

Meeting Minutes of February 2, 2006 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of February 2, 2006 to order at 7:30 p.m. Roll call of the Board of Supervisors (BoS) by the Township Manager noted Chairman Josef G. Obernier, Sr., Vice-Chairman Thomas J. McCaffrey, Jr. and Supervisor Carl S. Lindborg in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Codes/Zoning Officer and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

January 3, 2006 and January 19, 2006. Supervisor Lindborg motioned to accept the January 3, 2006 and January 19, 2006 meeting minutes. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Public Comments *Those individuals requesting to be on the agenda*

Jane Fava of the Brandywine Valley Association (BVA) is in attendance to talk to the BoS with regard to the MS4 Program and the year three requirements. Ms. Fava gave a PowerPoint demonstration and brief summary of the MS4 program and its future plans. One of the requirements involves public education and outreach, the reason for BVA's attendance tonight.

Manager Rambo asked the municipalities' yearly cost for this program to keep in compliance with the unfunded mandate. Ms. Fava noted a graduate student that did his masters thesis on the MS4 program estimated \$108,000 for the first five years, then 1.5 million for the next five years just to keep in compliance. Vice-Chairman McCaffrey was concerned that the Township is precluded from enacting regulations that would prevent problems with development and then give the Township the responsibility of fixing it after the problem develops. Ms. Fava concurred.

Vice-Chairman McCaffrey noted that the Township has required respect for the streams for years in our community. When the Brandywine leaves our area and goes to Coatesville, their most recent development project that they are planning, is building in the floodplain and channelizing the Brandywine. Ms. Fava explained that there are things that the City has to address that they may not be aware of.

Ms. Fava explained that she is not sure that all of the DEP staff is sure that this is being handled in the best way possible. DEP is working on rewriting the protocol; a lot of this program has been experimental and "hit or miss." Vice-Chairman McCaffrey stated that what is lacking is the backbone of the legislature that is involved to create the program. Vice-Chairman McCaffrey expressed that BVA is doing a great job with this program.

Manager Rambo noted that he and the Township engineer are in the process of reviewing Mr. Brightensteins' latest letter complaining about the Township's application and the way that it was completed. He believes that there are many municipalities within the 26 that attend these meetings that are still waiting for direct answers from Mr. Brightenstein, when he returns from Harrisburg, in talking with the legislatures as far as exactly what they want. They are still waiting for clear definitions of everything.

Correspondence/Communications *Information to act upon*

The Board is in receipt of a letter of extension until April 7, 2006 from Culbertson Realty for their Final Subdivision Plans. Manager Rambo recommended that the BoS accept the letter of extension. Supervisor Lindborg motioned to accept the extension until April 7, 2006. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Wesley W. Holman has forwarded the Chief of Police a letter of resignation from the Township's Police Department. Chief Werner noted that Wesley Holman has been a part-time officer for over a year.

The Township has received notification that it has been awarded a grant from the Pennsylvania Council of the Arts in the amount of \$610.00. Manager Rambo recommended that the BoS accept the grant award. Supervisor Lindborg motioned to accept the grant. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Chester County Association of Township Officials has forwarded information on the upcoming Spring Convention on March 2, 2006, 8:00 a.m. at the Inn of Chester Springs. The BoS is to advise the Manager as to who will be attending. Vice-Chairman McCaffrey will attend.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from DEP in response to the Manager's letter with regard to PAWC sewer capacity and the Bentley and Janiec Projects. The Manager received correspondence from Joe Fiola stating that the sewage will not be able to go to Coatesville. Manager Rambo scheduled a meeting at DEP with Joe Fiola, Bentley, Ross Unruh, Jim Newbold, Adam Braun (legal council for DEP), and Clinton Cleaver to further discuss why they feel that the sewage can't go to Coatesville. Further discussion ensued.

Ross Unruh, Esquire has forwarded the Township a copy of correspondence sent to DEP in response to their letter with regard to the Township's Special Study concerning the Bentley Projects. Manager Rambo stated that Mr. Unruh totally disagrees, which he expressed in a letter to Mr. Newbold.

