

**Meeting Minutes of May 6, 2004**  
**Board of Supervisors**

Vice-Chairman Lindborg called the Board of Supervisors Meeting of May 6, 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 Supervisor Obernier and Vice-Chairman Lindborg in attendance. Chairman McCaffrey arrived at 7:37 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.

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

Vice-Chairman Lindborg moved onto address Information to Act Upon being that Chairman McCaffrey was not yet in attendance.

Gary Mulvania of Lauren Lane has forwarded the Township an email with regard to his interest to serve on the Township's Parks and Recreation Board. Gary Mulvania will be in attendance at the next Supervisors meeting to meet the Board.

Ron Scott of 116 Gabel Road has forwarded a resume to the Board with regard to serving on the Township's Building Appeals Board. There were no comments made.

The Township is in receipt of a ninety-day letter of extension for the rendering of a decision on the Coatesville Catholic Holy Spirit Elementary School Preliminary Land Development Plans. Supervisor Obernier made a motion to accept the ninety-day extension from Coatesville Catholic. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Marc Jonas, Esquire has forwarded the Township a sixty-day letter of extension for the rendering of a decision on the City of Coatesville Golf Training Facility Preliminary Land Development Plans. Supervisor Obernier motioned to accept Coatesville's sixty-day letter of extension for the rendering of a decision on the Golf Training Facility. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Ross Unruh, Esquire has forwarded the Township a sixty-day letter of extension for the rendering of a decision on the Swinehart Realty Associates, L.P. Preliminary Subdivision Plans. Supervisor Obernier motioned to accept Ross Unruh's sixty-day letter of extension on behalf of Swinehart Realty Associates. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Ross Unruh, Esquire has forwarded the Township a sixty-day letter of extension for the rendering of a decision on the Culbertson Realty Associates, L.P. Preliminary Subdivision Plans. Supervisor Obernier motioned to accept the sixty-day letter of extension by Ross Unruh on behalf of Culbertson Realty Associates. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Ross Unruh, Esquire has forwarded the Township a letter requesting a one-year extension in which to file Preliminary Subdivision and Land Development Plans with regard to the Culbertson Realty Associates, L.P. proposed Commercial Plans. Manager Rambo recommended a one-month extension. Supervisor Obernier motioned to grant a thirty-day extension on Ross Unruh's letter on behalf of the Culbertson Realty Associates for the proposed Commercial Plans. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Ross Unruh, Esquire has forwarded the Township a letter requesting a one-year extension in which to file Preliminary Subdivision and Land Development Plans with regard to the Beaver Creek Realty, L.P. proposed Apartment and Commercial Plans. Manager Rambo recommended a one-month extension. Supervisor Obernier motioned to accept Ross Unruh's letter, not for a year but rather for a thirty-day extension to file Preliminary Subdivision and Land Development Plans with regard to Beaver Creek Realty's proposed Apartment and Commercial Plans. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of correspondence from Charles R. Waddy, V.P. of PreDoC, Inc. with regard to the Planning Module for Stanley Wannop and Elaine Gerwig for signing. Supervisor Obernier motioned to direct the Manager to sign the appropriate paperwork. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

DEP has awarded the Township a grant in the amount of \$75,651.00 and has forwarded the Township the Act 101, Section 902 Recycling Development and Implementation Grant Contract Documents for signing. Supervisor Obernier motioned to sign the Recycling Development and Implementation Grant Contract Documents. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey all voted aye.

### **Acceptance of Minutes from Previous Meetings**

The previous meeting Minutes of April 1, 2004 and April 15, 2004 were tabled.

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

Suzanne Tucker of East Brandywine Township is present to talk to the Board of Supervisors with regard to the proposed Raleigh Drive interconnecting roadway. They have a group of three people in attendance to represent their opposition to the proposed Raleigh Drive interconnecting roadway. Suzanne Tucker was concerned about the children that would be affected by the proposed through

street and showed the Board of Supervisors pictures of their children waiting for their school bus on the street, being there are no sidewalks, along with pictures of children that live within the Raleigh Drive vicinity. She noted that at the last Planning Commission meeting one gentleman that voted in favor of the clear cut through suggested a solution to them, which was to teach the children to play in the street more safely. Tucker and some other residents felt that this is an upsetting solution to the problem and would like the Board to come up with a better solution than that.

