

## **Meeting Minutes of September 7, 2006 Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of September 7, 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., Vice-Chairman Thomas J. McCaffrey, Jr., and Supervisor Carl S. Lindborg 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**

June 1, 2006, June 15, 2006, July 6, 2006, July 20, 2006, July 26, 2006 and August 17, 2006. Supervisor Lindborg motioned to adopt the minutes of June 1, 2006, June 15, 2006, and July 6, 2006 with the understanding that the Chairman will determine typo corrections that will be incorporated in the approved minutes. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye. The minutes of July 20, 2006, July 26, 2006 and August 17, 2006 were tabled.

### **Public Comments** *Those individuals requesting to be on the agenda*

Jane Davidson from the Chester County Office of Historic Preservation is in attendance to brief the Board on the Subdivision Plan Requirements of State and Federal Governments for Historic Assets. Ms. Davidson is a resident of the Township and has been active in the community for several decades. Ms. Davidson gave an explanation of historic resources, how to document them, and how to use the guidelines under state and federal law. The Chester County (CC) Board of Commissioners, the CC Parks and Recreation Department, the CC Computer Department, the CC Historic Preservation Network, and each Municipal Historic Commission are creating a partnership to create a 73-volume atlas. Six hundred volunteers are working on this. Ms. Davison provided handouts to the BoS and Manager. The Historic Commission will establish a chain of communication to identify resources and then prepare reports for the BoS. This information is then adopted by the BoS to be placed in a comprehensive plan. A CC Historic Preservation Network has been created. A semiannual workshop is available to the Manager, BoS, Historical Commission or staff member. East Goshen Township is hosting a workshop on October 16, 23, and 30. In March, they will be meeting at the Brandywine River Museum focusing on creating a Historic Resource Impact Study. This is the kind of report that needs to be done with every subdivision review. The activity goes through a general permit process with DEP. They don't have to be on the Historic Registry, just the fact that they are fifty years old, means that they are a historic resource and worthy of further investigation.

Vice-Chairman McCaffrey asked how could you tell what the resource is. Ms. Davidson answered that you go to the Township and look for the historic property file. The developer files papers with DEP;

those papers include tax parcel numbers in the application. You could contact the Historic Commission for further information. Ms. Davidson noted that this information could be accessed on the Web and provided the Township with a citizen's guide, which explains the process. Ms Davidson said don't hesitate to call her if the Township has any questions regarding historic resources that are close to the township line and are not sure which township the historic resources are in. She is a public servant where historic heritage matters. Ms. Davidson stated she would work with the Township with regards to refining communications with the Historical Commission or setting up guidelines, etc.

Supervisor Lindborg asked Ms. Davidson what she was asking from the BoS. Ms. Davidson stated she is asking that the BoS work with the Historical Commission so that they can get the Township's Historic Resources Atlas done. Vice-Chairman McCaffrey asked for a plan within a certain timeframe to pass the information from the Historic Commission to the Planning Commission. Ms. Davidson stated that a copy of the application would go both to the Planning Commission and the Historic Commission. A historic resource evaluation would be the Historic Commission's responsibility. The Historical Commission would provide a four-part report. With the fourth part being the Historic Commission's recommendation for the BoS. At this time it is not available in a PDF format, but they are working on it. Ms. Davidson noted that each Township as well as each Historical Commission member that has helped with the project would be given one atlas. The atlas will be upgraded every five years.

**Correspondence/Communications** *Information to act upon*

Barry D. Parsons has forwarded the Township a letter of interest to serve as a volunteer on one of the vacant positions of the Building Appeals Board, Historical Commission, or Parks and Recreation Board. Vice-Chairman McCaffrey motioned to appoint Mr. Parsons to the Historical Commission and also have the Manager do an evaluation of his qualifications for a decision for his possible future appointment to the Building Appeals Board. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Township is in receipt of a letter from Scott Emerson granting an extension of time until November 2, 2006 in which to render a decision on the, 115 unit single lot, Swinehart Realty Associates, L.P. Final Plans. They are currently preparing revised plans for resubmission to Jim MacCombie. Chairman Obernier asked, "If there are extensive changes to a plan that was previously submitted, at what point do the changes become so much that the original plan that was put in is voided?" Manager Rambo stated he would have to talk to the solicitor to see if it meets the intent of the presentation during the Conditional Use Process. Vice-Chairman McCaffrey felt that at this point the plan has changed significantly enough that it should be resubmitted. The Board requested that the Township's solicitor review the revised submission. Supervisor Lindborg motioned to accept the letter of extension until November 2, 2006 for Swinehart Realty Associates so that they can have a review done by the solicitor. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Theresa Lemley, Esquire has forwarded the Township a letter of extension until Thursday, November 21, 2006 in which to render the Decision & Order for the Pulte 55+ Community. Supervisor Lindborg motioned to accept the extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The BoS is in receipt of a revised Decision & Order from Pulte Homes, for its review, with regard to the proposed 55+ Community. Chairman Obernier noted that he attended a meeting with Pulte Homes, Theresa Lemley, Jim MacCombie, Manager Rambo, and himself regarding the agreement. They went through it item by item, what Pulte has come back with is not much different. Chairman Obernier suggested that they meet to discuss this further. Manager Rambo will setup a meeting.