Dr. Vilcheck, Chairman of the WBTHC, has forwarded the Township correspondence with regard to upcoming subdivision plans and CUH's. Manager Rambo has not had an opportunity to contact him. The Manager feels that Dr. Vilcheck doesn't realize that the Township is going to acquire all the historic resources from Pulte. Manager Rambo will set up an appointment with Dr. Vilcheck. Supervisor Lindborg wanted to clarify that the Historic Commission advises the BoS of issues that concern them and that they don't directly require correspondence from the developers. Chairman Obernier suggested that the Manager ask Dr. Vilcheck to have a representative of the Historic Commission attend the BoS meetings. Vice-Chairman McCaffrey noted that the developers do correspond, and that the Historic Commission can state on their correspondence, what the Historic Commission is going to recommend to the BoS.

Report of the Public Works Department

Tom Eells gave December's Public Works Report because he was ill and was not in attendance at the last BoS meeting. There were no comments.

Adjournment from Township Meeting (8:22 p.m.)

Opening of Public Hearing (8:23 p.m.)

Ordinance No. 06-01; Construction in Public Rights-of-Way. The Ordinance was duly advertised. This Ordinance establishes the requirements for permits, how they may be obtained, and how work will be performed during construction in the public right-of-way of the Township. Vice-Chairman McCaffrey commented that the BoS has an understanding that these Ordinances are not set in stone and that they are not trying to impose regulations that would be onerous on any of the residents. Manager Rambo noted that in the past they have had companies come in to the Township that have damaged roads and properties. This Ordinance requires everyone to come in, get permits, and make sure they have appropriate insurance.

Supervisor Lindborg asked what the policy is if a homeowner wants to do something within the road right-of-way. Manager Rambo answered that they would need to come in and get a permit, there will be inspections to make sure they are not tearing up the road while they are doing it, if they need to put a swale in over their driveway, it will have to be inspected. If they have to put pipes under their driveway, they will have to get a permit. One clause states that it is required to make sure they are not digging where there are any utilities. Supervisor Lindborg was concerned that engineering would have to be done. Manager Rambo noted not to replace a pipe; it is the same permit application that is currently used. If you are not disturbing more than 5,000 square feet, you don't need a grading permit. If people were going to do it themselves, they would carry homeowners insurance, if they hire a contractor, the contractor would have insurance. If they were working right along the road, they would need proper flagging, which is required by anyone that works along the road.

Vice-Chairman McCaffrey feels that you need the ordinance for the construction people that take advantage of the Township. Vice-Chairman McCaffrey hates writing new regulations for everything under the sun and requested the BoS support to change it, if they have people complaining that it is a real impediment to the enjoyment of their real estate.

Steve Jakatt of 16 Ashley Court asked how far a public right-of-way extends into a person's property. Manager Rambo answered if it is a newer subdivision, it would be 12 feet from the face of the curb, an older road like Hurley that has never been re-subdivided it would be 16 ½ feet from the center. It varies according to the road and the width of the road.

Bill Goins of Woodbrooke Drive asked if a permit would be needed and what the fee would be if he was widening his driveway, doing the work himself, and was working outside the road right-of-way. Manager Rambo answered he thought it would be a flat fee of \$50.00, but didn't have the fee schedule on him. If he extends his drive from his curb, he would have to dig out existing curb, that is part of the fee, to make sure that no damage is done to the road.

Mr. Goins asked what happens if he had a contractor to pave the driveway over? Manager Rambo answered that a contractor's license is required for anyone that works in the Township. As part as the permit, you would just get the permit to work within the road right-of-way. The permit requires you to call the One Call system to make sure that there is no cable TV, electric, phone lines, etc.

Adjournment from Public Hearing (8:28 p.m.)

Re-Opening of the Township Meeting (8:29 p.m.)

