

**Meeting Minutes of July 21, 2005
Board of Supervisors**

Vice-Chairman Obernier called the Board of Supervisors Meeting of July 21, 2005 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 the Township Manager noted Vice-Chairman Josef G. Obernier, Sr. and Supervisor Thomas J. McCaffrey in attendance. Chairman Carl S. Lindborg was absent because of work obligations. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; and Dale Barnett, Codes/Zoning Officer.

Acceptance of Minutes from Previous Meetings

The meeting minutes of June 16, 2005 and July 7, 2005 were tabled pending the presence of all BoS members.

Treasurer's Report

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

Capital Reserve Fund.....	\$856,625.66
Construction Sweep Fund	\$132,857.76
Developer Escrow Fund.....	\$348,171.85
General Fund.....	\$66,613.35
Solid Waste & Recycling Fund.....	\$151,352.33
State Liquid Fuel Fund.....	\$110,595.99
Operating Reserve Fund	\$2,948.35
Police Pension Fund.....	\$1,032,021.80
Non-Uniform Pension Fund.....	\$213,285.44

Public Comments *Individuals requesting to be on the agenda*

There were no public comments.

Correspondence/Communications *Information to Act Upon*

Carroll Engineering Corporation has forwarded the Township a waiver request for the light fixture heights of the Coatesville Golf Training Facility. The Township is awaiting a scaled lighting cross-section plan from Carroll Engineering. At the Manager's recommendation, Supervisor McCaffrey tabled the waiver request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Drew Taylor of Nave/Newell has forwarded the Township a letter requesting to reduce the planting requirements of the St. Peter's Church Land Development Plan. Supervisor McCaffrey noted that at a previous BoS meeting, the BoS agreed that best idea was to address this request via escrow establishment at final plan approval. Manager Rambo believes it is Nave/Newell's intent to escrow a certain amount of money for the plantings. Supervisor McCaffrey motioned to table the waiver request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

PNC Bank has forwarded the Township a proposal to provide funding for planned renovations to the Public Works Department facilities. Manager Rambo noted the proposal from PNC Bank is for a term of 15 years at 3.83%. The purpose is to lend the Township an additional \$750,000 for a new salt barn, five-bay facility for equipment and renovations to the existing building, and a two-bay fire substation. PNC is requesting that the BoS act upon this by July 29, 2005. Vice-Chairman Obernier stated that previously the BoS met with regards to doing this and he felt that Chairman Lindborg was okay with it. Supervisor McCaffrey didn't want to make any decisions because it is unclear how much money is needed. Manager Rambo will write to PNC requesting that they extend the offer until the middle of August, so that he and Tom Eells can meet with the BoS to go over the details. If no extension of time is given, the Manager will advertise for a special meeting so that all the Board Members can discuss and act upon the proposal from PNC.

Issuance of an Opinion and Order for the Gotlieb Major Home Occupation Conditional Use Application. This is for the application of Andrew Gottlieb and Cynthia Glen-Dening with regards to a chiropractic office in the old Mercer property just west of the dentist office on Route 322. Manager Rambo read the Opinion and Order out loud; Gottlieb has requested that nobody reside there, also, he will leave the office looking as a residence with no outside alterations so as to maintain the appearance of a residence.

Supervisor McCaffrey stated the whole idea was to maintain the look of the neighborhood in areas where the traffic has gotten heavier, the thing that was important for that was that someone is actually living there, either the owner or a renter. This may open it up for everyone to do the same thing that applies. Vice-Chairman Obernier was not in favor of the request, last year Gotlieb asked if a renter would be okay, that was a stretch for the BoS to agree to, now he has come back a second time requesting that it be unoccupied. Supervisor McCaffrey felt that it might as well have been rezoned as commercial.

Manager Rambo's opinion was that they have two adjacent properties that are rural mixed use that allow both residential and commercial. Manager Rambo stated he didn't have a problem when Gottlieb initially requested that that property be considered RM since it abuts other properties of a similar nature. The Planning Commission at that time recommended that it not be changed into rural mixed use. Manager Rambo stated personally, he didn't believe that people are going to want to reside along Route 322 in the future. After further discussion Supervisor McCaffrey suggested that the Township still require a resident or renter, and if the BoS or applicant would like to see something different than that, there should be an application to change the parcel to RM, rather than change the description of this enhanced Home Occupation, which would apply to everywhere else in the Township. Vice- Vice-Chairman Obernier motioned to table the Gottlieb Conditional Use Application. Supervisor McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

Signing of the extension agreement for years 2006-2008 with the BVA with regard to the Phase II MS4 Program. Supervisor McCaffrey noted he was a member of the BVA Board of Directors to avoid any conflict of interest and wouldn't vote on this himself if Chairman Lindborg wasn't there. Vice-Chairman Obernier motioned that the BoS authorize the Manager to sign the contract with BVA for the years 2006-2008. Supervisor McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

