

Meeting Minutes of November 03, 2005
Board of Supervisors

Chairman Lindborg called the Board of Supervisors Meeting of November 3, 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 Vice-Chairman Josef G. Obernier, Sr. and Chairman Carl S. Lindborg in attendance. Supervisor Thomas J. McCaffrey arrived at 7:37 p.m. 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.

Correspondence/Communications *Information to act upon*

The Township is in receipt of a letter of extension for sixty days from Schnatz & Rohrer Landscaping with regard to their Final Land Development Plan. Manager Rambo noted they are currently working with their engineer. Vice-Chairman Obernier motioned to accept the Schnatz & Rohrer letter of extension, seconded by Chairman Lindborg. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of correspondence from George Aman, Esquire for signing with regard to the \$750,000.00 General Obligation note being sought from PNC Bank. DCED has approved the Township's request to borrow the funds. Manager Rambo is scheduled for settlement on Friday, November 04, 2005. Vice-Chairman Obernier motioned to sign the borrowing documents from PNC Bank. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of renderings with regard to the light pole heights and fixtures for the Coatesville Golf Training Facility, along with a ninety-day letter of extension. Manager Rambo noted that representatives of the City were at the Planning Commission last week and there was a question as to whether their rendering was correct. Manager Rambo would like the City to explain to him how the rendering is correct. The Board will hold off discussions on this until Greg Mellet, who is scheduled to be in attendance this evening arrives.

Correspondence/Communications *Information to Note*

The Township is in receipt of the PAWC Act 537 Plan, which is under review by the Township/Authority Engineer and Manager. Manager Rambo expects to have the recommendation before the Board within the next few weeks.

The Township is in receipt of a letter from the County with regard to the past round of grant funding for the purchase of Open Space. The Township was not awarded the grant for \$6,700 that they applied for

due to the abundance of applications that the County received. At this time it was noted that Supervisor McCaffrey is in attendance.

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

Jeff and Lisa Chalfant of 7 Westview Drive are in attendance to talk to the BoS with regard to the establishment of a Township wide Noise Ordinance. Jeff Chalfant gave a brief summary of concerns he expressed at the last BoS meeting regarding his neighbor, the neighbor's pool, the loud music they play, and his request that the BoS consider adopting a Noise Ordinance.

Supervisor McCaffrey asked Chief Werner if there is something in the Township's Ordinance or the State of Pennsylvania that protects people from excessive noise. Chief Werner answered there is disorderly conduct which pertains to public places; this disturbance is on private property. Supervisor McCaffrey would like to ask the Township's attorney for available options that a person has. He would also like to know how the "nuisance" section in the Township Ordinance is worded and how it could be applied to something like this. After further discussion on the matter, Chairman Lindborg suggested that the Township Manager and Chief Werner look at the sample ordinances that Mr. Chalfant provided and come up with some ideas.

Supervisor McCaffrey suggested that they tie this to development, lot sizes and design it for particular criteria, e.g., not a public street, private community without a homeowners association, etc. You can't make a blanket regulation; it should be tailored so that it won't impact everyone in the community. Vice-Chairman Obernier agreed with Chairman Lindborg to ask Manager Rambo, Chief Werner and perhaps Dale Barnett to come up with a solution, he didn't necessarily agree to have a regulation by lot size. When you try to specify by lot size you are going to miss someone. Supervisor McCaffrey stated he wasn't trying to design by lot size, but is saying to look at all the details, to tailor this to the problem, rather than trying to make a blanket statement in which your particular value for what is good and proper are imposed on another individual.

Old Business

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

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and is in the process of preparing an Ordinance amendment for the BoS to consider. There were no comments.

The Manager has finalized Ordinance No. 05-10, Construction in Public Rights-of-Way Ordinance for review and input by the BoS prior to its advertisement and adoption consideration. There were no comments.

The Manager is finalizing the Access Management Ordinance for review and consideration by the Board. There were no comments.