Old Business

The Manager has advertised in the Daily Local News that the Township is searching for volunteers to serve on the Building Appeals Board, Historic Commission and Parks and Recreation Board. The Township has not received any responses. At this time in the meeting the Chairman moved to address Richard King who was in attendance to update the BoS regarding Martin's Corner Fire Company.

Richard King noted that he is the current president of Martin's Corner Fire Company. EMS service is now a 24-hour paid EMT service with a volunteer driver from 6:00 p.m until 6:00 a.m. They will be submitting their minutes, reports, and two audits to the Township. Mr. King invited the BoS to sit on their Board at anytime; they meet on the second Thursday at 7:00 p.m.

The Township's Building Inspector/Codes Officer is preparing an Ordinance amendment for the BoS to consider with regard to the International Building Code. There were no comments.

The Manager is awaiting input from Supervisors Lindborg and McCaffrey on proposed Ordinance No. 05-12; Access Management. Both Supervisors stated they need more time.

The Township Manager is awaiting the "draft final" on the proposed Technical Specifications for Traffic Control Signalization from McMahan Associates, Inc. Manager Rambo will contact McMahan to find out when they can expect it.

Final discussions on proposed Ordinance No. 06-01; Construction in Public Rights-of-Way. Vice-Chairman McCaffrey suggested that if the Township office or Codes Officer receives complaints about these new ordinances, that the BoS come up with an amendment. Both Supervisor Lindborg and Chairman Obernier agreed.

The Manager has forwarded the Township Solicitor proposed language suggestions for a Noise Ordinance. There were no comments.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from Board

Supervisor Lindborg asked about the request to meet with the Emergency Management Coordinators. Manager Rambo stated that meeting would take place after tonight's BoS meeting.

Chairman Obernier asked for an update regarding the correspondence that was sent to the Coatesville Post Office about the establishment of a West Brandywine Post Office. Manager Rambo noted the request was sent to Coatesville Post Office, who then forwarded it onto Philadelphia.

Ordinances and Resolutions

Ordinance No. 06-01; Construction in Public Rights-of-Way. Vice-Chairman McCaffrey motioned to adopt Ordinance No. 06-01, noting that the Township catalog any type of difficulty anyone has with this, and realize that it is not written in stone and open to suggestions. Supervisor Lindborg seconded the motion with that qualification. Board Members McCaffrey, Lindborg and Obernier voted aye.

New Business

Recommendations of the Township Planning Commission. Planning Commission Member Steve Jakatt stated that no applicants were recommended to be moved on to the BoS. Mr. Jakatt summarized two discussions that took place at their last Planning Commission meeting; the first was regarding Glen Lock Subdivision, where the applicant presented a division of a lot into two lots and initial houses that were supposed to have a common driveway on Baker Road, now they want to make it two separate driveways. The Planning Commission wants to see a single road come off of Baker. The second item was regarding the YMCA who is looking at increasing their parking. The Planning Commission sent Mr. Unruh back to the YMCA to reword the zoning ordinance that would not be too onerous to the Township while still getting what they want. Discussion ensued regarding the need to amend the Township's existing ordinance with regard to parking requirements.

Approval of release request #2 for a total of \$263,112.29 for the Hide-Away Farms site improvements. Manager Rambo and Jim MacCombie have reviewed the release request and found it satisfactory. Vice-Chairman McCaffrey motioned to approve release #2 for Hide-Away Farms. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

The CASD members representing the Township have been invited to the Thursday, March 2, 2006 meeting of the BoS. Manager Rambo noted he invited all the school board members for tonight's meeting; the reply was that one could come, one would be out of town, and one was not going to come. The Manager re-invited them all to the March 2, 2006 meeting. Dr. Zeleski replied that he would come, Cynthia Quinn will not be attending any meetings and Donna Urban will attend if there are no other prior commitments.

