

Meeting Minutes of February 20, 2003
Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of February 20, 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, Capt. Walter M. Werner; Chief, Dale Barnett; Codes Officer, and Thomas Eells; Road Foreman.

Chairman Obernier then moved to address the Treasurer's Report. Manager Rambo presented the Treasurer's Report for the month ending January 2003 as follows:

General Fund	\$27,254.52
Solid Waste and Recycling Fund.....	\$47,994.41
Capital Reserve Fund	\$927,394.60
Construction Sweep Fund	\$8,673.37
Developer Escrow Fund	\$257,737.41
State Liquid Fuel Fund	\$2,538.37
Operating Reserve Fund	\$184,533.13
Police Pension Fund	\$846,575.48
Non-Uniform Pension Fund	\$146,080.01
Payroll Fund	\$2,228.35

Chairman Obernier moved onto the Promotion of Officers. Officer David L. Domblesky, Officer Daniel C. Shappell and Officer Gary W. Williams were all promoted to the position of Corporal. The Chairman read out loud the Plaques that were to be presented and commended the officers for their endeavors into different areas of policing in our Township.

Local District Justice Michael Cabry was in attendance for the swearing in of the three Officers. The first Officer sworn in as Corporal was Daniel C. Shappell. Second to be sworn in as Corporal was David L. Domblesky. The third Officer to be sworn in as Corporal was Gary W. Williams.

Vice-Chairman McCaffrey stated on behalf of the Board that everyone of these Officers, including the Sergeant would have long ago been promoted if they had been in a large City police department, considering their dedication to their job and their desire to pursue their specialties. He noted how unfortunate it was that it's not within the Board's power to offer them the rank that would be suitable for their achievements.

Chairman Obernier moved onto Public Comments. The first item was Andy Eberwein of E. B. Walsh & Associates is in attendance to talk to the Board of Supervisors with regard to the Catania Subdivision on Hurley Road. He was requesting a waiver for perimeter buffering. He delineated the areas for which he is asking for a waiver from buffering as outlined on his map.

Supervisor Lindborg asked how he was going to guarantee that the woodlands and whatever is there now is not going to be disturbed. Mr. Eberwein stated they have had many meetings with the Township Engineer and Manager Rambo, he noted their plans require them to submit a tree survey and clearing plan with every house submission. Supervisor Lindborg stated he was okay with this as long as nothing is going to be disturbed.

Vice-Chairman McCaffrey suggested setting up an escrow for the buffer. Mr. Eberwein thought that was a reasonable request.

Vice-Chairman McCaffrey noted they have areas they are trying to reforest and requested a contribution.

Chairman Obernier stated Mr. Eberwein is asking for something that is better decided at the end, rather than at the beginning. He was not comfortable with waiving all of it, when looking at the map there are a lot of empty spaces and feels it may not be satisfactory when they are done. Mr. Eberwein stated he is only asking for the perimeter buffer, not the tree replacement on the lot.

Vice-Chairman McCaffrey made a motion in view of Mr. Eberwein's acquiescence with the idea of aiding our reforestation tree program in the Township, and the fact that he will escrow funds for the buffering until we are sure that the buffering meets the requirements, to grant the conditioned waiver. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

The next item under Public Comments was Brian Horner of Pro-Tract Engineering is in attendance to present to the Board of Supervisors an Open Space Plan for the Costa Homes Subdivision. Tom Oeste, representative of Costa Homes stated the reason they were before the Board was to get their input as to which method to utilize, either the open space plan or the by-right plan.

Brian Horner noted they have a 24-lot preliminary plan based on the by-right plan and outlined their plans as reflected on their map. He then delineated the open space proposal noting that most of the septic systems will be on-lot, and the remaining systems would be located in the open space but remote from the lot. They understand they would need to provide a maintenance agreement and form a Home Owners Association.

Mr. Costa noted that the septic systems on both plans are primarily in-ground systems. He asked which plan the Board would prefer noting that with the open space plan some of the septic systems would be off lot and asked for clarification as to whether this would be permissible.

