

**Meeting Minutes of March 18, 2004**  
**Board of Supervisors**

Chairman McCaffrey called the Board of Supervisors Meeting of March 18, 2004 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 McCaffrey, Vice-Chairman Lindborg, and Supervisor Obernier in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, Dale Barnett; Codes/Zoning Officer, and Thomas Eells; Public Works Director.

The first order of business to address was the Acceptance of Minutes from previous meetings. Vice-Chairman Lindborg motioned to approve the meeting minutes of February 19, 2004. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye. The minutes of March 4, 2004 were tabled.

Manager Rambo presented the Treasurer's Report for the month ending February.

General Fund.....	\$55,911.00
Solid Waste and Recycling Fund.....	\$40,315.94
Capital Reserve Fund.....	\$951,465.65
Construction Sweep Fund .....	\$2,1186.83
Developer Escrow Fund.....	\$268,624.91
State Liquid Fuel Fund.....	\$407.65
Operating Reserve Fund .....	\$179,103.75
Police Pension Fund.....	\$951,278.23
Non-Uniform Pension Fund.....	\$185,230.36
Payroll Fund.....	\$6,841.13

There were no Public Comments (those individuals requesting to be on the agenda). Chairman McCaffrey then moved on to address Correspondence/Communications (information to note). The first item under information to note was the Township is in receipt of letters dated February 24, 2004 from Brian Horner, P.E., and Paul Ylvisaker, Esquire dated March 1, 2004 requesting various waivers for the Costa Homes Preliminary Subdivision Plan. Paul Ylvisaker was in attendance and gave a brief explanation of Costa's Preliminary Subdivision Plan along with the details of the

waivers he was requesting as denoted in his letters. Ylvisaker noted that regarding provision 167-57 B(2) pertaining to the requirement to install capped sanitary sewer mains and house connections that on-lot sewage disposal systems are proposed and have been approved by Chester County Health Department under applicable DEP regulations. He noted that he was unaware of a completed study and asked the Manager to explain about the completed study that indicates that sanitary trunk sewers are planned for this site. He understands there is a Bentley Plan and a Bentley Study. Manager Rambo explained that there is an Act 537 study that is anticipating a sewage plant and discharge fields to the east of the Costa Project, there is also a Pennsylvania American Company who the Township gets sewer from for other areas of the Township Act 537 Plan before the Township. As of last Friday, Bentley communities notified the Township that they want to go with Pennsylvania American now which would put a pipe right in front of Costa Homes within a couple of years that this will be a requirement of Bentley Homes. This has been discussed for two years now.

Chairman McCaffrey asked Ylvisaker how many lots have proposed sand mounds and he answered two. He also noted they have mapped out alternate sites. Ylvisaker understands that there is no disposal capacity but asked if there was additional treatment capacity for the Bentley development. Manager Rambo noted that with the Pennsylvania American Plan everything is treated down at Pennsylvania American and is not brought back here it will be stream discharged from their existing Coatesville plant. Ylvisaker asked if this has all been approved. Manager Rambo noted this is part of their study they are going through at the current time. Ylvisaker noted the Township's ordinance requires you to have already considered this and to have a study done. Ylvisaker is requesting very strongly that the Board consider that this imposes a hardship and he would be happy to share this particular issue with John Good. Chairman McCaffrey took Ylvisaker's comment as a threat and noted that he thought Ylvisaker was in attendance to propose certain waivers and the Board has the prerogative to consider them.

Supervisor Obernier asked what the purpose would be for Ylvisaker to go to John Good with this information. Ylvisaker noted that it was not intended to be a threat by any means. Obernier stated the Board is trying to give Ylvisaker a sense of direction that they would like to see this go in. As they talk about this e.g., cap sewers, the Manager stated that in a short period of time it is likely that there will be a connection to the collection system that goes to Coatesville. He suggested that Ylvisaker think about working this into his planning. Supervisor Obernier stated he has a sense that this may be the Board's preference. He noted the Municipal Authority does the actual construction of the sewer system. The Chairman of the Municipal Authority is always the "member," not the Chairman or the Vice Chairman of Board of Supervisors.

