

Meeting Minutes of July 1, 2004 Board of Supervisors

Chairman McCaffrey called the Board of Supervisors Meeting of July 1, 2004 to order at 7:35 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 arrived at 8:00 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, Dale Barnett; Codes/Zoning Officer, and Thomas Eells; Director of Public Works.

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

There were no individuals requesting to be on the agenda.

Correspondence/Communications - *Information to Act Upon*

The Board of Supervisors is in receipt of the "Decision and Order" for the Janiec Conditional Use Hearing with regard to the reuse of the historic structures located at 1639 Horseshoe Pike. Manager Rambo recommended the BoS sign the Decision and Order. Supervisor Obernier made a motion to adopt the Decision and Order for Steven Janiec seeking a Conditional Use Permit on the adaptive reuse of a historic barn and house located at 1639 Horseshoe Pike. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

The Township is in receipt of a letter of extension from Ross Unruh, Esquire on behalf of Swinehart Realty and Culbertson Realty for the proposed Bentley Projects. Manager Rambo noted they have not received the letter of extension yet, that this was put on the agenda in hopes they would receive the extension on time. They have one more Township meeting prior to the time clock running out or if they have to advertise a special meeting, they will do so.

The Township is in receipt of correspondence from John Good with regard to the Brandywine Hospital settlement agreement with the Board of Assessment Appeals. Manager Rambo recommended that the BoS allow John Good to sign on behalf of the Township. Supervisor Obernier asked if they were to pay an attorney for the number of hours that were worked on this, would we be ahead or behind that amount. Manager Rambo answered they would probably be behind. Before the Township was not receiving any money from them when they were non-profit, but it is now a for-profit organization. With the appealed property assessment they will get

\$661.90 a year less. Currently they receive \$2,056.85, with the reassessment they will get \$1,394.95. The Township owes them a refund for both 2003 and 2004. Supervisor Obernier made a motion that John Good sign on behalf of the Township for the reassessment of the Brandywine Hospital. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

Mark Harnett, Director of Exton PC Council is requesting the use of the Township facility one Saturday per month and would like to have Internet access. The Township's Internet goes through the main network, therefore, Supervisor Obernier suggested that they pull the network wire out of the wall and reconnect it when they leave. The Exton PC Council is currently being charged \$35 per meeting at the CC Library. Manager Rambo recommended the BoS allow them to utilize the room without the use of Internet connection and be charged a small fee for the use of the room. The Manager will look into the cost of modifying the way to access the Internet in the meeting room for public use. Chairman McCaffrey discussed the usage of the facilities and who would be allowed access to them (private groups, non-profit, residents, non-residents, political groups, action groups, etc.) and the fee charged. Chairman McCaffrey motioned to allow Exton PC Council to use the facility one Saturday a month for a small fee and without Internet access. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Correspondence/Communications - *Information to Note*

The Township is in receipt of the Community Survey Results compiled by the Brandywine Conservancy that will be utilized in preparing the Comprehensive Plan Update. Manager Rambo recommended the BoS review and comment on the Survey Results.

The Township is in receipt of correspondence from Ms. Brenda Haws with regard to the Line Item Budget Request. Manager Rambo noted he has been attempting in a proper and appropriate legal fashion to obtain the Line Item Budget. Ms. Haws responded that she needs to ask the opinion of her solicitor as to whether or not this is a public document. They have a thirty-day period in which to respond. Manager Rambo stated that if the solicitor says no, then Ms. Haws has to deny the request in writing or it becomes deemed denied. The next step would be to write to Dr. Scarnati in which he would then have thirty-days in which to respond of which he can also ask his solicitor once again.

