

Meeting Minutes of July 21, 2008
Board of Supervisors
Special Meeting

Vice-Chairman Obernier called the Special Board of Supervisors meeting of July 21, 2008 to order at 12:00 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Vice-Chairman Josef G. Obernier, Sr. and Supervisor Thomas J. McCaffrey in attendance. Chairman Carl S. Lindborg was out of town. Ronald A. Rambo, Jr., Township Manager/Secretary/Treasurer and Thomas Eells, Public Works Director were also in attendance.

Public Comments (individuals requesting to be on agenda)

Correspondence/Communications *Information to act upon*

The Township is in receipt of the DNB First Grant Anticipation Note in the amount of \$250,000.00 for consideration for use in the purchase of recycling equipment to be utilized in conjunction with leaf and yard waste composting. Manager Rambo recommended that the BoS accept the proposal, to authorize the Manager to sign the note, and the BoS also needs to pass Resolution #10-2008 dealing with said borrowing so that John Good can prepare a letter on behalf of DNB First acknowledging that the Township can get a tax free loan. Supervisor McCaffrey would like a clear delineation from John Good, showing the actual parts of the law that states that people cannot burn tree limbs, twigs, and fallen materials, that we do not normally recycle. Manager Rambo explained that issue is totally separate from this; this is regarding a two-year-old grant the Township was awarded in January for the loader and leaf turner to use at Volmecke farm. The equipment is coming in and the Township is trying to assume the money so that the bill can be paid. Manager Rambo noted that John Good had previously prepared a letter stating that the Township's proposed burning ordinance meets the requirements of the State. Manager Rambo will request a letter from John Good and also give Supervisor McCaffrey the article that was in the paper regarding all the money that is being held back from DEP due to the failure of municipalities being in compliance. Supervisor McCaffrey noted he would go along with the DNB for grant anticipation note since it is for a previously awarded grant. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of a letter of extension from K&W Engineers granting a 90-day letter of extension until October 21, 2008 for the Township to render a decision on the Final Land Development Plans for the North Brandywine Middle School Addition and Renovation Project. Manager Rambo noted that the Planning Commission recommended conditioned final approval; the BoS tabled that and requested that they address all outstanding comments prior to the BoS giving final approval. K&W is in the process of addressing these items. Manager Rambo recommended that the BoS accept their letter of extension to permit them time to address their outstanding issues with outside review agencies. Supervisor McCaffrey motioned to accept K&W's letter of extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of two proposals for the performance of an appraisal on the Pat Chase property for the purchase of conservation easements and/or development rights for consideration. Manager Rambo noted that the Open Space Review Board suggested that the Township pursue the purchase of the Chase properties. Two proposals were received, one from John DiRomualdo and the other from Robert Bohem. Mr. DiRomualdo is quoting that he perform the work necessary to determine the conservation easements as well as property value without the easements at a price of \$850. Mr. Bohem has given the Township a price of \$2,600. Vice-Chairman Obernier asked why the difference in price. Manager Rambo stated he didn't know, they were both given the same information and recommended that the BoS consider DiRomualdo. DiRomualdo's work has always been satisfactory. Supervisor McCaffrey motioned to accept the DiRomualdo's lower quote. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Old Business

Signing of the Henderson Conservation Easement documents. Manager Rambo noted he has settlement scheduled for July 22nd at 3:00 p.m. for the obtaining of the Henderson Conservation Easements. There are five sets of documents for the BoS to sign and the Manager will attest the signatures. Supervisor McCaffrey motioned to sign the conservation easement documents. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from Board

