

Meeting Minutes of May 1, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of May 1, 2003 to order at 7:30 p.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman Obernier, Vice-Chairman McCaffrey, and Supervisor Lindborg in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Dale Barnett; Codes Officer, and Thomas Eells; Road Foreman.

The first item of business to address was the approval of the Township minutes of March 20, 2003, April 3, 2003, April 11, 2003, and April 17, 2003. Supervisor Lindborg made a motion to accept the minutes of March 20, 2003 and table the minutes of April 3, 2003, April 11, 2003 and April 17, 2003. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier moved onto Public Comments. The first item under Public Comments was Steve Janiec is in attendance to present a sketch plan to the Board of Supervisors of the subdivision and land development plan he is proposing for his Horseshoe Pike property. Steve Janiec noted the land is the old Plank Farm and delineated his plans as reflected on his sketch. He is proposing 34 single-family homes and changed the entrance from Highspire Road to Route 322, to realign it with the Snyder tract. He noted trails go around the whole community. He will be proposing a wet pond. Furthermore, would like to trade a piece of property with Mrs. Zachary who would like to square off her property. Mr. Janiec requested a zoning change for the property they are going to trade noting it is zoned RM and the rest of the property is zoned R-1. A traffic signal will be shared with the Snyder's at the entrance of the development and the intersection of Route 322 and Swinehart Road.

Supervisor Lindborg asked the benefit to making a zoning change. Steve Janiec noted in the overall zoning if the Snyder's tract is going to be a mini-market this will blend in better for a commercial use rather than a residential use at the intersection. He noted he toned down the size of the buildings from the original plan.

Supervisor Lindborg asked the number of units that could be built on that property by right. Steve Janiec answered with on-site sewage he would be able to put 17 or 18 units on the property.

Supervisor Lindborg explained that Steve Janiec's Open Space Option Plan doesn't work for him and asked where the open space is, noting all of the houses on the interior loop.

Vice-Chairman McCaffrey noted that the Open Space Option was not supposed to be a way to put 34 houses when you usually get 17 houses. He noted the whole idea of the sewage was supposed to be an accommodation and an improvement for the community, but every plan that has been here has increased the density based on that sewage being there.

Supervisor Lindborg explained the Open Space Option is supposed to provide open space for the people that are living there that is not part of their lot.

Steve Janiec encouraged the Board to look at Eagleview noting he has the same basic design. He noted how they have clustered the houses together in pockets so that you have more space in between.

Supervisor Lindborg suggested he move the inside loop out so the inside houses are not looking into another house. Vice-Chairman McCaffrey noted that idea of having an open space design wasn't solely to take every house and cram it into one corner. Steve Janiec noted he likes the alley road design and noted they are basically talking about open space in the middle and open space in the back. Vice-Chairman McCaffrey then delineated an area on Steve Janiec's sketch plan noting the area was too close together. Steve Janiec noted he likes the plan with the alley road because it is similar to Eagleview but has more space. He noted they will not have that kind of concept without an alley.

Vice-Chairman McCaffrey noted he likes the alley idea as well but it seems there are too many things crammed together.

Supervisor Lindborg asked if he could spread out the outside loop and make the lots wider so you would get a concept of more open space. Vice-Chairman McCaffrey suggested they take a few of the houses out.

Steve Janiec explained he would like to go move forward to the Conditional Use Hearing and understands that the Supervisors would like to see less lots in his plan and more open space.

Chairman Obernier moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Township is in receipt of an extension letter from the Downingtown Congregation of Jehovah's Witnesses granting an additional thirty-day period for the rendering of a decision on their land development plan. Manager Rambo recommended the Board accept the letter of extension. Supervisor Lindborg motioned to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The second item under Information to Act Upon was the Manager is in receipt of waiver requests from residents planning to connect to the new sewer lines with regards to the placement of Performance Bonds by their respective contractors. Manager Rambo noted in the past the Supervisors recommended to the Authority that waivers be granted if an individual wrote a waiver request to the Township. The Manager would like the ability to address them on each application on behalf of the Authority. Supervisor Lindborg noted performance bonds cost \$300 - \$500 a lot and are paid for by the contractor.

