

Meeting Minutes of June 5, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of June 5, 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 and Supervisor Lindborg in attendance. Vice-Chairman McCaffrey arrived at 7:35 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 Officer, and Thomas Eells; Road Foreman.

Chairman Obernier moved onto Public Comments being that Vice-Chairman McCaffrey was not yet present to address the approval of the Township minutes which was the first item on the agenda. The first item under Public Comments was the Board of Supervisors to discuss the Zoning Permit issued to the City of Coatesville with regard to the Golf Training Facility being proposed. Chairman Obernier noted they had copies of the Zoning Permit and conditions available for anyone who would like a copy.

Manager Rambo explained the City of Coatesville had a Conditional Use Application Hearing regarding the proposed Golf Training Facility. Half way into the hearings they submitted a Zoning Permit application to the Township. After having the Township Solicitor review their application the Township found it necessary to issue the Zoning Permit. He noted they established conditions based on the transcripts they had from the hearings that were held, and the City of Coatesville accepted them at a public meeting. At this time Chairman Obernier noted that Vice-Chairman McCaffrey arrived at the meeting.

Manager Rambo then explained what the Zoning Permit is and noted they still must go through the land development process. He noted they have a preliminary plan before the Township and after that it will go to a final plan. The plan is currently under review by the County Planning Commission as well as our Township Engineer and the Health Department with regards to sewage. Manager Rambo then read out loud and explained the conditions that were agreed upon by the City of Coatesville. The first item pertained to **Traffic**.

Chairman Obernier then suggested that the residents in attendance ask questions as they read each condition and asked if anyone had any questions regarding traffic on Pratts Dam Road.

Richard Kane of 24 Landover Road asked if there is going to be any improvements made to the intersection of Route 340 and Pratts Dam Road. Manager Rambo stated there will be a turning lane. Mr. Kane then asked about a three way stop. Manager Rambo suggested that he give a written request to PennDot asking them to do a study to see if it would be warranted at that intersection. The Manager noted that other area municipalities including West Caln could ask for highway improvements on the south sections of Route 340 down to Route 82. Mr. Kane had concerns about people speeding down the hill too fast, eastbound toward Route 82 from Route 340.

A resident then asked if there had been any studies done with regards to how many people will be using the golf facility at any one time. Manager Rambo stated yes, it was shown in the traffic study they did and submitted during their Conditional Use Hearing but did not have the study with him. Vice-Chairman McCaffrey stated that he was concerned more about the five o'clock traffic and noted the turning would be a benefit to all who have to travel along that road. He noted that there are developers in West Caln that will be putting new homes in and it would be in everyone's best interest to try and have the municipalities and the developers put in a share of road improvements altogether, so the that changes would benefit everyone.

Supervisor Lindborg stated that another concern was regarding the rest of the Coatesville Golf project that is south of Route 340 is liable to generate a lot of traffic because of the potential for different functions that would be there at different times of the day. The traffic study that was presented to them was just related to the Golf Training Center that will have minimal impact.

Vice-Chairman McCaffrey noted the City of Coatesville didn't feel they needed to legally provide that information of what traffic would be generated in another municipality.

The resident had concerns about traffic going south on Pratts Dam Road. Manager Rambo noted they will be widening the cartway width from 18 to 22 feet beginning at the intersection of Routes 340 and 82 to the entrance of the golf training facility and then creating a third lane at the intersection of Route 340 and Pratts Dam Road.

Vice-Chairman McCaffrey noted that he sees where the property would have to come from to make improvements on Pratts Dam Road and its people that have nothing to do with this project. When he looked at the improvements to make he looked at what improvements could be made that were more incumbent upon the guy who is reaping the benefits, rather than the people that are living around there.

Being there were no further questions regarding traffic Manager Rambo then read item two pertaining to **Stormwater**.

Doug Smith of Frasier Boulevard asked a question regarding item "a" under stormwater asking who determines the "extent reasonably possible." Manager Rambo stated the Township Engineer and himself. The Manager noted they have already explained to the City of Coatesville how they want the pipes run.

Mr. Smith then noted that during the Conditional Use Hearings there was talk that Coatesville wanted to mitigate for a couple of runoff places that go across and cause ice in the winter. Manager Rambo noted they are looking at addressing that issue, the biggest problem along Pratts Dam Road is along the “S” turn.

Being there were no further questions Manager Rambo read item number three pertaining to **Ground Water**.

Richard Kane noted “the nature and extent of needed well protection provisions,” and said he knew the City of Coatesville sent letters out for wells to be monitored and at the last Planning Commission meeting they were supposed to resubmit some letter. Manager Rambo stated that last week they provided the City of Coatesville a list of names of everybody on Manor Road south of George McKim’s and the Landover subdivision.

Lorraine Verdieck of 1147 Manor Road asked if her name was included on the list. Manager Rambo answered yes, if she lives south of George McKim.

