

**Meeting Minutes of May 18, 2006**  
**Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of May 18, 2006 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 Josef G. Obernier, Sr. and Vice-Chairman Thomas J. McCaffrey, Jr. in attendance. Supervisor Carl S. Lindborg was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Building Inspector/Codes Officer and Thomas Maher, of the Public Works Department.

**Acceptance of Minutes from Previous Meetings**

April 6, 2006, April 20, 2006 and May 4, 2006. The minutes were tabled until all BoS members are present.

**Treasurer's Report** *Month ending April*

- Treasurer's Report presented by Manager Rambo. There were no comments.

Capital Reserve Fund .....	\$975,160.10	Payroll Fund .....	\$13,765.94
Construction Sweep Fund .....	\$15,551.78	Police Pension Fund .....	\$1,132,854.22
Developer Escrow Fund .....	\$637,293.62	Public Works Cap. Projects Fund.	\$651,054.00
General Fund .....	\$85,264.34	Solid Waste & Recycling Fund....	\$179,563.81
Non-Uniform Pension Fund .....	\$256,603.46	State Liquid Fuel Fund.....	\$149,629.70
Operating Reserve Fund.....	\$8,033.85		

**Public Comments** *Individuals requesting to be on the agenda*

Andy Eberwein is in attendance on behalf of George F. Harlan, of Harlan Corporation, to present the BoS with a sketch plan of a proposed 14 one acre lot subdivision on Germany Hollow Road. Mr. Eberwein noted that the subdivision is adjacent to Dr. Eck's Brandywine Manor House and then gave a brief outline of his plan. Dr. Eck intends to tie into the proposed community based sewer system. Chairman Obernier suggested that they do a gravity system and pump it over to Indian Run Village. Indian Run Village has had a number of failures; they may want to get out of the sewer business and wouldn't mind putting in a pump station. Vice-Chairman McCaffrey disagreed with Chairman Obernier's thought to consolidate sewage into one big system.

Vice-Chairman McCaffrey asked how far Dr. Eck's parking or any other activity was from the proposed subdivision's rear property line. Mr. Eberwein answered that the new chapel parking would be 250 feet.

Vice-Chairman McCaffrey noted that when the application came in for Dr. Eck's, they said they were going to be at least one thousand feet away from everyplace. Vice-Chairman McCaffrey expressed a dislike to pie shaped lots. Vice-Chairman McCaffrey noted disappointment that this plan didn't come up as part of his application for the use of his property and feels somewhat deceived. Mr. Eberwein noted a few Planning Commission members expressed that same opinion and noted that he was not at that meeting and didn't know what was presented. Mr. Eberwein did work for Dr. Eck and both Dr. Eck and himself thought the BoS knew about this. Chairman Obernier asked the distance from the pump station to the in ground beds as well as the distance to Indian Run Village. Mr. Eberwein will get back to Chairman Obernier with that answer.

Mr. Eberwein noted they are asking for waivers for the road length. Vice-Chairman McCaffrey asked why they are asking for those waivers; it is just to get more lots. Chairman Obernier asked if they have a longer length road, more than one thousand feet, would they be able to avoid pie shaped lots. Mr. Eberwein answered yes. Vice-Chairman McCaffrey felt that the ordinance already has something in it regarding shapes of lots that may already apply to this. Chairman Obernier asked about the ease of snow removal on cul-de-sacs. Tom Maher stated that having an island in the center of the cul-de-sac, makes snow removal much easier. Mr. Eberwein noted that it is something that is not in the ordinance, but is something they can talk about with Jim MacCombie and the Township. There were no further comments.

**Correspondence/Communications** *Information to Act Upon*

The Township is in receipt of a letter of resignation from the Parks and Recreation Board from Terri Kelly. Vice-Chairman McCaffrey motioned to accept Terri Kelly's resignation. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Ross Unruh, Esquire has provided the Township with a revision to the proposed zoning amendment pertaining to a Health/Exercise/Racquet Sports Club. Manager Rambo noted as a result of the hearing at the last meeting, further research and questions raised by the supervisors, Mr. Unruh is amending what was submitted with regards to one parking place for every two hundred fifty square foot of floor space in the building and requesting that they be considered one to two hundred square foot, which would give more parking and they would initially build eighty percent of the parking and set an area aside for the future. Chairman Obernier had requested a layout for the parking area in front of their building. Manager Rambo noted the Township has not received it yet. Vice-Chairman McCaffrey asked if they are still going with the definition Health/Exercise/Racquet Sports Club for zoning. Manager Rambo answered yes. Vice-Chairman McCaffrey dislikes the idea of creating new definitions of development. There were no further comments.

