

**Meeting Minutes of February 17, 2005
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of February 17, 2005 to order at 7:30 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by the Township Manager noted Chairman Carl S. Lindborg, Vice-Chairman Josef G. Obernier, Sr., and Supervisor Thomas J. McCaffrey in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Dale Barnett, Codes/Zoning Officer; and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

Supervisor McCaffrey motioned to accept the minutes of January 3, 2005 and January 20, 2005. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye. Supervisor McCaffrey motioned to table the January 7, 2005 minutes for review and comment and table the February 3, 2005 meeting minutes. Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Treasurer's Report

Manager Rambo presented the Treasurer's Report for the month ending January. There were no comments.

General Fund.....	\$18,720.07
Solid Waste and Recycling Fund.....	\$41,874.51
Capital Reserve Fund.....	\$726,035.55
Construction Sweep Fund	\$1,596.48
Developer Escrow Fund.....	\$319,740.97
State Liquid Fuel Fund.....	\$1,835.61
Operating Reserve Fund	\$2,915.43
Police Pension Fund.....	\$954,334.52
Non-Uniform Pension Fund.....	\$215,715.78
Payroll Fund.....	\$14,217.55

Public Comments *Individuals requesting to be on the agenda*

There were no Public Comments.

Correspondence/Communications *Information to Act Upon*

The Chester County SPCA has forwarded the Township a copy of the 2005 Boarding and Animal Protective Services Contracts for review and consideration. Manager Rambo noted at the current

time the SPCA is no longer coming out to pick-up any animals and recommended that the BoS sign the contract authorizing the SPCA to come out. Vice-Chairman Obernier noted he and Supervisor McCaffrey both met with representatives of the SPCA. Most of the questions that Vice-Chairman Obernier had were answered by a SPCA representative and their police chief. The SPCA representatives indicated that they could show Chief Werner verification of the things they needed to have. Vice-Chairman Obernier stated that the SPCA refuses to file incident reports with the Township's Police Department and feels that this makes it more dangerous for the Township's Police Department. Vice-Chairman Obernier is okay to agree to a contract with the SPCA, but suggested they approach the Chester County Association of Township Officials with a resolution to PSATS, something to the effect that wherever the SPCA, working on behalf of the state for these animal crimes, that they be required to file reports with the local police department if one exists, simply on a safety basis. Chairman Lindborg agreed that sounded reasonable.

Supervisor McCaffrey stated the SPCA operates under two different sets of criteria, first, it has been given the authority by the state with regard to animal cruelty actions in Pennsylvania and Chester County. Second, collecting stray dogs and cats and taking them somewhere is a part of duty that the Township is required to administer under the law. There are two different things happening, one is Township related; the other is a state matter. Supervisor McCaffrey stated he made as good an argument that he could make to the SPCA for sharing information, if there is an action that takes place within our Township, that they file a similar report with our Police Department with the one they file. The SPCA representatives pointed out there are many agencies related to the County and Commonwealth that may operate within the borders of the Township that do not file any kind of report with our Police Department when they take action here. Supervisor McCaffrey feels that some of what Vice-Chairman Obernier says is a legitimate idea they might explore with our legislators, for instance, why these reports that take place within a township that has a police department are not filed with the police department. Supervisor McCaffrey wasn't sure where to draw the line and asked how much this would increase the cost of a very simple service for the Township to collect stray animals within the community. Chairman Lindborg agreed and noted that Vice-Chairman Obernier has requested to at least put this as a motion before PSATS. Supervisor McCaffrey explained the Township would send a resolution to the County Association, and then if the County Association approves it, they would forward it on.

Chairman Lindborg felt that request was not unreasonable and would like to adopt it and move on. Vice-Chairman Obernier suggested that as part of adopting this contract to agree to send a letter to Chester County Association of Township Officials and request that they consider this. Supervisor McCaffrey felt these are two separate issues. Vice-Chairman Obernier's point is that the BoS agrees that they need a contract from the SPCA to do these certain services and they also agree in principle that it would be on a safety basis, both for the SPCA officer and WBT officers that incident reports be filed.

Vice-Chairman Obernier motioned for the Manager to sign the SPCA 2005 services contract and also to prepare for the BoS's review, a resolution for presentation to the Association of Chester County Township Officials for consideration and adoption, dealing with the Chester County SPCA or any SPCA within the commonwealth to enable it or require them to present to the local municipalities or police department, if there is one established, any animal cruelty incidents dealing with the Township. Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye.

The Township is in receipt of correspondence from James W. MacCombie, P.E. with regard to the waiver requests for the Susan B. Maes Minor Subdivision Plan. Manager Rambo recommended the Board table the requests and noted that Chuck Dobson will be in attendance at the next BoS meeting. Supervisor McCaffrey motioned to table the waiver requests. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Carroll Engineering Corporation has forwarded the Township waiver requests for the light fixture heights and roadway width of the Coatesville Golf Training Facility. Greg Mellett is in attendance to explain the two waiver requests that were outlined in his letter dated January 6, 2005. Manager Rambo noted they are requesting to modify from 36' to 24', they are going to use upright curbs, create swales along the roads to control stormwater, and they want to lessen the impervious surface that is being created. The original Zoning Permit dealt with the draining along Pratts Dam Road and the widened cartway, it didn't touch the entranceway cartway width. The Manager and the Planning Commission are okay with the 24' wide cartway.