Airwork's is in the final stages to adjust the air circulation and exchange within the shooting range. Vice-Chairman Obernier noted they are working on it as we speak.

The Township is in receipt of renderings with regard to the light pole heights and fixtures for the Coatesville Golf Training Facility, along with a ninety-day letter of extension. Manager Rambo noted that at the last Planning Commission meeting, E. Jean Krack, City of Coatesville Manager had been in

attendance to talk to the Planning Commission with regards to the lighting topography map that the BoS had requested. Upon looking at the map, Mr. Krack and Manager Rambo could not depict that it was done correctly. At Mr. Krack's request, Greg Mellet from Carroll Engineering is in attendance to explain the map. Vice-Chairman Obernier noted that the map does not show the base elevation of the poles, the point of the exercise was to demonstrate the height of the lights; the Board has been assured all along that the lights were below the tree line. Based on the work that Carroll Engineering has given them, seven out of ten lights are not below the tree line.

Supervisor McCaffrey noted that it appears that they compared it to the highest tree and felt that either the drawing or the numbers are misleading on the map. The Board's idea was that the light fixtures be below the canopy of the forest, so that they would not be a glaring influence on the neighborhoods around them. They didn't mind doing away with the ordinance height and going taller as long as they didn't exceed the height of the trees. It appears that the canopy is lower than the light fixture, which is not what everybody had been talking about all this time. Manager Rambo stated that was what was requested, to show us so that we could see on the rendering. Supervisor McCaffrey stated the City's contemporaries that came before Mr. Krack stated they could agree with extending the pole height up and they would not exceed the height of the trees.

Vice-Chairman Obernier stated that when this was first suggested to the BoS, the BoS had requested a light test and Paul Jansen said they couldn't arrange a light test for whatever reason, and suggested that the BoS let them do a to-scale elevation to demonstrate that none of the light bulbs would be above the top of the trees. It was something that the Board had promised the residents of the area. At the time the City agreed to do this. It might be clearer if they use GIS software and have a model that shows the elevation of the trees and light poles, when it is finished, they would have something for a comparison after construction. Vice-Chairman Obernier questioned the validity of the topography map from Carroll Engineering.

Steve Jakatt suggested they do a 3D diagram to project on to the screen so that everyone can see it from the top and sides. Chairman Lindborg asked Mr. Mellet if it was possible for his firm to do that. Mr. Mellet will check into it. Bob Karpovich of Fraser Boulevard asked if a letter was sent to the City requesting this information. Manager Rambo answered yes, a while ago. Manager Rambo suggested the Township give them a sixty-day extension of time to prepare the 3D model or drawing, the Manager will also meet with Jean Krack to discuss the past agreement. Vice-Chairman Obernier requested that it be done in a 3D model or 3D capable software. Vice-Chairman Obernier stated he is not willing to go sixty days, only thirty days, then if they willing to move forward with the Boards request they can grant them another thirty days.

Jim Dix of Fraser Boulevard suggested that the City not be given an extension until they get an answer. Doug Smith of Fraser Boulevard stated that they repeatedly have not even attempted to hold up their end of the deal. Vice-Chairman Obernier explained that Mr. Mellet and Carroll Engineering are not to blame. The City wants the extension, not Carroll Engineering. Manager Rambo explained that the City is granting the Township an extension of time to render a decision. Supervisor McCaffrey explained that the neighbors there should remember that the lights go off a lot earlier than they were planned to go off, even the worst case scenario is not as bad as they thought it was going to be. The BoS is trying to get it so it is even less of an impact. The Township has more to their advantage to go along with an extension. Chairman Lindborg agreed with Supervisor McCaffrey and stated that if they grant the extension, he didn't want the extension to run out the night before the BoS meeting.

An area resident commented that the City might not know what the Township wants in order to tell Carroll Engineering. Manager Rambo noted he met with Mr. Krack a few times in the past month to catch him up to speed. Mr. Krack is just getting involved in this project.

