

**Meeting Minutes of March 20, 2003**  
**Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of March 20, 2003 to order at 7:30 p.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman Obernier, Vice-Chairman McCaffrey, and Supervisor Lindborg in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, Dale Barnett; Codes Officer, and Thomas Eells; Road Foreman.

The first item of business to address was the approval of the Township minutes of February 27, 2003. Vice-Chairman McCaffrey motioned to accept the Minutes of February 27, 2003. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

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

General Fund .....	\$51,244.97
Solid Waste and Recycling Fund.....	\$73,396.98
Capital Reserve Fund .....	\$921,757.09
Construction Sweep Fund .....	\$7,342.26
Developer Escrow Fund .....	\$260,487.41
State Liquid Fuel Fund .....	\$1,689.64
Operating Reserve Fund .....	\$139,662.15
Police Pension Fund .....	\$841,940.27
Non-Uniform Pension Fund .....	\$145,790.85
Payroll Fund .....	\$3,142.17

Chairman Obernier moved onto Public Comments. The first item was Chris Catania is in attendance to talk to the Board of Supervisors with regard to the Catania Subdivision on Hurley Road. Being Chris Catania was not yet in attendance the Chairman moved onto the next item.

The second and final item under Public Comments was John Snook of the Brandywine Conservancy is in attendance to talk to the Board with regard to a grant application to the

Chester County Planning Commission for the updating of the Township's Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan and Open Space Plan. Manager Rambo noted Mr. Snook would not be in attendance due to prior commitments. Mr. Snook and the Manager will meet with Dave Ward at the County Planning Commission to discuss the application.

Chairman Obernier moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Township is in receipt of correspondence from the Jehovah's Witnesses with regard to waiver requests for their Land Development Plan for their Kingdom Hall. Manager Rambo recommended the requests be tabled. The waiver requests pertained to buffering. Supervisor Lindborg motioned to table the waiver requests. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The second item to act upon was the Township is in receipt of information from the Chester County Agricultural Development Council with regard to the Township's seven-year review of its Agricultural Security Area. Manager Rambo will review and compile the information for a presentation to the Agricultural Security Group.

The third piece of information to act upon was John E. Good, Esquire has forwarded the Township information to consider with regard to ACT 43 of 2003 and "No-impact Home Based Business". This pertained to home businesses that have no impact within the zoning district. Manager Rambo noted some Townships are considering enacting ordinances to bring this into compliance, and we can put this into our ordinances when we do the updates. The Manager stated the definition of a "no-impact business." A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises.

The fourth piece of information to act upon was Ross Unruh, Esquire has forwarded the Township correspondence with regard to the upcoming hearing dates proposed for Bentley Communities. Manager Rambo noted Mr. Poff would like to set one date to start the hearings, and one date as a final hearing for Mr. Poff to finish presenting everything for the Culbertson Village Project. Manager Rambo will set two dates: April 28, 2003 starting at 7:00 – 8:30 p.m., and second hearing will then commence at 8:30 the same evening. The second date for the hearing will be set for April 23 at 7:00 p.m. for Culbertson Village.

The fifth and final piece of information to act upon was Christopher Cummings, Esquire has forwarded the Township suggested language pertaining to the stormwater management waiver request by the Archdiocese of Philadelphia for the All Souls Cemetery at the Board's March 6, 2003 meeting. Manager Rambo noted the letter addresses the Board's concerns and he will forward it onto Jim MacCombie, P.E. for his review and comments.

The Chairman then moved to address the first item that was under Public Comments. Chris Catania is in attendance to talk to the Board of Supervisors with regard to the Catania Subdivision on Hurley Road pertaining to the waiver request. Mr. Catania stated he would like to

dedicate 10.88 acres of his 40+ acre tract to the Township that will allow for a trail and he would also give the Township \$10,000 to plant trees in this area.

Supervisor Lindborg asked if they still have included in their plans the bigger lots and also asked how the 10.88 acres would be beneficial to the Township.

Bob Schini, Planning Commission noted the lot sizes had not changed, he also noted the Planning Commission was in favor of the Township accepting the proposed dedication of the land because it makes a nice corridor to walk through.

Vice-Chairman McCaffrey asked the reason they want the Township to take the lot and maintain it verses having the people take care of it through their deed.

Manager Rambo stated liability and maintenance is minimal being it is a natural wooded area. The benefit to the Township having the property would be that everyone would be able to use it.

Supervisor Lindborg stated there could be potential problems by the Township owning this piece of property. Chairman Obernier stated it would be like a small pocket park.