John Cassels asked what was the point of the curb if you are going to have a swale or visa versa. Supervisor McCaffrey explained the swale is for part of the general runoff from the site, directing it toward the same basin area and is not part of the road system. Vice-Chairman Obernier noted the roadway width at the entrance of Pratts Dam Road gave him the impression that width is different then the roadways. Manager Rambo explained that Pratts Dam Road is currently 18'-19', they are to widen Pratts Dam Road from that entrance south to Route 340 to 22' similar to what they requested during the initial process. They are doing a storm water system from their entrance on Pratts Dam, south to Route 340. Vice-Chairman Obernier wanted clarification that it was his impression that they were going to alleviate the water flowing across Pratts Dam Road for the length that their property touches Pratts Dam Road, what he heard was that they are only doing it up to their intersection. Manager Rambo noted they are following the same system that was presented during the Siousca Hearing; they are following the same system because their site entrance is basically the same location. Supervisor McCaffrey noted that originally they were going to do some work along there, but in the Zoning Permit that was initially approved, they got out of that. They were only required to work from their entranceway down to Route 340 and isn't sure if they required crossing Route 340, there was an issue about having the water empty out on the other side of the street. Manager Rambo explained they would have to enlarge that pipe the whole way down to address that.

Mr. Mellett noted the second waiver request to allow for the proposed 80' height of the sports light fixtures instead of the maximum of 20'. Manager Rambo noted in the initial plan that was submitted the lights were at 110' and 120'; they are down 30' or more to keep within the height of the trees. They have lessened the number of lights because they have removed the second chip and putt, which required the higher lights in the middle of the driving range. Mr. Mellett noted they are asking a waiver for a total of 39 lights. Nine poles at 80', six poles at 60', and twenty-four poles at 50'. All of the sporting light fixtures will be turned off by 9:00 p.m. during the summer lighting periods, and all of the security lights will be off by 10:00 p.m. Manager Rambo asked Mr. Mellett if the City of Coatesville will abide by the revised Zoning Permit in order to get the requested waivers. Mr. Mellett answered yes.

Steve Jakatt of the Planning Commission remembered that Carroll Engineering and the City of Coatesville offered to come back and do a second lighting test and asked if that was still in their plans. Manager Rambo noted he has not heard back from the City of Coatesville with regards to

the second lighting test. The initial lighting test was at the height and general location that the tallest light would be; it utilized the City of Coatesville's 100' aerial ladder truck and was in close proximity to the height as far as the truck could extend the lighting fixture. It was then recommend that they come down to 80' or below the tree height. Dale Barnett asked what's the distance between the closest fixture to the property line. Mr. Mellett noted that the closest one would be on the north side at 210'. Manager Rambo asked in that 210' what is the proposed elevation at the property line and the proposed elevation for the placement of the light pole. Mr. Mellett answered that the property line is 492; the top of the light fixture is going to be 568.

Vice-Chairman Obernier asked whatever the height is that they are asking the waiver for, are they in any way breaking the height top of the trees in that area and Mr. Mellett answered that he didn't know the height of the trees, but the light stance will be as high as needed for the site, that Carroll Engineering designed what is needed to operate the facility. Vice-Chairman Obernier said how can the BoS give the City a hard number on a waiver on the height of the light if Mr. Mellett doesn't know how high the trees are. Manager Rambo stated that at one of the previous BoS meetings it was suggested that the City of Coatesville visit the site with the Township's engineer to determine the vegetation in the area and asked if that had been done yet. Manager Rambo recommended that that Mr. Mellett, along with the Manager, Township Engineer, Zoning Officer visit the site to determine the vegetation with regards to the plans presented to the Planning Commission at the same point there is a way to physically determine the height of the trees. The Manager suggested the City of Coatesville perform a second light test at 80' to see if the light standards are above the tree heights in conjunction with measuring the tree heights to determine the heights at the property line. Perhaps that is something that is needed for the BoS to consider granting the second waiver request. Chairman Lindborg concurred with Manager Rambo. Vice-Chairman Obernier asked if the City of Coatesville was going to comply with the ordinance regarding the luminance of the light and Mr. Mellett answered they are already in compliance with that ordinance. Supervisor McCaffrey noted the conditions that have been discussed and have been agreed upon are considered by the BoS part of this approval. If the City of Coatesville decides to back out of the permit, then the conditions that the BoS is agreeing to is also null and void. Manager Rambo commented that the City of Coatesville has agreed to the Zoning Permit and the amended Zoning Permit.

Supervisor McCaffrey motioned that if the City of Coatesville adheres to the letter and spirit of the Township's past agreement, the BoS will grant the waiver to allow for a 24' wide cartway instead of 36' for a non-residential street. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Vice-Chairman Obernier motioned to table the second waiver request, Section 167-66D.3.h, to allow for the proposed 80' height of the sports light fixtures instead of the maximum of 20'. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye. Chairman Lindborg entertained a motion that the Manager would like to have Carroll Engineering, along with Manager Rambo, Township Engineer, and the Zoning Officer to review the site, additionally there was a second lighting test that was requested. Vice-Chairman Obernier noted that Carroll Engineering needs to generate some more hard numbers.

The Township is in receipt of correspondence from the Department of Emergency Services with regard to upcoming training for Township personnel as it pertains to NIMS (National Incident

Management System). Manager Rambo noted the dates and times and requested that the BoS let him know if they will be attending. Manager Rambo and Chief Werner will attend.

