

Meeting Minutes of July 17, 2003
Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of July 17, 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 June 5, 2003, June 19, 2003, and July 3, 2003. Vice-Chairman McCaffrey motioned to accept the minutes of June 5, 2003 and June 19, 2003. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye. The July 3, 2003 minutes were tabled.

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

General Fund.....	\$69,133.31
Solid Waste and Recycling Fund.....	\$136,093.65
Capital Reserve Fund.....	\$946,194.46
Construction Sweep Fund	\$2,374.56
Developer Escrow Fund.....	\$260,386.16
State Liquid Fuel Fund.....	\$120,103.53
Operating Reserve Fund	\$222,591.83
Police Pension Fund.....	\$884,634.01
Non-Uniform Pension Fund.....	\$155,316.83
Payroll Fund.....	\$4,204.73

Being there were no individuals requesting to be on the agenda Chairman Obernier moved onto Correspondence/Communications – Information to Act Upon. The first item under Information to act upon was the Board of Supervisors is in receipt of information from Marc Jonas, Esquire with regard to the Brandamore Golf Course Property and the approved Riding's of Hibernia subdivision of the early 1990's. Manager Rambo recommended they postpone further discussions on this until Jim MacCombie and himself have had a chance to review it.

Steve Jakatt of the WBT Planning Commission noted that most of the Planning Commission members have not received the subdivision plan.

Vice-Chairman McCaffrey suggested that the Board have a chance to review this before the information is forwarded to other people.

The second item under Information to Act Upon was the Township has been awarded a Round XV Park Acquisition Grant in the amount of \$7,200.00 from the County that is to be used toward the purchase of the Gurerra Property to the west of Schoolhouse Lane and contracts are to be signed. Manager Rambo noted that they have submitted to the County for a grant and have tried several times to contact Mr. Gurerra requesting assistance with this and he has not replied. The Manager would like to proceed in signing the contract to accept the grant. The property has been appraised at a little under \$15,000. According to the Township's appraiser it is not a buildable lot.

Vice-Chairman McCaffrey asked what the Township's contribution would be toward the purchase of the property. Manager Rambo stated the Township's cost would be anything above the appraised value or they could write to the Township's solicitor for his recommendation based on the assessment. The Manager noted this is the parcel that will connect the existing trail system at Schoolhouse to the schools and will also attach to the eighteen acres they received from Fran Reardon, that will attach to the right-of-way they got from Catania to Justin Lane and the other ten plus acres they are getting from Catania's other subdivision. They will then have the start to the trail system in the southeast part of the Township.

Supervisor Lindborg made a motion to accept the grant awarded amount of \$7,200. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The third and final item under Information to Act Upon was the Township is in receipt of the 2003-2004 Winter Maintenance Agreement from PennDot for signing. Manager Rambo recommended the Board accept the agreement and permit the Manager sign on behalf of the Township. Vice-Chairman McCaffrey made a motion to accept the agreement as stated above. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first item was Stradley/Ronon, Attorneys at Law, have forwarded the Township and the Zoning Hearing Board's Solicitor extending the time in which to schedule a zoning hearing for St. Peters Church. There were no comments made.

The second item was regarding a letter of thanks to Chief Werner from the Caln Township Police Chief for assistance rendered at the Brandywine Hospital at a recent bomb threat. Chief Walt Werner noted that Corporal Shappell assisted the Caln Police in searching and securing the area.

The third piece of Information to Note was the Township is in receipt of an email from the East Brandywine Township Open Space Committee with regard to their recent initiative. Manager

Rambo stated this is in regards to their referendum that they had on the ballot to increase their earned income tax, they had a committee that reviewed it and have extended an invitation to the Township to come to one of their meetings to hear how they have done it.

Vice-Chairman McCaffrey suggested they might want to do this together noting it's always an advantage to have joint townships' on an application. Manager Rambo will contact East Brandywine Township to find out when the meeting will take place.

The fourth and final piece of Information to Note was the Township is in receipt of correspondence from DEP with regard to the Township's Act 537 Special Study of the Kimberwick Area by ARRO Group. Manager Rambo noted this is in regards to Poff and his ability to proceed with the special study based on what they submitted to DEP with regards to the various areas along Route 322 and his other proposals. They are studying the Janiec Property, Kimberwick area, Kimberwick existing system, Wagner's Mobile Home Park, Poff's three properties, Swinehart, and Route 322 with regards to looking at ways to combine the system. Hideaway Farms is not included in the study.