Chairman McCaffrey explained he is happy to consider a waiver for anyone requesting it who gives logical and appropriate reasons for it. He doesn't appreciate for someone to come in and ask for a waiver and tell him why it is legally defensible. If an ordinance was so burdensome, then somebody would probably take this to court or would have already. Ylvisaker explained that he is asking the Board for their interpretation of the ordinance as it applies to him. He said if this was perceived as a threat, it was not meant to be a threat. He felt that with the ordinance you have to have some certainty, but they have no certainty and thought that maybe this ordinance doesn't apply to them. He has asked for these waivers for three months and that he hasn't seen the Bentley Plan; that maybe it is work in progress. His client would have to spend a substantial amount of

money. He explained that he has questions that are unanswered e.g., “where is the sewage going to be disposed of.” Chairman McCaffrey noted that is true and he would be glad to consider it, he would like to hear from Supervisor Obernier with regards to this because he is on the Municipal Authority. He would like go over it, but could not make a decision about the five waiver requests at this time.

Vice-Chairman Lindborg asked Ylvisaker how much area of the woods would be removed and how much open space there is. Ylvisaker answered about 1-½ acres of woods and 9 acres of open space. Vice-Chairman Lindborg asked if there were any other environmental restraints on either parcel. Ylvisaker noted the flood plane is 7,588 square feet and the wetlands are 6,414 square feet. Ylvisaker expressed his opinion that Al Costa is putting in a development that has one and two acre lots, that is nice in this area and will not be intrusive but will be enclosed by a buffered area. Brian Horner noted items on the plan and noted wasn't sure how much open space there is.

Steve Jakatt from the Planning Commission suggested that they come before the Board with the waivers they are requesting, regarding the cap sewers; some members of the Planning Commission are strongly in favor of putting in the cap sewers. They are in favor of the rolled curbs waiver, cul-de-sac waiver, they felt that the developer could do something more than just deed restrict the open space. Steve Jakatt also felt that Ylvisaker's comment to the Board was a threat as well.

Ylvisaker noted that they agreed that it makes sense to cut down additional trees to place an active recreational area.

Manager Rambo noted that the Engineer and himself have met with Horner and have gone over everything and noted that Jim MacCombie did not have a problem with the waiver for the cul-de-sac, the rolled curb, the open space, or the vegetation. He would like to see the cap sewer. The Manager doesn't want to get into a “tree bank” because he didn't know who would oversee it. He didn't want to be accountable to the auditors. Supervisor Obernier noted they could set up some type of policy for the particulars e.g., buying and bidding them. Manager Rambo suggested that Costa donate trees to the park.

Vice-Chairman Lindborg suggested they keep the waivers together as a package and come up with a workable plan instead of granting waivers on just a few. He was not ready to grant any waivers as this time. Chairman McCaffrey felt the same as Vice-Chairman Lindborg and stated he would like to first discuss this with the Township's engineer.

Supervisor Obernier noted the next Municipal Authority meeting is the second Thursday of next month. He could tell Ylvisaker what the Municipal Authority would like to see happen. He agreed with Vice-Chairman Lindborg and Chairman McCaffrey that they will look at each item as an individual item and try and make a considered decision about the whole thing. The Municipal Authority would like to see cap sewers. They know that when the sand mound systems fail the replacement area may not be practical. The Municipal Authority has an expectation that the sewer line with the Bentley Plan is coming to fruition with that line going by the Costa property. They can prepare for the fact that there will be a connection at some point in the near future.

The "Suttons Woods" developer asked the Board what allowed them to grant him a waiver a few years ago in his subdivision that does not have capped sewers. Manager Rambo stated that there were no expectations that there would be either treatment available in that area within a five-year period. The recorded plan for Sutton Woods has on it in the southwest corner of the open space that is owned by the Homeowners Association, a little note that says, "for future pump station to be utilized by the Township and/or Authority as deemed necessary when necessary."

Supervisor Obernier stated that the Municipal Authority doesn't want to remain in the treatment part of the sewer business, part of the bigger plan is to shut down the Kimberwick spray plant. They are okay to ship it down to Coatesville to be treated. A lot of elements have come into play over a period of time, to make this come about.

Manager Rambo explained there are two study plans currently and it looks like this is going to occur within a five year time period. Currently Bentley has 115-lot singles preliminary before the Township as well as townhouses, they could receive approval within a year and then they would have to go forward with their plan.

Ylvisaker asked for the Boards recommendation as to what his next step would be. The Board suggested that he speak with the Manager and that he attend the next Planning Commission meeting, as well as the next Board of Supervisors meeting. The Board would like to see a letter from the Engineer with his opinion on the requested waivers. Manager Rambo suggested that the Planning Commission make a recommendation on Costa's requested waivers so that the Board can make a decision based on their recommendation at the April 1, 2004 Board of Supervisors meeting.