Jim Mitchell thanked the Board for allowing them to air their concerns. He stated that their streets (Gloucester, Raliegh, Berkley, and White) are all wide-open straight roads. Mitchell noted that the Police Chief of East Brandywine Township wanted to see the traffic impact report so that he would have an understanding of what East Brandywine citizens would be up against should an open cut-through be allowed and noted that the citizens would be responsible for paying for traffic improvements. Supervisor Obernier asked Mitchell who told him that they would be responsible for paying for the traffic improvements. Mitchell noted he couldn't remember who told him. The Planning Commission recommended a green cut-through verses an open cut-through. He contacted E.P.Henry that manufactures permeable interlocking concrete pavers and noted an example of one in the region that is a 400-foot long emergency vehicle lane that consists of concrete pavers with grass. It has been in existence for eleven years and is maintain year round including snowplowing, the plow must be raised up one quarter of an inch. He noted this would be a viable option other than a clear cut through that would satisfy the requirements of the Conditional Use Study as well as maintain the quality of life in their area. Supervisor Obernier asked what would happen to the snowplow if they forget to raise it up a quarter of an inch. Mitchell stated he didn't know.

Frank Montgomery of East Brandywine noted they purchased their homes for the beauty and the atmosphere and that their most serious concerns are for the safety of the children of the community, as well as those that use the community day in and day out. One hundred people that use the park that are from Coatesville, East Brandywine, Downingtown, Malvern, etc. signed petitions against having the throughway. Montgomery then outlined his map that was shown to the Board. The new community with it's already approved roadways that will allow you access to the main roads without entering into our already congested corridor as the Traffic Impact Study 2003 suggested with the Little Washington area. This issue was addressed in one of the meetings dated February 27, 2003 by Steve Jakatt and would like this to be revisited. They decided to move into the neighborhood after they found a house that had a park in it with no through roads. People using the park are parking in the street because one game has not yet finished and another one is starting. His final statement was that he didn't know how anybody could conscionably put the safety of their neighborhood in jeopardy for the safety of another one that is not even built yet. They would like the Board members to consider the people that use the park on a day-to-day basis before they make their decision on allowing the through way.

Chairman McCaffrey explained that all the Board Members have children and feels it is inappropriate when people bring in unrelated and random photographs of children alluding to the fact that they may get hurt, there is no reason that he would want to see anyone's children harmed. He is disturbed by the attitude that he has no experience with children and that he would have no consideration for small children. When you look at some of the second set of submitted photographs you note children are not supposed to play in the street. He was never able to allow

his children to ride their bikes on the street due to speeding motorists. Every member on the Board is a victim of development, because after we move in, we are not allowed to prevent new people from coming into a new area. Unfortunately, if you are there first, it is an encumbrance to what you may have bought into when you purchased your home. He felt that they shouldn't be parking in the street by the park; there is no parking in the street in West Brandywine Township. Chairman McCaffrey asked them to consider children living in new neighborhood and the fact that an emergency vehicle could take an extra five to ten minutes to get into the new neighborhood because there was no through street and someone may die because of this. The Board would be liable for that problem. The improvements to the roads, noted by one presenter as the responsibility of neighborhood homeowners, would be the responsibility of the Municipality. He noted that the Board has the ability in West Brandywine Township to make the street a one-way street to make it inconvenient for people to cut through. He agreed with the Raleigh Drive area residents in that something can be done and doesn't want this to become a rapid transit cut through. As a Supervisor in this community he has a responsibility to make sure that the planning for a new development is done properly and that their residents are protected by the best planning techniques that can be applied to it. It will be modified as much as possible to accommodate other neighborhoods that adjoin it. Chairman McCaffrey explained that he didn't hear any alternatives or compromises from any of the spokespersons for Raleigh Drive but they wanted "all or nothing." He didn't want pavers but would like to see an accommodation on the way the street is constructed. Chairman McCaffrey recommended a gated cut through with easy access for emergency vehicles. If over time as various road improvements and additions take place and it is needed to provide better traffic patterns then that road could be opened and become part of the regular road network.