Vice-Chairman McCaffrey stated sometimes the area where the septic systems are in the open space is not considered part of the open space. He asked what would the benefit be of the open space with a thirty percent increase in the number of dwellings. Mr. Costa noted that the west side preserves more contiguous open space; you would have less intrusion in the woods on both sides.

Supervisor Lindborg was concerned about the intensity of the subdivision plans being proposed in the Township. He preferred the by-right plan because it has seven fewer lots and there is still some open space and noted they could have been more creative when designing the open space option.

Vice-Chairman McCaffrey noted that the idea of open space is to leave the critical areas open. He stated his disappointment that when a development comes in, they call it open space and utilize the maximum amount of usable ground and they leave the ground that you couldn't develop on as open space.

Supervisor Lindborg noted that having septic systems so far off site would be a potential nightmare. The by-right plan has all of the septic systems on lot.

Colin Judge, North Hawthorne Road asked how much the current by-right plan differs from the original by-right plan. Brian Horner explained the difference between the two. Mr. Judge continued to comment with regard to the comparison between their open space plan and their by-right plan. He noted that he was at the meeting when Costa came in with their original plan to the Planning Commission and a member of the Planning Commission basically rebuked them, they spent a lot of time to present another plan.

Chairman Obernier asked what the objections were. Bob Schini stated that on the east side of the property there is a beautiful creek and a beautiful watershed that must be preserved. On the west side of this tract there is a cornfield. They would like to see the area in the northeast preserved.

John Cassels noted they are also in receipt of a letter from the Historic Commission regarding older ruins on the corner of Swinehart and Beaver Creek Roads. He stated that the original by-right plan was on their meeting agenda and when it came up their response was there was no action on that plan at this point, they were here to submit a sketch plan. This happened at the end of the meeting and didn't get a whole lot of time. Two sketch plans were presented, the discussions quickly went toward sewage. They never showed us where those fields would be. We thought they would come back to us at a later date after they gathered more information. The Planning Commission liked the open space, but didn't agree with septic systems being all over the place.

Vice-Chairman McCaffrey explained the idea of the open space design option is meant to be flexible. You could trade off having small lots in one area with bigger lots in another area and

preserve important areas. In the plans he's seen there's no thought to whether some areas could accommodate a particular style or intensity and other areas may not. He noted that the placement of the septic systems virtually eliminates much of what they consider open space. They are preserving wetlands they can't build on anyway. Through the homeowners documents you could possibly write restrictions to preserve some of the streams in some of their backyards. They could work with the design in a number of ways that would blend well with the landscaping, rather than try to make the landscape conform to what the developer wants.

Supervisor Lindborg explained they are asking for a general consensus from the Board for which direction to go when they go back to the Planning Commission. In comparing the two, he favored the by-right plan. He would like to see more acreage per house on the open space option.

Vice-Chairman McCaffrey noted he would like to see a blending of styles that everyone would appreciate; he would be willing to work with them to make it happen. He stated his choice would be the by-right plan.

Chairman Obernier agreed with Bob Schini with the streams and the lowlands there being so nice they should make a special effort to preserve them. He agrees with both the Supervisors that having the sewage fields strewn about really negates the use of the open space area. He felt putting in public sewage as long as it didn't increase the density would be a more viable option.

Colin Judge noted that the Planning Commission should all be in sync. Vice-Chairman McCaffrey explained there is a very fine line between being "in sync" and being "controlled." The Board of Supervisors purposely doesn't have a supervisor for the Planning Commission, so that the person coming in doesn't just talk to the supervisor.

Chairman Obernier agreed with Vice-Chairman McCaffrey, stating if we only hear what we want to hear, then it's not really an advisory board.

Supervisor Lindborg explained that it was important that they come before the Board because they wouldn't have approved the open space plan if they came with these being the final plans. It's to everyone's benefit to work together to come up with a compromise.

