

**Meeting Minutes of December 15, 2005
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of December 15, 2005 to order at 7:35 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 Carl S. Lindborg, Vice-Chairman Josef G. Obernier, Sr. and Supervisor Thomas J. McCaffrey in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Codes/Zoning Officer and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

Chairman Lindborg voted to table the November 17, 2005 and December 1, 2005 Meeting Minutes. Supervisor McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye. Vice-Chairman Obernier voted to oppose tabling the minutes.

Treasurer's Report

Manager Rambo presented the Treasurer's Report for the month ending November. There were no comments.

Capital Reserve Fund	\$817,612.84
Construction Sweep Fund	\$26,138.35
Developer Escrow Fund	\$769,369.91
General Fund	\$66,434.81
Non-Uniform Pension Fund	\$248,577.62
Operating Reserve Fund	\$2,989.35
Police Pension Fund	\$1,049,816.98
Solid Waste & Recycling Fund	\$8,565.51
State Liquid Fuel Fund	\$7,195.35

Public Comments Individuals requesting to be on the agenda

Mike Barbieri of Yerkes Associates is in attendance to present the BoS with a sketch plan of the Ziegler property located on Union Road. Mr. Barbieri gave a brief outline of his sketch plan requesting a lot line change as well as a waiver from the site analysis. Neither Chairman Lindborg nor Supervisor McCaffrey saw any issues with Mr. Barbieri's sketch plan.

Ross Unruh, Esquire is in attendance to talk to the BoS with regard to PAWC and sewer capacity for the Bentley Projects. Municipal Authority Manager Ron Rambo read out loud, a letter seeking BoS support, which was prepared at the authority's request. The authority will be sending out letters to DEP and PAWC.

Mr. Unruh requested that the Township take an affirmative position with PAWC by preparing two letters, one to PADEP and the other to PAWC. The purpose of these two letters is to insist that the Bentley project be identified for the connection schedule. That these projects be considered as shown in the special study currently before DEP, having the sewer effluent go to PAWC for treatment, and be included on the map that DEP is preparing in December. The sample letters that were prepared by Mr. Unruh are included in the BoS meeting books. Manager Rambo suggested a modification to the letter that they are basically stating that this special study is now considered approved by DEP pursuant to the code. The November 2005, CMP that was approved shows no flows coming from WBT. PAWC is aware of the Township's needs and as a result of the meeting that was held at the Township regarding PAWC and Act 537. The Township has paid for capacity, which gives us the right to it first initially, what PAWC is going to have to do is go back to their CMP and bump somebody out. Mr. Unruh stated they are asking for 170,000 gallons, which goes out to the year 2012.

Chairman Lindborg asked if there was a motion to send the requested letters with the noted modifications. Supervisor McCaffrey stated he would not facilitate the Beaver Creek project. If Bentley cares to address his concerns with them, they would then have his support. Vice-Chairman Obernier motioned to send out the requested letters, Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye. Supervisor McCaffrey voted nay. Manager Rambo noted that the municipalities would continue to meet on the second Thursday of every month regarding Act 537 and PAWC.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of the "draft" Technical Specifications for Traffic Control Signalization prepared by McMahan Associates, Inc. within West Brandywine Township for review and input by the BoS, Engineer and Manager. Manager Rambo is currently reviewing the draft, when finished he will meet with Scott Piersol to see what his thoughts are. Vice-Chairman Obernier was not happy with the loop sensor detectors and favored video detectors. Manager Rambo stated that when he met with a representative from McMahan, he advised them that the Township did not want loop sensors; they want to go with the video detectors. Manager Rambo will remind them again.