Mr. Kane asked what is meant by “well protection provisions” and asked if a well goes dry what provisions will be made and Manager Rambo stated that the City of Coatesville will have to present them to the Township and the Township will review them.

John Verdieck of 1147 Manor Road asked who would determine what made the well go dry and thought it should be the City of Coatesville’s responsibility to prove that it wasn’t them. Manager Rambo stated they are withdrawing from their site only for potable water not the 95,000 gallons.

Mr. Verdieck stated that he was under the impression that there were other wells proposed for the site. Manager Rambo stated that when sitting with Coatesville’s Attorney and the Township Attorney, the City advised West Brandywine that south of Route 340 would be for irrigation and one well on the site would be utilized for potable water.

Supervisor Lindborg noted that these conditions are a result of addressing the concerns of what was coming up at the hearing. The water south of Route 340 will be used for irrigation and the wells they are drilling on that property are only for the use of the clubhouse and the facility.

A resident asked if the Board is saying they have no control over what the City of Coatesville does south of Route 340. Chairman Obernier stated the City owns the ground south of Route 340 and the well they are talking about for irrigation is on that ground. It is out of West Brandywine Township.

A resident asked if the City of Coatesville owns land north of Route 340. Manager Rambo answered yes.

Supervisor Lindborg stated they agreed to monitor the wells and that is what they are doing at this point in time.

A resident stated while he was at the Planning Commission meeting, the City of Coatesville noted a couple of times that there were four wells labeled on the plan and when asked about that they said they were trying to test and use the well south. The resident was concerned that they were leaving themselves very open to the possibility of using multiple wells on-site for irrigation. Manager Rambo stated he understood his concerns.

Mrs. Smith had concerns regarding the size of the stormwater pipe. Chairman Obernier stated their point was to make the stormwater pipe wider and oversized so that in a rainstorm, they could catch any water runoff they had for irrigation.

Supervisor Lindborg stated that part of it was going wider and wasn't just strictly going deeper. The reason was to collect the maximum amount of water so they could utilize it for irrigation as opposed to drawing from the ground water.

Manager Rambo stated the basins are multipurpose; they will fill it up with the 95,000 gallons and also oversized to catch and hold the sites stormwater.

Chairman Obernier stated the oversize basin is so that they pump less groundwater. They will aerate both basins so they won't be stagnating.

Lorraine Verdieck was concerned about groundwater and how they will monitor the area resident's wells. Manager Rambo stated the City of Coatesville will pick who will be monitored.

Ms. Verdieck also had concerns about residents that have spring water verses well water and asked if springs are more sensitive. Vice-Chairman McCaffrey stated they will monitor the water level just the same as if you had a well.

Chairman Obernier stated that the important point is to get yourself listed with the City of Coatesville so that if a problem arises later they will know that you are within that area.

Ms. Verdieck asked if there was anyway she would know if her spring would be monitored. Manager Rambo stated that Ms. Verdieck could request that it would be.

Neil Campbell of 147 Pratts Dam Road disagreed with the way the City can choose which well they want to monitor.

Chairman Obernier stated that the way the City of Coatesville explained it in the WBT Planning Commission meeting was that they select wells within a certain radial distances from their well, part of their criteria was how quickly they can drive to that well to take a sample. They go to each of these wells several times a day during the test. Chairman Obernier thought that if Ms. Verdieck requests they monitor her spring, they probably would. The City would like to make us as happy as they are able to and move on, they didn't have to agree to any of these conditions.

Mr. Verdieck asked why the City of Coatesville didn't have to agree to all the conditions. Supervisor Lindborg explained they had the legal rite to ask for a Zoning Permit. If the Board of Supervisors were to deny them, according to the Township Solicitor they could have gone to

court and the Township would have been made to give them the permit and there would have been no conditions attached to it. They still have to go through the planning process. The City of Coatesville sat down and in good faith negotiated with the Board of Supervisors. The Board of Supervisors felt they got the best they could get, based on the concerns that were brought up in the Hearings. Manager Rambo stated that City Council accepted the conditions at a public meeting.

A resident from 31 Landover Road was concerned that the Zoning Permit was good for two years, if the conditions were binding after the two years. Chairman Obernier stated that if they don't do anything the whole thing expires after two years. At this point in time, the City of Coatesville has moved forward.

Being there were no further questions the Manager moved onto item four regarding the **Use of Organic Materials**. The Manager noted a website on the internet that strictly deals with the use of organic materials on golf courses that the City of Coatesville was given and noted there was a variety of organic materials listed that could be used.

Karen Vollmecke of Cedar Knoll Road asked how the Township would know if they use them. Manager Rambo stated they will have to show the Township documentation of the materials being utilized.

Vice-Chairman McCaffrey noted that they have to follow the government regulations, but every pesticide and herbicide that is manufactured is an organic compound by definition. They should have been natural compounds but there was no time to get another revision.

