

**Meeting Minutes of April 21, 2005
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of April 21, 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, and Supervisor Thomas J. McCaffrey in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Codes/Zoning Officer; and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

The March 16, 2005 and April 7, 2005 minutes were tabled.

Treasurer's Report

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

Capital Reserve Fund.....	\$772,509.66
Construction Sweep Fund	\$1,598.15
Developer Escrow Fund.....	\$359,914.44
General Fund.....	\$98,529.36
Solid Waste & Recycling Fund.....	\$179,752.13
State Liquid Fuel Fund.....	\$145.69
Operating Reserve Fund	\$2,930.11
Police Pension Fund.....	\$926,572.19
Non-Uniform Pension Fund.....	\$212,198.17

Public Comments *Individuals requesting to be on the agenda*

Dave Shafkowitz is in attendance to go over the requested modifications and waivers being requested for the Ridings of Brandywine Valley Project (aka Ridings of Hibernia). Mr. Shafkowitz would like the BoS to grant conditioned final approval to the subdivision plans as well as consider giving conditional use approval, subject to certain modifications and conditions as noted on his April 21, 2005 correspondence. Chairman Lindborg asked if the Township Engineer has looked at the requests and if he was sure they are agreeing to the exact conditions that they had discussed. Manager Rambo answered yes; they are the same ones that were discussed at the meeting.

There were two waivers that the Planning Commission did not consider favorable, one was the waiver request for the cul-de-sac because of a misunderstanding of measurement. Steve Jakatt, Planning Commission explained they felt the cul-de-sac was too long. The second item that was not favorable with the Planning Commission dealt with the Traffic Impact Fee.

Mr. Shafkowitz presented the Board with a drawing of the proposed structure that will house the pump station, noting that they took pains into making it look like it belongs on the property. Supervisor McCaffrey stated that Mr. Shafkowitz was going to give the BoS a map delineating the limitations of specific areas. Manager Rambo stated that Jim MacCombie gave a letter to the Planning Commission concurring that they are in compliance with the ordinance with the modifications being requested. Supervisor McCaffrey noted they have 100% of their stormwater management in an area where only 60% can be in, that is not reflected in their calculations. At a prior meeting with Mr. Shafkowitz, Supervisor McCaffrey requested that the specific reasons be written down for why there are variations from what would be allowed. Mr. Shafkowitz then explained how the letter he wrote correlates to the map and the calculation of open space. Supervisor McCaffrey wants it to be very clear on the plan, why they have the design the way they do, this is a very unique piece of ground and has different restricting factors and would like to have each one pointed out. Manager Rambo stated that verbiage could be included in the Opinion and Order. The Manager will prepare the Opinion and Order to be presented to the BoS and John Good and then follow in with the modifications or waivers that would be considered, based on what they have done.

The Hearing is closed and the Township needs to come up with an Opinion and Order, they have been presented with a total list of waivers and modifications. The Manager suggested that based on what the Board has heard from the Planning Commission, that Mr. Shafkowitz (Ridings of Brandywine Valley) be granted conditioned final approval. The Planning Commission has a letter that was forwarded to the Board that listed ten conditions. The BoS has granted conditioned final approval in the past, which allows the developer, prior to having plans signed, to take the letter to come up with the necessary funding. John Cassels motioned to recommend the BoS approval of the Ridings of Brandywine Valley final subdivision conditioned upon the BoS granting the waiver requests and modifications. The BoS is in receipt this evening of the letter of the waiver requests and modifications. Second the actual issuance of the Opinion and Order which would be prepared by staff and John Good for the issuance at a public meeting which forty-five days out from today would be the first meeting in June. At that time Mr. Shafkowitz could possibly have the plans for signing and the escrows established. Completing the design of the sewer system and forwarding to Jim MacCombie for his review, so that DEP can also have it. Approving the design of the public water system by Aqua Pennsylvania. Establishment of all public escrows, obtaining of all public permits, obtaining proper DEP permits to build the treatment facilities, recording of the plan, contributions of the Township as listed in the letter. Supervisor McCaffrey motioned conditioned final approval of the Ridings of Brandywine Valley Project, based on the recommendations of the Planning Commission of the aforementioned letter dated April 4, 2005. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Correspondence/Communications *Information to Act Upon*