Vice-Chairman Lindborg concurred with Chairman McCaffrey in a lot of his points. He also noted that there is nothing more precious to him than his son and felt that he didn't need pictures in front of him to appreciate the value of children and took exception to their presentation. It was inappropriate to try to influence the Board's decision. They are faced with development that they can't say no to. Vice-Chairman Lindborg recommended constructing a gated 16-foot wide road that is according to Township specifications that has access for emergency vehicles, snow plowing, etc.

Supervisor Obernier asked Scott Piersol, Manager of East Brandywine Township, whose background was in emergency services, if he had a preference for a possible solution. Scott Piersol noted they would like to see the cut through. He had faxed the Township an example of a siren-activated gate and was in attendance to work with West Brandywine Township to come up with a solution and felt that the gate would be a viable option. Chairman McCaffrey noted the gate would be an expense. Vice-Chairman Lindborg suggested they research more sophisticated gates that could be activated in several different ways.

Chairman McCaffrey noted he voted against this particular subdivision, however, he would like to see a roadway put there with a gate so that they wouldn't have to dig it twice and pay for again if it is decided in the future that it has to be a through road.

Supervisor Obernier recommended they have a 16-foot wide road so they would be able to qualify for state money for the roadway that should be built to West Brandywine Township's

specifications. He would prefer a gate that is not chained but silently activated to open. There is more development coming in than there are people that already live in that area. Even if there is a gate in the beginning, he could see the new people coming in asking the Township to remove the gate. This would have to be considered at that point in time. He would consider a redesign of the roadway in addition to the 16-foot, that way if the gate were someday to be removed they would have some traffic calming things in place.

The proposed plan calls for a 22-foot road with rolled curb. Manager Rambo suggested they put 16-foot road at township specs with no rolled curb, placing gravel on each side where it meets the existing cul-de-sac to create a small cul-de-sac and put a gate there. By doing the roadway 16-foot it would meet the minimum specifications for liquid fuel funds and gravel on either side will act as a means of turning around to meet PennDot's requirements for cul-de-sac.

Frank Montgomery commented that the Boards reaction regarding the pictures of the children was completely different than the Planning Commission's reaction. Supervisor Obernier stated that the Planning Commission was intimidated as well.

Montgomery clarified that he did not come in with an attitude of "all or nothing" and felt that they demonstrated that they are looking for an option that would satisfy everyone.

Vice-Chairman Lindborg explained that the way to get these issues resolved is not to try to intimidate the Board, but to make your presentation and a good case for your argument and hopefully people will listen and walk away with something that works for everyone. Chairman McCaffrey concurred with Vice-Chairman Lindborg that the approach with the pictures was very insulting.

Suzanne Tucker apologized and explained the pictures of the children were not intended to insult the Board or anyone else and noted that they have been educated on this issue and are willing to compromise which is why they researched the green pavers.

Supervisor Obernier recognized the importance of the cut through issue and noted the Raleigh Drive and area residents have come to all the Board meetings regarding this issue. Also, for the first time in seventeen years the East Brandywine Township's Manager and Board member sat in on a West Brandywine Township Supervisors Board meeting.

Gregg a resident of Raleigh Drive explained that they are willing to welcome a new community into theirs, they had talked about putting side walks in for the children to get to the park.

Randy Giles of 23 Raleigh Drive had a question regarding the length of time that the roadway would remain gated. Vice-Chairman Lindborg felt the gate would be there for a quite a while, not short term.

Supervisor Obernier explained the process of having the gate removed; that if the new community comes in, as the Raleigh Drive and area residents have come to every meeting, he could see this change take place but doesn't feel that it will happen anytime soon. It's only after they are there for a while and they want to drive to the park and ask themselves why should they have to drive all

the way around to Route 322. He could see this kind of rational bringing the new community members in, but feels its years in the future.