DEP has forwarded a request for an extension of time in which to review the Planning Module for the Coatesville Catholic School Project. Manager Rambo noted they had 120 days to review the Planning Module, they haven't been able to review all the pertinent information provided to them, and have requested an additional 60 days. It was accepted as a complete application by DEP on October 15, 2004 and on February 13, 2005 their 120 days were up. Supervisor McCaffrey motioned to grant DEP the 60-day extension of time. Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from PA Urban & Community Forestry Council with regard to upcoming grants. Manager Rambo is looking into this grant for trees.

The TMAACC (Transportation Management Association of Chester County) has forwarded the Township correspondence on a meeting date change. Manager Rambo noted this is a special meeting to discuss finances. Currently the bus comes into the Township to Freedom Village and the YMCA.

The Downingtown Police Department has forwarded the Township a letter of thanks dated January 31, 2005, for its participation at the January 20th and 21st viewing and funeral in Downingtown. Supervisor McCaffrey read the letter of appreciation out loud. Chief Werner will look into applying for grant money for the unit that was provided for assistance.

The Township is in receipt of upcoming grant workshops from the County Open Space program. Manager Rambo will attend to find out grant availability.

The County GIS Department has forwarded the Township a reminder with regard to notifying them of new development information and addresses. There were discussions pertaining to discouraging naming streets after first names because they keep getting stolen, it was suggested that the Planning Commission request that the developer not name the streets after first names.

Reports of Departments

Chairman McCaffrey then moved onto the Reports of Departments for the month of January 2005. Chief Werner presented the police report. There were no questions or comments. Tom Eells presented the Public Works report. Dale Barnett gave the report from the Buildings/Codes Department. Manager Rambo gave the reports of the Fire Marshall, Wagontown Fire Department, and Martins Corner Fire Department. There was no report for East Brandywine Fire Department. There were no comments.

Reports of Organizations, Boards and Commissions

Chairman Lindborg moved onto Reports of Organizations, Boards, and Commissions for the month of January. John Cassels gave the report of the Planning Commission. Manager Rambo noted the Historic Commission has provided the Township minutes for July, August, September, and November of 2004. Manager Rambo will talk with the Historic Commission about keeping minutes without a quorum. Bob Bower was in attendance to give the report of the Parks and Recreation Board. There were no comments. Municipal Authority Manager Rambo gave the report

of the Municipal Authority. Vice-Chairman Obernier asked how the meeting went with Pennsylvania American. Manager Rambo noted the Municipal Authority is in receipt of the updated construction management plan that Pennsylvania American is going to provide the Municipal Authority with drafts for the purchase of additional capacity. Manager Rambo noted the BoS has the draft copy of the Special Study of WBT Act 537 for Culbertson Run, Swinehart Road, and Route 322 study area that needs to be reviewed for discussion at the next BoS meeting. The Planning Commission will review this at their next meeting as well. Both Vice-Chairman Obernier and Supervisor McCaffrey questioned if they were going to supply the Township with the capacity that the Township has already purchased. Pennsylvania American has told Manager Rambo that if they put forth for them the 345,000 gallons that they have already purchased, that they would accept it. Supervisor McCaffrey was concerned about bottlenecks in the system. Manager Rambo stated they are working on designs to correct and upgrade those lines. Supervisor McCaffrey stated that is important because if they purchase additional capacity, they may be billed for those repairs that are already needed in the existing line. Manager Rambo stated they couldn't bill them for those repairs. Jim MacCombie and the Manager are meeting with Ian from Pennsylvania American to go over the 345,000 gallons they purchased and what lines need to be upgraded with regards to that. They are talking with regards to what may be needed in phases to either send or purchase the additional capacity that is being sought.

Adjournment from Township Meeting was at 8:44 p.m.

Opening of Public Hearing was at 8:45 p.m.

Hearing on Ordinance No. 05-01. Manager Rambo noted the Ordinance and Hearing was duly advertised and then read the advertisement and the first paragraph of Ordinance No. 05-01 out loud. Supervisor McCaffrey commented that part of the reasoning behind this Ordinance was that some of the older properties in the Township had a need for the placement of fences for their own aesthetic uses. The idea is that this proposed Ordinance would allow that placement, where the Township's current Ordinance would prevent fences and put an undue burden on people with older homes who want to screen them from the traffic, noise, and lights. It also stated that in all cases you couldn't have a stockade fence in the front yard and they have changed that to enable this within limitations.

Manager Rambo noted they are deleting from the definition, that the fence will no longer be required to follow setback requirements of an accessory structure and have a minimum height of six feet, while those considered open may be placed anywhere on the lot. However, they are putting other requirements on fencing based on type and if you want to place it in close proximity to the property lines.

Supervisor McCaffrey was concerned if people don't survey where their fence would go. The fence would have to be at least two feet off of the property line, if they set up separate fences you wind up with a four-foot strip of land in between individual properties. There should be some accommodations between neighbors to take care of that. People put up fences because of neighbors and they would be thrilled to have another weed patch to point to as a violation. Supervisor McCaffrey noted the intent of the changes to the ordinance regarding fences was to make it better for people under special circumstances, e.g. people that have older homes that need shielding from headlights. The BoS is trying to write an ordinance so people will not have to go before the Zoning Hearing Board, which costs a couple hundred dollars, people can do it for free.