Chairman Obernier asked the Manager if they are looking at using Kimberwick Spray Irrigation Plant as an alternative. Manager Rambo answered no.

Chairman Obernier moved onto the Reports of Departments for the month of June 2003, which was the next item on the agenda. Chief Walt Werner was present from the Police Department to give the police report. Tom Eells, Road Foreman then gave the Road Department report.

Colin Judge asked if the Township has any available dirt. Manager Rambo noted dirt is available for the residents.

Code Enforcement Officer, Building Inspector; Dale Barnett, gave the report for the building and codes department. Manager Rambo then gave the report from the Fire Marshall, Martin's Corner Ambulance report for June, and Wagontown's June fire department report. East Brandywine and Martin's Corner had not submitted their June reports.

Chairman Obernier moved onto Reports of Organizations, Boards, and Commissions. Steve Jakatt gave a report from the Planning Commission. There were no questions. There was no one in present from the Historic Commission and Manager Rambo noted the Historic Commission has forwarded some letters they would like to be sent out. The Manager will review the letters and if deemed appropriate the letters will be sent out. Supervisor Lindborg noted that all recommendation are to be passed through the Board.

The Chairman moved onto the Park and Recreation Board. Colin Judge gave the report from the Park and Recreation Board. Manager Rambo gave the report of the Municipal Authority. The Manager noted they are still in the process of video taping the Monacy Manor lines, when the process is complete he will better be able to determine what corrections or repairs will be made to the lines that have been in the ground since 1976.

Chairman Obernier moved to adjourn from Township Meeting at 7:58 p.m. and open the Public Hearing at 7:59 p.m., which was regarding input into Ordinance No. 03-10, amendments to the Township's zoning ordinance. Manager Rambo noted this is the second draft that was advertised, forwarded to the County, and to legal council. The Board withheld having the hearing the first time due to comments received from legal council. Manager Rambo then read out loud the Chester County Planning Commission's letter dated July 16, 2003 regarding their input. The Manager also read out loud the e-mail received from the WBT Planning Commission that commented that the Ordinance had gotten longer and questioned why it had. The Manager answered that to address issues that the County Planning Commission had that Ordinance No. 03-10 became longer. Steve Jakatt stated he now understood why it had gotten longer.

Steve Jakatt thought his e-mail was only going out between members of the Planning Commission and was not intended to insult anyone. Manager Rambo explained that once an e-mail goes out to him it is considered public record and noted he was not insulted.

Vice-Chairman McCaffrey had no comments and noted the Ordinance is on the agenda to discuss later. Manager Rambo noted this is additional testimony from the public. He asked Steve Jakatt if his e-mail expressed the consensus of the Planning Commission. Steve Jakatt answered that it was only the consensus between John Cassels and himself, that none of the other Planning Commission members responded. Steve noted he personally recommended passing the Ordinance.

Supervisor Lindborg commented about the e-mail that was sent by Steve Jakatt noting he was concerned about the percentages that are to be used when calculating the Open Space and noted the plans they receive are not what was envisioned and are not a benefit to the people that are moving in or living in the community. He noted that the changes are designed to try to get better plans utilizing the open space option, they can always consider making changes if these changes aren't advantageous.

Steve Jakatt noted they purposely increased the calculations and also noted he was frustrated by his limited abilities that when a plan comes in after the developer has applied the Open Space plan to a piece of property, only then does the Planning Commission get it and it can then go in a direction that may or may not be positive for the Township.

Chairman Obernier noted that Steve Jakatt's comments are always welcome and wanted him to feel comfortable to ask questions and thought the rest of the Board and the Manager felt the same way. Chairman Obernier stated they are all trying to work in the same direction.

Vice-Chairman McCaffrey stated that he would discuss his comments regarding the Ordinance under Old Business. He noted that with the Township's Ordinance they tried to build flexibility and creativity into it and people that bring in their plans don't look at it as creativity they go with the nuts and bolts of what they are permitted to do by right.