The Township is in receipt of a sixty-day letter of extension from Thomas Rohrer for the Schnatz & Rohrer Land Development Plan. Manager Rambo recommended that the BoS accept the extension. Their engineer is currently addressing the remaining issues of our engineer's latest review letter. Vice-Chairman McCaffrey motioned to accept the letter. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

**Correspondence/Communications** *Information to Note*

The Township has received correspondence from DEP with regard to its Community Conservation Partnership Programs Grants. There were no comments.

John E. Good, Esquire has forwarded the Township a review letter with regard to the Eck Conservation Easement. Vice-Chairman McCaffrey had requested that John Good perform a cursory review. Manager

Rambo read John Good's review out loud. Vice-Chairman McCaffrey noted his problem is that Vice-Chairman McCaffrey didn't feel as though it is eased ground.

The Township has received notification of William H. Fulton's retirement from the Chester County Planning Commission. A retirement reception will be held on Friday, June 23 from 1:00 to 4:00 at the Government Services Center. The BoS is to let the Manager know if they will attend.

The County Commissioners have sent the Township a letter of appreciation for Corporal Williams and Rudy's participation in their *Take Your Child to Work Day 2006*. Chief Werner noted that this was a volunteer service. Vice-Chairman McCaffrey stated that for as long as he can remember Corporal Williams was always doing something extra; he worried about being paid later, if at all. He demonstrates community spirit and involvement. K-9 Rudy has been a real asset and brought distinction to the Township. Officer Williams should be commended for all those things.

The Township received information from Pulte Homes, as requested, on Monday, May 15, 2006 with regard to their Conditional Use Hearing. Manager Rambo noted that the additional information requested from Pulte has been provided.

**Reports of Departments** *Month of April 2006 unless otherwise noted.*

- Police Report presented by Chief Werner. There were no comments.

Total hours.....	1430	Fatalities .....	0
Miles patrolled .....	8381	Domestics .....	14
Complaints .....	426	Criminal arrest.....	16
Accidents.....	7	Non-traffic arrest.....	8
Injuries.....	0	Traffic arrests .....	112
- Public Works Department, presented by Tom Maher.

Total man hours.....	661	Fuel.....	829
Miles patrolled .....	2355	Verizon insp. Hrs. & permits .....	60
Total Equipment hours .....	53		

Completion of monthly yard waste recycle clean up, Easter Egg preparations, flagpole, routine maintenance, etc. There were no comments.
- Buildings/Codes Department Report presented by Dale Barnett. There were no comments.

Building permits issued.....	34	Contractor licenses issued .....	20
Permit base fees collected .....	\$7,928.32	Inspections completed .....	75
<i>U&amp;O permits issued .....</i>	<i>1</i>	Failed inspections paid.....	0
<i>U&amp;O permits issued cursory.....</i>	<i>6</i>	Occupancy fees collected .....	\$200
<i>Fees collected.....</i>	<i>\$800.00</i>		
- Fire Marshall Report – There is no report because of the burn ban, a report will be given for two months next time. The burn ban has been lifted as of today.
- East Brandywine Fire Company Report presented by Scott Piersol of East Brandywine Fire Company. There were no comments.

WBT Fire Total .....	11	WBT Time in Service QRS: 6 hrs 43 mins.
WBT EMS .....	15	Fuel Usage Fire: 134 miles
WBT Time in Service Fire: 7 hrs 57 mins.		Fuel Usage QRS: 75 miles
- Wagontown Fire Company Report presented by Jeff Benach. There were no comments.

Ambulance Assist.....	1	Residential Rescue .....	1
Electrical Fire .....	1	WBT Gallons Gas .....	13

- Martin’s Corner Ambulance Report presented by Manager Rambo. There were no comments.
 

ALS .....	11	MVA.....	1
BLS .....	12	Fire/Standbys.....	2
- Martin’s Corner Fire Company Report presented by Manager Rambo. There were no comments.
 

WBT Fire Calls .....	4
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**Reports of Organizations, Boards and Commissions**

Historic Commission: no report given. Parks and Recreation Committee Report was presented by Jeff Chalfant noting they felt that Community Day was a success. Chairman Obernier expressed appreciation to Gary Mulvania and that rest of the Parks and Recreation group for their hard work. As good as it has been the past few years, this year it was clearly better. It is not an easy task; there are never enough volunteers.

Planning Commission: no report given. Municipal Authority Report, presented by Municipal Authority Manager Rambo noted that he is obtaining final information in hopes to bring the Monacy Manor sewer system on-line by the end of the summer. There were no comments.