Manager Rambo then moved onto item five regarding **Lighting**. Supervisor Lindborg felt the lighting issue was the main issue that could affect a lot of people. The driving range lights have the potential to have the most effect on the surrounding area. He noted the lighting plan is not finished and there will be an opportunity to have additional input. They will consult with a lighting expert. The Manager, Supervisor Lindborg, John E. Good, Esquire, and City of Coatesville's Solicitor, will meet with the lighting expert for further discussions regarding lighting being this issue was of great concern to many people.

Jim Dix of 11 Frasier Boulevard asked if the City of Coatesville has submitted a visual impact plan and the Manager answered no. Mr. Dick stated he understood they are proposing light posts that will reach 110 feet high. Manager Rambo answered yes.

Mr. Dix asked if the rural character of the Township will be maintained if they have lighting 110 feet high. Vice-Chairman McCaffrey answered the idea of being 110 feet high is that they can angle them down. The lower they come down, the more outward the lighting will shine; it would be a tradeoff between height versus light position. He noted the importance for everyone to attend the Planning Commission meetings.

Mr. Dix was concerned that the lights will destroy the vista, reduce the property value, and destroy the rural character of the Township. Manager Rambo stated he asked that they demonstrate the lighting by getting a portable unit to show lighting impact.

Mr. Dix asked the Manager if he will say no to them having the light stands go above the tree line. Manager Rambo stated that would be his opinion, but it would be up to the Board. Chairman Obernier shared Manager Rambo's opinion.

Paul Robinson of 64 Landover Road stated he felt that 50 foot would even be unacceptable. Vice-Chairman McCaffrey read the West Brandywine Lighting Ordinance and again reiterated the importance of attending the Planning Commission meetings. He stated that you would want to make sure they just light up a particular area and not have lights shining into someone's living room.

A resident asked about the portable lighting test, if they will be doing it right at the site and if they are expecting everybody. Chairman Obernier stated yes, they don't know the effect of 50 or 100 foot lights. The resident was concerned that she will miss the demonstration. Manager Rambo stated that if it is agreed upon by the City, they will establish and advertise a date for the demonstration.

Vice-Chairman McCaffrey explained the properties of light and the way they vary over distance, the higher they put the light the less number of lights they need to put up, and the more directed down the light would be placed. He noted that somewhere there is a happy medium that has to be worked out.

John Troth of 51 Connies Drive suggested they have a lighting expert look into having ground lighting and other types of lighting.

Doug Whiteford of 44 Landover Drive asked for clarification on the lighting ordinance regarding height restriction. Manager Rambo answered 20 feet.

Supervisor Lindborg explained they would potentially be granting a waiver if it proves to be a more beneficial way to light the project.

Vice-Chairman McCaffrey then read what the lighting ordinance stated, noting that they have to submit a lighting plan. He noted they can compromise with their plan.

Mary Parsons of 92 Landover Drive asked why they can't say no to their lighting plan. Vice-Chairman McCaffrey explained that in their regular ordinance they are allowed to have lighting for a use like this; the hours that are allowed have already been put into the ordinance. They already have a signed document from the Township that says they can do it.

Supervisor Lindborg explained that they are going to light the golf course up, so let's come up with a plan that will have the least disturbance on the neighborhood. Manager Rambo noted they have not received the visual impact plan yet, they have only received the development plan.

Richard Kane of 24 Landover noted at the Planning Commission meeting the City of Coatesville changed their plan from the original and came up with another 18 hole chip and putt. Manager Rambo noted they will be having a meeting to discuss this.

Doug Smith of 15 Frazier Blvd. commented on the fact that his son will no longer be able to look at the sky with his telescope at night. Vice-Chairman McCaffrey then reiterated the importance for the residents to attend the Planning Commission meetings. The Vice-Chairman explained that the best thing for him is to not always attend the Planning Commission meetings because if he goes as a member of the Board of Supervisors and tells them what he really thinks of what they are doing, it is recorded and it precludes him from taking a vote when the plan comes up for approval. Supervisor Lindborg agreed with Vice-Chairman McCaffrey and noted that basically everything that goes before the Planning Commission then moves onto the Board.

Jesse Edward of Manor Road asked why they would need 100 foot poles. Supervisor Lindborg stated they don't know that they do need them, but noted the lighting for the golf facility on Route 322 is an example of what they don't want.

A resident asked when the zoning changed from residential to the zone for the proposed golf facility. Supervisor Lindborg stated the zoning hadn't changed but in that zoning district there was allowed municipal use. The intention of that was for West Brandywine Township's use. He then reiterated how the City of Coatesville obtained their Zoning Permit with conditions.