Manager Rambo noted they are getting assistance from outside legal council Paul Ylvisaker, who is in the audience. Mr. Ylvisaker has written letters to the state and School Board regarding the CASD's proposed taxes. Chairman McCaffrey asked Mr. Ylvisaker if there is something unethical about a public entity not providing the reason their taxing the taxpayer. Mr. Ylvisaker answered yes, and stated there are provisions to remove members of the administration and/or members of the School Board. Chairman McCaffrey asked if they pass around a petition stating that they have all been denied access to the budget that is being forced on them by the elected official, could they submit that to the State Ethics Commission? Mr. Ylvisaker stated that he would take the petition to the State Ethics Commission but would first send it to the Court of Common Pleas. Paul Ylvisaker is accessible through the CPA website as well as at his office.

Chairman McCaffrey explained that the whole episode is disturbing from a lot of different perspectives. It is unimaginable that an elected body be denied access to documentation by the

administration that they hired and that, that elected body would not get up and do something about it.

DEP has forwarded a fully executed copy of the grant agreement recently awarded to the Township in the amount of \$75,651.00. Manager Rambo noted that the truck chassis is on order.

DMJM & HARRIS, Inc. will hold a meeting at the Township facility on Tuesday, July 27, 2004 to discuss the Reid Road Bridge reconstruction currently scheduled for the spring of 2006. The bridge on Cedar Knoll Road is scheduled to be open sometime in August.

The Elliot Building Group has forwarded the Township correspondence with regard to the Ridings of Hibernia. Manager Rambo suggested that the Board review the correspondence. The Elliot Building Group will soon be submitting a Conditional Use Application.

At this time in the meeting Chairman McCaffrey moved to address the action items they passed over until Vice-Chairman Lindborg had arrived.

Acceptance of Minutes from Previous Meetings

May 20, 2004, June 3, 2004, June 11, 2004 and June 17, 2004. Supervisor Obernier made a motion to accept the Minutes for May 20, 2004. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey all voted aye. The June 3, 2004, June 11, 2004 and June 17, 2004 minutes were tabled.

Chairman McCaffrey then addressed the action items under Correspondence.

The Township is in receipt of an amended Zoning Permit prepared by John E. Good, Esquire with regard to the City of Coatesville's Golf Training Facility. Manager Rambo noted at the last meeting he requested that the Supervisors review it for comment. The Manager recommended that they advise John Good to put it in a final format so that Dale Barnett and Marc Jonas could sign it. Manager Rambo then read the amended Zoning Permit and noted the changes. Once this has been agreed upon and signed, John Good will write the appropriate letters to address any zoning issues there may be. Chairman McCaffrey asked if this information was available to the public. Manager Rambo noted this information has been available to the Board because the Board has been negotiating. Vice-Chairman Lindborg questioned why the City of Coatesville was being so cooperative. Manager Rambo stated they still have to meet all the requirements. Chairman McCaffrey and Vice-Chairman Lindborg were concerned and wanted to make it clear that when the letter comes out, that those specific issues were being addressed. Manager Rambo stated that for any other issues, the City of Coatesville would still have to come before the Board and felt comfortable with the revised amendment that John Good wrote. Bob Karpovich stated that he would let the residents in the area know about the Amended Zoning Permit.

Steve Jakatt expressed that he was very happy about the Amended Zoning Permit that the City of Coatesville has agreed to sign. Steve strongly recommended that they meter discharge from the stormwater pond for irrigation purposes. The Delaware River Basin requires a docket number if they meet or exceed 100,000 gallons per day from ground water, surface water, or a combination. A stormwater detention basin falls into this category. If you are collecting stormwater that would normally be infiltrated into the ground water, they should meter what is withdrawn from the

stormwater basin. Chairman McCaffrey was concerned that they may repeatedly exceed the 100,000 gallons per day stating that they won't exceed it again. Manager Rambo felt that once they exceed their withdraws, they would then have to get a DVRBC permit. Supervisor Obernier thanked Steve Jakatt for speaking up about the water issue and stated that the Board would have missed it, had it not been for Steve Jakatt's input.