A resident from Raleigh Drive was concerned that developers can come in and do whatever they want to do and noted the fact that there was no cut through there was the deciding factor when they purchased their home a year and a half ago and questioned what the processes are that the developers go through. Vice-Chairman Lindborg explained that the traffic has increased dramatically. They are limited to what they are allowed to do when a developer comes in, there is zoning and state mandates that control what they can and can not do, if they voted no on this plan then the developer would have taken the Board to court and the plan would have been approved. The state limits how much time can be spent, there have been extensions granted by the developer for considerations, etc. (Someplace in here the resident was upset at how fast things were happening....) the Chairman asked the developer in the audience how long this plan was before the Township and I believe he said two and a half years. It was also stated that those who wish to make changes have had all that time to bring their points up. Even so, the plans are not signed so they are not final. Chairman McCaffrey explained that once that the plans are signed, sealed, and approved by West Brandywine Township, then anyone who feels that there are grounds that something has been done inappropriately still has the right to go to Commonwealth Court and appeal it.

### **Information to Note**

The first piece of information to note was the Township is in receipt of correspondence from Ross Unruh, Esquire with regard to the Bentley Community Special Study. Manager Rambo noted that the Special Study has been advertised and is available for review and comment at the Township. Once the comments have been received they will be addressed and added to the study. Bentley would like the Supervisors to consider passing resolution at the June Board of Supervisors meeting to have the Special Study forwarded onto DEP.

The Crime Victim's Center has forwarded the Township a letter commending Corporal Williams for his participation in the Chester County Municipal Police Honor Guard. There were no comments made.

DEP has forwarded the Township correspondence with regard to the Township's Underground Storage Tank. Manager Rambo noted they will put a vapor recovery system on it to bring them into compliance and will have the final inspections in June. The system cost \$4,000.

John Snook of the Brandywine Conservancy has forwarded the Township his thoughts on the Ridings of Hibernia Plan. Manager Rambo recommended the Board review the Plan for comment.

### **Old Business**

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board, the Parks and Recreation Board, and Historic Commission. Manager Rambo noted there are applicants interested in serving on the Building appeals Board (Sandy Detterline, Ron Scott, and John Callahan). The Board would like to meet with Hugh Redditt and Alan Amenta prior to the next Board of Supervisors Meeting before appointing them to the Historic Commission.

The Brandywine Conservancy has finalized a spreadsheet on the results of the recent survey performed in conjunction with the Comp Plan update. Manager Rambo distributed copies to the Board.

The Township Engineer and Manager are finalizing their review of the Pennsylvania American Water Company Act 537 Plan update and Bentley Communities Special Study of the Township's Act 537 Plan. Manager Rambo noted this would have to be finalized before they pass the resolution.

Linda Formica has completed the draft of the Township's new website for the Board of Supervisors to view. Supervisor Obernier will forward his biography on to Linda.

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

Bob Karpovich of Frasier Boulevard questioned whether there was any new correspondence regarding the Golf Training Facility. Manager Rambo noted he has an upcoming meeting with the Township solicitor and Marc Jonas to discuss lighting, hours of operation, use of natural materials for pesticides and fertilizer, and the metering of wells. They were recently granted a 60-day extension.

Williams of 1360 North Manor Road asked if there were any updates regarding Indian Run Mobile Home Park and their stormwater run off situation and would like a time frame as to when they would be addressing this issue. Manager Rambo noted Indian Run has hired new Park Managers but has not heard anything. The Manager and the Codes Officer have looked up their plans from the 1970's. At that time there were no grading plans provided, they didn't have the requirements until just recently. They will take the approach that they will need to have some type of land development plan prepared to see how they are going to address the water runoff in that area.

Williams noted over the past few years Indian Run brought in sheds, piles of sand, and added parking. It is an ongoing dumpsite that created this mound. Dale Barnett stated they have gotten shed permits within the past few years. He has taken pictures of the situation and sent a letter asking them to address certain issues. Manager Rambo suggested they could ask him to berm the area to try to divert the water down. They will have to take some topography shots to make sure the fall is not toward Williams' property. Chairman McCaffrey suggested that Mr. Williams be carbon copied on any correspondence between the Township and Indian Run regarding resolving this issue.

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

There was no Old Business from the Board.