A resident asked if he was permitted to call Carroll Engineering to get a copy of lighting plan. Manager Rambo stated he would have to contact the City of Coatesville for their plan. The Manager noted there is a copy of their land development plan at the Township that has the location of the lights.

Richard Kane asked about glowing ball lighting. Manager Rambo noted it was brought up during their negotiations with the City of Coatesville.

Manager Rambo then moved forward to item six pertaining to **Emergency Services**. The Manager explained that he wanted to make sure that our police are providing traffic control for their special events and that they use their own medical equipment.

A resident asked who the first responder would be for emergencies. Manager Rambo noted the first responder for fire calls in that area is Wagontown and for ambulance it would be Martin's Corner.

A resident asked what was meant by "advance notice of all special events." Manager Rambo explained this is to notify the Township so that our office staff is aware and can provide security and traffic control.

Patricia Carlino of 131 Landover Road asked about the security during a special event. Manager Rambo stated the City of Coatesville would be responsible for monitoring the activities going on. For a large gathering the City would have their security there.

Richard Kane of 24 Landover asked if they have a certain number in which they would have to notify the Township and the Manager said no.

Manager Rambo then read and explained item seven pertaining to **Taxes**. Being there were no questions the Manager moved onto item eight pertaining to **Sewerage**.

Joanne Conti of 132 Hibernia Road asked if they could service her property and the Manager said no.

A resident asked about the location of their on-site sewage bed. Manager Rambo noted that the absorption area that is shown on their plan is if they put a standard sewage system in. If they want to go to drip irrigation system as an alternative sewage disposal method, they can also utilize this as part of their drip irrigation to part of their golf course, that way they would be drawing 5000 gallons less water. Chairman Obernier noted the idea is to use as little well water to irrigate as possible.

A resident asked about their retention pond and the ground there being saturated. Manager Rambo stated if they are building a pond to hold water they would need to line it so it doesn't go into the soil.

Manager Rambo moved onto item nine pertaining to **Screening and Buffering** and then gave an explanation.

A resident asked the general height of the plants. Manager Rambo stated that the trees would be about 18 to 22 foot in height, evergreens would be 6 to 8 foot, and shrubs would be between 30 and 36 inches in size.

Jim Dix stated that in previous meetings there was concern from the Board about the trees that will be cut down during their development process. Manager Rambo stated they have to replace the number of trees that they have cut down. The engineer will ask that they locate each tree that is more than 8 inches in caliper and will note it in his review letter.

A resident noted that she would like to offer comments regarding tree replacement and asked if her comments would be welcome. Chairman Obernier noted that the Planning Commission members would probably welcome her comments. Manager Rambo noted they welcome all comments at the Planning Commission meeting.

Manager Rambo then read and explained items ten and eleven regarding **Other Permits and Reviews** and **Effect of Zoning Permit**. Vice-Chairman McCaffrey noted the Ordinance has been changed to saying "West Brandywine Township" on it.

Jim Dix asked if it was correct if the City of Coatesville does not meet time limits then they would come back in under the new ordinance. Manager Rambo explained that it means they have two years to begin but they have already started.

Lorraine Verdieck asked about noise control. Manager Rambo noted they have in the Zoning Ordinance a section dealing with noise based on decibels. Ms. Verdieck asked if she was to call the Township would they come out and measure the noise and the Manager answered yes. Supervisor Lindborg noted that the bulk of this project will be south of Route 340.

Tom Brown of 122 Union Road asked what repercussions there would be to the City of Coatesville if they didn't adhere to what they agreed upon. Manager Rambo stated he would call the Township Attorney.

Jesse Edwards asked who would be responsible if vandalism were to occur. Supervisor Lindborg explained it would be like anything else, that you would call the police. Vice-Chairman McCaffrey explained that Township's are still allowed to maintain the health, safety, and welfare if it were to become an obvious threat to public safety.

Joanne Conti stated that two young boys rode down Pratts Dam Road and broke every window in the old inn as well as every door, then they road back up Pratts Dam Road, she called the police but nobody could identify who they were.

Chairman Obernier then moved onto the next item of business to address which was the approval of the Township minutes of April 3, 2003, April 11, 2003, April 17, 2003, May 1, 2003, and May 15, 2003. Supervisor Lindborg made a motion to accept the minutes of April 3, 2003, April 11, 2003, April 17, 2003, and May 1, 2003. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye to accept the minutes of April 3, 2003, April 11, 2003, April 17, 2003, and May 1, 2003. Supervisor Lindborg made a motion to accept the minutes of May 15, 2003 and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye and Chairman Obernier abstained from voting on the May 15, 2003 minutes.

The second item under Public Comments was John Troth of 51 Connies Drive is in attendance to talk to the Board about the Township's ordinance governing the height of grass and when it should be cut. Mr. Troth asked what's in place to protect a homeowner against people who chose not to maintain their property. Supervisor Lindborg explained very little, and felt that was rightfully so, they have limited ability to dictate to people how to maintain their property. As long as it's not affecting the neighborhood as a health or welfare issue and noted the weed Ordinance that is 18 inches. Manager Rambo stated that the maintenance code is 10 inches.