Chairman Lindborg requested that the Manager compile a letter stating what the City had agreed to. Supervisor McCaffrey suggested the Board get an opinion from their solicitor as to whether the zoning permit, if it is completed to some degree, if it can be flipped over like a subdivision plan. The way it was explained to him was that this permit was for a specific plan that was using a loophole in which a municipal use could be placed in this area and they are a municipality so they were able to put their municipal use there via a zoning permit. He would like to know if the zoning permit is transferable if the City is not the one who runs it.

After much discussion about how long to grant an extension, Manager Rambo suggested that the Board grant an extension until January 20, 2006. Supervisor McCaffrey motioned to accept an extension of time until January 20, 2006 and that Manager Rambo meet with the City Manager and Greg to come up with a viable solution to a presentation. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye. The Board wants the applicant to demonstrate that the tree line is going to be taller than the light stands.

Acceptance of Minutes from Previous Meetings

September 15, 2005, October 6, 2005 and October 20, 2005. Supervisor McCaffrey motioned to approve the meeting minutes of September 15, 2005. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye. The October 6, 2005 and October 20, 2005 were tabled.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from Board

There was no Old Business from the Board.

Ordinances and Resolutions

There were no Ordinances or Resolutions

New Business

Approval of the public improvements escrow release for the Coatesville Catholic (Pope John Paul II) Elementary School. Manager Rambo and the Township Engineer have reviewed the release requests totaling \$126,167.77 and found them to be in order. Vice-Chairman Obernier motioned to approve the release request for Coatesville Catholic Elementary School. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Signing of Costa Homes Letter of Credit documents. This item was tabled since the Township has not yet received the documents.

The Township Manager has finished the preparation of the 2006 Township budgets and provided the BoS copies for their review and input. There were no comments.

The Township will be advertising Ordinance No. 05-11 with regard to an Inter-Municipal Agreement between various municipalities in conjunction with Verizon and the proposed franchise agreement and

other issues of benefit to the Township. Vice-Chairman Obernier wanted clarification regarding the Manager's signature, that it would still require the vote of the Board. Manager Rambo answered yes.

Recommendations of the Township Planning Commission. Steve Jakatt noted the recommendations of the Planning Commission dated November 2, 2005 pertaining to the Balderston Partnership/Swinehart Realty Associates and the Nunemaker Preliminary/Final Subdivision Plan. Manager Rambo noted that the Planning Commission recommended conditioned preliminary approval on addressing any outstanding compliance issues with regards to Jim MacCombie's latest review letter dated October 25, 2005. They recommend the waiver of the cul-de-sac from 1,000 foot to 1,028 foot, it was conditioned that the trail be mulched and comply with the Township's Comp Plan as well as should the sewer towards PAWC not come to fruition that they would have to resubmit the Preliminary Plan to show where the field and the proposed treatment facility would be. The Manager recommended that the BoS grant Conditioned Preliminary Approval based on that at the presentation of the Final Plan that all outstanding housekeeping items of Jim MacCombie's latest review letter dated October 25, 2005 be addressed. The establishment of placement and design of the actual trail network throughout the open space creating six foot wide mulched path which would interconnect with some of the sidewalks that will be in the subdivision itself. Conditioned on Pennsylvania American Water Company working out that it actually goes to the City of Coatesville, should it not, they would have to resubmit the Preliminary Plan showing the location of the drip fields.