A resident asked how you know if you are two feet off the property line without surveying. Chairman Lindborg stated that the property owners have to take into account if they put their fence two feet off the property line and someone challenges it, then they would have to prove it. Supervisor McCaffrey stated that the neighbor could always have his property surveyed if he feels his property has been trespassed on.

Steve Jakatt stated he strongly agreed with having property surveyed, but everywhere he had ever lived you could place a fence 6" off the property line and felt that 2-feet was exorbitant. Chairman Lindborg stated the property owners could place the fence right on the property line if the property has been surveyed. Manager Rambo stated that currently you have to stay 10-feet in from the property line.

Steve Jakatt questioned 2.C. line 4, "fencing utilized in the front yard may not be continuous in nature and shall incorporate an opening equal to the length of fence placed and asked about a picket fence." Chairman Lindborg stated that a picket fence is not a stockade fence; they are trying to eliminate having a solid stockade fence right along the road. People can still provide themselves with privacy, but break it up with plantings and open areas. Supervisor McCaffrey stated the idea is, that when you have a number of properties next door to each other, you all share the ability to see through all of those fences, it gives an openness to everyone's property. Having some restrictions on it being solid will alleviate something that looks like office cubicles. This would give you the opportunity to put a small piece of stockade fence when people have encroachments like light or sound, to prevent headlights from shining in your window.

A resident asked what the setback is with the current ordinance. Manager Rambo answered a stockade fence (semi-open or closed fence) must be 10-feet off the property line, there was no specific setback for a post and rail fence. With the new ordinance the post and rail setback will be 2-feet without surveying, if you survey you could put it on the property line.

A resident complained his neighbor planted pine trees on the property line and they are growing into his yard. Manager Rambo stated that is not a fence and then denoted the definition of fence. The resident noted line C, regarding fencing and buffering. Manager Rambo stated that currently the Township does not have a setback requirement for trees or shrubs. This ordinance is stating that fencing and buffering utilize a combination of earthen mounds; the Manager then read 2.C. lines 1-4. Manager Rambo said it's talking about fencing, not dealing with trees.

Mike Cabry felt that if you have a twenty-foot row of trees and a two-foot fence at the end, then those trees and the fence would be considered a fence. Chairman Lindborg stated that is not the Board's intention. Both Chairman Lindborg and Supervisor McCaffrey stated that should be clarified.

A resident (John) asked about 2.C. line 4 regarding fencing utilized in the front yard and asked if post and rail would be okay? Manager Rambo noted that post and rail and chain link could currently be there. Chairman Lindborg stated they should clarify that to say, "closed type fencing."

A resident asked the setback for a fence if you have your property surveyed. Manager Rambo answered if you have your property surveyed you can put any type of fence on your line. Currently the only setback requirements are for semi-open (basket weave, board and batten, shadowbox) and closed fence (stockade or similar), you would have to follow a 10-foot setback according to

accessory structures, basically that type of fence can only be in your side and rear yards. Common courtesy when people call about putting up stockade fence, we tell them they should be able to maintain it, so that they don't have a problem maintaining the other side of their fence, most mowers are 12' or 18". Manager Rambo stated they are going to amend part of the Ordinance back to how it was so they may have to rewrite or re-advertise, dependant upon what the BoS decides to do.

Tom Eells asked if there were any provisions regarding the maintenance of fences that would be allowed on the property line. Chairman Lindborg answered no.

Jack Conti felt that this ordinance is going to create more problems than it solves and open up a "can of worms," and noted where it says that the aesthetic side of the fence should be facing towards the neighbors property and asked what determines the "aesthetic side." Chairman Lindborg stated that it is quantified in the Ordinance and disagreed with Mr. Conti. The Board is trying to give some latitude for people to allow fencing on their properties without having to go through expensive variances. Supervisor McCaffrey explained that the cost of lawyers, transcribers, etc., are increasing all the time, and if the person wants to make an amendment to their property they don't do it because the costs have become exorbitant. The expense of putting a small piece of fence at the corner of your property so the headlights don't shine in your kid's window becomes exorbitant and you don't do it. It diminishes the enjoyment that you have with your own piece of ground.

Chairman Lindborg moved onto the second part of the Ordinance. Manager Rambo noted at the current time within the Zoning Ordinance there is no definition of a political sign. The second part was to add a definition of a political sign, "a temporary sign identifying a political candidate, a party or a political and/or public issue contained on a ballot." They are adding another definition that addresses a viewpoint sign, "a temporary sign placed by the landowner on the landowner's private property to express a personal opinion on an issue before the municipality."

Supervisor McCaffrey stated he pushed for a definition. It came up almost two years ago, that if a person put up a sign on their property that expressed a particular point-of-view, that sign was illegal without going to the Township to get a permit to put the sign up in the first place and the permit would be paid for, you have to pay for the right to put your own point-of-view on a small sign in front of your house. Supervisor McCaffrey didn't feel that was fair and considered that sign a political statement. The Manager pointed out that a political sign is mentioned within our Ordinance and is passively defined as something that is put up around an election period and is to be removed and had to do with a person running for office, etc., it was not a point-of-view. It was not meant to take anyone's rights away, it was meant to give you a right that was not there, to put a particular point-of-view or make a statement on your property without having to go to the Township office and pay for that right with a permit. Chairman Lindborg explained that this is less restrictive than it was before with the necessity to obtain permits. Supervisor McCaffrey stated that whole idea is for people to be able to express themselves without getting someone's approval. There have been signs that were put up during the elections that were not a simple sign for a political office, they made a statement. They were "overlooked" because nobody mentioned them or made a complaint about them. But should somebody have complained the Township would have been required to take the signs down, because they shouldn't be there. Supervisor McCaffrey felt that the definition in this Ordinance gives you the right to put that sign out there.

