

**Meeting Minutes of August 17, 2006
Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of August 17, 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. and Supervisor Carl S. Lindborg in attendance. Vice-Chairman Thomas J. McCaffrey, Jr. arrived at 7:40 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, Building Inspector/Codes 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. The minutes were tabled.

Treasurer's Report *Month ending June and July*

- Treasurer's Report (June) presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$1,050,962.21	Operating Reserve Fund	\$8,096.73
Construction Sweep Fund	\$1,670.72	Police Pension Fund.....	\$1,119,669.32
Developer Escrow Fund	\$628,109.22	Public Works Cap. Projects Fund .	\$648,034.20
General Fund	\$81,331.43	Solid Waste & Recycling Fund	\$129,714.04
Non-Uniform Pension Fund	\$234,392.33	State Liquid Fuel Fund	\$135,589.24

- Treasurer's Report (July) presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$875,623.44	Operating Reserve Fund	\$8,128.85
Construction Sweep Fund	\$16,732.60	Police Pension Fund.....	\$1,126,197.01
Developer Escrow Fund	\$583,220.50	Public Works Cap. Projects Fund .	\$644,767.53
General Fund	\$11,980.84	Solid Waste & Recycling Fund	\$93,375.66
Non-Uniform Pension Fund	\$235,538.55	State Liquid Fuel Fund	\$135,717.94

Manager Rambo noted that the Capital Reserve Fund is for the police cars. The four new cars are leased, which will be a yearly payment of \$42,000 for three years. At the end of the three years the Township will own the cars. The interest rate for the lease is 6.2%.

Supervisor Lindborg motioned to accept the treasurer's report. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

Public Comments *Individuals requesting to be on the agenda*

No one requested to be on the agenda.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of information with regard to the NIMS training available this Saturday morning in West Chester. Chairman Obernier will be attending. Supervisor Lindborg will look online for the course.

The Township is in receipt of a 60-day letter of extension from Chesterpoint Development for the rendering of a decision on their 2-Lot Preliminary Subdivision Plan on Gabel Road. Manager Rambo noted the extension would take them until October 27, 2006. They are working on addressing MacCombie's review letter. Supervisor Lindborg motioned to accept the letter of extension. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The Township is in receipt of correspondence from the PA Department of Military and Veterans Affairs with regard to Real Property Tax Exemption Certification for Dennis J. Sadler. Supervisor Lindborg motioned to exempt Dennis Sadler from Real Property Taxes in West Brandywine Township. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The Township is in receipt of a waiver request from St. Peter's Church with regard to the minimum water supply requirements of the Township's Subdivision and Land Development Ordinance. The Township has received a letter with a P.E. seal from Longacre Company, an engineer certifying that the system has been designed appropriately. Manager Rambo noted in the same respect, the Township has received a letter from the fire department for Pope John Paul II, acknowledging that everything is okay with regard to the way the system is designed it will work properly. The Township also received from the school, sealed and engineered drawings from the design engineer for the school's system. Chairman Obernier is concerned that everyone is glossing over this; he is okay to approve it as long as the Township gets the specs of the pump, and then see if that particular pump is adequate for the range of pressures and flows that the incoming water will be for the pump, if it doesn't conform, then they are back to square one. Dale Barnett is going to check that what is specified in the plan is what is going to be installed. Discussion ensued regarding incoming and outgoing water pressure and how the sprinkler system operates.

At this time it is noted that Vice-Chairman McCaffrey has arrived at the meeting. Vice-Chairman McCaffrey noted that years ago all the fire hydrants for Coatesville school should have been bagged, they didn't produce water, they were just window dressing, that is why everyone is concerned about this. Vice-Chairman McCaffrey expressed that he was satisfied, noting that the engineers seal is on the letter. Supervisor Lindborg noted that the BoS would grant the waiver for St Peter, contingent in that if the pump they specify does not provide the service that they are anticipating, the waiver then becomes inactive. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Barry D. Parsons has forwarded the Township a letter of interest to serve as a volunteer on one of the vacant positions of either the Building Appeals Board or Parks and Recreation Board. Manager Rambo recommended that Mr. Parsons meet the BoS prior to the next Board meeting. The Board agreed.