Supervisor Lindborg made a motion that Manager Rambo be able to address each applicant regarding his or her waiver request on behalf of the Authority as the Authority Manager. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first piece of Information to Note was the Manager is in receipt of information from the County with regard to the Township's Agricultural Security Area seven-year review. Manager Rambo noted this is the second request from the County for an update.

The second piece of Information to Note was the Golf Zone has forwarded the Manager correspondence addressing the requirements that will enable the Irish Oaks Project to move forward. Manager Rambo noted the Golf Zone's letter dated April 11, 2003 stated they are going to establish an escrow. If the barn is not built within two years, then the Board will establish a new timeframe. Manager Rambo will sign the letter and forward it back to The Golf Zone.

The third piece of Information to Note was the DVRPC has forwarded the Township correspondence with regard to an upcoming seminar on "Planning the Physically Active Community." Manager Rambo noted the seminar location is Philadelphia at Independence Mall.

The fourth piece of Information to Note was John Carnes, Esquire has forwarded a letter to the Township with regard to the City of Coatesville Golf Training Facility. Manager Rambo then summarized the City of Coatesville's letter dated April 23, 2003.

Vice-Chairman McCaffrey questioned the paragraph stating "the City has spent significant amounts of money on permits, the hiring of consultants and has also made use of its facilities and employees for work identified in the zoning permit which has been issued by West Brandywine Township."

Manager Rambo explained the City of Coatesville is required to show West Brandywine Township what they are doing.

Chairman Obernier noted they had promised the residents of West Brandywine Township living near the Golf Training facility the Board of Supervisors would have a special informational meeting that would explain to the public the outcome of the City of Coatesville project.

Vice-Chairman McCaffrey suggested they advertise it as part of a Township meeting. Manager Rambo suggested they have it during the first meeting of the month. The Manager will advertise the special informational meeting.

The fifth piece of Information to Note was William Roundtree, P.E. of Hide-A-Way Farms has forwarded a letter to the Township advising that they are currently addressing the Township's preliminary review letter. Manager Rambo noted he had requested a letter that would denote their intention of pursuing their plans for Hide-A-Way Farms.

The sixth piece of Information to Note was Paul Janssen, Coatesville City Manager, has provided the Township with copies of letters being forwarded to Township residents with regard to the proposed Golf Training Facility. This item was addressed prior in the meeting.

The seventh and final piece of Information to Note was the Manager is in receipt of an e-mail from Colin Judge with regard to Open Space and the grand opening of the park and facility. Manager Rambo noted the Board had talked to Colin with regard to the Park and Recreation Board getting petitions from voters. He noted that after Colin talked to the elections board, it seems that petitions from voters would be unofficial as Open Space issues cannot be referred to the ballot by the voters, but instead by the legislators.

Vice-Chairman McCaffrey noted that the idea was to merely gage the feeling of the community to see if there was support for it.

Supervisor Lindborg strongly feels that whether they consider a petition or not, they should have a sound plan of how they intend to use the money that is generated. He noted this has been a controversial issue in Pennsbury Township.

Manager Rambo noted if they are going to move forward with this, they will have to do a bond referendum now. If you know what you want, you will have to go get it, then you would pay for it through taxes. You would have to list the properties you would want to preserve.

Vice-Chairman McCaffrey was concerned that listing the properties would be counter productive, that it would notify the owner and they would increase the price. Manager Rambo noted they would come up with the list internally but stated as soon as you approach them they will raise their price anyway, be it earlier or later.

Vice-Chairman McCaffrey suggested they tag a large area of property that you are going to apply for, you would get the County money, it would notify the people what properties might be selected but it would be a large enough group that nothing would be pinpointed.

Supervisor Lindborg noted there are a lot of pitfalls in doing this. Whatever Rendell is going to do, people are going to end up paying more taxes and this would only add to that.

Vice-Chairman McCaffrey suggested they make the referendum a non-binding referendum. Manager Rambo noted you would have public meetings prior to the referendum to explain the process to the people.

Supervisor Lindborg suggested they talk to other municipalities that have done this. Vice-Chairman McCaffrey stated the problem for Pennsbury Township was they didn't ask for a small amount that would be a bond issue, they asked for a lot of money. He noted that the Open Space Referendum has passed in all of the other municipalities where it was on the ballot in the last year.