Manager Rambo stated this would be the first step in interconnecting the trail system. Vice-Chairman McCaffrey noted he likes the fact that it will connect the trail system but thought that the people who live there would like to have more of a hand in how it is maintained and utilized. We can utilize this for the trail system though easements. And noted when all the pieces are put together it could be a big responsibility for the Township to maintain.

Steve Jakatt commented he lives where they have a Homeowners Association. The Association does not want to maintain these areas. He thought it would make sense to have the Township take this parcel over.

Chairman Obernier stated there would be a cost associated with this if they accept two or three of these a year, they would have to increase the size of the road department. They could always divide the property up among each Home Owners Association.

Vice-Chairman McCaffrey commented when they construct the Home Owners Association the ground could be divided as a floating acre on their deed and can also be stated on the plans that this will be part of the interconnecting trail system.

Chairman Obernier stated he favors the Township taking over this parcel being there will be no maintenance.

Vice-Chairman McCaffrey had concerns regarding a future board coming in and possibly putting in pipelines or something that would not be in the best interest of the surrounding homeowners.

Colin Judge expressed that people don't want to maintain a right-of-way because they want to discourage people from coming through. Vice-Chairman McCaffrey stated that you would have this put into the initial plan that people would buy into for an easement for the trail.

Manager Rambo stated he and Jim MacCombie had come up with this plan for the interconnection of the trail system with this parcel. Supervisor Lindborg stated that collectively the Planning Commission feels this would be a better route for this particular parcel.

Manager Rambo stated this is all tied together with the waiver, they would be preserving where the larger trees are in the ten acres.

John Conti, Planning Commission stated he has been on the Planning Commission since 1995 and we have been trying to keep the Open Space, and feels it's time for the Township to take responsibility of it and not put it off on the homeowner.

Vice-Chairman McCaffrey agrees with this on this particular plan, but disagrees that it's put off on the homeowner; it's some preservation of self-determination for the neighborhood there.

Bob Schini, Planning Commission expressed he is in favor of this corridor plan, but there was no prior discussion about the Township owning this land. He feels the Township doesn't have to accept the dedication of this land.

Manager Rambo stated Mr. Catania wants a waiver for the 20' perimeter buffer, which is wooded anyway, the day we sign the plans he will have the dedication papers given to us.

Vice-Chairman McCaffrey asked the Planning Commission if there is any spot on the perimeter of this site that needs the buffer? Bob Schini stated there may be a few spots that may need trees but Mr. Catania shouldn't be required to replant trees onto the wooded site.

Discussions then took place pertaining to if an area needs buffer, how can they apply this if they have agreed with the waiver. Vice-Chairman McCaffrey suggested two points for the future. First, if they are waving something, that someone has looked into seeing that waving it doesn't bother surrounding neighbors. Second, if they are waving something, that some sort of monetary value to what we are waving has been estimated, and what we are gaining has been estimated.

The Board was generally in favor of owning this parcel. The Manager, Township Engineer, and Mr. Catania will come up with a final proposal. Manager Rambo noted he is required to put up 110% of the entire project. There is 10% contingency if you would need to plant an additional trees.

Manager Rambo stated they would be waving the buffer unless required on-site by the site engineer and money is escrowed in a contingency fund for the entire project to be utilized for the planting of trees, in addition, the Township will be granted the 10.8 acres as shown on the sketch plan. Supervisor Lindborg made a motion to accept the waiver according to the constraints stated above. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first item under Information to Note was the Township has received a copy of the Governor's letter to President Bush, from the Director of Emergency Services, with regard to the February snowstorm. Manager Rambo noted the President has incurred to reimburse up to 75% in funds. He will attend a meeting on Friday to obtain information as to what needs to be done.

The second piece of Information to Note was the Township has been requested to review and comment on information provided by the Chester County Planning Commission with regard to Highway Functional Classifications. Manager Rambo noted the Chester County Planning Commission is looking at classifying all of the highways within the County.

The third piece of Information to Note was the Township is in receipt of correspondence from PennDot with regard to the Springton Road and Highspire Road intersection. Manager Rambo stated they had requested a three way stop sign and noted it's in the hands of Wallace.

The fourth piece of Information to Note was Thomas Anderson & Associates, Inc. has forwarded the Township a completed Actuarial Cost Study prepared for the Police Pension Plan with regard to proposed changes to the plan for its review. Manager Rambo stated this would be discussed in the future after they have read it.

The fifth and final piece of Information to Note was Joseph Smith, 3110 Manor Road has forwarded a letter to the Township with regard to the donation of a sheppards hook. Manager Rambo stated the individual is in the process of moving and would like the Township to utilize the hook. Manager Rambo will write him a letter stating they will pick it up.