Signing of the PennDot 2005-2006 Winter Traffic Services Agreement. Manager Rambo recommended that the BoS sign the agreement. The cost is \$15,533.50, which is an increase of ten percent over last year. Supervisor McCaffrey motioned to sign the PennDOT Winter Traffic Services Agreement. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Dick Whitehead of 12 Lauren Lane is requesting that the Township consider extending its "yard waste" program to allow residents to drop off yard waste more frequently throughout the spring and summer months. Manager Rambo noted that the program began in January for the collection of brush on the first Saturday of the month. There are quite a lot of people that utilize the program. Mr. Whitehead requested that the BoS consider some additional hours, possibly every other Saturday or one-week night in addition to the first Saturday collection date. Manager Rambo explained that the local farmers that accept this are organic in nature and because of the use of pesticides, herbicides, etc., the grass clippings have to be taken to the landfill, where they compost it, the Township pays the tipping fee to dump it, and you have the time to haul it as well. Expenses associated with brush would be overtime as well as hauling it to the farm. Supervisor McCaffrey suggested looking into the County composting programs. Vice-Chairman Obernier agreed it would be a good idea to collect the brush twice a month for the residents and suggested that the Manager obtain the associated costs for the next BoS meeting. Supervisor McCaffrey didn't have any opposition this request, but didn't want to impose anything on the Public Works Department without first speaking to them.

Michelle Benovich requested that the BoS look into a way to service residents that have no means of transporting their brush to the Township Building. Vice-Chairman Obernier suggested that Tom Eells answer that question as well. Supervisor McCaffrey reiterated that is why he would like to look into the County's composting program. He suggested that maybe there could be a fee associated for residents that request that their brush be picked up. Scott Piersol of East Brandywine Township explained how their program works. Manager Rambo noted that some residents bring their brush to the Township in their cars.

Signing of the grant application for the Pennsylvania Council on the Arts of which funds received would be utilized for the Township's 2006 Community Day and the 2006 concert series in the summer months. The grant application totals \$11,376, of which the Township is requesting fifty percent. Vice-Chairman Obernier signed the application for the Pennsylvania Council on the Arts.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from John E. Good, Esquire with regard to the Township's proposed Snow Removal Policy. John Good has found the proposed Snow Removal Policy to be in order.

The Chester County Fire Training School, Inc. has provided the Township with correspondence denoting that it would pay the Phase I costs associated with the Fire School Property should the study uncover any significant waste or hazardous substances on the property. Manager Rambo noted that the Township has signed a contract with Mulry and Creswell to begin a Phase I Study, in the same respect, the Township is currently putting together a Green Grant that would be considered by PECO, due the end of August, to be utilized to pay for this type of study as well as appraisals, surveys, and settlement costs. The total submission for the Green Grant totals \$10,000.

Wagontown Fire Company has invited the Township to attend its yearly banquet and groundbreaking ceremony on Saturday, July 23, 2005 at 6:00 p.m. Manager Rambo and Vice-Chairman Obernier responded that they would be out of town.

The Brandywine Conservancy has provided the Township and Task Force members with a draft copy of the Comprehensive Plan Update for review and comments. Manager Rambo noted that the BoS is in receipt of a hard copy. The Manager would like to receive any comments back from the Board so that he can forward them onto the Conservancy.

The Township is in receipt of correspondence from the CASD Music Department with regard to its upcoming Band Cavalcade scheduled for November 5, 2005. Manager Rambo stated they are looking for donations and/or sponsors to help offset costs. Vice-Chairman Obernier stated he was okay to donate to them. Supervisor McCaffrey felt that this is the bands program, and there will be a program for every other kind of activity that takes place in the CASD, and felt that you would open up the door to make some people feel rejected. If you do it this year, they will expect it each year, it could be a real problem. Vice-Chairman Obernier expressed that he looks at it as a way to support the kids of the families that live in the Township. It lets the kids know that people appreciate what they are doing. Vice-Chairman Obernier doesn't think that it is a big deal. Supervisor McCaffrey stated that for him it is not a big deal, but feels it is a place where the BoS does not belong. This is a government that is not supposed to be dealing with specific special interests and programs that happen to be the favorites of their parents that are on the Board. Vice-Chairman Obernier doesn't see the kids that live here in the school district as a specific special interest group, its just aiding and endorsing the stuff that they do, and by the way there is no Board Member that has children in the CASD Marching Band.