Carroll Engineering Corporation has forwarded the Township a revised waiver request dated April 7, 2005 for the light fixture heights of the Coatesville Golf Training Facility regarding Section 167-66D.3.h. Manager Rambo read the letter out loud and noted a copy has been forwarded on to Stan Stubbe. Mr. Stubbe had requested to see an actual scaled depiction of it; this could prove to

be better because this will be the actual design. Vice-Chairman Obernier stated they were supposed to have a GIS system map with elevations and contours, which would be more fulfilling than simply a plan view at the elevation of the light. Supervisor McCaffrey stated the Township is going to be held to the regulations that they can enforce, Mr. Stubbe had stated that some of the lights might have to be reduced for the intensity at the property line to meet the Township 's ordinance. Supervisor McCaffrey wants to make sure that the City of Coatesville is held to that. Vice-Chairman Obernier concurred with Supervisor McCaffrey. Vice-Chairman Obernier stated the BoS promised the people that the top of the light fixtures would not break the top of the tree line. Vice-Chairman Obernier thought that the GIS map would make that easier, but is okay with the simple sketch and elevation. Supervisor McCaffrey stated that you wouldn't be able to tell the accumulative effect of the 80' until they are there. Steve Jakatt respectfully requested that the BoS postpone approving their waiver request until they see the lighting test. Manager Rambo explained they want to do this in lieu of the second lighting test because it may be more beneficial to actually do the topography of the trees from the base to the top and measure elevations than go to the actual location of the site. Supervisor McCaffrey reiterated that the City of Coatesville be held to meeting the lighting regulations. One of the conditions is that the hours have been limited in duration to 9:00 p.m.

Vice-Chairman Obernier is okay to agree to the waiver request, with the understanding that first, that the lumens at the property line conform to the light ordinance. Second, that no light fixture shall break the top of the tree line at the top of the hill. Third, no light stance shall exceed 80'. Vice-Chairman Obernier also has concerns that you would be able to see the "light bulb" outside the property. Manager Rambo stated the ordinance refers to the lumens at the property line and not the bulb. They are conforming to the ordinance except for the height, they are asking for a modification to be able to put, not just poles, but the top of the fixtures can't be mounted higher than 80'. Supervisor McCaffrey felt that if they do a good job with the topo design it would be to the Township's benefit as they develop the site and would be handy to have for future reference.

Kim Hoopes, Planning Commission noted one of the reasons why they are looking at this waiver is to reduce the number of light standards. Manager Rambo stated they are reducing by going up higher and they also reduced the number of lights because the chip and putt was removed, which was to be located within the driving range. Now instead lights being everywhere, you have some that are 80' around the perimeter of the driving range pointing in and down.

At the Manager's recommendation, Vice-Chairman Obernier motioned to table the City of Coatesville's waiver request and that the BoS will consider the request after presentation and review of the drawing by Stan Stubbe and the Township Engineer. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Ty Leinnenweber of Vollmer Associates, LLP has forwarded the Township a letter of requested waivers for the Ridings of Brandywine Valley Project (aka Ridings of Hibernia) currently in the Conditional Use process and plan review process. This was addressed earlier in the meeting.

Drew Taylor of Nave/Newell has forwarded the Township a letter requesting to reduce the planting requirements of the St. Peter's Church Land Development Plan. Supervisor McCaffrey motioned to table the request, being St. Peter's has not yet presented it to the Planning Commission yet. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Charles Dobson of Genterra Corporation has forwarded an email requesting that the Township establish a date in which to continue his Conditional Use Hearing for the Brandywine Meadows project. The BoS established Monday, May 23, 2005 for the CUH.

Removal of liens on mobile homes that have been removed, destroyed, etc. Manager Rambo recommended that the BoS sign the document. This was done back in January and mailed to the County, however, they did not receive it and they need original signatures.

Barbacane/Thornton & Company has provided the Township a proposal for the completion of the audit for the DEP Grant recently completed. Supervisor McCaffrey suggested that in the future the Township get a second quote from another auditing firm to see if their price is comparable.

Joe Boldaz of the Township Planning Commission has forwarded the Township a letter of resignation. Manager Rambo noted that Mr. Boldaz's is extremely busy with his job. The Township will advertise for a new Planning Commission member. Supervisor McCaffrey noted that the BoS will select the Planning Commission individual, but would like the Planning Commission to be active in looking for people with talent they feel are appropriate. The Manager will get a plaque for presentation at the next Planning Commission meeting. Vice-Chairman Obernier motioned to accept Joe Boldaz's resignation. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of a Post Construction Stormwater Management Model Ordinance from the Chester County Water Resources Authority for review and consideration as part of the Township's obligations under the NPDES4 requirements. This Model Ordinance is currently under review by Manager Rambo and Jim MacCombie.

The Department of Community and Economic Development has provided the Township with a Floodplain Management Activities Annual Report Form for review and completion, which is currently under review.

The Chester County Health Department has forwarded the Township correspondence with regard to the upcoming DEP Act 101 Section 902 Grant Round. Manager Rambo noted this might be the last grant round for the purchasing of equipment with regards to recycling.