Chairman Obernier moved onto the Reports of Departments for the month of February 2003, which was the next item on the agenda. Chief Walt Werner was present from the Police Department to give the police report. Supervisor Lindborg asked about the Emergency Management Plan. Manager Rambo noted he has finalized the review and the plans are being updated.

Tom Eells, Road Foreman then gave the Road Department report. Vice-Chairman McCaffrey asked if they have resolved the deposition of ice and snow onto the roads. Manager Rambo stated yes, he has contacted PennDot.

Code Enforcement Officer, Building Inspector; Dale Barnett, gave the report for the building and codes department. Manager Rambo then gave the report from East Brandywine Fire Department and noted he would give the fire marshal's report at the next meeting. The Manager had not received reports from Wagontown or Martin's Corner. The Manager also noted the fire in Ramblewood where a house burnt to the ground stating it was caused by a high hat. Vice-Chairman McCaffrey asked if there was something that could be put into place for the community when a disaster happens. It was noted that the Red Cross is very supportive in the community.

Chairman Obernier moved onto Reports of Organizations, Boards, and Commissions. Bob Schini gave a report from the Planning Commission. There were no questions. Being there was no one

present from the Historic Commission the Chairman moved onto the Park and Recreation Board. Colin Judge gave the report from the Park and Recreation Board. Joan Meehan has resigned from the Park and Recreation Board. Manager Rambo will have a plaque made for her. Vice-Chairman McCaffrey suggested that the Park and Recreation Board have a representative meet with the Committee that is just forming. Manager Rambo stated they are looking into funding from the County to form this committee. There would be two meetings a month, one at night and the other during the day.

Colin Judge asked questions about the future trails of the Township and asked what the Township's objective is. Vice-Chairman McCaffrey stated as our community grows they are going to want trails, right now we should start to look at where we can engineer the trails. Mr. Judge stated he would be handing out flyers at the Easter Egg Hunt for the good neighbors program.

Manager Rambo gave the report from the Municipal Authority noting they refunded the 1996 sewer bonds with the 2003 bonds for a savings of \$168,000.

Chairman Obernier moved onto Old Business. The first piece of Old Business was Dale Barnett, Codes Officer has provided the Township's Zoning and Subdivision Task Force with proposed ordinance amendments with regard to signage and day-care facilities. No comments were made.

The second piece of Old Business was the Board of Supervisors is continuing their search to fill the Historic Commission, Parks and Recreation Board, and Building Appeals Board vacancies. Manager Rambo noted this will be in the Newsletter.

The third piece of Old Business was the Spring Newsletter is being finalized for a March 28, 2003 mailing. There were no comments made.

The fourth piece of Old Business was the Manager continues his research into the placement of a concrete silo adjacent to the Township's new facility. There were no comments made.

The fifth piece of Old Business was the Township has adopted Ordinance #03-09 with regard to the backing of the 2003 Sewer Bonds of the West Brandywine Township Municipal Authority. No comments were made.

The sixth and final piece of Old Business was the Signing of the Thomas Sink subdivision plan. Manager Rambo noted this was approved contingent upon establishing an escrow. The Board then signed the Sink subdivision plan.

Being there was no Old Business from the Floor or from the Board the Chairman moved onto Ordinances and Resolutions. Resolution #05-03 pertained to Act 9 of 2002 that amends the Township code to allow the reimbursement of wages or salary to Board of Supervisors.

Resolution #06-03 pertained to membership into the WCCART. Manager Rambo stated this is the resolution stating we are going to officially become part of this group.

Resolution #07-03 pertained to Open Space Acquisition Grant Application to the County. Manager Rambo stated he is currently getting the paperwork together for this grant. The Chairman needs to sign the grant resolution.

Supervisor Lindborg made a motion to accept Resolutions #05-03, #06-03, and #07-03. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

New Business was the next item on the agenda. The first item was the Cedar Knoll Road Bridge Project will be starting shortly and is scheduled for completion in the summer of 2004. Manager Rambo noted he attended a meeting with PennDot, they were to commence work at the end of March, however, with that part of the Brandywine being trout stocked, they will begin work in June after trout season.

The second item under New Business was the Board of Supervisors and Manager will be attending the 2003 Pennsylvania State Association of Township Supervisors Convention from April 6 through April 9. There were no comments made.

The third item under New Business was the Board of Supervisors to consider submitting a grant application to the County for the purchase of the Guerrera Tract off of Schoolhouse Lane. There were no comments made.

The fourth and final item under New Business was to discuss the construction of the pavilions for the Township's Community Park. Manager Rambo stated they removed the pavilions from the park bid. A bid was received from the contractor for four pavilions for \$90,000. The Manager was going to have the road crew and Dale build them, but didn't know if it would be feasible time wise. They would need to get these done in order to receive the grant money. Manager Rambo will meet with the engineer and will have final recommendations for the next meeting.