Supervisor Lindborg felt that it was unfortunate that two of our three school board representatives are not willing to come and meet with the residents on a different type of venue than they have at the regular scheduled school board meeting. Vice-Chairman McCaffrey noted that Donna stated that it was not a priority for her, but didn't preclude not coming at some point. To have anybody who is in a representative capacity make a blanket statement that they will not attend, doesn't speak well to people that they represent. Chairman Obernier concurred with both Vice-Chairman McCaffrey and Supervisor Lindborg with their thoughts on this. They are elected representatives of folks in this Township and it would seem that there is a base line that when the people that vote for you ask you a question, then you should be able to answer the question to the best of your ability. He hopes that they change their minds about coming; they have done some great things for the Township on the school board. Supervisor Lindborg stated that the BoS collectively felt that it was very imperative that they took a stand on the TIF issue. He felt that they that they asked the questions that they had strong feeling about, but felt they were not disrespectful. If people are willing to be representatives in the community, they should be willing to interact with the people. Chairman Obernier stated that they always had a packed house in the past when the school board attended. Vice-Chairman McCaffrey would like to offer for them to give a statement that could be read and included in the minutes. Supervisor Lindborg would like to send a thank you letter to Dr. Zeleski, thanking him for his willingness to come, and that the BoS is looking forward to seeing him.

The Township is advertising for a Receptionist and will be accepting applications until Thursday, February 9, 2006. Manager Rambo stated that Jill would be moving to Florida at the end of February.

A response letter is being prepared by the Engineer and Manager with regard to the DEP letter regarding the Township's Special Study. Manager Rambo noted DEP would also be receiving a verbal response.

A Conditional Use Hearing has been established for Monday, February 27, 2006 at 7:30 p.m. to open the Hearing for the Dr. Gordon Eck Bed & Breakfast facility on Germany Hollow Road. Manager Rambo noted that will be bumped to 7:00 p.m. and then continue the one that was started with Pulte Homes at 7:30 p.m. Dr. Eck may not take place, but they will still have Pulte Homes at 7:30 p.m.

The Police Chief and Manager are in the process of preparing Ordinances No. 06-02 through 06-04 pertaining to the recently accepted public streets for advertisement. These ordinances deal with speed limits, no parking, as well as stop signs. The Ordinances will be advertised for consideration on adoption on March 2, 2006.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board

Both Chairman Obernier and Vice-Chairman McCaffrey requested to see the vehicle replacement schedule along with the reserve fund information.

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

Jeff Baroni asked the Boards position regarding the post office. Chairman Obernier and Manager Rambo explained that certain steps have to be taken and that they have begun the process in moving toward the direction that was requested by quite a number of people as indicated on a survey that was sent out to the residents of the Township, that they have West Brandywine, PA so that it is on the map. That is the direction that the BoS is moving.

Richard Deubuque of 75 Schoolhouse Lane asked for clarification regarding acquiring a zip code for West Brandywine Township. Supervisor Lindborg explained one of the problems is that Brandamore doesn't deliver and they don't have any room. Over the past few years the BoS has found a site for a building, which may help.

Steve Jakatt asked the status of the issue on Pratts Dam Road. Manager Rambo stated that he and Tom Eells met with the engineer, who sent a company out. They are in the process of putting together a price quote along with a resolution to the problem.

Open Issues Before the Township

SPCA 2006 Animal Control Contract. Manager Rambo stated that Chief Werner contacted the SPCA about putting the resolution into the contact. The Township is waiting for their response.

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

Interest rate for the week was 3.37 %. There were no comments.

Review and Payment of the bills.

Review and Payment of the State Fund bills, General Fund and Solid Waste Fund bills. Vice-Chairman McCaffrey motioned for payment of the bills. Supervisor Lindborg noted he reviewed the bills, found them in order and seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye in favor of paying the bills as submitted.

Upcoming Meetings/Events

- Municipal Authority meeting, Thursday, February 9, 2006 at 7:30 p.m.
- Historic Commission meeting, Monday, February 13, 2006 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, February 14, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, February 16, 2006 at 7:30 p.m.
- Planning Commission meeting, Thursday, February 23, 2006 at 7:30 p.m.
- Conditional Use Hearing, Monday, February 27, 2006 at 7:30 p.m. for Dr. Eck Bed & Breakfast facility.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:10 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

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