**Adjournment from Township Meeting** (time: 8:15 p.m.)

**Opening of Public Hearing** (time: 8:15 p.m.)

Ordinance No. 06-08, proposed zoning amendment pertaining to Health/Exercise/Racquet Sports Clubs (continued). Manager Rambo recommended that the BoS close the hearing because the YMCA has withdrawn their original application and won’t be considered for adoption. Vice-Chairman McCaffrey motioned to close the Public Hearing. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

**Adjournment from Public Hearing** (time: 8:16 p.m.)

**Re-Opening of Township Meeting** (time: 8:16 p.m.)

**Old Business**

The Township is searching for volunteers to serve on the Building Appeals Board, Parks and Recreation Board and Historic Commission. There were no comments.

The Township Manager is in receipt of a propose “final draft” on the Technical Specifications for Traffic Control Signalization from McMahan Associates, Inc. and a review is taking place. Scott Piersol of East Brandywine Township noted that they are awaiting input from their planning commission. Manager Rambo noted he is waiting for input from the BoS.

Discussions on the Township’s proposed Noise Ordinance No. 06-07. Chairman Obernier explained that they tested decibel levels on Community Day, so he has a clear sense of what the different decibel levels sound like. The proposed numbers seem okay except for the nighttime numbers where after 10:00 p.m. the level is proposed at 50 decibels, he would like to lower it to 45 decibels. Vice-Chairman McCaffrey disagreed with Chairman Obernier, you should pick values that already exist and are being used, if it isn’t enough, then it can be revisited. Vice-Chairman McCaffrey doesn’t want to start with something that is the most stringent around and cannot vote for something that has less than concise terms. Putting something subjective into the ordinance makes this open to all sorts of variations as time passes and individuals change. He would favor it where you can measure it exactly and is reproducible.

Chairman Obernier felt that they made the effort by testing how loud the decibels are, and based on that, he is suggesting that they drop it by five decibels. Manager Rambo read out loud the part that was thought to be too subjective and noted the suggested changes. Vice-Chairman McCaffrey stated that to have someone stand at the property line and make sure that noise going from his property line to somewhere else is not exceeding a limit makes more sense. Further dialogue ensued.

Seth Mackey Smith, Joan Thompson and Noel Sutton commented. Ed Baldwin asked about road noise. Lisa Chalfant asked if 65 decibels were not stringent enough would the Board be willing to revisit it.

Ed Baldwin asked about the decibel level of his tractor. Vice-Chairman McCaffrey stated that he is in the Agricultural Security Area. Jeff Chalfant noted that 65 decibels for six to eight hours might be too much. Vice-Chairman McCaffrey explained that it is a new regulation that is being imposed on everybody in this community based on Mr. Chalfant's current particular problem, if he is going to support this, he would like to make it less stringent. After further discussion Chairman Obernier suggested that they move forward to advertise this, leave the decibels at 50, and is okay to take the part that Vice-Chairman McCaffrey feels is subjective out. Chairman Obernier said Supervisor Lindborg had expressed to him that he wanted to leave that piece in. Manager Rambo noted that they are going to advertise the proposed ordinance, leaving section B in and leave the decibels as is. Vice-Chairman McCaffrey motioned to advertise it, reprint it with the modifications and at the hearing they will decide whether they want to drop section B. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye. There were no further comments.

Township representatives have met with Martin Kimmel to review the renderings for the proposed upgrades to the Public Works Facilities. Chairman Obernier noted that after meeting, the status is that they agreed for Martin Kimmel to put together some specs. Manager Rambo noted there would be additional costs of \$7,000 for design. Chairman Obernier noted that there is less stone, more stucco, a floor drain system, a cupola with weathervane horses, and no fire sprinkler system.

Additional discussions on proposed Ordinance No. 06-08. The YMCA sent a request to modify; the hearing has been closed officially. They now resubmitted amended changes to what was proposed, the Township will use the same Ordinance number.

### **Old Business from the Floor**

There was no Old Business from the Floor.

### **Old Business from the Board**

Chairman Obernier asked if Manager Rambo had contacted Stan Stubbe with regard to the BoS meeting at night to look at lights. Manager Rambo will contact Stan Stubbe.

Chairman Obernier asked if there was any new information regarding the post office. Manager Rambo noted that the latest information was emailed to the BoS a week ago.

### **Ordinances and Resolutions**

Ordinance's No. 06-08; proposed zoning amendments pertaining to Health/Exercise/Racquet Sports Clubs. There were no comments.

Resolution #7-06; adoption of the All Souls Cemetery Planning Module. This allows the Archdiocese to put in a sewage system for their office building as you enter into the cemetery. Vice-Chairman McCaffrey motioned to forward the Planning Module. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

## **New Business**

The Township Manager continues his talks with the Henderson's with regards to Conservation Easements on their properties at the intersection of Routes 82 & 322. Manager Rambo is in the process of preparing a list of conditions.