### **Ordinances and Resolutions**

Resolution #03-04; Catania Subdivision Sewage Module to DEP. Vice-Chairman Lindborg motioned to accept Resolution #03-04. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

Resolution #04-04; reference CASD proposed tax millage increase of 6 mills or 24%. Chairman McCaffrey stated that they are destroying for the lives of people who have lived here for fifty years, they can no longer stay in their homes, they are retired and on fixed incomes., At some point the CASD administration's former mismanagement of money cannot be used as their current excuse anymore. The CASD's first public meeting is Monday, May 10 at 7:30 p.m. Vice-Chairman Lindborg motioned to adopt Resolution #04-04. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

Bob Karpovich suggested the citizens write to our local representatives. Chairman McCaffrey noted they had already borrowed \$30,000,000 for construction of a new school; they then arbitrated it and claimed to be making money off of it, now they want to borrow another \$30,000,000. What should be asked is what happened to the first \$30,000,000 they borrowed. At some point you don't build new buildings and borrow \$30,000,000 when you are driving your citizenry right out of your community.

Chairman McCaffrey also objected to what they did in the City of Coatesville and waving taxes on property down there for extended periods of time. The City has as much responsibility to fund the schools as the rest of us do. Reducing taxes for every one of these little issues that come up, then soon you are left with just a few people that are paying everything.

Manager Rambo noted the assessment of the Township is \$409,732,125. The current tax millage rate is 25.45 with a proposed tax increase would mean additional revenues from the Township of \$409,732. A \$100,000 home would pay an additional \$600 more per year. The current Township's millage rate is .861. Chairman McCaffrey noted that the increase alone is 700% more than what the Township charges for these taxes.

Jesse Edwards noted that his daughter that lives 125 miles away pays half the amount of real estate taxes for the same size home. Chairman McCaffrey stated that Coatesville School taxes are the highest in Chester County, but now they are going for the world's record.

Pat Edwards expressed that it was not fair for the retired people. Vice-Chairman Lindborg stated that it was unfair to both working and retired people.

Manager Rambo noted that on the survey that was done by the Brandywine Conservancy, people responded in writing, and the majority of negative responses were soaring school district taxes, the way the school district operates, they want to succeed from there and go to the Downingtown School District.

Supervisor Obernier explained that the residents want the Township to break off from Coatesville School District and make it the "West Brandywine School District." Manager Rambo added, "or Downingtown or some other school district."

Chairman McCaffrey quoted "Every school district excels in something, for some it's in science, for some it's in mathematics, but the Coatesville School District excels in taxes, nobody in the County can beat them."

The Board all agreed that the only way this would change is if everyone complains and writes to Representative Curt Schroder and Representative Jim Gerlach.

### **New Business**

Approval of release requests for Suttonwoods Phase I & II. The release requests have been reviewed by the Township Engineer and Manager Rambo and found satisfactory. The release amounts are for \$9,810.45 and \$14,821.07. Vice-Chairman Lindborg motioned to accept the Suttonwoods release requests. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

### **Recommendations of the Township Planning Commission**

Manager Rambo then read the recommendations of the Planning Commission. There were no comments made.

The Public Works Director is finalizing the specifications for the ordering of the truck chassis associated with the recent DEP grant award. Manager Rambo recommended they initiate the order request. Supervisor Obernier made a motion to order the truck chassis. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey all voted aye.

The Township will be advertising the sale of used vehicles and equipment for a June 17, 2004 opening. This will consist of an old police car, plows, RV, and other miscellaneous equipment.

The Township will be advertising for road materials for the 2004 summer repair programs. There were no comments made.

Newsletter articles for the summer edition are due into Linda Formica by Wednesday, May 19, 2004.

### **New Business from the floor**

None

### **New Business from the Board**

None

### **Public Comments**

None

### **Open Issues**

The first Open Issue was the Cable Franchise list review. Supervisor Obernier requested a breakdown for the annual franchise fee. Manager Rambo will request a breakdown for the funds received.

### **Facility/Park Update**

The current interest rate is 1.4%.

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

Manager Rambo noted bills for the General Fund, Solid Waste Fund, and the State Fund totaling \$63,969.23 of which some bills will be recouped from escrow accounts. 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**

- Conditional Use Hearing, Tuesday, May 11, 2004 at 8:00 p.m. for Steve Janiec's application for the re-use of a Historic Structure.
- Parks and Recreation Board, Tuesday, May 11, 2004 at 7:30 p.m.
- Municipal Authority, Thursday, May 13, 2004 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, May 20, 2004 at 7:30 p.m.
- Planning Commission meeting, Thursday, May 27, 2004 at 7:30 p.m.

### **Adjournment**

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:28 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