A resident suggested that the BoS budget \$300 each year on a first come first served basis for donation requests. Frank Keagan suggested that they just put that money in the brush collection for Saturday. Supervisor McCaffrey stated they have programs that service the community and they are on the borderline, the money should be going toward those services, it shouldn't be going towards encouragement for specific groups of children that are in the public school system.

Mrs. Whitehead commented about the kids and their fundraisers. Vice-Chairman Obernier stated the Township donates money to the Coatesville Library each year and felt that was the same thing. Supervisor McCaffrey disagreed, stating that the library is open to every resident in the community to participate in all year long. It does not favor a small group of individuals that are having an event for a specified period of time. Supervisor McCaffrey stated he would vote against it and suggested they wait until Chairman Lindborg is in attendance to vote on it.

An engineer representing the Bryant Subdivision is in attendance with two pages of waiver requests for the Bryant tract located on Pratts Dam Road consisting of four parcels being

subdivided, located between the two entrances of the Hills Over Pratts Dam Subdivision. It was previously subdivided in 1991 into ten to twelve parcels, which was never carried through. Mr. Bryant hired ECI out of Exton to subdivide the tract into four parcels with the intent to deed restrict it against further subdivision. Mr. Bryant's engineer then summarized the requested waivers. After general discussions Manager Rambo asked the engineer if his client would put the escrow up for the common driveways to get some of the waivers and suggested that the engineer should find out the answer to that question and come back at a later time to further discuss the waivers. Supervisor McCaffrey explained that he would have to have a title search of the property to find out what rights-of-way or restrictions might be on there before you can subdivide it, and stated that he would feel awkward about allowing a subdivision to go through without having some idea of any restrictions before granting uses that may violate those restrictions. After further discussion Vice-Chairman Obernier suggested that the engineer meet with Manager Rambo to discuss the Bryant plan.

Reports of Departments

Vice-Chairman Obernier then moved onto the Reports of Departments for the month of June 2005. Chief Werner presented the police report. Jesse Edwards commented about the Police Department stopping trucks, over the past three days. Manager Rambo gave the report from the Public Works department. Dale Barnett presented the Buildings/Codes Department report. Manager Rambo presented the Fire Marshall report. There were no comments. Manager Rambo then presented the report from Martins Corner Ambulance, which showed 40 fires for the month of June. Manager Rambo commented that the report is incorrect and he would question Martins Corner about it. He then moved on to give the report for Wagontown Fire Department. Mr. Shaffer, President of East Brandywine Fire Company was in attendance to present their report. Mr. Shaffer noted on July 8, 2005 the fire company celebrated its 50th anniversary banquet at the Revere Tavern; guest speakers for the evening were Senator Rafferty and Representative Schroder, followed by an award ceremony where Edgar Ranck Jr. received the Junior Fireman of the year award. On August 20, 2005, a celebration will be held at East Brandywine Community Park for the Fire Company's 50th anniversary.

Reports of Organizations, Boards and Commissions

There was no one present from either the Planning Commission Board or the Parks and Recreation Board to give their report. Manager Rambo noted and then read out loud an email dated July 20, 2005 that was received from Dr. Vilcheck of the Historic Commission regarding the Catania property. After reading the requests from the Historic Commission, Manager Rambo noted they could put up orange fencing, have the police patrol periodically back there. As far as removing tree limbs and vines, he would request a certificate of liability insurance from Mr. Saylor. It cannot be posted; the Township is getting it classified as open space available to the general public. The Township could post it with the standard park sign. Vice-Chairman Obernier suggested that the Public Works Department post the park signs in the appropriate places and that the Police Department utilize the ATV's to patrol the area. Vice-Chairman Obernier made a motion for the Manager to contact Mr. Saylor regarding clearing the site. Supervisor McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye. There was no one present from the Parks and Recreation Board.

Supervisor McCaffrey, also Chairman of the Municipal Authority was in attendance to give the report of the Municipal Authority. Mr. Keagan noted he requested copies of two resolutions at the last BoS meeting regarding the Bentley Subdivision. Mr. Keagan was instructed to stop in the

Township Building in the morning on Friday, fill out a Request for Information Form, and pick up the copies. Vice-Chairman Obernier told Mr. Keagan if he did not receive the documents that morning to call Mr. Obernier.

Municipal Authority Chairman McCaffrey noted the difficulty here, is the appropriate level of compensation for the ground that is necessary for a pipe and pump station on Mr. Keagan's property. Mr. Keagan had requested that details be put on the existing plans. Municipal Authority Chairman McCaffrey noted that Mr. MacCombie is currently working on including those details on the plans. Discussion ensued regarding Pennsylvania American and capacity amounts. Municipal Authority Chairman expressed that it seems very dicey as to whether Pennsylvania American has the capacity that they keep saying that they have, it goes back and forth depending on who you speak to, that is something that has to be resolved.