Vice-Chairman Obernier noted the lighting ordinance that was adopted in 2000 into the Township code states there is no horizontal lighting permitted. When the BoS had an applicant's plan in front of them, Vice-Chairman Obernier questioned the lighting fixture and Manager Rambo stated that if the lighting consultant reviews the plan and approves it that it must be okay. Vice-Chairman Obernier looked up the lighting fixture on the plan and in fact that particular fixture with the rounded bottom is specifically not a full cut-off fixture. Manager Rambo has stated that since the lighting consultant says it is okay and has approved its use, then it must be okay. Vice-Chairman Obernier stated it is not okay; it would be perfect except they put the rounded glass in. Vice-Chairman Obernier would like to have a determination from the attorney if the Township can insist on them putting in the flat glass, then if the Township can't insist, Vice-Chairman Obernier would like to have something from the attorney in writing. The project Vice-Chairman Obernier is referring to is the YMCA. Vice-Chairman Obernier pointed out that when you go through the catalogue, you get to the point where there is a rounded lens on the bottom and the lighting manufacturer specifically says it is not full cut-off with the rounded lens. Regardless of side panels or whatever they are supposed to put in, if they don't put in flat glass, they are supposed to ask for an exception.

Ordinances and Resolutions

Resolution #09-2008: Building Code Board of Appeals Hearing Application fees. Manager Rambo noted in reviewing WBT's current fee schedule, the Township has been approached by Valley Township to have a hearing. Valley Township has recently adopted this resolution as of last Tuesday. Manager Rambo recommended that the BoS adopt the fee schedule. The fee would be collected and Valley would pay the bill. Supervisor McCaffrey asked if the fee could be more affordable for the homeowner. Manager Rambo explained that the advertisement fees are \$500 - \$600, the cost of a court stenographer, and also the cost of the members. There is no profit, just the associated costs.

Resolution #10-2008: acceptance of the DNB First Grant Anticipation Note in the amount of

\$250,000.00. Supervisor McCaffrey asked if the Township is assured that it is going to receive the grant. Manager Rambo explained that the Township has a signed contract with DEP.

Supervisor McCaffrey motioned to approve both Resolution #09-2008 and Resolution #10-2008. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

New Business

The Township Manager has had an initial meeting with the Baldwin family to discuss the Township's purchase of the development rights and/or the pursuing of a conservation easement on their farm property. Vice-Chairman Obernier asked the difference between development rights and a conservation easement. Manager Rambo explained that a conservation easement is more flexible and gives the Baldwin's the opportunity to do what they want in designated areas. Whereas development rights you forbid anything from being developed. The Henderson's are going to come in again for further discussion at a later date.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board

Vice-Chairman Obernier would like an update regarding the postal service. Manager Rambo noted he met with Jason Carver of Senator's Gerlach's office as well as two representatives from the USPS. Discussion included the Brandamore Post Office and when their lease runs out. They asked if the Township would have a facility that would be made readily available. Manager Rambo advised the USPS that they have the old township meeting hall and offices. Manager Rambo requested that they sent the specific criteria to him so that he knows exactly what they need. They are not interested in anything further away because they have to stay within a certain area. If they retire the post office they will not reassign the zip code number to anybody. They have new software that will allow everyone to use West Brandywine, PA with their current zip code. There is a big expense in establishing a post office. Discussion ensued.

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

There were no Public Comments.

Review and Payment of the bills.

Manager Rambo noted the Solid Waste Bills totaling \$23,203.74, State Fund Bills totaling \$806.48 and General Fund bills totaling \$314,186.37 of which \$276,087.50 is for the initial payment of the Henderson conservation easement. Supervisor McCaffrey noted he found the bills in order and motioned to pay them. Vice-Chairman Obernier noted he also reviewed the bills, was in agreement, and seconded the motion. Board Members McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- Open Space Review Board, Thursday, July 24, 2008 at 7:00 p.m.
- Planning Commission, Thursday, July 24, 2008 at 7:30 p.m.
- Haines & Kibblehouse Conditional Use Hearing, Wednesday, July 30, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, August 7, 2008 at 7:30 p.m.
- Historic Commission, Monday, August 11, 2008 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, August 12, 2008 at 7:00 p.m.
- Municipal Authority, Thursday, August 14, 2008 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor McCaffrey motioned to adjourn the meeting at 12:33 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

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