

Meeting Minutes of July 3, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of June 3, 2003 to order at 7:33 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 Vice-Chairman McCaffrey in attendance. Supervisor Lindborg was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Sergeant John Coldren; Police Department, and Dale Barnett; Codes Officer.

Chairman Obernier then moved onto the next item of business to address that was the approval of the Township minutes for June 5, 2003 and June 19, 2003. The minutes were tabled until the next meeting when all supervisors will be in attendance.

Chairman Obernier then moved onto address Public Comments the next item of business on the agenda. Moe Finn, President of the Ashberry Lane Homeowners Association, is in attendance to discuss traffic issues in the subdivision. Sergeant John Coldren stated the WBT Police sat there periodically for three days and noted that the majority of the traffic flow is most likely during the school year in the morning and the afternoon hours. He noted they will be periodically providing extra patrol time through this area during the school year.

Chairman Obernier noted the counter unit has been placed in the Ashberry Lane subdivision. Manager Rambo stated the Township is waiting to hear from PennDot with regards to changing the street as a no through street during certain hours and what affect this may have on liquid fuels money the Township receives from the state.

Vice-Chairman McCaffrey asked if Sergeant Coldren had given out any citations during the time they were patrolling the area. Sergeant Coldren answered no, only one vehicle was stopped.

Chairman Obernier noted while he was in the Ashberry Subdivision he observed a local resident that had made no effort to stop at the stop sign. The Chairman stated that turning their street into a one-way street would probably not be a viable option, the easiest thing to do might be to put a “no through traffic during certain hours” sign. The Manager will contact PennDot to obtain

further information regarding signage. Chairman Obernier asked Mr. Finn if he could attend the Board of Supervisors meeting of August 7, 2003 for further discussions.

Chairman Obernier then asked Mr. Finn a couple questions regarding Ashberry's fence. Mr. Finn stated he had discussed it previously with Dale Barnett. The Chairman also asked Mr. Finn about the placement of their mailboxes. Mr. Finn stated he would find out if the builder would be responsible to move them.

Vice-Chairman McCaffrey explained if there were to be a snowstorm the mailboxes would all be hit by the plow. Mr. Finn stated he would handle the situation. Vice-Chairman McCaffrey suggested they find a solution regarding their traffic issue using limited police manpower to prevent having the Township's taxes raised.

Jesse Edwards of 3162 Manor Road noted he put up a new mailbox and then received a notice from the USPS asking him to move it closer to the road. Vice-Chairman McCaffrey suggested finding out from the Post Office what the criteria is for mail post placement.

The second item under Public Comments was Edward Stiteler of Indian Run Village is in attendance to talk to the Board of Supervisors about the enactment of a noise ordinance. Mr. Stiteler noted he had sent the new managers of Indian Run Village a letter regarding the noise situation in the park with which he had received no response back from them. The loud music is coming from within their vehicles, the times of the noise disturbance are during the day as well as on the weekends until 2:00 a.m., usually when their parents are not at home. Mr. Stiteler stated the previous manager at Indian Run used to take care of it. The people who are making the noise can see the police from where they are located and shut it off or drive away when they see the police coming.

Chairman Obernier asked Mr. Stiteler if he and some of the other residents would be willing to sign a complaint. Mr. Stiteler answered yes. Chairman Obernier suggested that instead of looking at it as a noise ordinance, they would consider this a nuisance and then there would already be a law that they could apply to the situation. He told Mr. Stiteler not to hesitate calling the police if it happens after 11:00 p.m.

Vice-Chairman McCaffrey was concerned that if the complaint comes from within the borders of the park itself, it should be handled by the park manager, but if the complaint comes in from outside the park property then it would be a Township matter. He noted in the past when the residents complained about cats and dogs it should have been the park owner to handle it, not the Township. The Township does not have the right to enforce a complaint between different residents within a place that has its own rules and regulations. Vice-Chairman McCaffrey felt that this should be clarified before they put a plan into place.

Chairman Obernier and Vice-Chairman McCaffrey reiterated the importance of signing a written complaint. Chairman Obernier suggested that Mr. Stiteler or his brother talk to Chief Werner for his input as to what can be done about this problem.

