

**Meeting Minutes of August 21, 2008
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of August 21, 2008 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 Manager Rambo noted Chairman Carl S. Lindborg and Vice-Chairman Josef G. Obernier, Sr. in attendance. Supervisor Thomas J. McCaffrey arrived at 7:45 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Walter Werner [Chief of Police], and Thomas Eells [Director of Public Works].

Acceptance of Minutes from Previous Meetings

May 1, 2008, June 5, 2008, June 19, 2008, July 3, 2008, July 21, 2008 and August 7, 2008. Those present noted that the minutes would be addressed when Supervisor McCaffrey arrived at the meeting.

After Supervisor McCaffrey's arrival at 7:45 p.m. and prior to moving onto Old Business, the BoS moved to address the Minutes. Supervisor McCaffrey motioned to accept all of the Meeting Minutes presented. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye. The Chairman then moved to address Old Business.

Treasurer's Report *(As of the end of July)*

Presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$676,380.14	Operating Reserve Fund	\$188.03
Construction Sweep Fund	\$10,580.12	Police Pension Fund	\$1,326,011.21
Developer Escrow Fund	\$544,936.72	Solid Waste & Recycling Fund	\$148,657.62
General Fund	\$109.57	State Liquid Fuel Fund	\$162,027.12
Non-Uniform Pension Fund	\$296,762.70		

Public Comments (individuals requesting to be on agenda)

No one requested to be on the agenda.

Correspondence/Communications *Information to act upon*

The Township is in receipt of a 120-day letter of extension from The Harlan Corporation for Gordon Eck's Preliminary Brandywine Manor Subdivision Plan. Manager Rambo noted additional time is needed to comply with the required 1,000-foot length of road, resolving septic system locations and septic types for the ten lots, along with testing for future storm retention areas. The Township received a letter from MacCombie's office noting the request is warranted. Vice-Chairman Obernier motioned to

accept the letter of extension for the Brandywine Manor Subdivision Plan. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Chester County Tax Claim Bureau has forwarded the Township an affidavit to sign with regard to the removal of uncollectible taxes on a mobile home located in the Township for the years 2005-2007 in the amount of \$17.26. Manager Rambo recommended that the BoS sign the affidavit so it can be forwarded to the Tax Claim Bureau to be officially removed from the records. Vice-Chairman Obernier motioned to remove the mobile home in the amount of \$17.26. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Correspondence/Communications Information to Note

Tim and Ginny Wright have forwarded the Township correspondence with regard to the purchase of the Mayes Tract and their desire to modify the existing “Declaration of Covenants, Conditions and Restrictions for Open Space” that were established as a result of the Mayes Subdivision and previous Conditional Use Application of Genterra for said property. Manager Rambo is still reviewing the documents and as noted in the last BoS meeting, has sent a letter to Genterra requesting that they establish within the existing easement, the ability to run utilities along the driveway.

Stan Stubbe has provided the Township a letter with regard to the YMCA project and its new lighting. Stan Stubbe sent further information at the Manager Rambo’s request. The Board will review both letters and discuss them at the next meeting.

The Chester County Department of Open Space Preservation has forwarded the Township information on an upcoming workshop for Round 21 Grant Applications scheduled for Tuesday, August 26, 2008. Manager Rambo noted he would be attending the workshop to see if there have been any changes so that they may submit an application in an attempt to get some reimbursement for the Henderson’s easements.

The Township has been invited to the Chester County Parks and Recreation 50th Anniversary Banquet scheduled for Thursday, October 23, 2008. This will be held at the Wagontown Fire Hall. The BoS will let Manager Rambo know if they will attend.

Honey Brook Township has forwarded the Township a request to review their proposed Official Township Map and Ordinance. Manager Rambo will review this information.

The Pennsylvania Council on the Arts has forwarded the Township information on their 2009 funding program. Manager Rambo noted this is for funding the concerts. The last two concerts were rained out and have been rescheduled.