The BoS and the WBTMA are in receipt of a revised Inter-Municipal Sewer Agreement for their review with regard to the proposed Pulte 55+ Community. Manager Rambo suggested that the BoS review the agreement. It will be on the Authority's agenda. Manager Rambo suggested that the Authority and BoS have a special meeting for open discussion. The BoS were okay to have a special meeting.

The Township is in receipt of correspondence from T.J. Anderson & Associates with regard to the Township's required minimum municipal obligation (MMO) for 2007. Non-uniform is \$27,151 for 2007 and approximately \$24,300 for 2006. The number is based on salary and number of people. The uniform MMO is \$98,358 for 2007 and approximately \$50,000 for 2006. It is almost double as a result of a state legislation resolution that was passed two years ago to extend time do to the losses in plans. Each year the Township has received grant money equal to what the MMO's have been. At the Township Manager's recommendation Supervisor Lindborg motioned for Manager Rambo sign the document as the Chief Administrative Officer of the plans, as prepared by T.J. Anderson & Associates. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Township is in receipt of a sixty-day letter extension from Schnatz & Rohrer Landscaping with regard to the rendering of a decision on their Final Land Development Plan (clock will run until Saturday, November 25, 2006). Supervisor Lindborg motioned to accept the sixty-day letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Township is in receipt of correspondence from Chester Point Development with regard to their 2-lot subdivision located on Gabel Road and their request to have it considered as a Preliminary/Final submission. Manager Rambo stated that according to the Township's Ordinance it should be a Preliminary/Final submission, because it is only two lots and no public improvements are required. Supervisor Lindborg motioned to accept the letter of request to have the Chester Point Development be considered a Preliminary/Final submission. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Township is in receipt of the 2007-2009 Regional Household Hazardous Waste Collection Program Commitment Form for consideration. Supervisor Lindborg motioned to accept the Township's participation in the Household Hazardous Waste Collection Program. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye.

The Township is in receipt of an extension of time from the County with regard to the grant to pursue the acquisition of the Guerrara parcel on Schoolhouse Lane. This property abuts the 17 acres that the Township has acquired from Fran Reardon's the Estates, part of the proposed trail system. Supervisor Lindborg motioned to accept the extension of time. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

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

John Snook has provided the Township with proposed zoning modifications to the Open Space Design Option for the Board's review. Manager Rambo noted that he forwarded this information to the BoS for their review and hard copies are in their meeting books. Manager Rambo would like to discuss this with the BoS so that it can be put into the final format.

Stan Stubbe has forwarded the Township proposed language to update and modify the Township's existing lighting ordinance requirements. Chairman Obernier noted that he has not had the opportunity to read Stan Stubbe's document yet.

### **Old Business**

The Township Manager has received the final Technical Specifications for Traffic Control Signalization Ordinance from McMahon Associates, Inc. and has forwarded them to John E. Good, Esquire and the Township Engineer for review prior to advertising. Manager Rambo noted that John Good suggested that the Township create this ordinance as a stand-alone ordinance, based on that, the Manager will prepare the ordinance for advertisement and adoption. The time frame is to have it advertised for adoption in October.

All necessary personnel of the Township are in the process of becoming NIMS certified by the September 30, 2006 due date. Several Township personnel have already attended the necessary training.

The Township Manager is requesting dates and times in which the Board can meet with the Township Engineer and Manager to give input and go over the Township's ACT 537 Plan. Manager Rambo will give the BoS copies of the ACT 537 Plan.

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

There was no Old Business from the Floor.

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

There was no Old Business from the Board.

### **Ordinances and Resolutions**

Resolution #09-06; reimbursement policy adoption consideration for the BoS while attending the PSATS yearly meeting. Discussion ensued regarding the forms used to report income. The consensus of the Board is that they have no intension of taking advantage of this resolution; it didn't seem applicable to any of the current BoS members. At some point, some members of the BoS may use this policy. Vice-Chairman McCaffrey noted he had reservations about adopting this policy. Chairman Obernier stated that John Good suggested that the BoS put some type of policy in place. John Good has reviewed this Resolution and found it to be satisfactory. Chairman Obernier motioned to adopt Resolution #09-06. Vice-Chairman McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

### **New Business**

The Township Manager is finalizing the Floodplain Ordinance changes as required by the NFIP and PA Act 166, the PA Floodplain Management Act for distribution, advertising, review, and adoption consideration. Manager Rambo noted that it would be in final format by the next BoS meeting. They need to have it to the state by the 29<sup>th</sup>.

The Township Manager is preparing an RFP for Audit Services of the 2006 Financial Statements. Manager Rambo explained that the RFP denotes specific criteria. They will be due back to the Township by October 31, 2006.

The 2007 Budget preparations are underway. There were no comments.

Recommendations of the Township Planning Commission. There were no recommendations of the Planning Commission.