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 correspondence from the Jehovah's Witnesses with regard to waiver requests for their Land Development Plan for their Kingdom Hall. Supervisor Lindborg made a motion to table the waiver requests. Vice-Chairman McCaffrey seconded the motion with a request that they let the Jehovah's Witnesses know that we are delaying making the decision by law, until they have the opinion of other state agency's here. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first item under Information to Note was the Township is in receipt of correspondence from Paul Ylvisaker with regard to his interest to serve on the Historic Commission. Manager Rambo noted he has been trying to contact him with regard as to whether he is currently living in the Township.

The second piece of Information to Note was the Township is in receipt of correspondence from Lawrence B. Abrams, Esquire with regard to the EIT Collection previously performed by the CASD Tax Office on behalf of the Township. Manager Rambo stated he spoke with the legal council of the Coatesville Area School District and noted he received a letter requesting he go back into the records and show what he is trying to advise him on.

Chairman Obernier suggested that we show the income on a monthly basis on the date it was received. Manager Rambo stated he could if they have the old accounting program.

Vice-Chairman McCaffrey noted another thing that was not addressed in the letter when there is money that is verifiably misdirected – there was interest made on that money. The contract at the School District specifically stated that any and all interest derived from our money was due the Township. Manager Rambo noted there are all new people to deal with at the School District. Vice-Chairman McCaffrey recommended that the School District should suggest a figure and then settle with it. He noted they made mistakes and should just address their problems rather than bury them.

The third piece of Information to Note was Joanne Conti has forwarded the Township a fax with regard to the condition of widening Pratts Dam Road to 22' placed on the City of Coatesville's Zoning Permit. Manager Rambo noted she is trying to determine where the widening may occur, her side or the south side of Route 340.

Chairman Obernier asked if it will be coming from the road right-of-way and the manager said yes.

Vice-Chairman McCaffrey expressed concerns regarding the language in the agreement being very subjective.

Chairman Obernier noted that Joanne, her attorney, and the City should be wrapping it up next week.

The fourth piece of Information to Note was Joanne Conti has forwarded the Township an e-mail with regards to an article in the paper pertaining to the widening of Route 322 from East Brandywine Township to Honey Brook Borough.

Chairman Obernier noted he attended the East Brandywine Township meeting as requested by the Board. East Brandywine Township was trying to talk West Brandywine Township into creating a traffic impact study; they don't want the bottleneck on Route 322 to be in our Township. They have two plans, one being a Guthriesville Intersection by-pass (off of 322 closer to the Route 30 by-pass, then it goes south of 322 and reconnects 322 near their Township building). They hope the state will pay for this 100% because it's a new road. Their second plan is to widen Route 322 between this by-pass and the Route 30 by-pass. They want us to pop for arranging for an impact fee on developers. He noted the study would run around \$130,000.

Supervisor Lindborg noted that Joanne's letter is stating something entirely different, that they are proposing a five-lane highway. She is concerned about the houses on the corner of Route's 82 and 322.

Chairman Obernier asked what the Board would like to do with regard to East Brandywine?

After discussions pertaining to the costs of having an impact study the Board agreed they don't have the \$130,000. Manager Rambo will write East Brandywine a letter and let them know they won't be committing to a study that will cost money. They will, however, remain open to other options.

Chairman Obernier stated that if they form a committee, that doesn't mean they will be going through with it. Manager Rambo then outlined the criteria for establishing this committee. He noted that the larger municipalities have established the impact study and have acquired money. The Board agreed to have Manager Rambo look into forming an advisory committee and that he may possibly suggest some names.

The fifth and final piece of Information to Note was John Hahn of Red Oak Drive has forwarded the Township an e-mail with regard to the snow removal of private contractors. Manager Rambo stated they have received several complaints from people about private contractors pushing snow back into the roadway and the next person downstream gets the snow back again. Manager Rambo suggested putting an article in the Newsletter.