Vice-Chairman McCaffrey explained that the ordinance was not intended for the Township to go from home to home to make sure people's lawns were mowed. What one man would consider being sloppy another man may consider it to be natural. He noted that it is a problem but felt that it should be a person's own prerogative to live as he/she would like on their own property.

Supervisor Lindborg stated he could appreciate Mr. Troth's point and noted he had places around him that he would like to see maintained better but doesn't feel they should have the right to dictate to people how they maintain their property.

Mr. Troth asked if they have the right to protect people that are hard working and do maintain their property and wouldn't it be beneficial to everyone if you would cut the grass within 100 feet of the house? Vice-Chairman McCaffrey asked what if the color that you painted your house was considered detrimental to your houses value by your neighbor. Where do you draw the line.

Supervisor Lindborg explained it would be beneficial if that is what the people choose to do, but doesn't feel they should have the right to dictate to people how they maintain their property.

Mr. Troth noted that it states in the Maintenance Code that plant growth should not exceed 10 inches. Vice-Chairman McCaffrey stated that Code is being changed due to the broad definition of plant growth, a neighbor may consider your trees plant growth and want them cut down.

Chairman Obernier explained that it sounds silly but the Manager receives many calls from people complaining about their neighbor. Manager Rambo stated that it has gotten to the point that he and Dale Barnett are going to recommend they have a written policy in effect that will require a written complaint from any individual that wishes to file a complaint against someone in the Township, because the Township is being used as a "scapegoat" because the complainant doesn't want the neighbor to know they complained.

Chairman Obernier suggested that the neighbors try to fix the problem directly by speaking directly to the neighbor. Everyone comes to the Township for a solution to neighbor disputes, and that's not really why the Township is here. The Township and the police can only do so much.

Vice-Chairman McCaffrey also suggested that you personally address the neighbor that you have the problem with. If you are not willing to let your neighbor know that you have a complaint then you shouldn't file a complaint.

Supervisor Lindborg noted that he appreciates how people feel when they keep their property maintained and their neighbor does not, but feels the Township does not have the right to be intrusive into people's personal lives, that is not why they are here.

Jack Conti explained that he loves dandelions flowers and buttercups and lets them grow on his property, and noted he has a totally different viewpoint.

Chairman Obernier suggested that Mr. Troth speak to the neighbor directly and if it gets over eighteen inches, then the Codes Officer will cite him. Mr. Troth asked if the weed ordinance is 18 or 10 inches.

Manager Rambo stated that the Weed Ordinance stated 18 inches and noted the 2000 International Maintenance Code is 10 inches. The Manager asked him if he would like to file a written complaint and noted that he doesn't have the time to address people that won't take their time to go to court if he has to go to court. Manager Rambo stated that he personally could take him to court. Chairman Obernier suggested that sometimes the most uncomfortable thing to do is the best thing to do, just confront the neighbor yourself.

The third and final item under Public Comments was Ms. Joanne Conti is in attendance to present a preliminary sketch plan to the Board of Supervisors for her two properties located at the intersection of Route 340 and Pratts Dam Road. Ms. Conti noted she was in attendance to discuss the RM Zoning as it applies to her two lots. She noted with the current zoning she would only be able to restore the barn and the old house and add on only 25% of either structure. She

noted that adding the structure would not be economically viable. She then delineated items as shown on her preliminary sketch plan. She is requesting waivers for the following items: enlarging the house by 100%, she may have to ask for a waiver for adding new structures and for multiple uses of them, for maximum building height for the barn, and also for landscaping standards. She asked who determines what she can do with the other structures if she is allowed to build them. Ms. Conti noted she would have to go through conditional use again.

Supervisor Lindborg noted that the cost not being viable for Ms. Conti would not be the Townships issue at all. Ms. Conti stated that it halts any possibility of restoration. She noted that the plan would give the Township exactly what they wanted in RM Use. She noted that the way it is now you don't get the combined mix of different houses, different structures, and different uses. Vice-Chairman McCaffrey stated they changed RM and what you can do in RM and advertised for Conditional Use Hearing when Ms. Conti wanted to reopen it and the day before she had decided not to follow through with it. Ms. Conti stated that was the day she received a \$650,000 estimate from Philadelphia Suburban from what was \$160,000 cost before. Vice-Chairman McCaffrey noted that was because another development on the property didn't go through and Ms. Conti stated there was never an issue of another development.

Supervisor Lindborg stated the Township had in writing what she wanted to do and he doesn't understand why she is asking for all the waivers in conjunction with ... what she is asking for is more than what this property was legally designed to do. Supervisor Lindborg asked that she put her request in writing so he can better understand what is needed.

