywhere.

Michelle Benkovich stated that this person is not shooting responsibly and that you have to keep an eye on him. Chairman McCaffrey feels that her problem would be solved if they say that you cannot shoot in an area where you cannot hunt without the approval of the property owners that adjoins you. Manager Rambo stated that according to the game laws you could shoot from your own house or right outside your own door if you have proper distance from the neighboring dwelling and that ordinance still allows that, the way that it is written. It is a very vague non-specific ordinance, there are only four things, and it's not a long drawn out ordinance. Chairman McCaffrey feels if they adopt this ordinance, they would be setting down criteria that would be missing something. Michelle stated that the Township would be liable if something happens because they are aware of the situation. Vice-Chairman Lindborg disagreed with Michelle, that people have a personal responsibility. Chairman McCaffrey would like something simple relying on state authority. Supervisor Obernier asked if that is not what this ordinance is. Chairman McCaffrey answered it doesn't appear to be to him. Manager Rambo stated that if you want to follow the guidelines of the Game Commission, right now in Chester County you can not shoot a single projectile, if you can't use a twenty-two, you can't use a rifle, so that would even be worse for the target shooters.

Chairman McCaffrey disliked a section in the ordinance regarding dwellings that are located within 150 yards of where the target shooting will occur, you could have 1,000 feet, and if someone has a shed close by, then you wouldn't be able to shoot. Supervisor Obernier stated you would just have to ask permission. Supervisor Obernier asked Chairman McCaffrey if it would be better if Subsection 4 was changed to "a dwelling occupied by people around them" and asked if Chairman McCaffrey objected to anything else. Chairman McCaffrey stated that he would like that verbiage also added in Section 1. Supervisor Obernier suggested they make those two changes and discuss it further at the next meeting. Chairman McCaffrey would like to also add, "that if you have a group of people that own adjoining properties and would like to have this activity between them, that it could also be allowed." Supervisor Obernier asked if they are target shooting, should they also include that there should be some sort of backstop. Chairman McCaffrey answered no.

Chairman McCaffrey noted that he has to control the pigeon population that is in his barn and stated there is a purpose he shoots them that is not considered hunting or target shooting and wants to make sure a person stuck in that particular situation would have the right to continue. Supervisor Obernier stated they clearly don't have a consensus on what to do yet, though they have agreed for the Manager to make some changes. Michelle explained the situation with her neighbor's shooting seems to be an intermittent problem. Chairman McCaffrey was concerned about enacting something that will be problematic in the future and would like to ask the solicitor on what basis Michelle's situation could be taken to court. The Board agreed to write the solicitor a letter asking him what options this particular person may have.

Correspondence/Communications Information to Note

The Township is in receipt of correspondence from John E. Good, Esquire with regard to the CASD lack of acknowledgement of the budget. Manager Rambo stated that John Good suggested writing CASD another letter. Chairman McCaffrey suggested sending a letter asking for a complete copy of everything that is in the budget, we have to acknowledge what was sent to the

Township was not a complete copy of the budget. Supervisor Obernier noted they are following a procedure and feels they should continue with that procedure. Manager Rambo believes they will get acknowledgement from the school board that the budget is a public document and will not be withheld in the future. Chairman McCaffrey suggested they send the additional correspondence and follow through with the procedure. The next school board meeting is Tuesday, September 21, 2004 at 7:30 p.m. Supervisor Obernier would like the BoS to attend and ask for acknowledgement that the budget is a public document.

Acceptance of Minutes from Precious Meetings

Vice-Chairman Lindborg motioned to approve the minutes of August 5, 2004. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye. The minutes of August 19, 2004 and September 2, 2004 were tabled.

Reports of Departments

Chairman McCaffrey then moved onto the Reports of Departments for the month of August 2004. Chief Werner was present to give the police report. There were no comments. Tom Eells presented the Public Works report. There were no comments. Dale Barnett gave the report from the Buildings/Codes Department. There were no comments. Manager Rambo then gave the report of the Fire Marshall and Martins Corner Fire Department. There was no report from East Brandywine Fire Department, Wagontown Fire Department, or Martins Corner Ambulance. There were no comments.

Reports of Organizations, Boards and Commissions

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of August. John Cassels gave the report of the Planning Commission and noted that the Planning Commission discussed having an executive summary rather than having the large quantity of paperwork. Manager Rambo agreed they don't need seventeen copies of the storm water management, they could require one copy each for the engineer, Planning Commission, and for the file. A revised submission sheet could be made rather than amend the ordinance. Chairman McCaffrey suggested they be cautious about what they ask for, to only cut back on what is absolutely superfluous. Manager Rambo stated there is a set on the bookshelf in the back of the room. Chairman McCaffrey suggested they put the information on a disk to alleviate some of the paper waste.

Manager Rambo noted that the Historical Commission would like to start meeting the second Monday of the month in order to get better attendance. The Manager will advertise the change.

No one was present from the Parks and Recreation Board. Supervisor Obernier gave the report of the Municipal Authority.

Old Business

Manager Rambo noted the Board of Supervisors is continuing their search for volunteers to serve on the Building Appeals Board and Historic Commission.

The Parks and Recreation Board continues their search for volunteers to assist with the Township's Community Day Celebration scheduled for Saturday, September 25, 2004. Manager Rambo noted they are making final arrangements and doing the layout for the activities.

Discussions are continuing with surrounding municipalities with regard to police services. Manager Rambo, Chief Werner, Vice-Chairman Lindborg, and a representative of Honey Brook Township met with legal council in Philadelphia two weeks ago. They discussed various issues that Honey Brook had to take back to Honey Brook to discuss with their current department. They have not had any further correspondence with them. The meeting dealt with personnel and how it had to be handled.