Manager Rambo explained that part of the definition is, “an issue before the municipality”; the definition of municipality of West Brandywine Township is either West Brandywine Township or West Brandywine Township Municipal Authority. It has to be a viewpoint sign of an issue currently before the BoS or West Brandywine Township Municipal Authority. Supervisor McCaffrey disagreed and would just like it to be a “viewpoint,” period.

Vice-Chairman Obernier noted for many months, he knows that Supervisor McCaffrey, Chairman Lindborg, and the Manager heard that Vice-Chairman Obernier doesn't feel this is a good idea at all, to the best of his knowledge, the Township has never issued a permit for an opinion sign or political sign. Also, to the best of his knowledge there has never been a problem, whether it is people complaining about Cornog Quarry, or people putting up a sign whether they were for or against a tax. Although you are making it legal to do it, you are also controlling what people can say. An example would be if you have an opinion about the war, or the Greenspace Plan that the County Commissioners have, by this definition you couldn't say that and put up a sign on your own property. Chairman Lindborg asked Vice-Chairman Obernier that currently; do you not need a permit to get a sign to put something up as a protest to the war? Manager Rambo noted that the current Ordinance states: sign permits, inspection, and fees, applications for sign permits shall be followed in duplicate by forms furnished by the Township, application shall be accompanied by detailed plans or specifications and such other information being necessary by the Zoning Officer to determine a location details of construction and that signs shall be subject to an annual Township wide inspection by the Zoning Officer. Currently a temporary sign permit (political, viewpoint, etc.), shall be validated for any length of time up to six months of the date of issuance. Manager Rambo noted that by Code the Township requires people come in to get a temporary sign permit, but people don't do it. There is no cost. Vice-Chairman Obernier questioned why the Township is doing this now, since they have never issued one. Why does the Township suddenly have to control what people are saying, this is America where there is freedom of speech. A resident asked why you should have to get a permit to voice your opinion.

Supervisor McCaffrey stated that is what the law states now, it says that you have to get a permit, because Vice-Chairman Obernier happens to be a nice guy and he doesn't make you do it. Let's change the law so that you don't have to have a permit for a viewpoint of any kind.

Mike Cabry stated that making a definition for political and viewpoint is a good thing. He would add more to the definition of a viewpoint sign and feels you should be able to put a sign that says, “Save Saha, Stop Coatesville” on your property. Supervisor McCaffrey concurred. Mr. Cabry stated this would be great if the BoS did that and changed the size of the sign, you can't make an informational sign that is 2' X 3', and suggested a standard 4' X 8' or 8' X 8' plywood sign. Supervisor McCaffrey stated he would go for that.

Mr. Cabry suggested the BoS add a definition for “temporary.” Vice-Chairman Obernier stated that it says that a viewpoint sign is a temporary sign placed by the landowner on the landowner's private property to express their opinion on an issue before the Township and asked Mr. Cabry his interpretation of the statement. Mr. Cabry stated that meant something that is currently somewhere in the process before an official part of the Township, whether it be the Planning Commission, Historic Commission, BoS, etc. Vice-Chairman Obernier stated that if he wanted to say something about something that was currently before the County, then he couldn't do that. Supervisor McCaffrey agreed to remove “before the Township” but noted it was recommended by others on the Board to put that in. Chairman Lindborg stated the BoS agreed to strike “before the

Township.” Chairman Lindborg felt that the size of the sign should stay within reason and felt that 8’ X 8’ is too big. Sue Bower asked why the BoS felt the need to make restrictions on things like that to begin with. Supervisor McCaffrey explained that the restriction already existed, when they had a meeting at Freedom Village, a person came in and complained about signs that were placed within the Township, that they thought were inappropriate and detrimental to their own personal interests and pointed out that it isn’t allowed according to the Township’s ordinance. Manager Rambo found where it says that you can’t put a sign for a point of view unless you get a permit. That was pointed out at that meeting, and for two years it has been gone over and talked about, the only way to get over that is to put the definitions in for “political and viewpoint.”

Vice-Chairman Obernier suggested they deleted it out of the earlier Ordinance that permits it. There shouldn’t be any restrictions on freedom of speech, and what they are doing is incrementally curtailing it. Supervisor McCaffrey explained how “freedom of speech” would infringe upon other people’s right, “if you put up a billboard on your front lawn, with neon lights stating something, it could be an infringement on somebody’s enjoyment of their property next door.” But if I make you take it down it is an infringement on your right of free speech, there has to be a happy medium. Vice-Chairman Obernier noted they already have an Ordinance that you can’t have blinking lights on any sign. The problem is that it is a curtailment of your own freedom of speech on any subject. Supervisor McCaffrey explained that the curtailment of freedom of speech existed already. Vice-Chairman Obernier said, “then let’s eliminate it.” Supervisor McCaffrey stated that a 4’ X 8’ sign may be okay, but they are going to have people that are going to have homes in small developments that may have very narrow front yards and the size of that sign and the number of signs will have an impact on those neighbors. Bob Bowar stated that they have the right to voice their opinion just like a person with a big yard does. Supervisor McCaffrey stated that they can come to the Township for something huge and be able to put it up, but they have to make that demonstration of what they are doing and how big it will be, somebody has a right to argue if it is going to interrupt their life too. Supervisor McCaffrey felt that it makes sense to pick something small and inconsequential and let a person put it up without any trouble, if you want to put up a couple sheets of plywood, then you should get a permit. Sue Bowar suggested they make the size of the sign relative to the size of the property.