Vice-Chairman McCaffrey asked the Manager what his thoughts were regarding this situation. Manager Rambo responded the police can cite the violators anywhere under the nuisance ordinance whether it's private property or not. Vice-Chairman McCaffrey noted in that case as long as Mr. Stiteler would testify, then they wouldn't have a problem coming out. He suggested that Mr. Stiteler jot down the violator's descriptions and get license plate numbers.

Chairman Obernier suggested that the Manager get Sergeant Coldren a nameplate.

The Chairman moved onto address Correspondence/Communications (information to note and act upon). The first item under Information to Act Upon was the Board of Supervisors is in receipt of information from Marc Jonas, Esquire with regard to the Brandamore Golf Course Property and the approved subdivision of the early 1990's. Manager Rambo noted he is reviewing the information and will be talking with John E. Good and Dale Barnett with regards to the letter.

Steve Jakatt of the WBT Planning Commission noted that the Planning Commission had received copies of the subdivision. He noted that in the letter Mr. Jonas stated that the plans extend the five-year protection. Mr. Jakatt noted he has been with the Planning Commission for ten years and the plan was before he came. Manager Rambo explained that it goes past the five year protection so he can request the Board still consider it active, they would look and see if there has been any zoning changes there since then.

Chairman Obernier noted that with this case as well others they will look to the Planning Commission for their input.

Vice-Chairman McCaffrey noted that the sewer plant being proposed there may not be permitted the way it was first established. Manager Rambo noted that it is an infiltration system and the Township would be permittee as spelled out in the Act 537 plan.

The second item under Information to Act Upon was the Township is in receipt of the Chester County Geographic Information Systems Consortium Agreement. Chairman Obernier noted the Township changed something in their regulations regarding when a subdivision is finished along with giving the Township a paper plan, it should be given to the Township electronically as well to be incorporated into the Township's GIS system. The Manager noted they have received a few plans electronically. The Chairman suggested they go back and try to obtain the rest that have not given the Township their plans electronically.

Manager Rambo recommended they sign the agreement with the County. He noted that the cost would be \$5,000 for the year, included in this will be a public computer where people can do a parcel search. Vice-Chairman McCaffrey made a motion to sign the agreement. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The third item under Information to Act Upon was the Township is in receipt of documents from James Marlow, Esquire with regard the Western Chester County Emergency Response Team for signing. Manager Rambo recommended the Board signing the document from the Western Chester County Emergency Response Team and noted they are already participants of this. Vice-

Chairman McCaffrey made a motion to sign the document. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The fourth item was the Township is in receipt of correspondence from Hudson Voltz, Esquire with regard to Camp Indian Run. Manager Rambo noted Hudson Voltz would like a written response on the Township's position on permitting its continuing nonconforming use as long as other conditions of the Township's zoning ordinance are met.

Chairman Obernier noted that during a prior discussion it was noted that Camp Indian Run had discontinued use for about eighteen months and was concerned that by the Township knowing they had a break in their usage as a camp, so that they are not grandfathered, could that turn around later if they should decide to sell it in the future. Manager Rambo stated no, they just want the right to continue using it as a camp. The Manager preferred that this remain a camp rather than become houses. Vice-Chairman McCaffrey was in agreement with the Manager.

Vice-Chairman McCaffrey noted that the people purchasing it may use it as a camp, if not they would have to conform to the zoning in the area.

Manager Rambo noted they have five acres of open space that will abut against the easement they will get from Stonebarn if they get the grant money. Vice-Chairman McCaffrey noted this was near the Springton Run property.

The Chairman asked Steve Jakatt what position the Planning Commission had regarding letting this remain a camp. Steve Jakatt stated that absolutely the camp would be a better option. The Manager will contact John E. Good for his comments and then reply to Hudson Voltz.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. Barbacane, Thornton & Company has forwarded the Township the "draft" audit report for the 2002 real estate taxes collected. Manager Rambo noted that copies have been given to the tax collector for her review.

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 and Building Appeals Board vacancies. There were no comments made.