The Township's Building Inspector/Codes Officer continues his review of the recently adopted building code bill for presentation of his recommendations to the Manager and Board of Supervisors. There were no comments made.

The Township Codes Office and Manager are in the process of preparing a zoning amendment with regard to fences and their placement as well as signs. Manager Rambo asked the Board to look the information over and email him with any questions or concerns.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

Supervisor Obernier asked Tom Eells for his feedback regarding the installation of an electric line from the amphitheater to the parking lot. Tom Eells noted he was not able to look into yet, a big factor would be the amount of power desired there. Supervisor Obernier stated they would need electric for Community Day and also for the police to utilize to charge their batteries. The BoS will meet with Tom for further discussion.

Supervisor Obernier noted that it was difficult to turn the air conditioning on and asked if there was a solution.

Supervisor Obernier asked Chief Walt Werner if there was a list of things that his department needed for certification. Chief Walt Werner stated they are in the process of collecting information.

Supervisor Obernier asked if a letter of congratulation could be sent on behalf of the BoS for future Eagle Scout Brian Boyd.

Supervisor Obernier asked the Director of Public Works to look into PennDOT placing rumble strips on Route 82, Route, 322, and Reeceville Road.

Supervisor Obernier noted the commode in the men's room is in need of being replaced, the repairman acknowledged that he would replace it. Manager Rambo will look into it. Manager Rambo noted the lights in the elevator have been fixed.

Supervisor Obernier stated he would give the Manager more time to send the letter to Comcast.

The BoS recommended that the Manager look into establishing a West Brandywine Township Post Office.

Chairman McCaffrey noted that the descriptions explained to him by residents were not what he had in mind for the re-sale occupancy permit; he doesn't believe that it is the right of government to make these requirements of anyone. Vice-Chairman Lindborg was also concerned about the re-sale occupancy permit and would like to look at its criteria and open it up for discussion. Jesse Edwards explained what their parents are going through to sell their double in Coatesville and how it is a burden on them. Chairman McCaffrey felt that if they had a single family home separated from everybody else, you have the right to do what you want, if you have a duplex or a structure that is joined together, then what you do affects someone else.

A resident explained that he purchased a house that was built in the seventies and was not built to code, now he has to deal with bringing it up to code and feels that the re-sale ordinance is detrimental to current homeowners and should be thrown away.

Dale Barnett responded that there are 3,600 sections in residential code and there are only 18 items on the re-sale list. A resident suggested doing re-sale inspections as a service and letting the homeowner know what doesn't meet current code. Another resident noted there should be some sort of leeway with historic homes.

Supervisor Obernier asked how much money is allocated for the Boy Scout Clean up day. Manager Rambo answered \$500 per troop.

New Business

The Township has begun its 2005 budget preparation. There were no comments made.

The Township will be accepting sealed bids for Solid Waste and Recycling Collection for an October 7, 2004 opening. The notice was advertised in the Daily Local News.

The Board of Supervisors to reject the Schnatz/Rhorer Land Development Plan based on the review letter of the Township's Engineer. Manager Rambo stated they are in receipt of a letter of extension and recommended the BoS accept it. Supervisor Obernier made a motion to accept the Schnatz/Rhorer letter of extension. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye.

The Board of Supervisors to sign the new three-year Police Contract for the period of 2005-2007. Supervisor Obernier made a motion to accept the three-year Police Contract. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board

Supervisor Obernier suggested they hire another full-time person to the Police Department being they are down two full-time people. Chief Werner noted he is in the process of looking at the budget. Chairman McCaffrey noted that the new Police Contract costs them more than a new full-time employee and feels he wouldn't be willing to hire a new person without first looking at the

budget. Chief Werner and Manager Rambo will let the BoS know at the next meeting after looking at the Police Department's budget.

Public comments (individuals not requesting to be on the agenda)

Jim Connors had concerns about requiring sewage maintenance. Manager Rambo stated they are not moving forward with that, what is suggested is to clean the septic tank out properly, the six inch pipe is strictly a port, they should take off the actual top which they clean out all the corners and check the inflow pipes and concrete baffles. That is what they do to inspect your home for a re-sale.

Manager Rambo noted that Cynthia Quinn and Donna Urban would be in attendance at the October 7, 2004 BoS meeting. They will be at the beginning of the agenda.

Open Issues

The first Open Issue was the Cable Franchise list review. Manager Rambo noted this item is currently being addressed.

Facility/Park Update

The current interest rate is 1.67%. Supervisor Obernier would like to see more of an explanation added to the interest rate at each meeting.

Review and Payment of the bills

Chairman McCaffrey noted bills for the General Fund, Solid Waste Fund, and the State Fund. Vice-Chairman Lindborg motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of their payment.

Upcoming Meetings/Events

- Planning Commission meeting, Thursday, September 23, 2004 at 7:30 p.m.
- Conditional Use Hearing, Tuesday, September 28, 2004 at 7:30 p.m., Ridings of Hibernia.
- Board of Supervisors meeting, Thursday, October 7, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, October 11, 2004 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, October 12, 2004 at 7:30 p.m.

Manager Rambo noted the Meet Your Judges program will be held on Tuesday, September 28, 2004 from 7:00 p.m. until 9:00 p.m. at the Historic Courtroom at the Chester County Courthouse.

Adjournment

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:29 p.m. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of adjournment.

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