The Office of the Chester County Commissioners has forwarded information to the Township with regard to the Landscapes 21st Century Fund Grant Program: Round XVII. Manager Rambo noted the Township will be submitting a grant for 50% of the cost of the parcel they are looking at. The real estate agent contacted the Manager and since the last meeting, the people that own the other lot would like to move forward also. The Township will put in a grant for both parcels, half of \$8,900 and half of \$4,500.

Reports of Departments

Chairman McCaffrey then moved onto the Reports of Departments for the month of March 2005. Chief Werner presented the police report. There was no report from the Public Works department. Dale Barnett gave the report from the Buildings/Codes Department. Manager Rambo gave the reports of the Fire Marshall. Mr. Shaffer was in attendance to give the report for East Brandywine

Fire Department. Chairman Lindborg asked what their typical QRS service entails and Mr. Shaffer explained the service. Vice-Chairman Obernier asked Mr. Shaffer if East Brandywine had any further discussions after the meeting with West Brandywine Township. They have not. Manager Rambo noted they are in attendance tonight because at that meeting he requested that someone from East Brandywine come to the Township to present their monthly reports. Manager Rambo gave the reports of Wagontown Fire Department and Martins Corner Fire Department, and Martins Corner Ambulance.

Reports of Organizations, Boards and Commissions

The Planning Commission report was discussed earlier in the meeting. There was no one present from the Historic Commission or the Parks and Recreation Board. Manager Rambo gave the report from the Municipal Authority. Supervisor McCaffrey asked that the Manager have them stake off the area they are planning on using so he can see where they are obstructing the possible future use with the easement. Since there is an argument with money and everything else that is going on right now, if everyone had a better view of what exactly the impediment to their future use might be, then it would be to everyone's benefit. Manager Rambo stated that Jim MacCombie and himself have had communications with the Keagan's, their real estate agent, and their attorney. Manager Rambo stated that Mrs. Keagan gave them permission to mark everything.

Old Business

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board, Historic Commission, and Planning Commission. The Manager will place an advertisement via the website and newsletter.

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. The Board has no comments thus far. Supervisor McCaffrey felt that at some point, some of this should be adopted and then as it goes into operation and they see a problem with it, they can just fix the problem. Supervisor McCaffrey expressed concern with the level of inspection for a resale permit that the Township is doing and referenced a letter received from the Realtors Association. Dale Barnett explained this item deals with the building code and not the resale permit; the Township has the ability to amend some things by enacting an Ordinance. Currently for some structures, they would only need a zoning permit, but not a building permit.

Discuss the draft of the Township's Comp Plan. The Board will review the Comp Plan and give their comments to the Manager.

The Manager has prepared ordinance amendments pertaining to fences and signs and is requesting input from the Board prior to forwarding them to the Solicitor, County Planning Commission and WBT Planning Commission for review and comments. The Board would get together to discuss these ordinances in the near future.

Discuss the award or rejection of the road related materials bid for 2005. Manager Rambo recommended rejection of all bids received for the purchase of road related materials and that the Township purchase the materials through the state costar program. Vice-Chairman Obernier motioned to reject the road materials bid. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Old Business from the Floor

There was none.

Old Business from the Board

There was none.

Ordinances and Resolutions

Resolution #05-05, City of Coatesville proposed TIFF Plan to CASD. Vice-Chairman Obernier motioned table Resolution #05-05 with the understanding that the BoS agreed as in the past, that they do this one way or another prior to the CASD Board of Directors taking a vote on this. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye. A letter was sent to Cynthia Quinn with regards to when the School Board would be voting on the TIFF Program.

Resolution #06-05, exchange of records, reports and communications between agencies. Manager Rambo noted this has the modifications as per Supervisor McCaffrey and Vice-Chairman Obernier. This resolution will be presented to PSATS in the future. Vice-Chairman Obernier motioned to adopt Resolution #06-05. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Resolution #07-05, adoption of the Chester County Emergency Services Mutual Aid Agreement. At the Manager's recommendation, Vice-Chairman Obernier motioned to adopt Resolution #07-05. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Resolution #08-05, adoption of the Ridings of Brandywine Valley Sewage Planning Module. At the Manager's recommendation, Supervisor McCaffrey motioned to adopt Resolution #08-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

New Business

The Manager has prepared a proposed zoning amendment as suggested by John Snook and John E. Good, Esquire with regard to TDR's and has provided it to the Board for review. There were no comments.

The Manager is in the process of drafting a cell phone policy, a sign management program policy, a snow removal policy and a safety wellness program policy as recommended by the insurance company after their recent survey. There were no comments.