Manager Rambo wanted everybody to be aware that they added "area and bulk regulations" so that it spells out exactly what is required and this increased the text by about one and a half pages. Before you had to go back from one section to the next, now it lists everything making it

more understandable. They revised it based on review letters and this is the new input that they have conceived. The Ordinance was reviewed by the County and they liked the fact that it spells everything out rather than to guess everything.

Steve Jakatt and John Cassels suggested that the Planning Commission receive a brief synopsis of why they are doing the changes and what the changes are so the Planning Commission Board members can see what the new ordinance is improving.

Rocco DiAntonio a landowner in West Brandywine Township commented that this ordinance is very difficult to understand compared to a lot of the old ordinances and thinks the Township is opening itself up to a lot of lawsuits. He noted that it crisscrosses with others such as the DEP that can overrule the Township and thought this would open up a “can of worms”.

Manager Rambo noted the entire text of the ordinance was advertised in its entirety in the Daily Local News. You have to have the current zoning book in front of you and crisscross between the current zoning and look at what is being proposed to see what is being changed. That is the typical way that it is done. Manager Rambo noted that every time they adopt a new ordinance the zoning book gets codified.

Rocco DiAntonio asked if the purpose of the change is to work with or against the developers coming into the Township. Manager Rambo answered that it is to address issues that the Board feels are not currently in the Township’s ordinance. It benefits both, spelling out better to you what is required and it assures that the Township gets the plans they feel should be brought to the Township.

Rocco DiAntonio stated the word on the street was that the Township is trying to put up road blocks to development through the Township. Manager Rambo noted that anytime a municipally adopts an ordinance the developers think it’s a roadblock, it’s not, it is an improvement on what the Board feels is needed for West Brandywine Township and that is what they are here for.

Rocco DiAntonio asked if they planned on adopting the ordinance tonight. Manager Rambo answered yes, after this Hearing and discussion they could. Rocco DiAntonio noted he would be against it without reading everything himself. Manager Rambo noted that the Township’s legal council has reviewed it and they take the word of legal council that is why he is hired on behalf of the Township. They don’t advertise things that are not first reviewed by legal council; it would be a waste of money.

Chairman Obernier asked Rocco when he first read the ordinance. Rocco answered that he read it in the paper on July 8, 2003, he stated he knew the Township was looking to change some ordinances, he didn’t have the newest book out to compare some of the things and that his book is two years old. He stated he was not very knowledgeable about the Glenville soils and things like that but perhaps Steve Jakatt would know about them.

Chairman Obernier stated what they are looking for in this Hearing is to draw comments about the legislation unless Steve Jakatt would care to give a very brief training on the subject. Steve

shook his head no and the Chairman stated that perhaps this would not be the right venue for this type of education.

Rocco stated that it is not for the average person to understand but for the attorneys or the engineers. Chairman Obernier was in agreement with Rocco on that point.

Rocco was concerned that it would be adopted strictly to benefit the Township to put up a roadblock for the developer. Chairman Obernier reiterated what the Manager stated that the solicitor reviewed this and found it to be legal.

Ron Agulnik an attorney from West Chester that is representing a developer commented in response to the comments that he has never perceived in this Board any effort to put anybody away or kill anybody, and noted he has been treated fairly here. He noted that the ordinances are designed a piece at a time to fulfill coverage of a problem as it develops and that he felt the Board is fair and has no complaints about West Brandywine Township trying to screw anybody. He noted he has some philosophical issues with Ordinance No. 03-10 and how it relates to the whole theme. First, he noted that 75% net outs are extreme because if you are restricted in building in a certain area why net it out. Ground is ground they are not making much of it. The problem he sees with net outs and things of this sort is there is a problem of what you have to say and what things you are trying to correct. But if you can't build in the woods, steep slope, wet lands, and flood planes then there is not much left. He appreciates what the Board is trying to do and would like to see a prioritized wish list of what is most to the least important. When you are faced with the expense of meeting all of the criteria that is being asked of you with a development that does not have a bottomless pit, then it is very hard to be creative when you have no prioritization of the elements that you are really trying to accomplish. He has no problem with this ordinance by itself, but when you start to superimpose one amendment after another, that by stating what is most and least important someplace, they will have to reach that level. He has seen an ordinance that stated "these are the things that we want to see addressed in this order if you are going to include open space." He felt this would be beneficial if the developers are going to be creative.