The Township will be accepting sealed bids for the sale of surplus equipment and vehicles on Thursday, September 21, 2006. Manager Rambo noted the list of items up for bid.

The BoS to consider dates and times in which to meet with the Authority to review revised Pulte documents. Manager Rambo will find out meeting dates from the Authority.

### **New Business from the Floor**

There was no New Business from the Floor.

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

Supervisor Lindborg asked how many complaints were received since the Barking Dog Ordinance was passed. Chief Werner noted right after it was passed there were two or three, since then there have been none. Supervisor Lindborg also inquired if there were any complaints about noise since the Noise Ordinance was adopted. Chief Werner answered there were no noise complaints. Vice-Chairman McCaffrey suggested that discussion regarding the Barking Dog Ordinance be put on the September 21, 2006 agenda to give people a chance to come in and voice their opinion. Chairman Obernier noted he had an opportunity to speak with the person that had requested the Noise Ordinance, it seems to have been an eye opener to the person that was having the party, it turned out to be a positive thing and the neighbors all started talking. Vice-Chairman McCaffrey stated that people always have the ability to come in to a Board meeting to voice their opinion if they have a grievance.

Chairman Obernier requested that certain construction signs be removed on Hurley Road and also noted a sign with graffiti that needs to be cleaned up. Tom Eells will remove the signs.

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

Dr. Vilcheck requested that barn ruins on Swinehart Road be acknowledged and to keep the stone foundation in tact. Dr. Vilcheck also noted that Wayne Webster of Highspire Road passed away recently; he was one of the first people that came to the Historic Commission to give a history from his childhood when he first moved into the Township. Dr. Vilcheck requested that the fencing be replaced where the CAT Brandywine students will be working. The students will be doing a restoration project where the stone structure and springhouse are in the Catania development. Manager Rambo asked if Dr. Vilcheck had a time frame for his plans, ruins start to become a hazard to kids, as people begin to move into the area; orange construction fence won't keep them out. Liability issues were discussed. Dr. Vilcheck explained that the school is willing to do the project, they need funds set aside for sand and mortar to use in the restoration process to move forward to stabilize the structure. The school is looking at this as a long-term project. The BoS expressed concern about the liability and stated they need a letter from the school taking charge of the situation and absolving the Township of liability for what they are doing there. Vice-Chairman McCaffrey requested an anticipated time line that the school plans on using the site. Chairman Obernier stated that there are other structures within the Township that could use the same work.

Both Vice-Chairman McCaffrey and Chairman Obernier stated they would not mind funding the project for fencing, sand, and stone. Manager Rambo stated that the Township owns the property, but it is registered as open space so people have to have the ability to be there, it would have to be specifically that particular area that would be posted. Dale Barnett expressed extreme concern about the safety of the children that would be working on the ruins site. The BoS would like to have a letter from the school district absolving the Township from liability, they want the structural engineer to look at it for liability, and they are all in agreement to help fund the project. There were no further Public Comments.

## **Open Issues Before the Township**

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. Manager Rambo is suggesting Tier I and Tier II because there needs to be further study with Tier III. The definitions will be incorporated into the Township's definitions so that everything is consistent.

The Township continues to seek volunteers to serve on the Buildings Appeals Board, the Parks and Recreation Board and the Historic Commission. Tonight they appointed a new member to the Historic Commission.

The Township Engineer and Manager continue in the efforts in preparing updates to the Township's ACT 537 Plan for presentation to the Board. This item has been discussed earlier in the meeting.

**General Obligation Note** (Adjustable Rate Loan based on Harrisburg Bond for the Facility/Park Construction) Interest rate for the week is 3.7 %. Chairman Obernier noted that he attended a meeting at East Brandywine and they were contemplating an interest rate of 4.2%.

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

Review and Payment of the General Fund (\$109,661.63), Solid Waste Fund bills (\$29,334.39), and the State Fund (\$1,571.39). Supervisor Lindborg reviewed the bills, found them satisfactory, and motioned to pay the bills. Vice-Chairman McCaffrey also reviewed the bills and seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

## **Upcoming Meetings/Events**

- Historic Commission, Monday, September 11, 2006 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, September 12, 2006 at 7:30 p.m.
- Open Space Planning Committee meeting, Thursday, September 14, 2006 at 7:00 p.m.
- Municipal Authority, Thursday, September 14, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, September 21, 2006 at 7:30 p.m.
- Planning Commission meeting, Thursday, September 28, 2006 at 7:30 p.m.

Chairman Obernier noted at the meeting at East Brandywine Township, Scott Piersol was asking to have a resolution passed about reimbursement for emergency services, which didn't include police. The funding would help the ambulance, rescue, and fire and is only directed to try and collect for homeowner insurance policies or automobile policies. Chairman Obernier stated the Township has obligated itself to giving money every year to the fire company and asked if the Township could set up something where the Township goes after this money and uses that money as the donation. Manager Rambo will get a copy of the resolution and forward it to John Good.

## **Adjournment**

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:37 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

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