Kimmel/Bogrette has provided the Township with a proposal (\$9,900.00) to assist with the design of the Township Maintenance/Substation Facility for review and acceptance. Kimmel/Bogrette will present schematic designs, construction documents for bidding, specs for bidding, cost estimate, etc. Supervisor McCaffrey motioned to accept Kimmel/Bogrette's proposal for the Township Maintenance/Substation Facility review. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Chester County SPCA has provided the Township with a copy of the proposed 2006 Stray Boarding and Animal Protective Services Contract for review and acceptance. Manager Rambo would like the acceptance of the contract be tabled while the Township receives quotes from other agencies for those services. Vice-Chairman Obernier requested if the Township goes with any agency, that verbiage be added that they file a report with the Township's police department. Supervisor McCaffrey also requested they forward that verbiage onto the County Consortium, that

way it would be in everyone's contract. Vice-Chairman Obernier agreed Supervisor McCaffrey's request and updated Supervisor McCaffrey that at the last BoS meeting, it was requested that Chief Werner bring that resolution to the Police Chief's Association.

Ross Unruh, Esquire has forwarded the Township a petition for a Zoning Amendment with regard to parking for the YMCA, which will be on the Planning Commission agenda at their next meeting. Mr. Unruh noted that the Township's ordinance does not provide parking requirements for a "recreational facility." Vice-Chairman Obernier noted that in the YMCA's original conditional use order, parking requirements were detailed. Supervisor McCaffrey noted they were given latitude on some things because they were not going to make any changes. Mr. Unruh noted they are proposing to put a requirement in the zoning ordinance amendments.

Chairman Lindborg would like to know how many members that the YMCA has and how their plan compares to the Township's current regulations for parking. Vice-Chairman Obernier asked their percentage of impervious surface. Mr. Unruh answered that they are way under the allowable amount because they own a lot of land; that information will be in their land development plan. They want to expand the parking and make sure they do it to a standard; they couldn't find anything in the ordinance that seemed to fit. Supervisor McCaffrey requested that the Township get the YMCA's old conditional use order, noting that their were all kinds of issues that came up. Supervisor McCaffrey would also like to be cautious about establishing parking regulations based on each facility definition.

Supervisor McCaffrey asked Mr. Unruh if each one of Bentley's projects are individually incorporated, noting that they are all separate except when an appeal is made to the Board, then everything is combined into one request. Mr. Unruh stated that the only time they have combined them is on the sewer issue, they are listed on the chart as separate entities.

Correspondence/Communications *Information to Note*

The Township Engineer and Manager are in the process of reviewing the PAWC proposed Act 537 Plan. There were no comments.

Ross Unruh, Esquire has forwarded the Township a letter with regard to the Swinehart Plan and the proposed trail network. Mr. Unruh noted that the trail plan that they presented is different from what is on the comprehensive plan. Manager Rambo noted that the Planning Commission requested that Bentley comply with the comp plan as much as possible.

DEP has forwarded the Township a Notice of Violation with regard to its MS4 Operations and Report. Manager Rambo noted that none of the twenty municipalities that are currently working with Brandywine Valley are in compliance, because they didn't do what they were told. DEP didn't like the way the reports were prepared, written, and they don't like the Township's descriptions such as what outfalls are. The municipalities have met with Representatives Schroder and Ross who are trying to assist in getting direct answers from DEP. The Townships are doing what they think they are supposed to, but after submitting their reports, they received letters back stating the contrary. Supervisor McCaffrey felt that some of the requirements are a lot of "bull." Manager Rambo and Jim MacCombie are currently addressing the issues.

The City of Coatesville has sent the Township correspondence with regard to the proposed lighting at the Golf Training Facility. Manager Rambo noted that after several meetings with Jean Krack, the City sent a letter to the Township denoting that they have agreed to remove the sports lighting from

the project in its original application. The Planning Commission had recommended final conditioned preliminary approval five months ago, the Board had not granted it, requesting additional time until the lighting issue is resolved. The quickest way to get the issue resolved was by removing it totally from the plans. Manager Rambo recommended that the BoS accept the City's letter deleting the lights and that they grant them preliminary approval so that the City can move forward in submitting final plans.