Rocco DiAntonio stated he was in agreement with Ron Agulnik. And with regards to the scenic overlay even Steve Jakatt stood up and stated that he couldn't believe it had gotten this far. Rocco thought that a lot of time it was overkill. Chairman Obernier noted they were taking comments about Ordinance No. 03-10 at this time.

Rocco DiAntonio noted that this ties in with other ordinances but doesn't get the main objective of this ordinance and thinks it is putting up a lot of roadblocks. He feels if they do go to court on something like this the Township should lose hands down on this one.

At this time in the Hearing there was no further testimony so the Chairman moved to adjourn from the Public Hearing at 8:30 p.m. and re-open the Township Meeting at 8:31 p.m.

Chairman Obernier moved onto Old Business. The first piece of Old Business was the Board of Supervisors continues their search to fill the Historic Commission and Building Appeals Board vacancies. There were no comments made.

The second piece of Old Business was the Manager and Public Works Director are continuing the process of completing their list of proposed improvements to roadways being considered under the PennDot Turnback Program. Manager Rambo noted this is ongoing.

The third piece of Old Business was additional discussion or comments on Ordinance No. 03-10, amendments to the Township zoning ordinance. Vice-Chairman McCaffrey commented that what the Board found with some of the developments that came in, we were granting people the ability to more intensely develop what little piece of property that was there and that was a problem. There was no purpose to divert anything; it has been give and take. You only find out that things have problems when it is put into practice. Basically, a lot of the changes that were made there were through discussion and through the unfortunate experiments that resulted after it was enacted that showed that it didn't work properly. He feels if he becomes a bias person that it will be bias towards his neighbors and the community he represents rather than a person who has interest in developing the community and then leaving it, then that problem or responsibility is incumbent upon the rest of the community.

Supervisor Lindborg stated he was in agreement with Vice-Chairman McCaffrey noting that the few things that were being tweaked were a result of seeing what was coming in as a result of the current ordinance.

Vice-Chairman McCaffrey stated they have tried to create a feeling that the ordinances are alive and can be changed and modified over time. When the current Board came they were looking at ordinances that had not been changes for decades. If a developer comes in and finds tremendous pressure that was not intended in the way it was written or something that is totally unfair, then they will entertain a request to change it.

Rocco DiAntonio asked if Vice-Chairman McCaffrey understood the whole ordinance. Vice-Chairman McCaffrey answered that you have to look the whole ordinance and not take one sentence out of context. They hire consultants for their expertise who will try to anticipate what the Board is trying to have done.

Supervisor Lindborg noted that the idea here is not to make things confusing but to make them clearer and spell everything out. Their Planning Consultant and solicitor have reviewed it. The Board's intention is not to throw roadblocks or create legal problems. With the open space option they have had problems and they have tried to be flexible. They have tweaked it so the ordinance they have come up with will be clearer and be more beneficial to the vision that they have collectively agreed to what an open space plan should be.

Steve Jakatt noted they have to take the sentences and compare them to the whole document to understand it.

Rocco DiAntonio stated that he didn't have a problem with it if they tweak it to be fair to everybody. There were no further comments so the Chairman moved on.

The fourth piece of Old Business was discussion with regard to the consideration of an Open Space Referendum on the ballot in November of 2003. Manager Rambo noted he put it back on the agenda because if they are going to consider this for November they will have to move forward with it.

Vice-Chairman McCaffrey thought the time period had run out, that you would have to do it thirteen weeks ahead. He noted that one of the requirements to do this is to have a committee that is appointed to evaluate open space and what pieces are important; part of it is a review process that takes a tremendous amount of time. The County has a grant program that is available, the state has available money, Jim Gerlach is getting federal money that the Township will be able to match. In doing the plan now they will be able to map out exactly what they will try to get the money for when the money is available. The important thing now is the general concept of trying to obtain open space benefits through the acquisition of real property or rights to real property and to determine which parcels are important through that committee. He noted the referendum wouldn't be there until November, they wouldn't be able to anticipate revenue for a year.

