

Meeting Minutes of April 17, 2003
Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of April 17, 2003 to order at 7:35 p.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by Linda Formica noted Chairman Obernier and Vice-Chairman McCaffrey in attendance. Supervisor Lindborg and Ronald A. Rambo, Jr.; Township Manager were not in attendance. The following individuals were present to represent the various departments: Sergeant John Coldren; Police Department and Dale Barnett; Codes Officer.

The first item of business to address was the approval of the Township minutes of March 20, 2003, April 3, 2003 and April 11, 2003. The minutes were tabled until Supervisor Lindborg is present.

Chairman Obernier then moved to address the Treasurer's Report. Linda Formica presented the Treasurer's Report for the month ending March 2003 as follows:

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| General Fund | \$135,282.96 |
| Solid Waste and Recycling Fund..... | \$161,081.95 |
| Capital Reserve Fund | \$895,674.55 |
| Construction Sweep Fund | \$7,599.90 |
| Developer Escrow Fund | \$253,102.41 |
| State Liquid Fuel Fund | \$136,122.92 |
| Operating Reserve Fund | \$103,772.54 |
| Police Pension Fund | \$841,940.27 |
| Non-Uniform Pension Fund | \$145,790.85 |
| Payroll Fund | \$3,138.78 |

Being there were no individuals requesting to be on the agenda Chairman Obernier moved onto Correspondence/Communications - Information to Note and act upon. The first item was the Township is in receipt of an extension agreement from the County in which to complete the construction of the Township's Community Park. Vice-Chairman McCaffrey made a motion to accept the letter of extension for the Municipal Grant Program. Chairman Obernier seconded the motion. Vice-Chairman McCaffrey and Chairman Obernier both voted aye.

Information to Note and was the next item on the agenda. The first item was John Wynn of Cedar Knoll Road has forwarded the Township an e-mail with regard to applying for a position on the Historic Commission. The Board will wait and address the e-mail when Supervisor Lindborg is present.

The second item was the Chester County Water Resources Authority has forwarded the Township correspondence with regard to upcoming workshops. Vice-Chairman McCaffrey noted the schedule for the workshops.

The third item under Information to Note was TSG services has forwarded the Township a copy of PennDOT's Acknowledgement of Completion for the Route 322 roadwork associated with the Irish Oaks Project. No comments were made.

The fourth item was the Girl Scouts of Southeastern Pennsylvania has forwarded a letter to the Township with regard to the conservation easement being sought. Chairman Obernier noted due to an issue of security for the kids at the Girl Scout Camp they do not want public access and Wallace Trust is no longer perusing this. Vice-Chairman McCaffrey asked if the Board could get a statement from them so they would know what their plans are. Chairman Obernier noted Wallace Trust explained what their plans were in the letter two weeks ago. Vice-Chairman McCaffrey stated there were several things they were going to apply for; grant money to purchase the easement, they were going to apply for an easement, and the right to cross the river. He would like a letter explaining if they slashed their plans on everything.

Colin Judge, North Hawthorne Road stated he read about this easement and asked if they would compromise on this. Vice-Chairman McCaffrey stated he went to some meetings about this that were held and noted they are consolidating their money and buying a bigger camp further away. He feels they have some responsibility to maintain their land as they said they were. The land up there is one of the largest contiguous pieces of woodland that is still left in this part of Chester County.

The fifth item was DEP has forwarded the Township verification that its Municipal Separate Storm Sewer Systems Application (MS4s) is administratively complete and that a technical review will take place. No comments were made.

The sixth and final item under Information to Note was the Township is in receipt of correspondence from the Federal Surplus Property Program for review and updating. Chairman Obernier noted this is regarding adding names.

Chairman Obernier moved onto the Reports of Departments for the month of March 2003, which was the next item on the agenda. Sergeant John Coldren was present from the Police Department to give the police report. There were no comments made. Being there was no one present from the road department the Chairman moved onto Buildings/Codes. Dale Barnett gave the report from the Buildings/Codes Department. No comments were made. Linda Formica gave the reports of the Fire Marshal and the East Brandywine Fire Department. There were no reports from Wagontown or Martin's Corner. No comments were made.

Chairman Obernier moved onto Reports of Organizations, Boards, and Commissions. John Cassels gave the report of the Planning Commission. There were no comments. Being there was no one present from the Historic Commission the Chairman moved onto the Park and Recreation Board. Colin Judge gave the report from the Park and Recreation Board. He noted they had a great turnout for the Easter Egg Hunt. He noted at their last meeting they had six members of the Planning Commission in attendance. They had discussed the Open Space referendum. Colin asked if Mr. Rambo had talked with the solicitor with regard to the referendum.

Vice-Chairman McCaffrey noted the Board wanted the Park and Recreation Board to better define how the money would be used. He suggested they draft something for the community stating there would be a small increase in their personal income tax that would be used solely for development rights or land purchase to see what their feelings are. The tax would give us the ability to leverage our dollars into many more dollars.