Supervisor McCaffrey wanted to make clear that this plan, is agreed to as a municipal use, and if the municipality that is using it decides to sell it or sell the plan to a private enterprise than it is no longer valid. Manager Rambo read out loud, John Good's letter dated November 14, 2005 noting that the solicitor had stated that the City could turn it over to a private entity. Supervisor McCaffrey voiced that he was upset at that. Manager Rambo will contact the solicitor with the Board's concerns asking if the City were to sell or lease the training facility, then whose responsibility would it be to police it. The City's time clock runs until January 17, 2006. Supervisor McCaffrey motioned to accept the "lighting" letter from the City of Coatesville. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

Reports of Departments *Reports for November 2005*

Chief Werner presented the police report noting that the "mailbox smasher" was apprehended. Tom Eells presented the report from the Public Works Department and noted the progress on the salt barn. Dale Barnett presented the Buildings/Codes Department report. There were no comments. Manager Rambo gave the monthly report of the Fire Marshall as well as the reports from Martin's Corner Ambulance and Wagontown Fire Company. There was no report from Martin's Corner Fire Company. Todd Shaffer, President of East Brandywine Fire Company presented their monthly report. There were no comments. Chairman Lindborg moved on.

Reports of Organizations, Boards and Commissions

No one was in attendance from the Historic Commission, Parks and Recreation, or the Planning Commission to present their reports. Supervisor McCaffrey, Chairman of the Municipal Authority was in attendance to give their report. It was noted that the Keagan's have agreed to sign the memorandum agreement, the Keagan's have also been asked to sign the right-of-way easement agreements. Discussion ensued regarding the purchase of a venting flagpole for \$5,000. Vice-Chairman Obernier noted a draft copy of an intermunicipal sewer service agreement and asked for an explanation. Manager Rambo gave a brief explanation that the draft, noting that it deals with Pulte as part of the conditional use application that they are in the process of submitting. Chairman Lindborg moved on to Adjourn from the Township Meeting.

Adjournment from Township Meeting (time: 8:52)

Opening of Public Hearing (time: 8:53)

Ordinance No. 05-13; Fire Service Appropriations Tax. Manager Rambo noted that Ordinance No. 05-13 was duly advertised and then read the Ordinance out loud. An article was placed in the Township Newsletter for input from residents. Nine comments were received and copies were distributed to the BoS. Supervisor McCaffrey noted that East Brandywine Fire Company (EBFC) has given a position on their board to a representative that the BoS can appoint to attend their meetings so that the residents of WBT will have a voice in the spending of their money and the direct ability to ask for specific things. Vice-Chairman Obernier suggested that the Vice-Chairman of the BoS sit on EBFC's Board on a rotating basis. There was no further comment.

Adjournment from Public Hearing (time: 8:57)

Re-Opening of Township Meeting (time: 8:58)

Old Business

The BoS 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 is in the process of preparing an Ordinance amendment for the BoS to consider with regard to the International Building Code. There were no comments.

The Manager is awaiting input from the BoS on proposed Ordinance No. 05-10, Construction in Public Rights-of-Way. Vice-Chairman Obernier stated he already gave his comments to the Manager. Chairman Lindborg still needs to comment.

The Manager is awaiting input from the BoS on proposed Ordinance No. 05-12, Access Management. Manager Rambo noted that the solicitor suggested that the Township establish maps for Tier III, but was okay with Tier II and I.

Final discussions on proposed Ordinance No. 05-13, Fire Service Appropriations Tax. There were no comments.

Final discussion on the proposed 2006 Budgets. There were no comments.

Old Business from the Floor

There were no comments from the Floor.

Old Business from the Board

Vice-Chairman Obernier suggested as he had in the past few months, to add the reports from the departments into the meeting minutes as an addendum. Supervisor McCaffrey and Chairman Lindborg both agreed not to include the reports as an addendum to the meeting minutes because it would make the minutes too long.

Supervisor McCaffrey noted that he would like to see a letter of commendation sent to Corporal Gary Williams for his accomplishment for K-9 Rudy excelling as a two-year state champion, he also requested that a letter be put in Corporal Williams file as well. The BoS is to present Corporal Williams with a letter or something appropriate at an upcoming BoS meeting.

Ordinances and Resolutions

Manager Rambo read off the entire list of Ordinances and Resolutions for a motion for approval to be taken at the end.