Vice-Chairman McCaffrey explained the issue is long term similar to the new Township building that will help support a larger population in the future and those people will be helping to pay for the Township building. It's the same idea with Open Space, it is cheaper now than it will be in twenty years.

Supervisor Lindborg was concerned that people may argue they can utilize the facility and the park but they may not be able utilize the Open Space. Supervisor Lindborg is willing to consider the Open Space referendum but they need to have a detailed plan.

Manager Rambo noted that Colin Judge is asking for assistance with planning from the Township Administration and will assign Linda Formica to assist him with the planning.

At this time a brief discussion pertaining to the bronze plaque for the new facility took place. Manager Rambo noted the Supervisors could have their names spelled out any way they would like, but he would decide the order in which they are placed.

Being the Reports of Departments and Reports of Organizations, Boards, and Commissions are not applicable for this meeting, Chairman Obernier moved onto Old Business. The first piece of Old Business was the Board of Supervisors is continuing their search to fill the Historic Commission, Parks and Recreation Board, and Building Appeals Board vacancies. Manager Rambo noted they have placed an advertisement in the Newsletter and noted he had received an e-mail from an individual who is interested in serving on the Historic Commission Board. Manager Rambo will contact the individual to come in and talk with the Board.

The second piece of Old Business was the Manager continues his research into the placement of a concrete silo adjacent to the Township's new facility. Manager Rambo noted he is still working on obtaining this information.

The third piece of Old Business was the Township Manager is to receive a cost breakdown from John Snook of the Brandywine Conservancy with regard to updating the Township's Comprehensive Plan, Zoning Ordinance and Subdivision and Land Development Ordinance and an associated outline to complete the tasks. Manager Rambo noted this is regarding applying to the county for funds. The Manager will call John Snook for this information.

Old Business from the Floor was the next item on the agenda. Karen Vollmecke had questions regarding the Agricultural Security District. Supervisor Lindborg stated he has the information and will work on putting this together. Manager Rambo noted that Karen Vollmecke is automatically in because of the time frame that has past, he needs the original application from

Supervisor Lindborg to forward on. Vice-Chairman McCaffrey suggested putting a blurb in the Newsletter about people being able to join the Agricultural Security District.

James Terlingo, Downingtown Congregation of Jehovah's Witnesses noted they were at the last Planning Commission meeting and noted that one of their neighbors (the Copeland's) had a problem with their driveway and the engineers resolved the problem. Mr. Terlingo asked the Board to look at and comment on his sketch plan.

Manager Rambo noted he has seen the drawing and stated the drawing shows what was recommended by the Planning Commission and himself after their consultation with the Congregation and the Copeland's. They are recommending granting the Copeland's an easement that comes off of the Jehovah's driveway directly to their driveway.

Mr. Terlingo noted the Copeland's are claiming a hardship about having to make a right turn that is down off the property even though they have been doing this for years. In lieu of closing that driveway off we would grant them a right-of-way through this new driveway. They would grant the other neighbors a parking lot for the house at the same time they would do the initial proposal so that the PennDot proposal stays the same.

Supervisor Lindborg stated that doing this would certainly benefit these other houses.

Mr. Terlingo hopes that these neighbors would attend the Township Meetings. Manager Rambo felt the neighbors seemed to have the feeling that everything would work out if they shifted the driveway over and he hoped the engineer wouldn't charge an exorbitant amount to make the changes.

Mr. Terlingo noted he was not going to pay \$3,000 - \$5,000 to change the lines. He stated he had a discussion with their engineer about the whole process and said they wanted him to sign and pay for something that still has unanswered questions on it. Their response was that they are not sure what they want and are blaming both the Township and the state. Manager Rambo asked Mr. Terlingo to let PennDOT know that he will be glad to talk to them. Mr. Terlingo stated if he pursues the engineering on this, that the new driveway would be acceptable.

Vice-Chairman McCaffrey explained they don't have a way that can tell any changes on private property for another person's use. Chairman Obernier stated that the Board does not have any objections with it.

Chairman Obernier suggested that Mr. Terlingo let the Manager call PennDot. If they blame the Township for any of the delays they have had, then the Board should be aware of that.

Supervisor Lindborg noted this has been going on way too long and would like to move it ahead.

Manager Rambo asked Mr. Terlingo if his engineer would get him a booklet.