Being there was no New Business from the floor Chairman Obernier moved onto New Business from the Board. Vice-Chairman McCaffrey suggested reviewing the status of the committee member's attendance and sending them a letter requesting a response back to let the Board know if they will still be able to attend the meetings. They need to acquire new members if the people appointed can't come anymore. The meetings should be run in a business type environment. Steve Jakatt was in agreement with Vice-Chairman McCaffrey.

Vice-Chairman McCaffrey suggested they have members from different committees come to the Zoning and Subdivision Task Force meetings. He thought it was a great idea to have the Codes Officer in attendance at the prior meeting. Manager Rambo noted it would be easier to come if you have meetings during the day.

Vice-Chairman McCaffrey was concerned that you don't see what transpires at the committee meetings until the night before the next meeting. Within a week it should be transcribed and sent to everyone so they can attend the meeting with their comments ready from the prior meeting.

Manager Rambo stated if they have one meeting at night and one during the day, they will have a better mix for attendance. He suggested they have the two meetings, one on Wednesday evening the second meeting two weeks later on a Wednesday morning.

Vice-Chairman McCaffrey suggested they pick a person that would be at every meeting that would record and distribute the minutes.

Chairman Obernier noted he was not in favor of dropping people from the committees. Vice-Chairman McCaffrey suggested they open enrolment up for more members and maybe eight out of twenty on the list will show up.

Vice-Chairman McCaffrey then suggested they put something on the referendum for Open Space and noted many communities have done this.

Manager Rambo noted they can go up 1/8 % increments a quarter. It would cost the homeowner making fifty thousand a year an additional forty dollars a year. A brief discussion took place pertaining to the advantages of this tax.

Supervisor Lindborg stated they would need to have a plan in place prior to putting this referendum on the ballot and also inform the public.

Steve Jakatt stated most of the Planning Commission members have been pushing for this Open Space referendum for quite a while; it's the only way to rescue Open Space and farms.

Colin Judge stated the Park and Recreation Board has been researching this issue, and that every one of these referendums passed. He noted they will get together with the Planning Commission for further discussions and will provide them with the additional information.

Kim Hoopes thought that in order to get a referendum on the ballot they would need to do a petition. Vice-Chairman McCaffrey noted the Board of Supervisors can have this added on the ballot without having it be voted on by everyone in the community. Manager Rambo stated he would talk with John E. Good, Esquire with regard to the referendum.

Chairman Obernier moved onto Public Comments. Colin Judge asked if the Board was going to follow-up with the applicants who were not picked for the Planning Commission position? Manager Rambo will give the various committees a list of the applicants.

Kim Hoopes asked if they could get Bentley involved with the proposed Route 322 by-pass in Guthriesville. Manager Rambo stated East Brandywine is not sure if they are going to get money for it and have not yet approached the homeowners with regard to where they want to put it. Kim Hoopes asked if there is funding for this. Manager Rambo answered yes, Act 209.

Chairman Obernier stated in order to have an impact fee they would have to have a study; the cost of that study is between \$100,000 and \$130,000.

Vice-Chairman McCaffrey stated that this Act has been in effect for over a decade, and in that time only 35 Townships out of 1,750 have taken advantage of this. Chairman Obernier noted that East Brandywine is looking to the state to fund the by-pass 100%.

It was noted that it's difficult to pull out of Ramblewood. Manager Rambo stated that if the red lights along the Route 322 corridor are all timed right it would help traffic flow.

Chairman Obernier then moved onto Open Issues. The first Open Issue was the CASD tax audit review. Manager Rambo noted he is trying to locate old files.

The last Open Issue was the Cable Franchise review letter. Manager Rambo noted the letter has been sent and he is waiting for a response.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they are putting the roof on, they are doing the stonework, and on the inside they are putting the walls in. The approximate move in date will be mid to the end of June. The current interest rate is 1.49%.

The Chairman moved onto the payment of the bills. Manager Rambo addressed the issue that he had a lack of salt from our contracted vendor. He will not go against their bonding company and has deducted the amount of money from them that he had to pay extra to the other vendor that supplied the salt. Vice-Chairman McCaffrey commended the Manager for finding salt. Supervisor Lindborg motioned to pay the bills and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Planning Commission meeting, Thursday, March 27, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, April 3, 2003 at 7:30 p.m.
- Historic Commission meeting, Monday, April 7, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, April 8, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, April 10, 2003 at 7:30 p.m.
- Annual Easter Egg Hunt, Saturday, April 12, 2003 at 10:00 a.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:37 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of adjournment.

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