Approval of release request #3 for the Catania Project (Jamie Lane) on Hurley Road. Manager Rambo noted that Jim MacCombie and himself reviewed the release request in the amount of \$114,294.24 and found it satisfactory. Vice-Chairman McCaffrey motioned to approve the release for Catania. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township has advertised for the position of Administrative Assistant to the Codes Officer in the Daily Local News. The last day for submission of applications is Friday at 4:30 p.m.

The Township has advertised for Seasonal Maintenance Employees in the Daily Local News. This is for the summer season to mow grass, etc.

The Township Engineer and Manager are working on updating the Township's ACT 537 Plan for presentation to the BoS. Manager Rambo stated they are including the areas that were noted as future sewer on the special study as to actual areas that will be sewered once capacity becomes available. This includes Kimberwick and other areas. Vice-Chairman McCaffrey noted that changes also have to be done to the zoning ordinance. Manager Rambo is looking into that as well.

Signing of the 2-lot John Nunemaker Final Plans. Manager Rambo noted the Township is in receipt of the final plans that received conditioned approval last fall. The Township just received a letter from PAWC stating that their construction management plan was accepted by DEP allowing them to hook up their 2-lots (one existing and one new). Manager Rambo recommended that the plans be signed. A motion was made by Vice-Chairman McCaffrey to sign the plan, seconded by Chairman Obernier. Board Members McCaffrey and Obernier voted aye.

Approval of release request #4 for the Hide-Away Farms Project. At the Manager's recommendation to table the release request for Hide-Away this item was tabled. The release has not been reviewed.

## **New Business from the Floor**

Joe Dunn of Hibernia Road requested approval to put a driveway in at 272 Lafayette Road. Vice-Chairman McCaffrey noted that Joe Dunn's subdivision plan had been discussed two weeks earlier and they were looking at possibly not needing to have the wetlands area delineated on it. Manager Rambo noted that Mr. Dunn has a grading plan before the Township that has been reviewed by the Township Engineer. The Township received revised plans this week from their engineer that has been forwarded on to the Township's engineer for re-review to make sure that they have adequately addressed all the questions. After further discussion, Manager Rambo noted the next step would be to have the Township Engineer verify that the driveway that Mr. Dunn wants to construct is within to the fifty-foot easement. Manager Rambo noted he didn't see a problem issuing the permit, but he should do the least amount of disturbance and construction until he gets the grading permit, if he is just going to take materials to the back lot. Mr. Dunn expressed that was acceptable to him. Chairman Obernier suggested that Mr. Dunn interact with Manager Rambo who is familiar with the whole process and things will go smoothly. Mr. Dunn stated that Manager Rambo and Dale Barnett have been helpful in answering questions. Vice-Chairman McCaffrey noted that there is a limit to how many square feet can be disturbed without having a grading plan. If they took the entire area that was set aside for drip irrigation and lumped it into the same thing you would have if you were to bulldoze a foundation area for a house. It could be a problem

in the future for people to who try to remediate septic systems, the whole area will be calculated as disturbed. The Board may want to revisit that.

Manager Rambo asked what inspections the County requires for the placement of the drip system; if you do it in a weekend, does the County need to inspect it before you backfill it? Mr. Dunn answered no, not according to this, they just want to see the laterals that are staked out correctly. Vice-Chairman McCaffrey suggested that Mr. Dunn have the County put that in writing that they don't need to inspect it before he backfills it. There were no further comments.

### **New Business from the Board**

There was no New Business from the Board.

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

There were no Public Comments.

### **Open Issues Before the Township**

SPCA 2006 Animal Control Contract. Manager Rambo noted there has been no further correspondence as far as the resolution.

Ordinance amendments with regard to the IBC (International Building Code). There were no comments.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. There were no comments.

### **General Obligation Note** (Adjustable Rate Loan for the Facility/Park Construction)

Interest rate for the week was 3.91 %. There were no comments.

### **Review and Payment of the bills**

Bills from the General Fund (\$43,665.45), Solid Waste Fund (\$31,644.81), and Liquid Fuel Fund (\$1,689.48). Upon reviewing the invoices and finding them in order, Vice-Chairman McCaffrey motioned to approve payment of the bills. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye. Jesse Edwards questioned why the Township pays the trash vendor on a monthly basis instead of on a yearly basis. Manager Rambo explained that the vendor wants to get paid monthly and we don't want to pay in advance.

### **Upcoming Meetings/Events**

- Planning Commission meeting, Thursday, May 25, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, June 1, 2006 at 7:30 p.m.
- Municipal Authority meeting, Thursday, June 8, 2006 at 7:30 p.m.
- Historic Commission meeting, Monday, June 12, 2006 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, June 13, 2006 at 7:30 p.m.

### **Adjournment**

With no other business to discuss, Vice-Chairman McCaffrey motioned to adjourn the meeting at 9:24 p.m. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye in favor to adjourn.

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