The Township Manager and Chief are meeting with Airwork's Company, Inc. with regard to the air circulation and exchange in the shooting range. Manager Rambo stated they dropped off and will install a new air circulation unit for replacement into the gun range area. Vice-Chairman Obernier would like to be in attendance when they test the shooting range.

The Board to review and provide input to the ACT 537 "draft" Bentley Community Special Study. Manager Rambo stated this is awaiting the Board's input.

The Recommendations of the Township Planning Commission were addressed earlier in the meeting.

The Township Manager is currently meeting with various lending institutes with regard to the Township's General Obligation Note. There were no comments.

General discussion on the establishment of a Barking Dog/Noise Ordinance. Manager Rambo stated he attended a seminar at the State Convention regarding noise ordinances and what people are facing, barking dogs is one of them. Supervisor McCaffrey feels that there are times when it becomes a civil complaint between two objecting parties and they would go to a district judge. Manager Rambo explained that the district judge wants to see a specific ordinance; the Nuisance Ordinance is too vague, that is why there are specific ordinances now being enacted for specific things. This ordinance is to address dogs that are barking excessively. Manager Rambo will obtain several sample barking dog ordinances for presentation to the BoS.

General discussion on the preparation of a Right of Way Ordinance and an Access Management Ordinance. Manager Rambo noted that at a seminar he attended, it was recommended that there should be a specific Right of Way Ordinance that spells out what can be done, what the inspection costs are, etc. Also, PennDOT recommends an Access Management Ordinance on how to address access onto newly created roads, driveways, etc., to ensure that they are properly designed and constructed based on their tier level, this is also recommended in the Township's Act 209 as well. Vice-Chairman Obernier noted they have to spend the money from the Act 209 Impact Fee within five years. Manager Rambo explained that the five-year period starts once all the funds are collected; you have all the time during the building permit process to do all the studies, designs, and define deadlines.

Manager Rambo met with PennDOT with regard to the Turnback Program for Hurley Road and Reeceville Road. The Township could take it back and utilize the funds that they currently have from past developers, utilizing PennDOT funds that they will receive for the Turnback Program. The school district sent a letter stating they will give the Township additional right of ways. The Township can move forward on it and will have to have a design prepared.

New Business from the Floor

There was none.

New Business from the Board

Vice-Chairman Obernier asked for an update regarding the Post Office. Manager Rambo has not received a response from them and will send another letter.

Vice-Chairman Obernier asked if there was a pole tax on the utility poles that are within the right-of-way. Manager Rambo answered no.

Vice-Chairman Obernier suggested that the Township erect a sign that you could flip down, that would state that there was new information on the website, whenever there is "time sensitive material" posted on the web. The signs would be located at each entrance of the Township. Chairman Lindborg felt that people have to help themselves to get the information, that more advertisement for the website should be emphasized in the newsletter. Discussions pursued as to how to best communicate pertinent information to the Township residents.

Vice-Chairman Obernier asked if the Township is paying for any streetlights and noted that Greg from PECO indicated that the Township does pay for streetlights. Manager Rambo answered no; the Township only pays for signals. The Manager will contact Greg a representative of PECO.

Vice-Chairman Obernier requested a copy of the line item breakdown for the check that the Township received from Comcast. Manager Rambo will give Vice-Chairman Obernier a copy of the breakdown that was received from Comcast.

Vice-Chairman Obernier suggested as he had in the past, that the Township look into getting a credit card that would sponsor the purchase of Open Space within the Township. Manager Rambo will look into credit cards for fund raising. Supervisor McCaffrey suggested that they form a private charitable organization within the community that would collect money for the purchase of Open Space and asked that Manager Rambo speak with East Bradford Township about how they use their money and what the limitations are on purchases.

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

There were no Public Comments.

Open Issues Before the Township

Cable Franchise. This was addressed earlier in the meeting.

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

Interest rate for the week was 2.15%. Chairman Lindborg noted the rate keeps increasing.

Review and Payment of the bills

The bills presented for payment totaled \$49,674.84 from the General Fund and Solid Waste Fund, and totaled \$3,062.79 from the State 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, April 28, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, May 5, 2005 at 7:30 p.m.
- Bike Derby and Safety Fair, Saturday, May 7, 2005 at 11:30 a.m.
- Historic Commission meeting, Monday, May 9, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, May 10, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, May 12, 2005 at 7: 30 p.m.

Adjournment

With no other business to discuss, Supervisor McCaffrey motioned to adjourn the meeting at 9:15 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Vice-Chairman Obernier, and Lindborg voted aye in favor of adjournment.

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