The Township is in receipt of waiver requests from Dunlap & Burrell, LLC for the Chester Point Development 2 Lot Subdivision on Gabel Road. Manager Rambo noted they are requesting a waiver from submitting a full-blown site analysis as well as a drainage plan for the property as no home is

currently shown on the lot, those would be submitted during the building permit application. Supervisor Lindborg motioned to grant the waiver request. 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. Vice-Chairman McCaffrey noted that it is difficult to see what is going to be amended, when you don't know what was before or after it, he didn't think that his codebook is up to date. Manager Rambo will copy the current zoning to compare what John Snook is suggesting.

Stan Stubbe has forwarded the Township proposed language to update and modify the Township's existing lighting ordinance requirements. The Board needs more time to review the information.

CCATO (Chester County Association of Township Officials) has forwarded the Township correspondence with regard to resolutions for the Fall County Association Convention. There were no comments.

CCATO has forwarded the Township correspondence with regard to the 100th Anniversary of the association and plans to make the annual directory a special event and a "one of a kind" reference guide. The cost is \$150 for a full page and \$100 for a half page. Manager Rambo will look into putting something special into the directory.

The Township is in receipt of correspondence from the Fire Chief of the East Brandywine Fire Company with regard to the fire protection sprinkler system at the Pope John Paul II Regional Catholic School. Scott Piersol noted that the letter reiterated what he stated in the last BoS meeting. Chairman Obernier would like them to select the pump so that they can compare the specs. Supervisor Lindborg motioned to grant the Pope John Paul II Regional Catholic School's waiver request contingent on them providing the Township with the actual pump specifications meeting the requirements. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Township is in receipt of various pieces of correspondence with regard to opposing the statewide cable franchising legislation being considered by state lawmakers. A resolution is on the agenda to consider later in the meeting. Supervisor Lindborg stated he was in favor of opposing the statewide cable franchising legislation.

The Township is in receipt of a letter from Scott T. Piersol, Township Manager, East Brandywine Township, with regard to the proposed Pulte Home 55+ Project and the thought of an interconnecting street. The letter states that East Brandywine would be okay with an interconnecting street only if it were utilized only as a gated emergency access. Vice-Chairman McCaffrey disagreed with having the interconnecting street be an emergency gated access only and felt that it should be an open access. Dialog followed regarding the reason to have a gated community. Mr. Piersol suggested that the BoS come to the EBT Planning Commission to discuss not having a gated community. Manager Rambo asked Mr. Piersol if the roads are going to be dedicated to the Township. Mr. Piersol answered no. Manager Rambo noted that the homeowners association of WBT would own the roadways. Vice-Chairman McCaffrey stated that it would be different if a homeowners association controls it, but if the developer wishes to create these, he didn't understand why they would restrict a pass through from one segment to another. Manager Rambo will write a letter to EBT regarding the letter.

Reports of Departments *Month of July 2006 unless otherwise noted.*

- Police Report presented by Chief Werner. There were no comments.

Total hours.....	1305.20	Fatalities	0
Miles patrolled	7971	Domestics	13
Complaints	459	Criminal arrest.....	46
Accidents.....	11	Non-traffic arrest.....	13
Injuries.....	1	Traffic arrests	87

- Public Works Department Report, presented by Tom Eells.

Total man-hours	1,226	Fuel.....	1,255
Miles patrolled	3,945	Residents monthly yard waste.....	44
Total Equipment hours	149	Loads Yard Waste	87

Supervisor Lindborg commented that Tom Eells has contacted Verizon requiring them to have a permit prior to their digging to install fiber optics. Further discussion followed.

- Buildings/Codes Department Report for June presented by Dale Barnett.

Building permits issued.....	58	Contractor licenses issued.....	10
Permit base fees collected	\$16,030	Inspections completed	66
Occupancy fees collected	\$600	Failed inspections paid	0
U&O permits issued	11	Total fees collected.....	\$17,129.72

- Buildings/Codes Department Report (July) presented by Dale Barnett. There were no comments.