Chairman McCaffrey would like to hear the opinion from the area residents. Supervisor Obernier suggested that since this issue is such an important issue to the residents, this should be posted on the website and time given for the people to comment. Manager Rambo would like a reasonable time frame set, because the City of Coatesville has agreed now and doesn't want them to change their mind because we are not acting in a timely fashion to get this to them for approval. The BoS will vote on the acceptance of the proposed draft City of Coatesville Golf Course Zoning Permit Amendments at the next BoS meetings after they have given ample time for public comments from the area residents.

The Township is in receipt of a letter of extension from Marc Jonas, Esquire on behalf of the City of Coatesville's Golf Training Facility for the review of the Preliminary Land Development Plan. Manager Rambo recommended they accept the letter of extension. Vice-Chairman Lindborg motioned to accept the extension. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

Manager Rambo asked Steve Jakatt the time clock for Bentley. Steve answered the time clock runs until the 22nd.

Old Business

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board and Historic Commission. Manager Rambo noted that Paul Ylvisaker has submitted a résumé for the Historic Commission, which is being held by the Township Manager.

The Township has advertised the sale of used equipment and vehicles for a July 15, 2004 bid opening. A list will be available at the Township or in the Daily Local News in the July 2, 2004 advertisement.

The Township has advertised for road materials to be utilized this summer and bids will be opened on Thursday, July 15, 2004. There were no comments made.

The Manager is finalizing the proposed zoning amendments dealing with Home Occupations for distribution. Chairman McCaffrey felt that this would be an interesting improvement.

The summer edition of the Township newsletter will be mailed on July 2, 2004.

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 this is advertised on Channel 66 as well as on the Township website.

Old Business from the Floor

Karen Vollmecke thanked the Board for their efforts with regards to the City of Coatesville Golf Facility and the CASD taxes.

Old Business from the Board

There was no Old Business from the Board.

New Business

Steve Jakatt noted the recommendations of the Township Planning Commission. The Planning Commission recommended approval of the Preliminary Plan for Costa Homes. Al Costa gave a brief update and summary of the plan. Supervisor Obernier wanted to make sure that the outstanding items noted in MacCombie's letter dated May 28, 2004, would be addressed. Al Costa stated that he is willing to go with Mr. MacCombie's recommendations as noted in his letter.

Vice-Chairman Lindborg made a motion to grant Preliminary Approval for Costa Homes with the contingency that they will comply with MacCombie's letter dated May 28, 2004. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The Planning Commission recommended passing The Golf Zone located on Horseshoe Pike on for Conditional Use Hearing. Manager Rambo recommended the BoS establish hearing dates for the Conditional Use Hearing for The Golf Zone with regards to the construction of the go-cart track and reuses of the main clubhouse that is to be completed. The first choice for the hearing is July 26, 2004 with the second choice being July 29, 2004. Chairman McCaffrey motioned to advertise for the Conditional Use Hearing. Vice-Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Discuss the establishment of fees for the utilization of Township pavilions and amphitheater. Manager Rambo noted that the Park and Recreation Board submitted a Fee Schedule for the rental of the amphitheater and the pavilions. The fees are as follows: Amphitheater - \$50.00, Pavilion 1 - \$40.00, Amphitheater combined with Pavilion 1 - \$75.00, Pavilion 2 - \$30.00, Pavilion 3 - \$35.00, Green Manor Pavilion 1 - \$35.00. The Board agreed with the Fee Schedule for Township residents but would like the fees for non-residents doubled. Chairman McCaffrey was concerned that the pavilions may be rented out all the time and would not be available for the residents. He would like to have time left open for the general public. Manager Rambo suggested they put a four-hour time limit on the rentals and also suggested that depending on the activity that the person/group wants to use it for, to put up a bond. The Board was concerned that a radical group may rent it and that limitations need to be set. Supervisor Obernier suggested they include a right of refusal. The Board will wait and see what types of groups and amount of usage that pavilions have before making any further decisions. The Manager will review options for the usage and fees for the facility meeting rooms.