Chairman Obernier then moved onto Old Business from the Board. Vice-Chairman McCaffrey noted that Carroll Engineering is approaching our citizens to test their wells around the City of

Coatesville's golf facility project. Manager Rambo noted that this was one of the Township's requirements. Vice-Chairman McCaffrey noted that the office staff should be aware of this in case they get any phone calls, that this is not something invasive, but is something that will help protect them.

Vice-Chairman McCaffrey also wanted the Board to be aware that Chester County 2020 has a program at West Chester University on June 12, 2003 for "Under One Roof."

Being there were no Ordinances and Resolutions the Chairman moved onto New Business. The first item under New Business was the approval of release request #4 for the Suttonwoods Phase II project totaling \$15,966.00. Manager Rambo noted he and the Township engineer have both reviewed the release request and found it to be in order. Supervisor Lindborg made a motion to approve release request #4 for Suttonwoods. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The second item under New Business was the Manager has forwarded proposed Ordinance No. 03-10, consisting of modifications to the RM Zoning District to the Township's Solicitor, County Planning Commission and Township Planning Commission for comments. No comments were made.

The third item under New Business was the recommendations of the Township Planning Commission. Manager Rambo then noted the recommendations from the Township Planning Commission.

The fourth item under New Business was the discussion on the participation in PennDOT's Turnback Program and to consider accepting Swinehart and Reeceville Roads. Manager Rambo noted they had discussed this at prior Supervisor's meetings. He noted they are working with a developer to give them property that will assist them in relocating Swinehart, as they did with Culbertson Run Road, for a safer intersection. The Township would then have the means to negotiate in the future with developers who want to utilize Swinehart Road. PennDOT has met with the Manager and Tom Eells and noted the Turnback will equate to around \$ 130,000 they would receive from them for road improvements. Then after two years the Township would receive \$2,500 a mile noting there are 1.97 miles. He noted they have been trying to obtain Reeceville Road, they would be eligible for \$100,000 from PennDOT. They currently have in the kitty \$95,000. PennDot is proposing widening the road from Hurley Road to the Route 30 By-Pass within the next year and a half. The Manager will meet with Bill Trietle to discuss what he would like to see happen there. He will also approach the school district for some property.

Chairman Obernier suggested they offer an exchange of the Tax money for the property on Reeceville Road.

Vice-Chairman McCaffrey noted he has reservations about taking back Swinehart Road that would possibly be the path by which the sewer system is taking.

Manager Rambo explained he will negotiate with the developer to put the sewer in the road for no fees for the Kimberwick area, and this will save the Municipal Authority \$400,000 - \$500,000. He is negotiating this for Swinehart Road as well.

Vice-Chairman McCaffrey stated that depending on how that works out, yes, but PennDOT already has an interest in improving that part of Reeceville.

Manager Rambo stated PennDOT just wants to add extra shoulder with no turning lane. They only want us to take over from East Reeceville to the Township line. Furthermore, they have been trying to stow away money from developers for improvements, and now they have the means to do it.

Supervisor Lindborg noted that the intersection at Hurley Road and Reeceville Road is a big problem.

Vice-Chairman McCaffrey was concerned that they keep tagging more things onto the sewer issue. He noted that the effect it has on land development becomes a minor factor, you have road improvements and all these other things keyed into it.

Manager Rambo noted he is looking at taking Swinehart Road as a way to address and improve this dangerous intersection. He noted he has two developers that are willing to signalize it and give them property to relocate the Road.

Vice-Chairman McCaffrey noted that Swinehart sounds okay to him but he has reservations about Reeceville because the one road will have an increasing amount of traffic on it and doesn't know how well it was built.

Manager Rambo stated they had rebuilt half of it from the Township line to East Reeceville and that it the only part not falling apart.

Vice-Chairman McCaffrey asked how much the Township gets each year to plow the snow there. Tom Eells stated they get \$500 a month. Manager Rambo noted they will get \$2,500 a mile.

Supervisor Lindborg was in agreement with Vice-Chairman McCaffrey that the whole area needs to be looked into.

Vice-Chairman McCaffrey was concerned remembering when they got the land for the pump station, they pushed it up against the road right-of-way. Manager Rambo stated he has enough land to put another lane there and still bump it to the other side.