- Ordinance No. 05-13; establishment of the Fire Service Appropriations Tax.
- Resolution #19-05; enactment of 2006 Budgets. (Revenues: \$4,572,054, Expenditures: \$3,782,004, Reserve Fund: \$790,050) There is no tax increase associated with the budget.
- Resolution #20-05; enactment of the 2006 Real Estate Tax millage rate. (.861 mills, the same as last year)

- Resolution #21-05; enactment of the 2006 Fire Service Appropriations Tax millage rate. (.22 mills)
- Resolution #22-05; enactment of the 2006 Solid Waste and Recycling Fee rate. (\$212.00 per year, remaining the same as last year)
- Resolution #23-05; enactment of the 2006 Annual Mobile Home Park License Fee rate. (\$150 flat fee, plus \$10 per lot) The Mobile Home Park License Fee has not increased since 1991, it is currently \$100 flat fee, plus \$5 per lot.

With there being no comments on any of the aforementioned Ordinances and Resolutions, Supervisor McCaffrey motioned to approve them. Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

New Business

Approval of release request #2 for the Pope John Paul II Regional Elementary School. The release request was reviewed by both Manager Rambo and Jim MacCombie and found to be satisfactory for the amount of \$156,357.90. Vice-Chairman Obernier motioned to approve the release request. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

Approval of release request #1 for the Barn at Plank Farm. The release request was reviewed by Manager Rambo and Jim MacCombie and found to be satisfactory for the amount of \$78,183.90. Vice-Chairman Obernier motioned to approve the release request. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

Approval of the release of all remaining funds for the Suttonwoods Project. The release request was reviewed by Manager Rambo and Jim MacCombie and found to be satisfactory for all remaining funds for the Suttonwoods Project. The monies are being held by a letter of credit. Supervisor McCaffrey questioned the trees that were to be saved in the development. Discussion ensued. Supervisor McCaffrey stated that if a developer makes representation to the community that they are going to maintain some of the specimen items, things that you cannot replace, there should be some liability. There should be some mechanism by which the Township can ensure what is being retained for the community, when it lost that there be a penalty. The Comprehensive Plan specifically mentions specimen trees as an asset of the community and he would like to see language added into the ordinance, so that the Planning Commission knows that they have some leverage, as far as preserving these. The Board will look into this in the future. Supervisor McCaffrey motioned to approve the release request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

Signing of paperwork for the Al Costa Subdivision. Manager Rambo noted the Township has not yet received the paperwork from the bank yet.

Approval of final release requests for Phase I-III for the Estates Project. The release request was reviewed by both Manager Rambo and Jim MacCombie and found to be satisfactory, it dates back to November 10, 2004. Phase I - \$26,962.00, Phase II - \$57,707.20, and Phase III - \$20,142.40. Supervisor McCaffrey motioned to approve the release request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board

Chairman Lindborg requested that a meeting be established with the Emergency Management Coordinator.

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 before the Township.

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

Interest rate for the week (3.42%) There were no comments.

Review and Payment of the bills

The bills presented for payment totaled \$48.44 in the State Fund and \$66,486.67 in the General Fund. Supervisor McCaffrey motioned to pay the bills, noting that he and Chairman Lindborg looked through the invoices, finding them to be in order as submitted. Vice-Chairman Obernier stated he reviewed all the invoices, found them in order, and seconded the motion to pay the bills. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Upcoming Meetings/Events

- Planning Commission meeting, Thursday, December 22, 2005 at 7:30 p.m.
- Board of Supervisors 2006 Re-Organizational meeting, Tuesday, January 3, 2006 at 7:30 p.m.
- Board of Supervisors first meeting of 2006, Tuesday, January 3, 2006 immediately following the re-organizational meeting.
- Historic Commission meeting, Monday, January 9, 2006 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, January 10, 2006 at 7:30 p.m.
- Municipal Authority 2006 Re-Organizational meeting, Thursday, January 12, 2006 at 7:15 p.m.
- Municipal Authority first monthly meeting of 2006, Thursday, January 12, 2006 immediately following the re-organizational meeting.

Adjournment

With no other business to discuss, Supervisor McCaffrey motioned to adjourn the meeting at 9:25 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye in favor to adjourn.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer