

Meeting Minutes of March 4, 2004 Board of Supervisors

Chairman McCaffrey called the Board of Supervisors Meeting of March 4, 2004 to order at 7:31 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman McCaffrey, Vice-Chairman Lindborg, and Supervisor Obernier in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager and Capt. Walter M. Werner; Chief.

The first order of business to address was the Acceptance of Minutes from February 5, 2004 and February 19, 2004. Chairman McCaffrey motioned to accept the minutes of February 5, 2004. Vice-Chairman Lindborg seconded the motion. Both McCaffrey and Lindborg voted aye. Supervisor Obernier abstained, because he was on vacation and did not attend that meeting. The minutes of February 19, 2004 were tabled.

Public Comments was the next item to address. John Panizza of GenTerra is in attendance to talk to the Board of Supervisors with regard to the Valley View Subdivision. Manager Rambo explained the Board has to sign a copy of the revised Home Owners Association (HOA) documents for Valley View that deals with the responsibility for maintenance and management of onlot sewer facilities. In order to satisfy DEP the Township has been asked to sign this Declaration as having reviewed it and the revision being acceptable to the Township so Genterra can get their module released. Supervisor Obernier asked if this will require the Township to setup some type of an inspection system. Manager Rambo noted that currently they do not have to establish an ordinance for this but will have to in the near future. Chairman McCaffrey explained that this is a classic example of someone else having all the authority and giving all the responsibility to the townships. Chairman McCaffrey made a motion to sign the declaration forcing the maintenance of onlot septic systems to the HOA if it fails. Vice-Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The second item under Public Comments was Craig Poff of Bentley Communities is in attendance to discuss the drafted ACT 537 Special Study for the Kimberwick Sewer District, Bentley Communities and other areas as agreed upon by the Board of Supervisors. Poff noted they are waiting for a response from a few others including the Planning Commission. Supervisor Obernier

asked about an existing gravity sewer that was not shown on their map. Manager Rambo noted that he was aware of this and he and Jim MacCombie will correct it.

The Chairman moved onto Correspondence/Communications - Information to note and act upon. The first item under Information to Act Upon was the Township is in receipt of a letter dated February 29, 2004, from Marc Jonas, Esquire, granting a sixty-day letter of extension for the rendering of a decision on the City of Coatesville Golf Training Facility's Preliminary Land Development Plan (clock currently runs through March 16, 2004 and will run through May 15, 2004 if accepted). Chairman McCaffrey suggested denying them the extension based on items listed in the Engineer's letter and feels that if they were to cooperate more with regards to asking for a second lighting test, etc., then he would feel more comfortable giving all of the extensions.

Manager Rambo noted in order to do this in the proper way he would have to read the Engineer's letter verbatim stating everything in order. The Manager had met with Jonas and reiterated the Township's concern with regard to the lighting and once again requested a second study and also requested drawings that would show the lighting design. He suggested to Jonas to lower all of the standards so they are not seen above any of the tree line anywhere on the site. It would be better if they put more lights up rather than go above the tree line.

Chairman McCaffrey noted 27% of the site will be disturbed that this will be a massive amount of earth moved and feels there are a number of things that were not addressed in the zoning permit. He pointed out that if the City of Coatesville had gone through the Conditional Use Process there would have been a legal way to address zoning problems for that site, but they decided to forego that. He would like the Manager to contact John Good and Jim MacCombie to find out what options are available to them to reject their plan. Manager Rambo noted they have the letter from MacCombie with their options. Chairman McCaffrey would like to hear the solicitor and engineer's comments about it. Vice-Chairman Lindborg made a motion to accept the sixty-day letter of extension and Supervisor Obernier seconded the motion. Board Members Lindborg and Obernier voted aye, while McCaffrey voted nay.

The second item was the Township is in receipt of a letter dated February 27, 2004, from Joanne Speers, granting a sixty-day letter of extension for the rendering of a decision on her Final Subdivision Plan (clock currently runs through March 24, 2004 and will run through May 23, 2004 if accepted). The Manager recommended the Board accept the letter of extension noting that they are awaiting approval from DEP for the sewage modules. Vice-Chairman Lindborg made a motion to accept the sixty-day letter of extension. Chairman McCaffrey seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The third item to act upon was the Township is in receipt of a letter dated February 26, 2004, from Paul Ylvisaker, Esquire, granting a thirty-day letter of extension for the rendering of a decision on the Costa Homes Preliminary Subdivision Plan (clock currently runs through March 15, 2004 and will run through April 14, 2004 if accepted). Upon the Manager's recommendation Vice-Chairman Lindborg motioned to accept the thirty-day letter of extension. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The fourth piece of information to act upon was the Board of Supervisors is in receipt of a letter dated February 24, 2004 from Brian Horner, P.E., requesting various waivers for the Costa Homes Preliminary Subdivision Plan. Manager Rambo recommended the Board table the waiver request and noted that Ylviasaker will be in to talk with the Board at the next Supervisors meeting. Vice-Chairman Lindborg made a motion to table the request. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye.

The fifth item was the Board of Supervisors is in receipt of a letter dated February 16, 2004, from Harrington & Sons, Inc., requesting various waivers for the placement of lights at the Krapf's bus parking lot located on the west side of Springton Road. Manager Rambo noted Kraft's electrician Harrington doesn't want to comply with the strict standards; he wants to put in 30-foot poles instead of 20-foot poles. The Manager recommended the Board table the request and to have Harrington come in and talk to the Board at the next meeting. Vice-Chairman Lindborg motioned to table the waiver request. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of tabling the request.

The final piece of Information to Act Upon was the Board of Supervisors is in receipt of an invitation to attend the annual banquet of the Wagontown Fire Company. Manager Rambo noted this will be held at the Thorndale Inn on March 20th at 5:30 p.m.

Information to Note was the next item of business on the agenda. The first piece of information to note was the Board of Supervisors is in receipt of correspondence from PSATS with regard to the upcoming State Convention slated for April 2004. The Board and the Manager are registered to attend.

The second piece of Information to Note was Genterra Corporation has provided John E. Good, Esquire and the Township with revised Home Owners Documents (HOD) for review that have addressed the concerns of DEP. The Board discussed the HOD earlier in the meeting.

The final piece of information to note was the Board of Supervisors is in receipt of a petition from residents of the Raleigh Drive area with regard to the through road being proposed for the Swinehart Tract. Manager Rambo noted that the Planning Commission hasn't given their recommendation on this yet. He attended a meeting at East Brandywine and the outcome was that they are going to connect Swinehart to a West Brandywine Township road, they didn't make an opinion or discuss it much. Supervisor Obernier felt that most of the issues that the Raleigh Drive and area residents have are that they would like to keep the traffic down. The Boards concerns are police, trash collection, and road plowing and feel it would make sense to make the connection. Manager Rambo presented to East Brandywine's Board that this is based on Conditional Use approval and that there has been no steadfast decision made yet.

Chairman McCaffrey moved onto Old Business. The first piece of Old Business was the Board of Supervisors is searching for four volunteers to serve on the Building Appeals Board, two for the Parks and Recreation Board, and three volunteers for the Historic Commission. Manager Rambo noted they have one new volunteer for the Parks and Recreation Board. Kim Hoopes has requested to be on the Building Appeals Board. Dale Barnett and the Manager are reviewing the ICC with regards to requirements.

The next piece of Old Business was the Public Works Director and Manager are continuing their specification preparation and review for an equipment storage facility that is slated for a March 2004 bid. Manager Rambo noted that Tom Eells and himself have received prices for pole barns. For just the outside and the roof only the cost would be \$49,000. After researching options on the Internet the cost of steel buildings is approximately \$12,000.

The third item under Old Business was the Spring edition of the newsletter is being prepared for printing. Manager Rambo noted this will get mailed with an educational insert called "When It Rains, It Drains," advising people about Stormwater Management to meet DEP requirements. In the future every stormwater inlet and pipe will have to be mapped and to also come up with a means of maintenance. Vice-Chairman Lindborg would like to review all mass mailings before they go out of the Township office.

The final item under Old Business was Barbacane/Thornton & Company has completed the annual audit of the 2003 financial records. Vice-Chairman Lindborg will sign the papers.

Chairman McCaffrey moved onto Old Business from the Floor. Andrew Goteib inquired about his request for a zoning change and information regarding Home Business Occupation. The general consensus of the Board was they did not favor a zoning change to commercial for the property next to the dentist's office on Route 322 as discussed at a prior Board meeting. However, they had no objections to what he wanted to do there, but did not give their approval to Goteib's plan without seeing all the details and having the Township Engineers approval. They are waiting from information from John Snook regarding Home Business Occupation and the Ordinances' requirements.

Being there was no Old Business from the Board the Chairman moved onto New Business. The first item were the Recommendations of the Township Planning Commission. Manager Rambo noted that the Planning Commission recommended the approval of the 04-01-ECKERT subdivision plan and also recommended that the Supervisors hold a Conditional Use Hearing to allow public water service outside the public water overlay district for Costa Homes proposed single family residential development. Supervisor Obernier made a motion to approve the Eckert final subdivision plan dated November 28, 2003. Chairman McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg all voted aye. The Costa Homes Conditional Use Hearing will be scheduled on March 29, 2004 at 7:30 p.m. with a second date of April 12, 2004 at 7:30 p.m. The Board requested the dates be emailed to them.

The next item under New Business was the Task Force for the Comprehensive Plan Update is presenting the Board of Supervisors with a map denoting open space of various proportions and locations for review and consideration as a base plan that could be utilized in conjunction with anticipated open space revenues. Manager Rambo suggested the Board review the map for future comment.

The third item was the Manager has forwarded Ordinance No. 04-01 pertaining to amendments to the Township's Zoning Ordinance to the CCPC for review and comments. Manager Rambo noted that this ordinance deals with commercial recreational uses.

The fourth item was the Township's Code Officer and Manager will be preparing the necessary ordinances for adoption with regard to the State's Uniform Construction Code. Manager Rambo noted there will be a total of ten they will have to adopt. These have to be adopted by July 18, 2004, the letter is due by August.

The fifth item was to discuss the updating of the Township's Website through a program known as GovOffice Content Management System. Manager Rambo explained that they have been looking into doing the website in-house. Chairman McCaffrey was concerned that the new site would look to "institutional" and not eclectic as it does now. The initial license fee would be \$1,025 then it would cost \$75 per month. Currently we pay \$85 per month with CCIS. Domain names are paid for separately at \$35 a piece. The consensus by the Board was to move forward with GovOffice for the website.

The final item under New Business was the signing of the Land Development Plans and escrow agreements for the Downingtown Congregation of Jehovah's Witnesses. Manager Rambo noted they were given conditioned approval based on them getting their bonds, PennDot permit, PennDot letter of credit, and public improvements. They now have all these things in place and are looking to move forward, they have plans before Dale that are being reviewed. They have seven sets of plans for signing as well as three sets of bond documents for signatures. Supervisor Obernier pointed out the Board and Manager all acknowledged the many hurdles they had to jump through to get to this point. Manager Rambo noted they are requesting a waiver from the establishment of the bond; they don't need to establish funds to ensure snowplow removal from their parking lot being that it is private. Chairman McCaffrey motioned to grant the waiver request. Vice-Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

New Business from the floor was the next item on the agenda. Pat Edwards was concerned about people cleaning up after their pets while using the new park. It was suggested they place a sign along the walking path and possibly a scoop and can for people to use. Also noted was Mowday's private property that is adjacent to the park property and possibly posting signs.