Vice-Chairman McCaffrey stated then they should consider it. Manager Rambo noted they will consider the resolution for Swinehart Road at the next meeting.

Tom Eells, Director of Public Works commented why doesn't the school district look into improving East Reeceville Road.

The fifth item was to discuss the addition of the construction of the band shell to the Park Contract. Manager Rambo stated the road department staff members will be constructing the three rectangular pavilions. The Manager recommended adding the band shell to CH & E's contract. Noting the cost for the band shell would be \$33,000. The Manager met with the engineer with regard to a drain system because the soccer field and the pavilions are in a peek water table. Manager Rambo noted the architect is looking into building a cupola. Supervisor Lindborg made a motion to add the band shell to the Caldwell, Heckles, & Egan contract. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Vice-Chairman McCaffrey noted he liked the windows in the back of the new facility and asked where the outside light stand will be placed. Manager Rambo stated they will be 16 feet high. Discussions pertaining to installing the transformers took place. Manager Rambo noted that PECO does not install them in the ground.

The sixth item was to discuss the new phone system being proposed for the new facility. Manager Rambo noted the different pricing he has obtained for the new phone system. The phones are separate from the contract. The wiring cost is \$12,000 and the phone system will be \$10,000. Voice mail will be through our own system it is currently it is with Verizon. There will be a phone installed at the lower entrance of the exterior of the building with the ability to call 911 or local calls within the building. Vice-Chairman McCaffrey suggested they go with something better than a 900 MHz phone. Supervisor Lindborg made a motion that they have the Manager move forward with the phone system from D&E Communications, Inc. for \$9,993. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The sixth item was the Township will be bidding out for road materials to be utilized throughout the remainder of the year. No comments were made.

The seventh and final item under New Business was to discuss the purchase of additional mowing equipment. Manager Rambo noted they have money in the Park and Recreation Board for equipment. Since the Township is getting a new truck he will turn over the old truck to the Authority. The Manager will come up with the dollar value for the truck along with an additional amount for the time it takes to mow Authority property and collect this amount from the Authority to go toward the purchase of the new mower. The Manager noted mowing time will be cut by 50 percent with the new mower. Supervisor Lindborg motioned to move forward to purchase the John Deere 1500 turbo for \$35,200. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Being there was no New Business from the Floor, Chairman Obernier moved onto New Business from the Board. Vice-Chairman McCaffrey noted that Pennsylvania American announced they are going to have a rate increase. Manager Rambo noted he heard that this was strictly for water and not for sewer.

Under Public Comments Richard Kane, Landover Road asked what stage of development the Coatesville Golf Facility is in. Manager Rambo denoted their progress as outlined in their letter. Mr. Kane also asked about the letter that was sent to area residents from the City of Coatesville. Supervisor Lindborg then read out loud the letter from Carroll Engineering dated April 23, 2003. The Board will hold a special informational meeting at the June 5, 2003 Board of Supervisors meeting.

Chairman Obernier noted he will not be in attendance at the May 15, 2003 Board of Supervisors meeting. The Chairman then moved onto Open Issues. The first Open Issue was the CASD tax audit review and response. Manager Rambo noted he is in the process of locating the information.

The next Open Issue was the Cable Franchise review letter. Manager Rambo noted that Linda Formica is working on this.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they are scheduled for completion at the end of June. The current interest rate is 1.7%.

The Chairman moved onto the review and payment of the bills. Supervisor Lindborg motioned to pay the bills and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Bike Rodeo, Reeceville School, Saturday, May 3, 2003, 11:00 a.m.
- Historic Commission meeting, Monday, May 5, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, May 8, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, May 13, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, May 15, 2003 at 7:30 p.m.
- Conditional Use Hearing, Beaver Creek Realty, Tuesday, May 20, 2003 at 7:00 p.m. at the Township building.
- Conditional Use Hearing, Swinehart Realty, Tuesday, May 20, 2003 at 8:30 p.m. at the Township building.
- Planning Commission meeting, Thursday, May 22, 2003 at 7:30 p.m.

Manager Rambo noted at the first hearing scheduled for Beaver Creek Realty it was suggested to schedule a tour to look at apartments. The Board decided on Friday May 9, 2003 at 11:30.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:20 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of adjournment.

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