Chairman Obernier stated that they have not heard back from the Township solicitor yet. Chairman Obernier understands this referendum can happen in one of two ways. Either the Board of Supervisors simply votes on it or you can get a petition of 10% of the registered voters who voted in the last municipal election. Clarity in the verbiage is the key issue for creating a brand new separate tax. Another requirement is that the petition has to be complete thirteen weeks prior to the election.

Colin noted they have looked at and researched this and thought a lawyer should do the draft. Chairman Obernier suggested they draft it and give it to the lawyer for review.

Colin stated that when a petition is sought, that the petition should reflect what they are voting on. Vice-Chairman McCaffrey suggested they contact the community and find out how people feel about taking a small amount of earned income going towards the purchases of development rights. Chairman Obernier asked what a small amount is and Vice-Chairman McCaffrey stated it's done in 1/8 of a percent increments. He noted that he had researched that where Chester County communities asked for referendums for Open Space Acquisitions they all passed.

Chairman Obernier expressed this is a sensitive subject that requires a significant amount of money, for the Township that would mean tax money. Jesse and Pat are living on a fixed income, would it be reasonable for the Board to tax them to purchase ground that they can't walk on. He feels uncomfortable with that but is open to accept it after seeing what the community would want.

Vice-Chairman McCaffrey noted that the retired person doesn't contribute to an earned income tax. The farmer wants his land to be preserved but wants to be paid the amount it would pay to develop it. Finding a happy medium is to look for a way to have the ability to participate in that purchase. If we have money to contribute, it could be leveraged into a lot more. The benefits are that it would provide habitat, clean air, and an open perception to the whole area.

Colin stated they could go two ways, one would be to present the Board with a draft or we could start off with something smaller to give the Supervisors the communities input.

Chairman Obernier suggested they start out simple such as, “should we or shouldn’t we have a tax, the tax should be one time or should go up annually, and what kind of properties are you going to purchase with the money, are these properties going to be owned by the Township or are they going to be owned by a separate trust, etc.” The referendum is the yes or no to it.

Vice-Chairman McCaffrey stated the longer they wait the less money they will have to be competitive with other communities in doing this. Your members could get other people to put a petition together to see if people would like to participate in a program like this. So there is a feeling of support for people who have to make a decision when we impose the tax.

Chairman Obernier disagreed about imposing the tax. He would rather have a couple of public meetings and ask the Township’s residents. Vice-Chairman McCaffrey stated that only a small minority of the 7,300 residents would come, and it may not represent what the people want.

Chairman Obernier suggested they say that they are considering setting up a program with a brand new tax and come in and tell us what your thoughts are.

Bob Karpovich, Fraser Blvd. noted that in February he asked if they were going to put together a committee for Open Space, it has been moved onto the Park and Recreation Board, and if we could get the word out to the community, they would show up. He suggested sending a mailing.

Vice-Chairman McCaffrey stated that the County has publicized this very well and the idea is out there. Communicating in the Newsletter would be more economical than doing a mailing.

Pat Edwards, Manor Road suggested they put a coupon into the Newsletter with their survey in it. Jesse Edwards asked if it could be in the Primary election or the general election. Chairman Obernier stated it could be in either election; the rule is that it has to be ready thirteen weeks prior to the election.

Colin Judge noted they were waiting to hear from Manager Rambo regarding an initiative where people go through a certain process to get something on the ballot and the other is the referendum that the Supervisors refer to the voters where they get involved.

Vice-Chairman McCaffrey stated he made his own survey and noted that people would like to do something to preserve Open Space. They also liked the idea of a referendum that would bring out questions of the residents and also ask general questions of the running of the township.

Tim Connor, Lafayette Road suggested they ask for donations from residents and others such as what the local fire company’s do yearly. Chairman Obernier noted that the rub for him was that tax money comes yearly and is easy and that it becomes a windfall and resists that and having a tax for Open Space.

Chairman Obernier stated he agrees with the Open Space concept and if there is a referendum on the ballot and people vote for it he would go along with it, but would rather see it done privately and not with taxes, like a West Brandywine Trust, and see no new tax established.

Vice-Chairman McCaffrey stated that the government is able to borrow money at a lower rate than another group can. If you have a tax in place, you can borrow at a low interest bond and buy up a lot of land while it's less expensive and while it still exists.

Bob Karpovich suggested that we put a referendum on the ballot and between now and November inform the people and draft the referendum. Advise the people what a referendum is and what is to occur with the money and how, such as, buying property, development right purchases, etc. would take place.

Chairman Obernier's understanding is that the money is earmarked toward buying the development rights that the general public will never have access to it. Vice-Chairman McCaffrey noted it can be used for any Open Space purchase.

Jim Connor again suggested they ask for donations through a mailing. Vice-Chairman McCaffrey stated he would like to announce that it will be on a referendum and put it in the next two newsletters instead of doing a mailing that would cost \$1,500.

Jim Connor stated he is retired so he wouldn't be contributing through the tax, but he would be willing to donate. Karen Vollmecke, Cedar Knoll Road asked what the response has been in asking for donations for the community park trees, benches, and picnic tables. It was noted there has been over \$1,000 in donations come in.