A resident noted that the BoS is making a big issue about the sign infringing upon someone’s view, but they can plant a whole forest in their yard and it’s okay. Chairman Lindborg answered yes. Supervisor McCaffrey noted in some communities you can’t put up a real estate sale sign because they consider it unattractive. Mike Cabry noted an example of a person that had a larger sign than was permitted and after someone complained he cut a rectangle in the sign to comply with the square footage.

Manager Rambo suggested they drop the verbiage “an issue before the municipality” and just say a temporary sign placed by the landowner on a landowner’s private property to express a personal opinion. It won’t cut anybody’s freedom of speech. A temporary sign currently in the Township’s Zoning Ordinance permits them to go up to 32 square feet (4’ X 8’). Manager Rambo stated that Karen Vollemecke may have come before the Township for temporary sign to advertise her vegetables. The Township issued a permit to allow or said to go ahead to allow her to interchange her signs on a temporary basis. Karen Vollemecke explained that PennDOT came and told her she couldn’t have the sign, and the Township said she could.

Supervisor McCaffrey stated that he received insight about signs at a PSATS convention, the reason they didn't want big signs is because they had an incident where a plywood sign blew into the highway and nearly killed someone in a car. That is why we would want to inspect signs to make sure they are not a hazard to somebody. Vice-Chairman Obernier noted that Supervisor McCaffrey is the one that doesn't want to have re-sale home inspections because it is not the responsibility of the Township to coddle everybody and make everything safe for everybody. Supervisor McCaffrey stated he believes that, but there is a difference between full size sheets of plywood that could blow away and something smaller.

Manager Rambo explained that currently in the Zoning Ordinance if you go step by step to follow what is required, the temporary signs depending on what zoning district they go in, become smaller based on what they are utilized for. Currently they don't have a definition of "temporary," they have in the zoning district that a temporary sign can be up for three months, with regards to political elections it further says that the signs cannot be erected a month prior to.

Mike Cabry noted the political signs couldn't be erected more than a month before and ten days after an election. They have a great example in the semi-free world with the Saha farm, until the people in Coatesville either take or don't take the land, that sign should be up. When you drive down the bypass and see that sign by the American Flag, "what is better than that?" Manager Rambo noted they currently require permits but they don't actively go out and tell everybody to get a permit for a temporary sign. If someone doesn't like the way that the Township interprets or enforces it, then an individual can go to Mr. Cabry as a judge and tell him they personally want to enforce it.

Supervisor McCaffrey suggested they note what a political sign is so that it has to be down after the election and leave everything else under the temporary sign category. Manager Rambo explained they don't have a definition of a temporary sign, which is why they went with a definition of a viewpoint sign. Chairman Lindborg suggested on page two, come up with a definition for "temporary" and remove the verbiage "issued before the municipality. Chairman Lindborg also suggested that the size of the sign be based by the zoning district which he feels would be reasonable and still the minimum sign would be something other than 4' X 8', perhaps 4' X 4'. Manager Rambo stated currently temporary signs across the board are 32 square feet and until you get into specific zoning districts, not all signs are required to go smaller. Supervisor McCaffrey stated that part of the reason why viewpoint is in there is to get around some of what is already in the ordinance, but also there should be a requirement for someone that wants to advertise or sell things out of their property. Chairman Lindborg asked the Manager as far as permits go, is there a necessity to have a permit with no fee that at least denotes sign placement. Manager Rambo noted that a permit is associated to make sure it is not within the road right-of-way or impeding site distances. Supervisor McCaffrey asked why should you have to get a permit and explained that he has been trying to have a non-permitted sign for this whole thing. Manager Rambo suggested that the Hearing be continued after there has been further discussion with the Township solicitor to address some issues that have come up this evening. Chairman Lindborg asked why the fence and the signs are in the same ordinance. Manager Rambo stated when it was presented some people wanted amendment to each, so to save time and costs they put it into one. Chairman Lindborg and Vice-Chairman Obernier both agreed to separate them into two different ordinances.

Jack Conti asked how long does a temporary sign have to stay down in order to put it back up again? Manager Rambo answered that temporary signs shall comply with the following, signs for more than three months must be converted to a permanent sign status or be removed by the installer or applicant, three such permits may be issued for a single sign on a consecutive basis. A resident voiced their concern that there could be a safety issue for a viewpoint sign that was too small, that people are going to try to read while driving by.