The second item was the Board of Supervisors is in receipt of a letter dated February 16, 2004 from Harrington & Sons, Inc., requesting four waivers for the placement of lights at the Krapf's bus parking lot located on the west side of Springton Road. Richard Harrington gave a brief explanation of the requested waivers. Chairman McCaffrey asked if they intended on leaving the lights on throughout the night and he answered yes. The Chairman would like to accommodate one person as much as he can as long as it doesn't infringe upon another persons views on another property.

Supervisor Obernier noted they should discuss whether this should be subdued or dimmed at some point in the evening. Chairman McCaffrey noted that he wants it not so much as for safety and security for employees but for his equipment. Manager Rambo noted that the police would not like the lights lit all night that the police would like to meander through the lot without being seen, in other instances where Harrington & Sons, Inc. have lit the lots they have conformed to the lighting requirements. He suggested that they not use the lights that shine out; they could look at the possibility of going higher.

Supervisor Obernier suggested they layout their preferred bus parking and with that layout the lighting consultant could suggest the type of lighting and location to minimize the cost for him, but still give an effect that the Board would approve. The Manager will give Krapf's lighting plan to Stanley Stubbe for his opinion.

The third item was Joseph Arvay of Apple Drive has forwarded an email to the Township requesting to be considered for one of the Parks and Recreation Board vacancies. Supervisor Obernier made the motion and Chairman McCaffrey seconded the motion to appoint Joe Arvay. Board Members Obernier, McCaffrey, and Lindborg all voted aye.

The final item under information to act upon was the Board of Supervisors is in receipt of the proposed zoning amendments suggested by John Snook with regard to the Route 322 property being considered by Dr. Gotlieb. The Board tabled the decision for the proposed zoning amendments. Manager Rambo will contact Dr. Gotlieb and request his presence at the next Board of Supervisors meeting.

Information to Note was the next item of business on the agenda. The first piece of information to note was Barbacane/Thornton & Company has forwarded the Township its 2003 audit results. There were no comments made.

The second piece of information to note was PSATS has forwarded the Township a copy of the proposed resolutions for the 2004 Annual Convention. There were no comments made.

The third item under information to note was the Township is in receipt of copies of the letters mailed by the Brandywine Conservancy with regard to the Land Use Assumption Report (LUAR) for the ACT 209 study that is underway. There were no comments made.

The final item under information to note was the Western Chester County Chamber of Commerce has invited the Township to give a report on what is going on in the Township during their upcoming meeting of March 24, 2004. Manager Rambo will attend.

The Chairman then moved onto the Reports of Departments for the month of February 2004. Walt Werner was present from the Police Department to give the police report. There were no comments made. Tom Eells was present to give the report from the Road Department. Vice-Chairman Lindborg asked what the average truck hours are in a month. Tom Eells answered about 600 hours. Supervisor Obernier asked what causes the sub base to fail. Tom Eells answered that the freeze and thaw does the damage to the roadway. He noted that there is excess moisture along a particular area on Lafayette Road and that they had installed under drains in 1992 to try and alleviate the excess moisture on the road there.

Dale Barnett gave the report from the Buildings/Codes Department. No comments were made. Manager Rambo then gave the reports of the Fire Marshal and Wagontown Fire Department. There were no reports from East Brandywine or Martins Corner Fire Departments. There were no comments made.

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of February. John Cassels gave the report of the Planning Commission. Steve Jakatt questioned what would be appropriate with regard to Steve Jakatt speaking with Carroll Engineering about the City of Coatesville. The Manager had advised Carroll Engineering that the water issue would be left to Steve Jakatt to address with Carroll Engineering. Chairman McCaffrey

and Supervisor Obernier felt that as long as Steve speaks to them giving them his opinion and does not represent the Planning Commission that it would be okay to discuss this with them.

The Chairman moved to address the Historic Commission. Manager Rambo noted that nobody was present from the Historic Commission and that he has a meeting scheduled to meet with their Chairman and Secretary regarding some concerns that he has about them addressing issues that they should not be addressing and sending out letters without the Board of Supervisors approval.

There was no one present from the Parks and Recreation Board. Manager Rambo noted that the Parks and Recreation Board ordered the supplies for the Easter Egg Hunt. The Manager will talk with the Road Department about setting up at the new Township Park. Supervisor Obernier gave the report from the Municipal Authority. Manager Rambo noted they have completed the video taping of the Monacy Manor sewers and are preparing an estimate of the cost to repair the existing cap sewer line so they can bring Monacy Manor online. The Manager noted the Township has been receiving calls from residents there asking when they can connect.