The second piece of Old Business was the Manager and Public Works Director are in the process of completing their list of proposed improvements to roadways being considered under the PennDot Turnback Program. Manager Rambo noted there is a bill before the House and Senate that would have the payment bumped up to \$3,000 a mile for turnback roads, it is currently at \$2,500 a mile.

The third piece of Old Business the summer edition of the Township's newsletter has been completed and mailed. There were no comments made.

There was no Old Business from the Floor. Chairman Obernier was concerned about an area on Justin Lane noting on the west side as the rolled curb comes down, it drops down and turns into a

deep stone bottom gully, and was concerned that someone may end up in the gully and asked if this was up to the Township to fix it. Manager Rambo noted this was not the Township's road.

Being there was no Old Business from the Board the Chairman moved onto New Business. The first item under New Business was Approval of release request #5 for Suttonwoods, Phase II totaling \$155,861.87. Manager Rambo noted the release request has been reviewed by himself and the township engineer and has been found to be satisfactory. Vice-Chairman McCaffrey made a motion to approve release request #5 for Suttonwoods. Chairman Obernier seconded the motion. Board members McCaffrey and Obernier both voted aye.

The second item under New Business was Recommendations of the Township Planning Commission. There were no recommendations from the Planning Commission.

The third item under New Business was that a public hearing on Ordinance No. 03-10, zoning ordinance amendments, will take place during the July 17, 2003 Board of Supervisors meeting. There were no comments made.

New Business from the Floor was the next item on the agenda. Karen Vollmecke of 155 Cedar Knoll Road asked for a synopsis of Ordinance No. 03-10. Manager Rambo noted that it is zoning amendments with regards to the open space and is available for review at the Township office.

Chairman Obernier noted that it was in the newspaper in the legal section. Vice-Chairman McCaffrey then gave Ms. Vollmecke a brief synopsis of the Ordinance.

Richard Page of 24 Landover Road noted that Carroll Engineering was out testing his well and stated they would be back the following Monday.

New Business from the Board was the next item on the agenda. Vice-Chairman McCaffrey noted the state legislature is considering the budget, part of it involves the liquid fuels money. He suggested contacting their legislator regarding this matter. Chairman Obernier noted he received a letter that he forwarded on to the Manager from PSATS about this as well.

Vice-Chairman McCaffrey noted the updates to the Township Website. Included in the updates are the Township Codes without the amendments, a complete parcel map, water overlay district map, and 2 ½ years of Supervisors minutes, as well as some of the Planning Commission minutes.

Being there were no Public Comments the Chairman moved onto Open Issues. The first item under Open Issues was the CASD tax audit review and response. There were no comments made.

The next Open Issue was the Cable Franchise review letter. Manager Rambo noted these are under review.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted the construction schedule has been extended until the end of July. The

building should be finished in the next two weeks and the park should be finished by the end of July. The road department, Dale Barnett, and the Manager will be working on the pavilion next Tuesday through Friday. CH&E is in the process of constructing the amphitheater. The anticipated move in date is August. The Manager noted the interest rate at 1.15%.

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

Chairman Obernier noted upcoming meetings and events as follows:

- Historic Commission meeting, Monday, July 7, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 8, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 10, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, July 17, 2003 at 7:30 p.m.
- Conditional Use Hearings, Tuesday, July 22, 2003 starting at 7:00 p.m., Beaver Creek Realty (apartments) and Swinehart Realty (single family homes).
- Parks and Recreation Board meeting, Tuesday, July 22, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, July 24, 2003 at 7:30 p.m.
- Conditional Use Hearing, Monday, July 28, 2003 at 7:30 p.m., Culbertson Realty (townhouses and commercial).

Steve Jakatt asked if there is going to be a Ordinance Review Task Board meeting scheduled. Manager Rambo noted he had not yet heard from John E. Good if he was going to have it.

Karen Vollmecke asked when they will have an Agricultural Security Area meeting. Manager Rambo suggested that their members get together and write a letter to the Agricultural Security Chairman and ask when the next meeting will be.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 8:36 p.m. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye in favor of adjournment.

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