Chairman McCaffrey noted a letter from a number of people that are part of the PSW company that have objected to the increases that are imposed on municipalities for the maintenance of fire hydrants. Manager Rambo noted the Township is being charged \$303 per hydrant that totals about \$20,000 a year, they are trying to get this amount reduced to \$168. Upper Dublin Township is looking for support from other municipalities to aid in the legal costs for the attorneys they hire. This could in turn lower the hydrant tax by approximately 40%. If every municipality participates in this, the cost would be \$1.50 per hydrant. Supervisor Obernier explained that he did not totally agree with this. If people against paying so much for hydrant service have another legal battle and however it pans out, WBT would be the recipient of the expense of a lawsuit. The only people that would save money are the ones already paying the hydrant tax. But the expense of a lawsuit would be taken from the general fund that everyone contributes to.

Manager Rambo suggested they take the money from a separate account that pays hydrants. Chairman McCaffrey noted they have taken money out of the general fund in the past to do

research that did not benefit everyone. No one can afford as an individual to take them to court, by getting together with other municipalities and splitting the cost then we all could gain something and feels that this would be a reasonable investment. The Manager suggested that he contact PSW and notify them that the Township would consider going to go to court with them if they don't lower their fees to what they are suppose to be.

Chairman McCaffrey suggested they review of some of the Township's acquisition of standards as to Agricultural Uses. Cindy Dawson's riding academy should be an accessory to the agricultural use rather than commercial and would like to see this changed. When a person has a farm in our community and would like to give horseback riding lessons, he would like to see the ground be preserved and the people be encouraged to do so, rather than call these uses commercial they should be accessories to the primary agricultural use. He would like to see some latitude given to the owners of a larger parcel because they have less of an impact on their neighbors. It would make sense to make it easier for people to have these kinds of activities that would help pay for that property and keep it open for agriculture, if it is commercial then they would have to comply with stricter regulations.

Manager Rambo explained that anyone who wants to teach people out of their home, then it would fall under the Home Occupation Ordinance. If you were to hold events then that goes above and beyond that description. The Manager noted that this could be accomplished when they do the Comp Plan.

Supervisor Obernier noted that at a previous meeting he had requested a letter from Comcast of the total amount paid broken-down for each category. Manager Rambo noted there was a copy with the breakdown in the Supervisor's mailbox.

Supervisor Obernier suggested that the Township sign up with a credit card company that would be sponsored by the Township that would reward money into the Open Space fund. Manager Rambo noted he was researching it.

Supervisor Obernier also suggested invoicing the insurance company for the extra manpower needed when attending to accidents. Chairman McCaffrey stated if they want for move forward with that they would have to pass an Ordinance that says, "for emergency services the Township will look for reimbursements." Manager Rambo will research getting reimbursed for these services.

There were no Public Comments so Chairman McCaffrey moved onto Open Issues. The first Open Issue was the Cable Franchise list review, which was addressed earlier in the meeting.

Chairman McCaffrey moved onto the next item on the agenda regarding the Facility/Park Update. The current interest rate is 1.29%. Manager Rambo noted that in the past eighteen months the average bond rate is 1.48% and the total accrued interest is \$121,710.48. The Supervisors would like the average and the total accrued interest added to the agenda once a month along with a comparison of how much money is being saved.

The Chairman moved onto the payment of the bills for the General Fund and Solid Waste Fund totaling \$60,725.85 and the State Fund totaling \$128.70. Manager Rambo noted the invoicing for salt and explained that the Township would be reimbursed for the salt that other municipalities have purchased from the Township. Chairman McCaffrey noted that West Brandywine was one of the few Townships' that had not run out of salt and were supplying it to other municipalities. Chairman McCaffrey motioned to pay the bills and Vice-Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye in favor of their payment.

Chairman McCaffrey noted upcoming meetings and events as follows:

- Parks and Recreation Board, Tuesday, March 9, 2004 at 7:30 p.m.
- Municipal Authority, Thursday, March 11, 2004 at 7:30 p.m.
- Board of Supervisors, Thursday, March 18, 2004 at 7:30 p.m.
- Planning Commission, Thursday, March 25, 2004 at 7:30 p.m.

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:20 p.m. 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