Colin Judge stated he will speak with Manager Rambo when he returns from vacation to find out what the solicitor said regarding the referendum.

Chairman Obernier would like to see some public meetings to get the residents input about purchasing open space.

Colin Judge stated he would like feedback on the rules and regulations regarding the park and the facility. He will ask for the Manager's comments.

Being the Manager and Supervisor Lindborg was not present for the report of the Municipal Authority, Chairman Obernier moved onto Old Business. The Board of Supervisors is continuing their search to fill the Historic Commission, Parks and Recreation Board and Building Appeals Board vacancies. There were no comments made.

The next item under Old Business was the Manager continues his research into the placement of a concrete silo adjacent to the Township's new facility. Chairman Obernier noted that Supervisor Lindborg would like to add some cupolas onto the roof of the new facility. Maybe Dale Barnett will make the cupolas.

The last item under Old Business was the Township Manager and John Snook of the Brandywine Conservancy have met with Dave Ward of the County Planning Commission to discuss grant funding to update the Township's Comprehensive Plan, Zoning Ordinance and Subdivision and Land Development Ordinance and an outline to complete the tasks is being prepared. No comments were made.

Being there was no Old Business from the Floor the Chairman moved onto Old Business from the Board. Chairman Obernier asked Codes Officer Dale Barnett about the situation on Barron Hill Road and Dale stated he is working on bringing them into compliance.

New Business was the next item on the agenda. The first item was the approval of release request #4 for the Suttonwoods Phase II project totaling \$15,966.00. There was no paperwork for the release request so the Chairman moved on.

The second item under New Business was the Township Fire Marshall and Manager are in the process of completing the update to the Township's Emergency Operation Plan for presentation to the Board. No comments were made.

New Business from the floor was the next item on the agenda. Bob Karpovich asked for an update for the City of Coatesville project. Dale Barnett stated they are currently perk testing the site and putting up a safety fence.

Vice-Chairman McCaffrey suggested they have an informational meeting for the neighbors there as to what took place between the Township and the City of Coatesville. Bob Karpovich stated that he thought the interest is there and people will show up. Bob Karpovich inquired about the water overlay. It is requested that Manager Rambo check with Caln Township with regard to their water overlay.

Chairman Obernier moved onto New Business from the Board. Vice-Chairman McCaffrey noted he had two items. One was regarding having a land planner look at the proposals from the developer and what the cost would be. He thought this would be helpful to the Planning Commission.

Chairman Obernier asked what the land planner would do that the engineer doesn't do. Vice-Chairman McCaffrey noted he is comparing the development with what is patterned in our Ordinance and possibly getting different scenarios. He noted that the builder would pay for this service as part of our consultant list.

Vice-Chairman McCaffrey noted the second item was that there were some conclusions from the Ordinance Task Force meeting and remedies for the rural mixed use. He would like to see the recommendations move forward to the solicitor, County, and the Planning Commission for an opinion.

Chairman Obernier noted he was in attendance at that meeting as well, and he was in sympathy with his point about the remedies there but the last time they did this, they had four new subdivision proposals come in. Chairman Obernier expressed he was okay to move forward with John Snook's suggestions but noted Supervisor Lindborg and Manager Rambo has not heard them yet.

Vice-Chairman McCaffrey expressed that this is a simple addition that has been requested by the Board and would like to see it move forward for additional opinions.

Chairman Obernier suggested they wait until Supervisor Lindborg and Manager Rambo have had a chance to review it.

Vice-Chairman McCaffrey expressed that it takes a very ponderous amount of time to get anything done. This is something that has been requested by the Board and put together by Vice-Chairman McCaffrey's request and noted that he is willing to pay for it so it can be done in a timely fashion. He would like the okay to forward this to the Planning Commission so they will have the information for their meeting tomorrow night and noted it would save a month's time.

Chairman Obernier stated he would rather not double John E. Good's bill by moving it forward and having it reviewed twice.

There was no other New Business so Chairman Obernier then moved onto Open Issues. The first Open Issue was the CASD tax audit review. Chairman Obernier noted that the Manager is currently working on it.

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

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. It was noted the current interest rate is 1.49%.

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

Chairman Obernier noted upcoming meetings and events as follows:

- Conditional Use Hearing, Culbertson Village, Wednesday, April 23, 2003 at 7:00 p.m. at the Township building.
- Planning Commission meeting, Thursday, April 24, 2003 at 7:30 p.m.
- Conditional Use Hearing, Beaver Creek Realty, Monday, April 28, 2003 at 7:00 p.m. at the Township building.
- Conditional Use Hearing, Swinehart Realty, Monday, April 28, 2003 at 8:30 p.m. at the Township building.
- Board of Supervisors meeting, Thursday, May 1, 2003 at 7:30 p.m.

With no other business to discuss, Vice-Chairman McCaffrey motioned to adjourn the meeting at 8:40 p.m. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye in favor of adjournment.

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