Building permits issued.....	38	Contractor licenses issued.....	11
Permit base fees collected	\$9,101	Inspections completed	68
Occupancy fees collected	\$200	Failed inspections paid	0
U&O permits issued	4	Total fees collected.....	\$9,851

- Fire Marshall Report was submitted by Paul Gainor and presented by Manager Rambo. There were no comments.

Permit inspections done	46	Hours on patrol.....	5
Other type inspections done	0	Code violations/Complaints	2

- Wagontown Fire Company Report presented by Jeff Benach. There were no comments.

Alarms into WBT	7	West Brandywine Gas.....	26
Man-hours in service.....	518		

- East Brandywine Fire Company Report presented by Scott Piersol. Mr. Piersol noted that they have reflective street number signs for purchase by residents. These should conform to the Township's Ordinance. The BoS requested a sample. The street number sign information is to be posted on the website.

WBT Fire	14	Time in Service QRS: 12 hrs 5 mins.	
WBT EMS	27	Fuel Usage WBT: 137.7	
WBT Time in Service Fire: 8 hrs 52 mins.		WBT Miles traveled Fire	70
		WBT Miles traveled QRS.....	138

- Martin's Corner Ambulance Report presented by Manager Rambo. There were no comments.

ALS	19	Fire/Standbys.....	4
BLS	22	WBT Total Responses.....	49
MVA.....	4		

- Martin's Corner Fire Company Report presented by Manager Rambo. There were no comments.
WBT Fire Calls 7

Reports of Organizations, Boards and Commissions

There was no one in attendance from the Historic Commission, Parks and Recreation Board, or the Planning Commission.

Municipal Authority Manager Rambo noted they received information from PAWC, which is currently under review. PAWC was to receive bids for upgrading their internal lines. The Municipal Authority accepted the quote from Ferguson Water Works to purchase pipe to begin replacing the damaged pipes to bring Monacy Manor online. Manager Rambo will speak to the Smiths and let them know they are going to begin upgrading the lines.

Chairman Obernier asked when the final electric line would be installed to energize the light on the vented flagpole on Reeceville Road and noted that the light fixture is plugged in to an outlet. Manager Rambo explained they went with the least expensive, most efficient manor to light the flagpole. The Pubic Works department installed the light. Tom Eells noted that there is a lighting fixture designed to illuminate flagpoles that has been permanently installed.

Old Business

The Township Manager is awaiting the final Technical Specifications for Traffic Control Signalization Ordinance from McMahan Associates, Inc. for advertising. Manager Rambo noted after having met with them for a final time there are a few minor changes that have to be made.

The Township Manager has met with the Henderson's for a second time and is addressing items to finalize Conservation Easement information for submission to the BoS with regard to their 112 acre property at the intersection of 82 & 322. John Good is to prepare easements and purchasing easements or development rights. Manager Rambo stated they have to establish a committee prior to grading the open space, come up with an order and get appraisals before they spend any money in the current open space. Supervisor Lindborg motioned to establish an Open Space Review Committee, initially consisting of the BoS and Planning Commission. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye. Manager Rambo will prepare guidelines in consultation with John Good for the Open Space Review Committee. Vice-Chairman McCaffrey explained that this is to establish a plan for purchasing ground and establish property priority; the committee would look at a map of the township and rank the places that the committee feels is important to preserve and rank them, then go after those properties.

The Township Engineer and Manager continue their work on updating the Township's Act 537 Plan for submission to the BoS. Manager Rambo will be meeting with Jim MacCombie to finalize the plan for presentation to the BoS. Chairman Obernier would like this item to be moved to Open Issues on the agenda.

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. Chairman Obernier noted that he met with John Good who recommended that they establish a policy being that there is no policy in place for this. Manager Rambo prepared the resolution based on information received from John Good. John has reviewed it and found it satisfactory. The consensus of the Board was that they needed time to review the resolution prior to acting on it. Supervisor Lindborg motioned to table Resolution #09-06. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Resolution #10-06; opposing the establishment of a statewide cable franchise. Supervisor Lindborg motioned to adopt Resolution #10-06, opposing the establishment of a statewide cable franchise. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

New Business

The Township is in the process of assisting with the completion of a DEP Yard Waste Composting Facility Application Form for the Vollmecke Farm through DEP. This would allow the Vollmecke Farm to be an official composting site to accept yard waste, leaves, and brush from the Township. Ms. Vollmecke is currently reviewing the paperwork.