Manager Rambo noted they would have to adopt it by August 4, 2003.

Vice-Chairman McCaffrey noted that a number of communities have already passed it and a number that will have it on the ballot this fall. Open Space issues have passed with an 80% margin.

Colin Judge of North Hawthorne stated they are not asking for people to pay money, they are asking for people to vote on it. Supervisor Lindborg stated you are asking for people to vote on whether they want to be taxed. Colin Judge stated when put into perspective it is not a lot of money.

Chairman Obernier stated that for him one of the hurdles would be that there are only so many registered voters in the Township. There are far many more landowners and people living here than there are registered voters, it is going to be a small percentage of the total population that will be voting and saying yes. He would like to hear from the rest of the people what they would like to do.

Supervisor Lindborg suggested the residents be sent a survey, possibly in the Newsletter. He would like to inform and educate the people where the money will be spent. Open space has a different meaning for different people.

Vice-Chairman McCaffrey noted that the solicitor stated that they should try to loosely define open space so that when desires and demands on the community changes you could give this Board and future Boards the latitude to adjust to the demands of the community.

Supervisor Lindborg stated that Chairman Obernier's point was that you would have a very small percentage of the people in the Township voting and would like to see the people in the Township educated about a general policy on how they would look at open space.

Jim Dix of 11 Frasier Boulevard stated he would like to see the referendum on the ballot for November because open space is evaporating from all the Townships. If someone is not a registered voter than they are giving up their right to be represented. If they were not registered to vote than they probably would not care what would happen in the Township, if they did they would register to vote.

Rocco DiAntonio stated that as a supervisor of the Township you would have an obligation to be a representative of all the residents in the Township, you may have a person who may not be of age this year but will register next year. He agreed with Chairman Obernier that he will stand up for everyone whether they vote or not.

Vice-Chairman McCaffrey disagreed; he felt that the person who comes in to vote has a right to that representation. For a person that has no care about this community and only has one issue and decides that is when he is going to come in and have an influence on all his neighbors when he has ignored them for the last twenty years he doesn't agree. If you chose not to participate, you don't participate. How would you know if you sent sixteen Newsletters out to pole them that one person wouldn't sent all sixteen back with their vote.

Mr. Dix stated there are a lot of Township's that have already passed this and thought that West Brandywine Township has dragged their feet long enough and they need to get serious about open space.

Supervisor Lindborg asked what Mr. Dix's vision would be of the Township's responsibility for open space. Mr. Dix stated he would like to see the Township purchase open space for parks and recreation.

Supervisor Lindborg explained that some people don't come to the Township meetings because things are running well and they don't have any issues.

Colin Judge stated that with a second class township the code requires that the percentage of the tax be determined by the residents through a referendum.

Vice-Chairman McCaffrey stated that you have to spell it out in detail what is going to take place and that includes the amount of the tax. He explained the good thing about an open space tax is that you would ear mark the tax for open space and everyone would know that it couldn't be used for something else.

Mr. Dix asked if the Board was concerned that they could no longer state that they did not raise taxes if they put this referendum on the ballot and taxes go up on earned income tax.

Chairman Obernier explained his position is that he hears comments from people saying they have been hammered with taxes over the years and they don't want to pay anymore earned income tax; that they pay enough. Do the people that live here want to have a tax to purchase property in which they don't get any benefit from? Vice-Chairman McCaffrey stated they do get a benefit from it.

Richard Kane stated he would favor a referendum and would like to see the Township put this in their Newsletter stating that if they don't like it they should register and vote against it. He feels the voters should decide. Open space should be meadows, woods, parks, and walking trails, just open space in general. He also noted since his involvement in the Township a year ago he feels the Board of Supervisors is doing an excellent job. He agreed with Supervisor Lindborg that some people don't attend because they are doing an excellent job of taking care of the citizens.

Supervisor Lindborg noted they would still have a benefit of putting the referendum on the ballot in November it doesn't automatically go into effect. They would still have the opportunity to qualify how it may or may not be used if they choose to pass an ordinance. This would just be the first step.

Vice-Chairman McCaffrey suggested they put the facts into the Newsletter and announce the date it is coming.

