

Meeting Minutes of July 3, 2008 Board of Supervisors

Chairman Lindborg called the Board of Supervisors meeting of July 3, 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 was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Walter Werner [Chief of Police], Dale Barnett [Codes/Zoning Officer], and Thomas Eells [Director of Public Works].

Acceptance of Minutes from Previous Meetings

May 1, 2008, June 5, 2008, and June 19, 2008. The Minutes were tabled.

Public Comments (individuals requesting to be on agenda)

John Conti was in attendance to talk to the Board with regard to their Siousca property. Chairman Lindborg moved onto the next item on the agenda because John Conti was not in attendance at this time.

John Conti arrived shortly after the start of the meeting and Chairman Lindborg recognized John so that he could answer any questions that the BoS may have of his Siousca property. Vice-Chairman Obernier noted that the Township received a complaint letter about the tall grass on the Siousca property. The Historic Commission was also concerned about the building not being boarded up. The BoS decided to have Codes Officer Dale Barnett and Manager Rambo speak to the Conti's directly. Vice-Chairman Obernier noted that the grass has already been cut which shows willingness on the Conti's part to comply. Manager Rambo noted Dale Barnett and himself went inside to look at the condition of the house. A week after the meeting, John Conti noted that he had a party interested in the Siousca property.

Conti noted the party that was interested in purchasing the property is not ready to make any decisions anytime soon. Conti stated that he is not willing to invest any more money in the building, he has already invested a large sum of money in it and he is not willing to invest anymore in it, not even to board it up. Since he spoke with Manager Rambo and Dale Barnett he has requested a demolition permit but has not filled it out yet. If push comes shove that is what Mr. Conti is going to do.

There are three sections of the building, the original dates back to the 1700's. It was remodeled and turned into a tavern, at a later point the roof was raised. The shutters, copper pipes, doors, cupboards, and mantles have been stolen. Conti says he lives too far away to watch it.

Vice-Chairman Obernier asked Manager Rambo if there is grant money available. Manager Rambo noted he hasn't found anything as of yet. There is however some grants where the individual could submit and the Township could assist.

Manager Rambo noted that when he and Dale Barnett met with Conti, they suggested that everything be cleared away and the windows boarded up so that the building could be seen with less chance of anybody breaking into it. Conti thinks that with the poison ivy all around it, it would be less chance of anyone breaking in.

Barry Parsons from the Historic Commission noted that this was a weigh station, a 1700's old building, it is a historic piece of property. Parsons noted that Conti would be able to apply for state restoration money. The website is www.phmc.com. Conti was concerned that there would strings attached to the grant that would be very costly.

Vice-Chairman Obernier suggested that the Township pay for boarding the building up and put a lien on the property. Then if the property were sold the Township would get its money back for the cost of boarding up the building. Conti didn't approve of that idea noting that it is already difficult to sell. Chairman Lindborg summarized he is hearing that Conti is trying to sell the property, there are just basically four walls left, it is partially boarded up, and that a friend of Mr. Conti's (Leo Swisher) is mowing it. Chairman Lindborg asked Conti to keep the BoS updated.

Correspondence/Communications *Information to act upon*

The Township is in receipt of a letter of extension from Scott Emerson of Beaver Creek Realty Associates, L.P. until October 2, 2008 in which to act upon their Beaver Creek Apartment Preliminary Subdivision Plans. Emerson noted they still need to address items on the engineer's review letter and they are also looking at alternative sewer scenarios, noting that the apartments may not be there at all. Manager Rambo noted that a letter was received from MacCombie stating that he has no objection to the request for additional time until October 2, 2008 to allow the BoS to render a decision on the preliminary application. The applicants engineer continues to work on resolving the items contained in the latest review letter of November 19, 2007. Primary issues involve the designs from both the stormwater management and groundwater infiltration facilities. Vice-Chairman Obernier motioned to approve the extension request. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye. At this time in the meeting Chairman Lindborg moved to address the Conti's under Public Comment.

The Township is in receipt of a letter of extension from Robert D. Smiley of GenTerra until October 17, 2008 in which to act upon their Brandywine Meadows Preliminary Subdivision Plans. Manager Rambo noted there is a letter from the engineer stating that the time extension should be adequate time to allow the applicants engineer to submit revised plans. They are working on addressing stormwater, groundwater infiltration, sewage disposal, and connection through Janiec's into PAWC. Elizabeth Zanowiak asked for clarification of what they were talking about. Chairman Lindborg explained that they submitted an extension of time to the Township in which to render a decision on their plan and there was a letter from the Township Engineer concurring with the time frame of the letter of extension. Vice-Chairman Obernier motioned to accept the extension request for GenTerra until October 17, 2008. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of a letter of extension from Theresa R. Lemley, Esquire, of Riley, Riper, Hollin & Colagrec, on behalf of Pulte Homes of Pennsylvania, L.P./Del Webb at Applecross Country Club, until January 15, 2009 in which to act upon their Phase I, Del Webb Final Subdivision Plan. Manager Rambo noted that the Township Engineer finds the extension request warranted. Vice-Chairman Obernier motioned to accept the letter of extension based on the Township Engineer's letter to extend the date until January 15, 2009 for the Pulte Homes, L.P. Del Webb at Applecross Country Club. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of a letter from Representative Curt Schroder requesting an update on the status of the Route 82 and East Reeceville/Cedar Knoll Roads traffic study that was to be performed by the Township. Manager Rambo noted that on June 30, 2008 he received the completed traffic study that was performed by WBTPD. The study concurred that additional traffic control measures are warranted there. It also qualifies to have a roundabout constructed. Chief Werner noted that this intersection qualifies for three different options; we have to decide which way to go.

Manager Rambo noted they would have to do a study to see what the roundabout requirements are to see how much additional road frontage would be required from the property owners. Vice-Chairman Obernier explained that the property owner that owns two of the corners is interested in pursuing an easement and thought that may be able to be intertwined. Manager Rambo will approach the state with the findings to see if there are any funds available, if not maybe the Township can do a joint project through the Agility Program to try and correct the situation.

Chairman Lindborg noted some complaints about the one located in East Marlborough Township by people pulling trailers. Manager Rambo noted they would do something similar to the round about located on the way to Port Deposit, Maryland, where you would incorporate pavers or concrete in the interior part of the circle to address larger vehicles that would traverse the roundabout.

Manager Rambo will contact Representative Schroder with the study results and ask if any assistance is available. Resident Elizabeth Zanowiak expressed concerns that a roundabout would be a nightmare as she has driven them before. Chairman Lindborg noted this intersection is in need of assistance and that a roundabout would be a means of alleviating issues at the intersection and that designed and constructed properly, there would be no problem.

Karen S. Marshall, Heritage Preservation Coordinator of the County of Chester has sent some recommendations to the Township for consideration after meeting with members of the Township's Historic Commission. Manager Rambo explained that Marshall reviews all of the historic properties in the county; she is Jane Davidson's replacement. Marshall would like to see the Historical Commission utilize the schoolhouse for meetings and storing their files. Manager Rambo then noted a list of priorities that Marshall wrote in the letter and that they are being reviewed.

DEP has forwarded the Township correspondence advising that it has awarded the Township an Act 101 Recycling Performance Grant in the amount of \$10,062.00 for the calendar year 2006. The funds have been received and put into the solid waste fund.

John E. Good, Esquire has forwarded the Township correspondence with regard to the pending Henderson Conservation Easement purchase. This will be discussed later on in the meeting.

The Brandywine Conservancy has forwarded the Township correspondence with regard to HOA Open Space and Open Space Management Plan follow-up visits. Manager Rambo explained the Conservancy is offering its services for Townships for follow-up inspections after the recording.

The Agricultural Land Preservation Board of Chester County has forwarded the Township information with regard to application rounds for two farmland preservation programs. This is currently being reviewed.

Old Business

The Manager has forwarded its recently adopted resolution to East Brandywine Township with regard to its intent to participate on a Fire Services Committee/Task Force with East Brandywine, Upper Uwchlan, Wallace, and West Nantmeal Townships with regard to fire and rescue services and is awaiting a reply from the other municipalities.