Manager Rambo noted that Pennsylvania American called the Township and stated they have met with DEP to discuss the letter. Pennsylvania American proposes to respond formally to the Township within the next two to three weeks. They are bringing on a consultant to design the east trunk line that would allow the Authority to ship all of its effluent to them. They are still reviewing the Township's comments with regard to the amended agreement. They don't foresee meeting with the Authority or Bentley until sometime in September. Vice-Chairman Obernier asked if there were plans to correct the pipes that are too small. Manager Rambo explained that is called the east end trunk line, they just brought an engineer on to evaluate and design it. The Authority is not paying for that, Pennsylvania American has to bring their line up to date.

Public Hearing

No Public Hearing

Old Business

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board and Historic Commission. There were no comments.

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and is in the process of preparing an Ordinance amendment for the BoS to consider. There were no comments.

The Manager has finalized the Township's Snow Removal Policy and Bloodborne Pathogens Policy for review and adoption consideration by the BoS. Supervisor McCaffrey motioned to adopt both the Bloodborne Pathogens Policy and the Snow Removal Policy. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Manager is finalizing the Township's proposed sign management policy and safety/wellness program policy. These policies will be ready in mid August.

Old Business from the Floor

Pat Edwards asked if there was anything new regarding the property on Manor Road. Dale Barnett explained the steps he has taken. Vice-Chairman Obernier suggested that the Township cut the weeds down and bill the property owner. Manager Rambo stated in the past the Township has hired someone to cut grass and then billed the owner. Mrs. Edwards expressed that she would like to see the whole house demolished.

Old Business from the Board

There was none.

Ordinances and Resolutions

There were no Ordinances and Resolutions.

New Business

Manager Rambo, Chief Werner, and Airwork's are in the final stages of addressing the air circulation and exchange of the shooting range. Manager Rambo stated that Airwork's is looking at redistributing the existing airflow to try and get the majority of airflow down below the existing baffle system, so that the air can be sucked properly to the front where the smoke will be taken. Vice-Chairman Obernier asked where the air is actually removed. Manager Rambo answered that the majority of it is removed at the far end of the range. Supervisor McCaffrey asked if there has been any improvement after all their efforts. Chief Werner answered very little.

The Manager is finalizing his preparation of a "draft" Right-of-Way Ordinance and Access Management Ordinance for review and input by the BoS. The draft will be ready by mid August.

The BoS to appoint one of the four candidates interviewed to the Township's Planning Commission (Jay Arnold, Chuck Dobson, Sue Bowar, and Seth W. Mackay- Smith). Supervisor McCaffrey motioned to table the appointment of the Planning Commission until all Board Members are present. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township Manager and Solicitor are in the process of preparing Opinion & Order for Genterra (49 Singles/Open Space Design Option) Conditional Use Hearing that was closed on Wednesday, June 29, 2005. Manager Rambo noted the time clock for the Board to render an Opinion & Order is by August 11, 2005. The Manager has requested a letter of extension, granting an extension until September 15, 2005 in which to render an Opinion & Order. That would give the Township enough time to receive the transcripts and write the Order.

Signing of the Janiec Minor Subdivision Plans approved at the July 7, 2005 meeting. Manager Rambo noted that the BoS approved the Janiec Minor Subdivision plans at the July 7, 2005 meeting. The Board will sign each page so that it can be recorded.

School Board Members Cynthia Quinn and John Zaleski will be in attendance at the August 4, 2005 BoS meeting.

New Business from the Floor

Jesse Edwards asked who would be liable if someone gets hurt riding their motorcycle in the field behind him. Manager Rambo answered that the developer or property owner would be responsible until it becomes Township owned Open Space. It will be posted similar to our parks, thus not permitting the use of motor vehicles.

New Business from the Board

There was no New Business from the Board.

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

There was none.

Open Issues Before the Township

Cable Franchise. Vice-Chairman Obernier stated he would like to setup an appointment with the Manger after he returns from vacation regarding the verification of the Comcast list.

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

The interest rate for the week is 2.67 %. There were no comments.

Review and Payment of the bills

The bills presented for payment totaled \$1,024.14 in the State Fund, and \$54,562.06 in the General Fund and Solid Waste Fund. Supervisor McCaffrey motioned to pay the bills. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- Planning Commission meeting, Thursday, July 28, 2005 at 7: 30 p.m.
- Board of Supervisors meeting, Thursday, August 4, 2005 at 7:30 p.m.
- Historic Commission, Monday, August 8, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, August 9, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, August 11, 2005 at 7:30 p.m.

Adjournment

With no other business to discuss, Supervisor McCaffrey motioned to adjourn the meeting at 9:26 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Vice-Chairman Obernier voted aye in favor of adjournment.

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