Chairman McCaffrey moved onto Old Business. The first piece of Old Business was the Board of Supervisors is searching for four volunteers to serve on the Building Appeals Board, two for the Parks and Recreation Board, and three for the Historic Commission. There were no comments made.

The next item under Old Business was the Public Works Director and Manager are continuing their specification preparation and review for an equipment storage facility. Manager Rambo noted they have looked at steel buildings and noted that the package prices are about \$30,000, so they are back to looking into pole barns. They are trying to finalize the specifications for them.

The third item under Old Business was the Spring edition of the newsletter is being printed for mailing. There were no comments made.

The fourth item pertained to Ordinance No. 04-01, amendments to the Township's zoning ordinance with regard to commercial recreation uses in the LI District is slated for a public hearing and adoption consideration during the Board of Supervisors meeting of Thursday, April 1, 2004. There were no comments made.

The fifth item under Old Business was the Township's Code officer and Manager are continuing their preparation of the necessary ordinances for consideration and adoption with regard to the state's Uniform Construction Code. There were no comments made.

The final piece of Old Business was to pick new dates for the Costa Homes Hearing since the Daily Local misprinted the date in the advertisement. Chairman McCaffrey asked what the Township's liability would be and suggested asking the Township Solicitor.

Chairman McCaffrey moved to address Old Business from the Floor. Jesse Edwards asked if there could be a railing placed at the creek on Culbertson Run Road. Manager Rambo suggested they put delineators up there.

There was no Old Business from the Board. New Business was the next item on the agenda. The Brandywine Conservancy is preparing a spreadsheet for presentation to the Comprehensive Plan Task Force with regard to the surveys that have been returned. Manager Rambo noted they have gotten 625 surveys back, which is a little less than 25%.

The second item under New Business was the Board of Supervisors will be hold a public hearing during their meeting of April 15, 2004 to gain input into the LUAR for the ACT 209 Study. Manager Rambo will advertise this hearing.

The final item under New Business was the Township Engineer and Manager are finalizing their review of the Pennsylvania American Water Company (PAWC) ACT 537 Plan update and the Bentley Communities Special Study of the West Brandywine Township ACT 537 Plan. Chairman McCaffrey asked if this means that PAWC are back in as a possibility. Manager Rambo noted that it appears that there are differences of opinion with regards to some people at PAWC. He noted that he has a meeting scheduled with Bentley as well as with PAWC. Chairman McCaffrey noted he heard two different things, one that they have no capacity and the other that they have all kinds of extra capacity they are trying to fulfill. Manager Rambo noted that the Township purchased 345,000 gallons. Out of the 345,000 allocated, they are only averaging about 150,000 per month. There are no current plans to max that out, so through negotiations from people who have purchased an allocated amount that they could borrow from that and allow it to be utilized elsewhere. The Manager and Township Engineer have been given the okay from the Authority to approach individuals with regards to asking them what their plans are within the next five years as to what they are going to use.

There was no New Business from the floor, from the Board, and no Public Comments. Chairman McCaffrey noted that he has begun a series of rabies shots. Chairman McCaffrey then moved onto Open Issues. The only Open Issue was the Cable Franchise list review. Manager Rambo noted that the Township is waiting for a response back from them with regards to the updated list that we had sent them.

Chairman McCaffrey moved onto the next item on the agenda regarding the Facility/Park Update. The current interest rate is 1.27%.

The Chairman moved onto the payment of the bills for the General Fund, State Fund, and Solid Waste Fund totaling \$72,917.35. Chairman McCaffrey motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg all voted aye in favor of their payment.

Chairman McCaffrey noted upcoming meetings and events as follows:

- Planning Commission meeting, Thursday, March 25, 2004 at 7:30 p.m.
- Conditional Use Hearing, Costa Homes, Inc., Monday, March 29, 2004 at 7:30 p.m., utilization of public water outside of over-lay district.
- Board of Supervisors meeting, Thursday, April 1, 2004 at 7:30 p.m.
- Annual Easter Egg Hunt, Saturday, April 3, 2004 at 10:00 a.m.
- Historic Commission meeting, Monday, April 5, 2004 at 7:30 p.m.

- Municipal Authority meeting, Thursday, April 8, 2004 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, April 13, 2004 at 7:30 p.m.

Manager Rambo suggested they schedule the Conditional Use Hearing for Costa Homes for the utilization of public water during the Supervisors meeting. Vice-Chairman Lindborg noted that Monday's always seems to be good.

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:27 p.m. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye in favor of adjournment.

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