The Township is in the process of putting together a DEP 902 Recycling Grant Application for the purchase of a 4-wheel articulating loader and a leaf turner for the Vollmecke Farmyard Waste Composting Facility. The Township would own the equipment.

The Township Manager is in the process of preparing Floodplain Ordinance changes as required by the NFIP and PA Act 166, the PA Floodplain Management Act for distribution, advertising, review, and adoption consideration. The BoS is in receipt of a copy of this. The Manager is finalizing this so that it can be forwarded to the County to become part of the Township's Zoning Ordinance. The BoS has received numerous letters about it.

Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission's recommendations. The Planning Commission recommended that the BoS grant conditioned approval for Culbertson Village Final Land Development Plan 04-04, providing appropriate escrows and minor details from Mr. MacCombie's letter are taken care of. Manager Rambo has prepared for the BoS, the motion with regards to Conditioned Final Subdivision Land Development Plan approval Culbertson Village Bentley Village (townhouses on Route 322). Manager Rambo then read the conditions out loud.

Manager Rambo stated they have correspondence from DEP denoting that they are approving the Municipal Authority to sell 83 connections to Bentley Communities this year. Once they upgrade to lines, the Authority will have an additional 100 that they can sell. The new plant is scheduled to be online before they need additional capacity, which will be 2009. Bentley would have to agree to accept capacity in this fashion and would also have to agree to pay for upgrades. There is a meeting scheduled next week with Craig Poff and Ross Unruh to discuss this. Their time clock runs out tonight. Manager Rambo explained that the Authority has agreed to sell sewer capacity as much as they have available. The Culbertson Village property is located directly across from Kimberwick.

Vice-Chairman McCaffrey explained that he does not favor conditioned approvals and didn't see a benefit to grant conditioned approval until the sewage is lined up. Chairman Obernier favored the conditioned plan approval noting that he sees some benefits to this development plan, ultimately they will be able to shut down Kimberwick's spray irrigation plant. Supervisor Lindborg stated that based on the fact that it is "conditioned land development approval" it is not an approval until all the items have been met, foremost being the sewage issue, which has to be resolved prior to the final plan being signed.

Vice-Chairman McCaffrey expressed one last thing for the Board to consider was to every aspect of these sewage issues and evaluation of these developments, the developer has received guarantees from the Township but the Township has received no guarantee from the developer. If the sewage system fails and they can't send it to Coatesville, it goes on his property. If there is not enough room on his property, it goes on other property. If there is no ability to absorb Kimberwick, they can either use up their open space for that or Kimberwick will stay right where it is. That is the evaluation the BoS got back from the attorney as to what would happen if the sewage plan went on the lamb. In going down the hill, it violates lots of principles. Vice-Chairman McCaffrey would go along with it if there were some benefit to the community. It violates crossing watershed boundary and other issues with water. The applicant has been totally resistant to talk about some of the points from an independent land planner that brought in a different point of view. In 2009, when there isn't enough for Kimberwick and the developer, who is going to get the sewage.

Manager Rambo stated that DEP has issued PAWC a consent order stating that they must have the permit application in by a specific time for the plant upgrades. PAWC must have it online by January 1, 2009 or they start getting fined. Chairman Obernier stated that if this particular development starts to get built, and there is not enough available capacity, then Bentley could put his sewage into the spray irrigation plan. Manager Rambo noted the Opinion and Order is specific in when things have to be done.

Vice-Chairman McCaffrey was concerned that if the developer doesn't get the full amount of capacity they need for all of this, it will go to them first and the plant in Kimberwick will be the very last thing that is decommissioned. Manager Rambo disagreed and noted that this will be included in the Act 537 that the Township is going to amend. Stephen Magoya, a representative of Bentley explained that when they did the planning module they evaluated all the needs in the future which includes Kimberwick and the apartments. None of that can be done until upgrades happen. Kimberwick is in Phase II, which will begin as soon as additional sewer capacity becomes available at the upgraded PAWC plant. Half of the Bentley projects are going to be on Phase II. Supervisor Lindborg noted that they worked it out, that this is the direction that we are going.