New Business from the Floor

Karen Vollemecke noted the September 25, 2004 date for Community Day conflicts with 4H and some activities in the area, she also commented that the Township needs a new flag.

Jesse Edwards noted the Rhoads property was mowed.

Craig Poff of Bentley updated the Board with regards to the sewer and the Special Study. Supervisor Obernier asked Mr. Poff if he was concerned about the way the Township is trying to reacquire the purchased allocations that the Municipal Authority has from Pennsylvania American (formerly CCA). Mr. Poff explained that in meeting with DEP, that DEP suggested there are no objective regulations for drip irrigation and it is still considered experimental. Right now, the people that are enforcing the regulations are clearly making it almost impossible to apply for it. They are holding them to a lower allocation for drip than they do for a “tried and true” seepage bed technology, which is going to take up more room and will take up all the open space as well as space in Kimberwick. Chairman McCaffrey explained his concern that while they were going through the process, he asked about square footage and the “what ifs,” and at that time asked where the guarantee is on the land that is going to be left open for the people in the community, there was no guarantee written into that agreement. Craig Poff noted during their meeting with DEP they heard things they had never heard before, these sorts of principles are giving them difficulty in permitting right now, not only in WBT, but also all over the place.

Craig Poff noted another issue was the process by which they are selecting the wastewater treatment plant process is currently underway, they presented a study to the Township last month. Bentley will be making a presentation to the Municipal Authority at their next meeting. They have also submitted information regarding long-term operation maintenance costs. The decision that will take place in the very near future as to which process the township selects, that is what is going to be set for the sewer lines for the future.

Supervisor Obernier asked that if they get a positive response from Pennsylvania American about available capacity that they paid for in 1997, would that then become a viable alternative. Craig Poff answered no, because he doesn't feel that it is logical, but it is the way it is. The Special Study is going to be submitted tomorrow or Monday. The Special Study identifies the alternatives, the alternatives selected complies with the Townships Act 537 Plan. He explained that the land application is always chosen over stream discharge, Pennsylvania American is a stream discharge plant. It is believed that stream discharge is not as beneficial to the environment as ground water recharge. Mr. Poff stated that DEP's regulations have not caught up with technology. There are states that have used drip irrigation for thirty years; they accept application rates of 10,000 – 15,000 gallons per acre.

Supervisor Obernier asked if the Conshohocken DEP was thirty years behind everyone else. Mr. Poff said no, the state of Pennsylvania is. Supervisor Obernier asked if he would rather send the sewage down to Coatesville. Mr. Poff said if that were viable, he would have done that already. He would like the Board's constructive input, because the decision of going with the treatment process right now, is going to drive a lot of what they are going to be paying for the next thirty to fifty years in the operation of the maintenance of the plant. He encouraged the Board to attend next Thursday night's Municipal Authority meeting where they will review the information that they have provided to the Township with these alternatives. Matt Dafanetti will be in attendance at the Municipal Authority meeting, he is one of the world's leaders in the design of wastewater treatment systems and will be able to answer any questions. They have submitted a document that outlines what the future operation costs will be for the two systems. Mr. Poff then asked the Manager for a letter that was previously sent that he had not received.

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

Cable Franchise. Manager Rambo will send a letter requesting an explanation from one accounting system to another.

Facility/Park Update

Interest rates are 1.40%.

Review and Payment of the bills

Manager Rambo noted bills for the General Fund, Solid Waste Fund, and the State Fund totaling \$43,708.43. 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

- Municipal Authority meeting, Thursday, July 8, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, July 12, 2004 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 13, 2004 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, July 15, 2004 at 7:30 p.m.
- Zoning Hearing Board, Monday, July 19, 2004 at 7:30 p.m., Glenmoore Veterinary Hospital and Culbertson Realty.
- Planning Commission meeting, Thursday, July 22, 2004 at 7:30 p.m.

Adjournment

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:08 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