Chairman Obernier moved onto the Reports of Departments for the month of January 2003, which was the next item on the agenda. Chief Walt Werner was present from the Police Department to give the police report. Manager Rambo then gave the Road Department report. Code Enforcement Officer, Building Inspector; Dale Barnett, gave the report for the building and codes department. Manager Rambo then gave the report from Martins Corner Fire Department. The Manager had not received reports from East Brandywine, Wagontown, or from the Fire Marshall.

Chairman Obernier moved onto Reports of Organizations, Boards, and Commissions. John Cassels gave a report from the Planning Commission. There were no questions. Being there was no one present from the Historic Commission the Chairman moved onto the Park and Recreation Board. Colin Judge gave the report from the Park and Recreation Board. He had concerns regarding having a quorum at their meetings and noted he would call people prior to their meetings. He also asked what the status would be for Vanessa Barron being she was called into active duty. The Board stated she would still be a member. Supervisor Lindborg and Manager Rambo gave the report from the Municipal Authority and noted that Coatesville is in the process of expanding their system.

Vice-Chairman McCaffrey asked what the status was regarding the person and the little piece of right that he thought we didn't have. Manager Rambo stated the Authority is waiting for final documentation from his attorney.

Chairman Obernier moved onto Old Business. The first piece of Old Business was the Codes Officer and Township Manager are continuing their preparation of ordinance amendments with regard to; signage and day-care facilities. There were no comments made.

The second 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 third piece of Old Business was the Spring Newsletter articles are due on Linda Formica's desk by Friday, February 21, 2003.

The final piece of Old Business was the Manager is continuing his research into the placement of a concrete silo adjacent to the Township's new facility. Vice-Chairman McCaffrey asked if they could see some renditions of the silos. Manager Rambo stated there is an article in the Township News and there is a silo at the new Wal-Mart in Exton.

Being there was no Old Business from the Floor the Chairman moved onto Old Business from the Board. Vice-Chairman McCaffrey noted that the State Association has formed a group that helps train township planners and would like to have the Township Planning Commission become members of this organization.

Chairman Obernier moved onto Ordinances and Resolutions. Resolution #04-03; amendments to the Police Pension Plan, which will allow us to conform to Act 600. Manager Rambo stated they had discussed this upon its receipt at the end of last year, but they hadn't enacted it yet. Supervisor Lindborg made a motion to adopt Resolution #04-03. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier then moved onto New Business. The first item under New Business was the Township Manager will be meeting with a representative of the Brandywine Conservancy to discuss putting together grant applications for the updating of the Township's Zoning and Subdivision Ordinances. Manager Rambo noted that John Snook has e-mailed him and stated he will be setting up a time to meet with him.

The second item under New Business was the Board of Supervisors will hold a public work session on Thursday, February 27, 2003 at 8:00 a.m. to discuss sewer related issues pertaining to the Bentley Communities proposed projects.

The third item under New Business was the Board of Supervisors will be attending the County Spring Convention on Thursday, March 6, 2003.

New Business from the Floor was the next item on the agenda. Jesse Edwards had concerns about the distribution of the Newsletter. Manager Rambo explained the property owner should call so he can make him aware of the landlord tenant requirements and that he has to submit to the Township on a quarterly basis who is residing in his unit.

There was no New Business from the Board and no Public Comments. Chairman Obernier then moved onto Open Issues. Irish Oaks Golf Facility barn restoration and preservation was first. Manager Rambo stated this will be coming off the list. There were no comments made.

The next Open Issue was the CASD tax audit review. There were no comments made.

The last Open Issue was the Cable Franchise review letter. There were no comments made.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they are two to three weeks behind schedule on the New Facility. Approximate move in date will be the end of June to the middle of July. The current interest rate is 1.45%.

The Chairman moved onto the 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:

- Board of Supervisors Work Session, Thursday, February 27, 2003 at 8:00 a.m.
- Planning Commission meeting, Thursday, February 27, 2003 at 7:30 p.m.
- Historic Commission meeting, Monday, March 3, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, March 6, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, March 11, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, March 13, 2003 at 7:30 p.m.
- Zoning and Subdivision Task Force meeting, Wednesday, March 19, 2003 at 7:30 p.m.

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