Supervisor McCaffrey noted he didn't vote positively on the other decision with the sewer system there, the Board has already approved that they could build their development, they just have to build it either with an onsite sewer or with sewer going to the City of Coatesville. His contention from the very beginning is that there is insufficient space with the open space required to provide a sewage field that would meet this capacity by our calculations. They have already agreed to different amounts for flows (262 ½) instead of 300, which is what the Township has for Act 537. He is concerned that what the Township will be left with is compromised open space. Manager Rambo noted they would have to come back with a plan that meets the ordinance. Supervisor McCaffrey asked which ordinance, the one that is in place at the time that you come back or the ordinance that was in effect years ago. Manager Rambo answered the one that was there when it was submitted. Chairman Lindborg motioned to grant preliminary approval based on the conditions that the Manager has listed as well as grant the waiver of the cul-de-sac from 1,000 foot to 1,028 foot. Vice-Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye. Supervisor McCaffrey voted nay.

The Planning Commission recommended that the BoS approve the John & Sandra Nunemaker Preliminary/Final Subdivision Plan under the following conditions. That the new plans satisfy the outstanding comments on Mr. MacCombie's review letter, establish appropriate financial security, receive approval to tie into the sewer line via PAWC, and receive approval of the planning module. Supervisor McCaffrey motioned to approve the John and Sandra Nunemaker Preliminary/Final Subdivision Plan with the aforementioned conditions. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Signing of final plans and escrow documents for the Golf Zone Project. Manager Rambo noted he has the plans ready for signing after the meeting. Supervisor McCaffrey motioned that the BoS sign the Golf Zone Project final plans. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

New Business from the Floor

Jesse Edwards commented about an accident on Route 82 and directed traffic. Steve Jakatt commented

that plastic and metal recycling is being dropped in the street. Manager Rambo asked that Mr. Jakatt call him the time it happens.

New Business from the Board

Vice-Chairman Obernier stated that he was at the accident that Jesse Edwards mentioned and noted the need to call Brandywine Regional Police in for their measuring equipment and suggested that Chief Werner make up a list of standard equipment that should be in each car and inventory each car for equipment. Chief Werner explained that some cars have the measuring equipment...

Vice-Chairman Obernier noted the Avian Flu Pandemic and local government responsibility. Vice-Chairman Obernier would like a copy of the Emergency Management Plan that is in place. Manager Rambo stated he would supply the BoS with the current plan. Chairman Lindborg feels that the Avian Flu Pandemic is a source of concern as well. Supervisor McCaffrey noted that the manufacturers of the vaccine are not located in our country and they can't even manufacture vaccines for a non-pandemic. The drug companies are too involved in politics these days. The government should be manufacturing these vaccines.

Manager Rambo noted that the settlement for the funds that the Township is borrowing from PNC to improve the public works facilities is tomorrow. The Manager has contacted DNB FIRST regarding investments and CD's.

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

There were no Public Comments.

Open Issues Before the Township

There are no Open Issues.

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

Interest rate for the week was 2.96 %. There were no comments.

Review and Payment of the bills.

Manager Rambo noted State Fund bills totaling \$628.77 and the General Fund and Solid Waste Fund bills totaling \$58,989.74. Vice-Chairman Obernier reviewed the bills and invoices, finding them in order motioned to pay the bills as presented. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye. Chairman Lindborg noted he also had reviewed the bills and found them to be in order. Supervisor McCaffrey would like the Manager to find out where the money goes that they pay to the water company for the maintenance of fire hydrants, it seems like an arbitrary fee that they collect without any real return on it.

Upcoming Meetings/Events

- Parks and Recreation Board meeting, Tuesday, November 8, 2005 at 7:30 p.m.
- General Elections, Tuesday, November 8, 2005 between 7:00 a.m. and 8:00 p.m.
- WBT Municipal Authority, Wednesday, November 9, 2005 at 7:30 p.m.
- Historic Commission, Monday, November 14, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, November 17, 2005 at 7:30 p.m.
- Planning Commission meeting, Tuesday, November 22, 2005 at 7:30 p.m.

A resident asked the status of home inspection. Manager Rambo stated that the Township is currently not enforcing the ordinance. They are reviewing it to see what needs to be enforced within it. Further discussion followed.

Adjournment

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:14 p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

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