Vice-Chairman Obernier stated that Supervisor McCaffrey took exception that Vice-Chairman Obernier reached out to the people that are on the Township's Boards or Commissions. He stated he has been vocal about this over the past few months, denoting the emails he sent. His email said whether you agree with him or not, it is important to come and speak to the issue of freedom of speech. Vice-Chairman Obernier noted this is a fundamental thing that we have in America, and understands those issues of whether the sign is well anchored in the ground, etc., but when you start throwing things in like on an issue before the municipality and if it isn't an issue before the municipality then you can't put it there. Vice-Chairman Obernier expressed that this freedom of speech issue is a core thing that he is very passionate about.

Chairman Lindborg stated he appreciated Vice-Chairman Obernier's view, but didn't look at it the same way. He is not interested in curtailing people's right to say anything. They are trying to make it so people can live in reasonable harmony within the community and not be subject to something that would be very objectionable in a large scale. Chairman Lindborg felt they had healthy discussions tonight and thanked everyone for their input.

Supervisor McCaffrey explained he brought this subject up more than two years ago, so that people would have the right to put a sign out. He didn't write the existing ordinance and asked the Manager to make it easier for people to put their own point-of-view out on their own front lawn, the Manager went to the solicitor and they came up with this language, what is peculiar about this situation this evening is that in the last decade, typically when the manager writes an Ordinance and someone has an opinion about it one way or another, and they send emails out about it, that he is included in on the emails because they would be voting or changing it that evening. Since the BoS didn't write that Ordinance, it seemed effective to have everybody on board and know what is going on. Otherwise you may take umbrage to that fact that you are not included, for once after working closely with an individual and hearing the details or opinion either by writing or by telephone that you suddenly do not received the information, while everyone in the neighborhood receives something. If someone came in under our current ordinance to remove your sign or viewpoint you would have to take it down because that is what the says, that is what Supervisor McCaffrey was looking to change and wasn't looking to make it more restrictive. He was looking for everyone to have the right to put a viewpoint sign up, and this is the first piece they have decided to discuss in two years since he first brought it up.

Vice-Chairman Obernier wanted to clarify they have been talking about these two Ordinances since last September, he went to the Manager last summer and he called John Good, Township Solicitor who advised the Township that they should not be doing this about opinion signs. A few meetings ago, Vice-Chairman Obernier asked for John Good's written opinion on whether the Township should be adopting rules having to do with opinions and has not yet seen an opinion from John Good. Although it sounds like an imminent crisis of somebody putting up signs, the reality is that the Township has never regulated any kind of opinion sign and they have never

issued a permit for this and never had a problem with this. There is an attempt to fix a problem that simply doesn't exist.

Supervisor McCaffrey stated that people are protected by what is written in the law and the law had it in a way...Chairman Lindborg stated they will have further discussion on this issue.

Manager Rambo stated that John Good did not give the Township an opinion on an opinion sign, he gave his opinion on a political sign in his letter dated February 15, 2005. Manager Rambo read John Good's letter out loud. Vice-Chairman Obernier requested that the Manager get John Good's opinion about opinion sign in writing. Supervisor McCaffrey suggested they stop paying money for something they are not going to do.

A resident stated that if you review all the laws, a lot of them might not be appropriate for today. Vice-Chairman Obernier stated he would include Supervisor McCaffrey and Chairman Lindborg in future emails.

Manager Rambo stated they are not continuing the Hearing because they have recommended that the Ordinance be split apart into two separate Ordinances that will require readverting. Chairman Lindborg motioned to adjourn the Hearing. Supervisor McCaffrey seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Adjournment from Public Hearing - 9:58 p.m.

Re-Opening of Township Meeting - 9:59 p.m.

Old Business from the Board

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board and Historic Commission. There were no comments.

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and has presented his recommendations to the BoS for comments. Chairman Lindborg stated that the Board needs to review this and comment back to Dale Barnett.

The Township will be accepting bids for the sale of surplus equipment on Thursday, March 3, 2005. Manager Rambo noted that the list is compiled of old computers and miscellaneous equipment. They are also compiling a list of road equipment with the receipt of the new truck.

Further input on proposed Ordinance No. 05-01, zoning amendments dealing with fences and signs. Chairman Lindborg noted the outcome of the Hearing is to split the Ordinance into two, fence and sign, and hold another Hearing.

Spring newsletter articles are due to Linda Formica by Friday, February 18, 2005. There were no comments.

Steve Janiec's Conditional Use Hearing for the single family and commercial site on Route 322 has been scheduled for Tuesday, March 29, 2005 at 7:30 p.m. There were no comments.

Old Business from the Floor

Steve Jakatt, Chairman of the comprehensive Planning Committee respectfully requested that the BoS review the Comprehensive Plan. Chairman Lindborg noted he has started reviewing the Comprehensive Plan.

Sue Bowar noted her name was misspelled in the Township Newsletter.

A resident asked if there is a list of surplus equipment to be bid out. Manager Rambo stated they will have a list, but the advertisement will say miscellaneous computer equipment.

Old Business from the Board

There was no Old Business from the Board.