The Board is in receipt of an invitation to attend the ceremony marking the official opening of the new Chester County Justice Center at 201 W. Market Street on Sunday, September 7, 2008 at 1:30 p.m. Manager Rambo noted the invitation is for elected officials.

Reports of Departments: Month of July

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

Total Hours	1,435	Fatalities	0
Miles Patrolled	8409	Domestic	16
Total Complaints	604	Criminal Arrests	22

Accidents	10	Non-Traffic Arrests	20
Warrants	3	Traffic Arrests	154

Public Works Department Report: presented by Tom Eells. Tom noted the work completed for the month. There were no comments.

Total man-hours	933	Total Equipment hours	158
Miles traversed	2,590	Total fuel	958.7

Buildings/Codes Department Report: Submitted by Dale Barnett and presented by Manager Rambo.

Building Permits issued	20	CL Fees collected	\$1,200
Permit base fees collected	\$5,626.40	Valley Mechanical Ins	25
Occupancy fees collected	\$200	WBT Inspections completed	52
U&O permits issued	3	Failed Inspections (FI) paid	5
U&O permits issued cursory	19	FI Fees collected	\$50
Contractor Licenses (CL) issued	16	Total fees collected	\$7,076.40

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

Permit inspections done	35	Special permits given	1
Campfire/Recreational Permits	28	Special permits not given	0
Specialty Bonfire Permits	1	Other type inspections done	1
Agricultural Permits	3	Code violations/Complaints	7
Permits not given	0		

Wagontown Fire Company Report submitted by Jeff Benach (Chief). There were no comments.

Fire

Number of calls dispatched into WBT	2	Second dispatch into WBT	1
Initial dispatch into WBT	1	Number of calls scratched	-

Medical Assist

Number of calls dispatched into WBT	-	Second dispatch into WBT	-
Initial dispatch into WBT	-	Number of calls scratched	-

East Brandywine Fire Company Report submitted by Robert Zynn and presented by Scott Piersol.

Fire

Number of calls dispatched into WBT	2	Second dispatch into WBT	-
Initial dispatch into WBT	2	Number of calls scratched	-

Medical Assist

Number of calls dispatched into WBT	18	Second dispatch into WBT	-
Initial dispatch into WBT	16	Number of calls scratched	2

Martin's Corner Fire Company Report: submitted by Chief Dan Metzler and presented by Manager Rambo. There were no comments.

Number of calls dispatched into WBT	-	Second dispatch into WBT	-
Initial dispatch into WBT	-	Number of calls scratched	-

Reports of Organizations, Boards and Commissions

No one was in attendance from the following: Historical Commission, Parks and Recreation Board, Planning Commission, and Open Space Review Board.

Municipal Authority: Municipal Authority Manager Rambo noted that the Public Works Department is performing work on behalf of the Municipal Authority. The work consists of placing new sewer lines in recently obtained easements and repairing existing sewer lines of the Monacy Manor Sewer System so that the capped sewer system constructed in the mid seventies can be activated. The first section is almost completed. The Authority will be preparing letters to send to the residents advising them that the line is active and they can elect to hook into the public sewer. Those who have had their house sold in the past few years that have escrows in place will be advised that they can connect. The tap in fee is \$2,952, \$250 engineering fee, and \$50 application fee. The Authority is also having PFC Management look into different financial options with the call date of December for the current bond. They are looking at a project that will assist in bringing on the Kimberwick System to PAWC. The Developers are contributing funds towards the project similar to what happened when they brought sewer out to Friendship Village from the City of Coatesville.

It was noted that Supervisor McCaffrey arrived in the meeting, at this time and moved to address the Minutes.

Old Business

Dale Barnett, Codes Officer, continues his discussions with John Good, Esquire with regard to the establishment of a rental inspection requirement and the re-establishment of the re-sale U & O. Dale is not in attendance.