Ms. Conti explained that she would like the Boards input as to whether her plan is doable or not before she formally submits an application for a Hearing. Chairman Obernier noted they are always in a situation with Ms. Conti where she wants the Board to hurry and decide. He noted there have been many missteps before, they would like to handle this just like the other developers and suggested that she tell them what she wants to do, and not ask what they will give to her.

Vice-Chairman McCaffrey noted that he believes that what they want to do is to preserve the historic integrity of that site. He noted what they do for one person they have to do for every applicant that comes in and stated that they need a list of what she wants to do.

Ms. Conti stated that she met with Manager Rambo and John Snook and is trying to get input, whether or not she will be able follow through with her plan before she sinks more money on the property.

Chairman Obernier asked why she doesn't have an engineer and Ms. Conti stated that she already lost an incredible amount of money on this property.

It was agreed by the Board that they would like to see a list of items that Ms. Conti wants. Manager Rambo noted he would like to see the road denoted on her plan come out onto Pratts Dam Road.

Ms. Conti asked about obtaining a permit to be able to stabilize and protect the barn structure. Manager Rambo asked if she would be utilizing it and Ms. Conti answered no. Mr. Conti then explained to the Board what Ms. Conti was asking for before they formally submit their plans.

Chairman Obernier moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Board of Supervisors is in receipt of the revised version of proposed Ordinance No. 03-10, amendments to the RM Zoning District, from John Snook addressing concerns of the Solicitor and Manager. Manager Rambo stated they received a review letter from John E. Good, Esquire with regard to proposed revisions that were presented at a prior meeting. The Manager, John Snook, and John Good have met and have come up with revisions addressing the concerns and recommended sending it back to the County as revised Ordinance No. 03-10 for a new review, advertise for adoption, and establish hearing dates. Supervisor Lindborg made a motion to forward the revised Ordinance No. 03-10 on to the County. 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 Township is in receipt of additional documentation from Ross Unruh, Esquire and Craig Poff of Bentley Communities with regard to their Culbertson Village Conditional Use Application. Manager Rambo noted they have forwarded everything that was requested with regards to their Culbertson Village Proposal and need to determine if the record is closed. The Manager noted the e-mail he received dated June 5, 2003 from Ross Unruh that confirmed that the Board will be asked tonight whether they have everything in the record they want so the record may be closed, and in particular be asked if the historic issues have been satisfactorily addressed by the applicant. Manager Rambo noted that the Board would like to discuss the historic issues and would like to keep the record open.

The third item under Information to Act Upon was John E. Panizza of GenTerra has forwarded the Township correspondence with regard to contributing \$500 per lot as a fee in lieu of providing open space for recreation at his Valley View Subdivision. Manager Rambo noted they gave preliminary approval back in April. The Manager stated that the \$500 is based on the amount they have received from other developers.

A resident asked for an explanation of the fee. Vice-Chairman McCaffrey noted that for every so many lots in a subdivision you can get a small piece of ground for recreational purposes, it was set up so that when you have a small lot children would have a place to play. When you have one-acre lots then everyone has a big back yard and the need would not be as great as those with a small yard, so the developer accommodates us by granting \$500 instead of giving part of the one-acre lots. The resident stated she prefers the open space instead of the money.

Manager Rambo noted he has a walking area in front of his property and has left a ten-foot wide strip of property from the street back to an adjoining property for future interconnection. Supervisor Lindborg made a motion to accept the \$500 per lot fee in lieu of open space. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The fourth item was the Township is in receipt of a sixty-day letter of extension from Chris Catania with regard to his Hurley Road Preliminary Subdivision Plan. Supervisor Lindborg made a motion to accept the sixty-day letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The fifth item was the Township is in receipt of a sixty-day letter of extension from Schnatz & Rohrer Landscaping, Inc. with regard to their Land Development Plan for North Manor Road property. Vice-Chairman McCaffrey asked why there was no activity from Rohrer Landscaping. Manager Rambo noted it was based on trying to finish their sewer system design. Lindborg made a motion to accept the sixty-day letter of extension from Rohrer Landscaping, Inc. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The sixth item was Jeffrey Burrell, Sr. P.E. has forwarded the Township correspondence requesting the Board of Supervisors to consider allowing development within the moderate slope areas for a new single-family residence off of Landover Road. Manager Rambo noted this goes back to the Chamber Subdivision that was approved back in December of 2002. They needed to come back to the Township when they were going to build to get the okay to build in the moderate slope. The Township Engineer has reviewed the plans and recommends that the Board consider allowing him to build there.