Ordinances and Resolutions

Resolution #02-05; Berkheimer resolution with regard to collections. Manager Rambo recommended the BoS consider Resolution #02-05; this deals with recent law that was passed under House Bill 15-35, known as Act 192 on November 30, 2004 clarifies existing laws regarding costs in conjunction with the collection of delinquent taxes under Act 511. Vice-Chairman Obernier motioned to accept Resolution #02-05. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Resolution #03-05; against City of Coatesville proposed TIFF Plan to CASD. Chairman Lindborg noted that the BoS was invited and attended a presentation a few weeks ago given by the City's Manager Paul Janssen. The BoS is scheduled to meet Mr. Janssen next Friday to get additional information and how it may affect Coatesville Area School District and also how it will affect the residents of the surrounding municipalities. Chairman Lindborg noted that Brenda Haws had contacted him with regard to the request to attend a BoS meeting, she left a message that she didn't have any information to offer in regards to the TIFF Program but is willing to attend one of the Township's meetings. Manager Rambo stated that Brenda Haws called this evening and stated she would meet with the BoS informally for an informational meeting, however, as this point she has had no TIFF presentations since 2003 or received any information. Chairman Lindborg stated he went to CASD's finance meeting and at that meeting they were given a very weak presentation about TIFF.

Sue Bowar asked if it would be possible for Paul Janssen to come to a meeting at the Township. Chairman Lindborg stated he thought it was essential that Mr. Janssen get the TIFF Program information out to the public because people need to know, Chairman Lindborg walked into that meeting with misconceptions and walked out of it with a much different point-of-view. There is some potential for benefit for everyone depending on how it is done. The more information that gets out the better off the City of Coatesville will be. Vice-Chairman Obernier noted that when they extended the invitation to Paul Janssen it was Supervisor Obernier's preference to have him come to a public meeting. Manager Rambo expressed that Paul Janssen didn't want to do it in a public meeting.

Chairman Lindborg felt that part of the reason he is hesitant is that they are still in the process of putting the details together and that the City of Coatesville is going to present the TIFF Program to the CASD in a public meeting next month. They need to keep informing the public about what is going on. The whole revitalization project is a tremendously ambitious project, how well it works

is totally dependent on whether the TIFF program works or not. Manager Rambo suggested that those that want to learn how a TIFF works to go to the website <http://www.realtor.org/> and type in the keyword TIFF. Chairman Lindborg felt confident that Paul Janssen will come to the Township and give a presentation of the TIFF program. The BoS and the residents further discussed their concerns regarding the TIFF program then Chairman Lindborg moved onto Ordinance No. 05-01. Resolution #03-05 was tabled.

Ordinance No. 05-01; zoning amendments dealing with fences and signs. Chairman Lindborg reiterated the BoS is going to deal with fences and signs as two separate issues.

New Business

The CASB representatives from WBT will be in attendance at the BoS meeting of Thursday, March 3, 2005. There were no comments.

Discussion on the review progress of the Township Comp. Plan. Chairman Lindborg noted he is in the process of reviewing it.

The Manager is working on a review of the General Obligation Note based on current interest rates. There were no comments.

The Manager will be meeting with John Good, John Snook and Theresa Lemley with regard to TDR's. There were no comments.

Discuss the establishment of a cell phone policy while driving. Manager Rambo noted the Township's insurance company would like the Township to establish a policy for Township employees that have Township issued cell phones. Chairman Lindborg asked if the Nextel phones have hands free capability and Manager Rambo didn't think so.

The Township Manager and Chief are having discussions with Airworks Company, Inc. with regard to the air circulation and exchange in the shooting range. Manager Rambo noted that Airworks would like to remediate the issue.

Opening of road material bids. The Township received the following four bids: Martin Limestone, Silver Hill Quarry, Independence Construction (Devault Asphalt & Quarry), and Independence Construction (Paradise Quarry). Manager Rambo read the bid submissions and recommended that the BoS table the bids for further review by himself and the Public Works Director. Supervisor McCaffrey motioned to table the road material bid awards. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

New Business from the Floor

Jim Connor was concerned about his mail delivery. Chairman Lindborg stated the Township is looking into having its own post office and zip code. Manager Rambo noted that a letter was sent three weeks ago to the postal service that handles this area.

Jim Connor asked if they are going to put left hand turn signals on the red lights on Route 322 at Culbertson Run Road. Manager Rambo noted that Act 209 has been established stating we can get funds for that, but there has to be plans drawn up, the intersection belongs to the state, not the

Township. The Township can talk to the state about plans. It is wired for Opticon and they can discuss with the developer about adding them.

New Business from the Board

Manager Rambo noted that Corporal Williams is working with the Civil Air Patrol and they are going to begin participating in the "Adopt a Highway" program. The Civil Air Patrol is going to take on Hibernia Road from the Township line to Route 82, and from Swinehart Road to Reeceville Road and Route 322. The Board and Manager signed the necessary paperwork.

Public Comments (individuals not requesting to be on the agenda)

There were no Public Comments.

Open Issues Before the Township

Cable Franchise. Vice-Chairman Obernier noted they have just received correspondence from Comcast but have not yet read it.

General Obligation Note (Adjustable Rate Bond for the Facility/Park Construction)

Interest rate for the week was 2.28%. There were no comments.

Review and Payment of the bills

The bills presented for payment totaled \$2,876.87 from the State Fund and \$102,034.12 from the General Fund. Supervisor McCaffrey motioned to pay the bills, seconded by Vice-Chairman Obernier. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Upcoming Meetings/Events

- Planning Commission meeting, Thursday, February 24, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, March 3, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, March 8, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, March 10, 2005 at 7:30 p.m.
- Historic Commission meeting, Monday, March 14, 2005 at 7:30 p.m.

Adjournment

With no other business to discuss, Supervisor McCaffrey motioned to adjourn the meeting at 10:40 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye in favor of adjournment.

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