Steve Jakatt noted he has been in the Township for eleven years and he got involved in the Open Space Committee in which they developed the Open Space Plan. They sent a survey out to every citizen in the Township and received back a 20% response and 70% stated what they valued most in the Township was seeing open space. He feels now is the time to ask for a referendum and start getting some dollars put aside for open space if they don't they will lose a valuable resource, a resource that 70% of the respondents valued most in the Township ten years ago.

Chairman Obernier asked how much money they would get the first year the money came in. Manager Rambo stated that it would be based on the percentage you would go with, at 25% the Township would receive \$200,000 of the \$800,000 collected.

Vice-Chairman McCaffrey noted that this tax would be a predictable known source of income. This year while the ground is cheap you can borrow money on the income that is coming from that tax and pay for it over a period of time.

Chairman Obernier asked what places are they expecting to buy. Manager Rambo stated that would be the purpose of forming a committee that would come up with a list.

Vice-Chairman McCaffrey noted that some communities incorporate parcels they feel are important noting they aim to preserve them and chart them on an official map. This could take place over many years.

Supervisor Lindborg stated if you take Vice-Chairman McCaffrey's philosophy that if you spend the money now and pay for the ground over a period of time the amount that you collect you would be committing people to pay for it for a long period of time. Instead, if you take the money and the matching funds a pay for it then at some point down the road you would not have to continue this tax.

Vice-Chairman McCaffrey noted there are two advantages to the long term. The interest rates right now are low if they were to borrow matching money. The second would be as the community grows so would the tax.

Supervisor Lindborg asked if the money coming in from the Township's earned income tax has gone up this year and Manager Rambo answered yes.

Steve Jakatt stated as a member of the Planning Commission every plan they look at they try their best to maximize open space. They have members that have said the only to get open space is to buy it. If they can start buying it, they would be able to stop trying to get it from the developers as much, so they could get what would benefit the whole Township.

Chairman Obernier pointed out that he never said he was against buying the ground for open space. He noted that he wants the input of all the residents that live in the Township and fundamentally disagrees with Vice-Chairman McCaffrey's opinion that they should only ask just the registered voters.

Steve Jakatt asked if they start this through a referendum now, in the process if they spell out their goals in the Newsletter and if in the process they find out that the majority of the residents are against it, and then would they have to have the referendum in November.

Supervisor Lindborg stated they wouldn't have to enact it. If it is approved then it would come before the Board and they would have the opportunity to discuss whether they would want to enact it.

Chairman Obernier was concerned that after having an approved referendum that Vice-Chairman McCaffrey wouldn't ask everybody what they would want.

Vice-Chairman McCaffrey asked how do you ask everybody? Steve Jakatt suggested through the Newsletter. Supervisor Lindborg suggested they have public hearings on it.

Ron Agulnik explained that "open space" has to be fully understood. It is not a one-time tax because when they acquire open space they accept stewardship of it and general operating expenses go up. When you buy open space your tax base would go down, you have taken it off of the public role. People have strong feelings about paying money and then not having public access. Much of the ground is environmentally sensitive that you couldn't build on anyway. If it is targeted and people know what you are going to do with the money it would be fairer rather than say pay us a tax, then we will figure out what we are going to do with it and we are not really concerned if we spend money to cannibalize ourselves and destroy our tax base.

Supervisor Lindborg stated that due to the time constraint they would need to move forward to put this on the ballot. He would insist on having public hearings to discuss how they may use the tax if they enact an ordinance. He is concerned about passing a tax today that could potentially affect people fifty years from now.

Chairman Obernier noted they will have to set up an organization to monitor the money for open space. We wants to make sure the people who will be paying this money will know where their money is going to go.

Supervisor Lindborg was concerned about having a limitation on time that they would have to enact or not enact it, if they put the open space referendum on the ballot and it passes. Manager Rambo noted that he didn't believe there was a time limit. He stated they could advertise for a special meeting by the end of the month.

Chairman Obernier stated that as long as the rest of the Board did not view the referendum as being final and Supervisor Lindborg agreed.

Jesse Edwards of Manor Road felt they should just put it on the ballot; it would be a starting point.