Vice-Chairman McCaffrey stated that all Bentley has to do to have cooperation from him is to come back in and talk about the apartments. He has requested them to do this for three years. Vice-Chairman McCaffrey felt that he is here to facilitate something that benefits this community and right now he sees that by signing this, that he is making a development easier for the developer and does not see a benefit for anyone else. Supervisor Lindborg sees this as a step toward closing down the Kimberwick plant. Supervisor Lindborg motioned to grant conditioned Final Subdivision Land Development approval for Culbertson Village project based on the August 17, 2006 letter to the BoS, with the seven conditions noted by Manager Rambo. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye. Vice-Chairman McCaffrey voted nay. The motioned carried two to one.

The Manager will be putting out an email and memo requesting budget information from all department heads, boards and commissions for the 2007 calendar year. There were no comments.

Signing of Final Subdivision Plans for the James P. Bryant Subdivision on Pratts Dam Road. This was given conditioned approval upon getting escrows. The Township has received the escrows. Vice-Chairman McCaffrey motioned to sign the Final Subdivision Plans for James P. Bryant Subdivision. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

Winter newsletter articles are due on Linda Formica's desk my Monday, August 28, 2006. There were no comments.

New Business from the Floor

Pat Edwards noted concern about a property where the house was torn down and basement was filling up with water. Dale Barnett will contact the owner and request that an orange safety fence be placed around the area.

New Business from the Board

Chairman Obernier noted that the BoS had a request by the developer of Jamie Lane that they wanted the Township to do the tree survey. Manager Rambo explained that prior to issuing a building permit, Dale Barnett goes out to look at the trees the developer wants to take down according to the plan. Dale charges for his time to insure that the developer is not taking more trees down than is denoted on the plan. Discussion ensued regarding the removal of trees. Manager Rambo explained that the developer didn't want to go through a two or three week process for each individual building permit for the first three or four lots, after that, he will go through the full process. Each grading permit requires the developer show the exact location of the driveway, home, sewer, trees (what has to be removed and which ones will remain). Chairman Obernier requested that Dale Barnett pull out the recorded plan that denotes where the trees are located.

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

Jesse Edwards had questions with regard to a junction box.

Open Issues Before the Township

SPCA 2006 Animal Control Contract. Chairman Obernier stated that the SPCA Contract could be removed from the agenda being that Chief Werner was going to make other arrangements. Chief Werner explained that he has made contact with the City of Coatesville regarding animal control. Chief Werner suggested that Manager Rambo send a letter to the City of Coatesville regarding animal control services. The Board concurred.

Ordinance amendments with regard to the IBC (International Building Code). Dale Barnett explained that he has not had a chance to work on the IBC. He is busy with the school, church and several other developers that are building in the Township.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. Chairman Obernier felt that this would remedy the illegal driveway on the corner of Reason Lane.

The Township continues to seek volunteers to serve on the Buildings Appeals Board, the Parks and Recreation Board and the Historic Commission. There were no comments.

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

Interest rate for the week was 3.77 %. There were no comments.

Review and Payment of the bills

Bills from the General Fund (\$71,572.69), State Fund (\$165.00) and Solid Waste Fund (\$21,374.18). Upon the Board's reviewing the invoices and finding them in order, Supervisor Lindborg motioned to approve payment of the bills. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- WBT Movie Night, Friday, August 18, 2006 at dusk.
- WBT Planning Commission, Thursday, August 24, 2006 at 7:30 p.m.
- Board of Supervisors, Thursday, September 7, 2006 at 7:30 p.m.
- Historic Commission, Monday, September 11, 2006 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, September 12, 2006 at 7:30 p.m.
- Municipal Authority, Thursday, September 14, 2006 at 7:30 p.m.

Adjournment

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:48 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye in favor to adjourn.

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