Vice-Chairman McCaffrey suggested that in the future they look at this, they should not have allowed this lot for a single-family residence and he would like people to comply with the rules. Vice-Chairman McCaffrey made a motion to allow the development within the moderate slope area for a single-family residence. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The seventh item was the Board of Supervisors to consider appointing Ms. Tina Cella of 101 Wynne-Wood Drive to the Township's Parks and Recreation Board. Vice-Chairman McCaffrey made a motion to appoint Ms. Tina Cella to the Park and Recreation Board. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The eighth item under Information to Act Upon was the Board of Supervisors to consider appointing John Wynn of 208 Cedar Knoll to the Township's Historic Commission. Mr. Wynn was in attendance and noted he is a commercial photographer and web designer. Supervisor Lindborg made a motion to appoint John Wynn to the Historic Commission. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

John Wynn asked who was on the Commission and when they meet. Manager Rambo will send Mr. Wynn the information requested.

Manager Rambo noted an additional item to address under Information to Act Upon was that Costa Homes is granting an extension of ninety days for review of their preliminary subdivision plan and recommended that it be accepted. Supervisor Lindborg made a motion to accept the

extension. 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 Township is in receipt of a review letter from the Chester County Planning Commission with regard to proposed Ordinance No. 03-10, amendments to the RM District. Manager Rambo will send the revised ordinance to them for comments.

The second piece of Information to Note was Berkheimer Tax Administrator has responded to the Managers correspondence of May 13, 2003 with regard to collection figures for the Earned Income Tax (EIT) and Occupational Privilege Tax (OPT). The Manager noted in a review it was noted that some of the receipts were behind schedule and with talking with Berkheimer, collection was down because people were waiting for the last minute to submit their funds and are currently back to where we were this time last year.

Chairman Obernier noted the school district starting up an OPT and asked how that will affect the Township. Manager Rambo stated the Township will lose about \$12,000 to \$14,000 a year once the CASD enacts it. The Township collects the entire \$10 that is permitted, when they enact the OPT they will take \$5 of the \$10 that the Township collects.

The third piece of Information was Congressman Jim Gerlach has invited the Township to attend the Chester County Municipal Officials Meeting scheduled for Saturday, June 7, 2003 from 9:00 a.m. to 10:30 a.m. at the Delaware County Community College Chester County Campus. There were no comments made.

The fourth piece of Information to Note was Representative Curt Schroder has forwarded the Township copies of recent correspondence received from Township residents with regard to the proposed Coatesville Golf Training Facility and Freedom Village signage. The Manager noted that in talking with Curt Schroder's office, at some of the exits on the by-pass in addition to signage saying VA they would like signage that says Freedom Village.

Chairman Obernier then 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. The Chairman noted they filled two positions at tonight's meeting.

The second 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 stated he received a grant application from John Snook that they could submit to the County for the updating of the Township's Comp Plan. A copy is in each Supervisors book for their review so they can adopt it at the next meeting. The plan to do the revisions to the Comp Plan is \$59,577 in which they will ask the County for 75%. They would need to come up with \$15,000. The Board will review the Comp Plan and let the Manager know if they approve of it and then the Manager will look at it

and if it is found to be complete he will ask that the Chairman sign it along with his signature for submission.

The third piece of Old Business was further discussion on the purchase of the updated windows version of the existing accounting and billing software from Software Innovators that meets the new GASB 34 requirements. Manager Rambo noted they have the money set aside and the Authority has committed funds to it he would like permission to purchase the software. Vice-Chairman McCaffrey made a motion to purchase the new software. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Old Business from the Floor was the next item on the agenda. Jesse Edwards asked about locking gates and Chief Walt Werner indicated there was no need that they sit behind the fence all the time.

Ordinances and Resolutions was the next item on the agenda. Resolution No. 10-03 pertained to adopting the Township's Emergency Operation Plan utilizing the format suggested by the County's Emergencies Services Department. Vice-Chairman McCaffrey mad a motion to adopt Resolution No. 10-03. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The Chairman moved onto New Business. The first item under New Business was the Manager and Public Works Director have met with the Township Engineer to discuss PennDot's Turnback Program with regard to accepting Swinehart and Reeceville Roads and information pertaining to the proposed improvements is being prepared. Manager Rambo noted that once they have that they will be meeting with them once again for presentation of the Resolution to the Board.