Joann Conti asked if there would be something on the referendum noting how much the tax will be. Manager Rambo answered yes, they would have to ask to question on the referendum "do you favor the imposition of an earned income tax at .00125%." If the people say yes, the Board would then have to adopt it, that is when you would have addition hearings, the majority of the people could then come out and say no. The Board was in agreement for the Manager to move forward and advertise a special meeting and consider the adoption of an ordinance.

Old Business from the Floor was the next item on the agenda. Jim Dix asked if they were going to review the zoning ordinance that was brought up for discussion at a previous meeting. Supervisor Lindborg suggested they postpone this until he has had time to review it.

Colin Judge asked the Supervisors if a real estate broker had contacted them with regards to the use and occupancy permit. Supervisor Lindborg said to let her know they would discuss this the first meeting in August. Manager Rambo asked if she could call him to discuss this.

There was no Old Business from the Board so the Chairman moved onto Ordinances and Resolutions. Adoption of Ordinance No. 03-10, amendments to the Township Zoning Ordinance. Vice-Chairman McCaffrey made a motion to accept Resolution No. 03-10. Supervisor Lindborg seconded the motion with the notion that if they find that it would need to be changed it would be an option. At this time in the meeting Manager Rambo took a roll call for the vote for the adoption of Resolution No. 03-10 first was McCaffrey, seconded by Lindborg. Board Members voting aye in favor were McCaffrey, Lindborg, and Obernier.

New Business was the next item on the agenda. The Board of Supervisors to discuss Ordinance No. 03-11, rules and regulations for parks and recreational areas, that will be considered for adoption on Thursday, August 7, 2003. Manager Rambo noted he will be forwarding this for advertising in the newspaper for public hearing to move for adoption. Supervisor Lindborg noted these are just basically reasonable rules of behavior and asked if they should put something about noise. Manager Rambo stated they shouldn't put anything about noise if they are not going to adopt a noise ordinance.

The second item under New Business was PRINT is in the process of preparing a municipal map that is scheduled for distribution to all Township households in December of 2003. Chairman Obernier noted he would like to participate in this. Manager Rambo noted they change companies since the last map was done to a more organized company.

Being there was no New Business from the floor Chairman Obernier moved onto New Business from the Board. Vice-Chairman McCaffrey stated he had a civil liberties item and would like to suggest a resolution from the Board concerning the Patriot Act. He noted that he has looked at it and feels that sometimes it is incumbent upon smaller governments that don't have the needs of larger bodies to point out when something has gone astray. It is an insult on civil liberties and feels it needs to be addressed. He would like to adopt the resolution that he passed on to the Board Members at the next Board meeting and suggested they forward a copy of the solicitor to his review and opinion. The Board would like to read the resolution before they comment on it or forward it onto the solicitor.

Chairman Obernier moved onto Public Comments. Steve Jakatt was concerned that on Hibernia Road someone is cutting down trees. Manager Rambo noted one tree came down from a storm and noted someone may have cut it down after the storm.

Chairman Obernier then moved onto Open Issues. The first Open Issue was the CASD tax audit review. Manager Rambo noted they are gathering information as they are clearing out the attic.

The last Open Issue was the Cable Franchise review letter. Manager Rambo noted it is being reviewed.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo stated that construction is to be completed August 1, 2003. Road personnel and the Codes Officer are currently constructing the pavilions. The concrete floor to the band shell should be finished by the end of next week. Landscaping should be done by the end of the month. Carpet and floors will be done within the next few weeks. Everything should be done by the end of the month at that point they will use personnel and community service people to start moving. It is anticipated that the September meeting will be the first meeting in the new building. The current interest rate is 1.14%.

The Chairman moved onto the payment of the bills. 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:

- Conditional Use Hearings, Tuesday, July 22, 2003 starting at 7:00 p.m., Beaver Creek Realty (apartments) and Swinehart Realty (single family homes).
- Parks and Recreation Board meeting, Tuesday, July 22, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, July 24, 2003 at 7:30 p.m.
- Conditional Use Hearing, Monday, July 28, 2003 at 7:30 p.m., Culbertson Realty (townhouses and commercial).
- Historic Commission meeting, Monday, August 4, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, August 7, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, August 12, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, August 14, 2003 at 7:30 p.m.

Manager Rambo noted that the Park and Recreation Board meeting will be moved due to the conflict of the Hearing at the same time.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:50 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