The Manager sent requests out for quotes to perform an appraisal on the Baldwin Family for either the Township's purchase of development rights and/or the pursuing of conservation easements on their farm. Chairman Lindborg asked the difference between the conservation easement and development rights. Manager Rambo explained conservation easements are similar to what the Henderson's did. Manager Rambo noted the Township is in receipt of two quotes, from John DiRomualdo for \$1,400 and from Robert Bohem for \$2,500. Vice-Chairman Obernier motioned to accept the quote from John DiRomualdo for \$1,400. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

The Township is awaiting receipt of the appraisal on the Pat Chase Property with regard to the purchase of a conservation easement/development rights. John DiRomualdo is currently working on this.

Jason Carver of Congressman Gerlach's office has advised the Township that the postal service will be providing requirements to the Township for "postalizing" a building. Manager Rambo requested this information from the USPS for the criteria to turn the Township's old office space into usable space for the post office. The current Brandamore Post office lease expires in August of 2009.

Old Business from the Floor and the Board

There was no Old Business from the Floor or the Board.

Ordinances and Resolutions

There were no Ordinances or Resolutions

New Business

The Archdiocese of Philadelphia has forwarded the Township a release request for the All Souls Cemetery Project in the amount of \$161,810.25 for consideration. The release request was reviewed and approved by MacCombie's office as noted in MacCombie's letter. The Township will still hold 15% in escrow for 18-month period to cover plant replacements if needed. Supervisor McCaffrey motioned to sign the release request. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Discussions with regard to the Opinion & Order for the Haines & Kibblehouse Opinion and Order that is to be issued by September 13, 2008. Ross Unruh was in attendance noting that they are anxiously awaiting to move this along. Manager Rambo noted he made edits to the draft Opinion and Order that Unruh had prepared. Unruh noted that they will begin construction on the house within a year, but in the interim they will proceed with the land development plans. They want to use the existing facilities and gravel area to park trucks.

Chairman Lindborg was concerned about the house being renovated and asked what would happen should they decide to sell. Unruh noted they are going to start renovating the house within a year and should be finished in three years. Haines & Kibblehouse would like to have a temporary office trailer next to the shop. Vice-Chairman Obernier asked if they will be willing to put in writing they have to finish fixing the house prior to the sale of the property should they decide to sell. Mr. Haines answered yes. Manager Rambo stated that the Opinion and Order was prepared in this fashion because by zoning you are required to have a permitted use to use an accessory building. The building will be an accessory to the office use; the Opinion and Order would state that they are going to bring in a temporary office, which would act as a permitted use.

Supervisor McCaffrey was concerned about proper buffering. Manager Rambo noted that establishing buffers is in the Opinion and Order. Vice-Chairman Obernier noted that the first paragraph second page notes about buffering, stating this statement about buffering is confusing. Manager Rambo noted the only area that they requested relief in is to the north and west of the building. Everything else has to be put in accordingly.

Unruh stated his understanding is that the BoS gives its blessing for this project. Vice-Chairman Obernier suggested that Haines and Kibblehouse contribute the thin strip of land to the Township. Manager Rambo noted they could do a conservation easement that permits no development. This would benefit the Township because it would abut GenTerra and if part of the long-range sewer comes to fruition, the Township may need an easement through this property to get to Indian Run Village. Discussion ensued regarding easements and open space. Manager Rambo explained that Vice-Chairman Obernier's point to contribute the land is because then it can be used for whatever purpose, Haines and Kibblehouse wouldn't have to go through the subdivision process of adding on the lot; a modification to the zoning would be granted to allow more impervious coverage on the existing parcel, this would save time and money.

Unruh moved onto item 3 and item 4, there were no comments. Item 5 was already addressed, the house should be completed within 3 years, prior to a sale, and they can have a temporary office. Item 6 is regarding steep slopes. Item 7, they want a permanent trailer for storage. Item 9 deals with lighting; the Township's lighting ordinance needs to be followed. Item 12 is regarding the driveway. Manager

Rambo asked if the proposed new entrance could be shifted to the east 40 feet so that the lights don't shine into the house across the street. Mr. Haines answered yes.