The second item under New Business was the Township to open bids for the sale of used vehicles and equipment. Manager Rambo opened the bids and read the amounts for the vehicles and equipment. For the Crown Victoria the bids were as follows: Rick's Towing, Inc. - \$2,000, Police Cars Unlimited - \$2,888, Ray H. Doax - \$3,181, Grace Quality Cars - \$3750, Mark's Motor - \$2,828, Wanna Cab, Inc. - \$2,626, Dixie Auto Brokers - \$3,077 and Gil Ray Weaver - \$1,810. For the Osh Kosh 4X4 SN # 7015-R69 the bids were as follows: Gil Ray Weaver - \$400, S.A. Mclean Inc - \$2,500. For the Osh Kosh SN # 6801 the bids were as follows: Gil Ray Weaver - \$610 and S.A. Mclean Inc.- \$2,500. For the Tar Buggy the bids were as follows: Gil Ray Weaver - \$121 and Melchiorre Construction Co. - \$500. For the Way Plow was Gil Ray Weaver - \$75.00. Rims with tires was Wanna Cab, Inc. - \$207 and Gil Ray Weaver - \$51. The bid for the Skid Mount Tank was Gil Ray Weaver - \$110. Supervisor Lindborg made a motion that they authorized the Manager to sell the equipment to the highest bidder. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The third item under New Business was the Township to open bids for the purchase of 2003 road materials. The Manager opened the bids for asphalt, Independence Construction Materials price for BCBC delivered - \$27.09, Wearing delivered - \$29.85, BCBC pick up price - \$23.50, and Wearing pick up price - \$26.25. Bid Seal Coat bids were as follows: Dosch King Co., Inc. total was \$71,000, Asphalt Industries, Inc. total was \$69,000, American Paving Fabrics total was

\$58,000, Gorman Bros. LLC Mid-Atlantic Division total was \$61,000. Vice-Chairman McCaffrey made a motion to award the bid to American Paving Fabrics. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The fourth item under New Business was the Recommendations of the Township's Planning Commission. Manager Rambo noted the first recommendation was the approval of the preliminary land development for the Downingtown Congregation of Jehovah's Witnesses. Supervisor Lindborg made a motion to accept the Preliminary Land Development Plan conditioned upon light meeting the Ordinance. Vice-Chairman McCaffrey seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The Manager noted the final item on the recommendations of the Planning Commission pertained to extensions for the Applicants: Schnatz & Rohrer Landscaping, Catania, and Costa Homes.

The fifth item was for the Board to establish a public work session to discuss the Bentley Communities Swinehart Realty and Beaver Creek Realty Plans before the Township as Conditional Use Applications. Manager Rambo stated the only date available is June 27, 2003 on a Friday morning at 8:00 a.m. Supervisor Lindborg made a motion that they establish a public work session for June 27, 2003 at 8:00 a.m. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier all voted aye. Vice-Chairman McCaffrey abstained.

The sixth item was for the Board to approve the submission of partial payment requests to the County and State for grant funds by the Manager for the Township's Community Park Project. Manager Rambo noted he is requesting the first payment for 90% of the Park for the county and the state for the release of grant funds. The Board agreed to have the Manager submit payment requests for the Township's Park Project.

The seventh item was the Township is in the process of applying to the Federal Government for grant funding under the COPS in School Program and the Home Security Officer Program totaling \$426,042 that would be available to the Township over a three-year period if awarded. Manager Rambo noted this federal grant would be for two full time officers, one would specialize in Home Security and the other would specialize in COPS in School. It would also include pay for full time officers to assist in these programs. After three years the Township would have apply for another grant. Vice-Chairman McCaffrey stated as long as it is under the notion that they may not continue after the grant money runs out. The Manager stated they will need to look at the increase in population and see if they should have the additional people.

The eighth and final item under New Business was the Township Manager will be meeting with a DEP representative next week to discuss the upcoming 902 Grant submissions being considered by the Township. Manager Rambo noted they will be submitting two or three grants one will be for education, assist and preparing the Newsletter for recycling, and a new truck for paper recycling. The truck cost is \$170,000 and has interchangeable beds that will be utilized for road work, snow plowing, roll off containers for recycling, leaf and Christmas tree collection, and street sweeping to recycle the cinders. Manager Rambo stated they may be able to get up to 50% of the cost.

With regards to recycling the Manager stated that it currently goes to an Amish man where it is separated. If he stops taking the paper the only other option would be costly, to rent containers and pay someone to haul it to the facility. If we purchase the containers and the truck, we would own them, fill them, and dump them. He noted he is not looking at making money, but saving money from paying more tipping fees from the paper ending up in the landfill.

Tom Eells stated their biggest problem is now is unloading the trailers. Manager Rambo stated the cleaner, more separated the product is the more marketable it would be.

Being there was no New Business from the Floor, no New Business from the Board, and no Public Comments the Chairman moved onto Open Issues.

The first item under Open Issues was the CASD tax audit review and response. Manager Rambo stated they are working it.

The next Open Issue was the Cable Franchise review letter. Manager Rambo noted the Township has received a listing of all the residents, that it is being reviewed to make sure they are in the Township.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they are scheduled for completion the first week of July for the Building and the end of July of the Park. The current interest rate is 1.38 %.

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

Chairman Obernier noted upcoming meetings and events as follows:

- Historic Commission meeting, Monday, June 9, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, June 10, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, June 12, 2003 at 7:30 p.m.
- Zoning and Subdivision Task Force, Wednesday, June 18, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, June 19, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, June 26, 2003 at 7:30 p.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 10:30 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