The next item deals with hours of operation; they want flexibility to operate after 11:00 if they have an emergency repair. Supervisor McCaffrey noted there has to be an agreement to prohibit operating an around the clock machine shop in a R2 area. Mr. Haines stated Haines and Kibblehouse are not going to promise something, put it in writing, and then violate it. Vice-Chairman Obernier noted that most of the repairs are not going to be noisy. When they do a noisy repair, they keep the doors closed and should not do that repair before 6:00 a.m. in the morning. Mr. Haines noted that all routine repairs would occur before 11:00 p.m., there may be occasions when it is necessary for emergency repairs to be done after 11:00 p.m. in order for equipment to be available for use the next day. Chairman Lindborg did not have a problem with that. Supervisor McCaffrey disagreed and would like a definition of what an emergency is and was concerned about the next person having equal treatment regarding activity on the property. The Township will be stuck with whatever is agreed upon for Haines and Kibblehouse.

The Opinion and Order will be completed for approval by September 4, 2008. Mr. Unruh noted the BoS agreed in principle but the BoS would submit clarification in writing. Manager Rambo read John Good's letter out loud suggesting that the BoS grant approval based on tonight's discussion to come up with the final version. Manager Rambo then recommended that the BoS move forth with what was discussed at tonight's meeting, make necessary corrections as suggested, and upon review and putting into final format by solicitor John Good that they be considered for presentation and signing at the September 4, 2008 meeting. Vice-Chairman Obernier motioned to move forward as noted above. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Fall newsletter articles are due on Linda Formica's desk by Friday, August 29, 2008. Manager Rambo noted the Henderson's article would be on the front page and an article regarding single stream recycling will also be in the newsletter. The Township will apply for grant money for toters for recycling when the next round of grants becomes available. Single stream recycling includes everything that was in commingled recycling, plus junk mail, plastics 1 through 7, cardboard, and empty aerosol cans.

2009 departmental budget requests are to be submitted to the Manager by Friday, September 12, 2008. There were no comments.

The Manager is meeting with representatives of Benecon with regard to the Pennsylvania Municipal Health Insurance Cooperative and the establishment of a Southeastern PA Insurance Cooperative Plan. There were no comments.

New Business from the Floor

John Stott asked who owns the property that runs from Route 82 to Hibernia Road noting that he just got his lawn thistle free after 12 years. Manager Rambo explained the property has been sold through bankruptcy court. The Township will contact them to mow.

New Business from the Board

There was no New Business from the Board.

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

There were no Public Comments.

Open Issues Before the Township

The Manager and Township Engineer continue in their efforts of reviewing and updating the Township's Act 537 Plan. There were no comments.

The Township is in receipt of correspondence from E. B. Walsh & Associates and the Township Engineer with regard to the cul-de-sac waiver request for the Brandywine Manor Project (Gordon Eck Property). Manager Rambo will contact E.B. Walsh to see if they are going to withdraw their request.

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

General Obligation Note (Adjustable Rate Bond for the Facility/Park Construction)
Interest rate for the week (2.01%). There were no comments.

Review and Payment of the bills.

Manager Rambo noted the Solid Waste Bills totaling \$170,012.99, State Fund Bills totaling \$4,239.65 and General Fund bills totaling \$30,036.13. Vice-Chairman Obernier motioned to pay the bills. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Upcoming Meetings/Events

Chairman Lindborg noted the upcoming meeting and events. There were no comments.

- Castaldi CUH, Tuesday, August 26, 2008 at 7:30 p.m.
- Open Space Review Board, Thursday, August 28, 2008 at 7:30 p.m.
- Planning Commission, Thursday, August 28, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, September 4, 2008 at 7:30 p.m.
- Historic Commission, Monday, September 8, 2008 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, September 9, 2008 at 7:00 p.m.
- Municipal Authority, Thursday, September 11, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, September 18, 2008 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 8:45 p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye in favor of adjournment.

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