The Township continues to meet with the Henderson's and their legal counsel to perform a final review of the proposed Conservation Easement documents and the Township Solicitor, John E. Good, Esquire, to finalize an Agreement of Sale for the purchase of said Conservation Easement's on their 104+ acre farm. Manager Rambo met with the Henderson's this week to review the minor changes that John Good made regarding the conservation easement documents. It was brought up in the title search that there are mortgages on their property in which the solicitor suggested that the Township pay them off or have their mortgage company currently holding the note on the property permit the Township to obtain the conservation easement. The Henderson's have asked Manager Rambo to approach the BoS to see if they could clear the Henderson's mortgage and break down the remaining 39 payments into lower amounts over the next ten years. Manager Rambo noted the available open space funds are slightly in excess of \$916,860.00. It was noted that adequate funding would remain in the Open Space Fund to continue to pursue other properties. Vice-Chairman Obernier noted the solicitor has a valid point about there being liens against this property. Vice-Chairman Obernier is willing to clear them up. Chairman Lindborg concurred. Manager Rambo pointed out that the Henderson's would be contributing back \$10,000 a year back into open space funds. Chairman Lindborg noted the agreement is reasonable and forever with a few minor building allowances.

The Henderson's were shown and agreed with the proposed trail around part of it. The farthest west and north of Route 322 by the power lines the Township will be able to put up a weigh station, there will also be an area there for parking for people to utilize the trails.

Elizabeth Zanowiak asked if there is any interest in the monies that are being negotiated. Manager Rambo stated the Henderson's don't want to receive any interest at all. Zanowiak asked if there have been public meetings about this. Manager Rambo answered over the past few years there have been numerous meetings. Both Chairman Lindborg and Vice-Chairman Obernier agreed. Zanowiak suggested that these updates be put into the newsletter.

Vice-Chairman Obernier suggested that the Township put up a granite marker with bronze plate, noting the latitude and longitude of each surveyed point outlining the property with West Brandywine Township's name, date, easement number, and Chester County deed book reference of the conservation easement, and the BoS names. Chairman Lindborg agreed that was a good idea. Vice-Chairman Obernier motioned based on the recommendation of the Manager they alter the documents to reflect a different payment schedule and also put a marker on this property, outlining the property, latitude and longitude, name of Township, easement number 1, BoS, and deed book reference. Chairman Lindborg seconded the motion. Board Members Obernier, and Lindborg voted aye.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from Board

Vice-Chairman Obernier noted a few meetings ago, the Board requested that the Conditional Use Orders be placed in a book. Manager Rambo noted it is currently being worked on.

Ordinances and Resolutions

There were no Ordinances or Resolutions.

New Business

Recommendations of the Township Planning Commission. Anita Ferenz was in attendance to give the recommendations. There was one recommendation for Culbertson Village, based on the engineer's letter, the Planning Commission recommended approval of the commercial final land development plan. Vice-Chairman Obernier motioned to grant conditioned final approval of the Culbertson Commercial Final Plan conditioned upon establishment of all public escrows, obtaining all necessary outside agency reviews and permits, obtaining all necessary PennDot permits and any other permits required of said outside agencies. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township's Open Space Review Board is requesting that the Board of Supervisors consider purchasing of the development rights for the Chase property located on Route 82. Chairman Lindborg asked if this property is on the prime property list. Anita Ferenz expressed concern noting the location of the property, if you were to put ten homes there, you would be putting a lot of traffic right on the bend of Route 82. Manager Rambo will request a quote for an appraisal of the property.

The Glenmoore Veterinary Hospital is requesting the release of their Tri-Party LoC Maintenance Agreement. Manager Rambo noted that the project has been completed, everything is in place and according to plans. Vice-Chairman Obernier motioned to approve the request to release their Tri-Party letter credit maintenance agreement to Glenmoore Veterinary Hospital. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Manager has a conference call scheduled for Tuesday, July 15, 2008 at 11:00 a.m. with Jason Carver of Congressmen Gerlach's office and Frank Neery of the USPS to discuss the Township's inquiry into a post office. Manager Rambo noted that he requested in lieu of the conference call that they meet person to person.

The Township is in receipt of the recently completed traffic study for the intersection of Route 82 and East Reeceville/Cedar Knoll Roads. This was discussed earlier in the meeting.

The Board to consider changing the .505 mileage rate reimbursement to .585 to comply with the IRS announcement 2008-63. Vice-Chairman Obernier motioned to change the mileage rate from .505 to .585 to comply with the IRS announcement 2008-63. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township to discuss the re-establishment of the re-sale U & O and the establishment of a rental inspection requirement. Codes Officer Barnett noted this is regarding rental units and apartment buildings and would like the BoS to consider a rental inspection program. Vice-Chairman Obernier would like to get the opinion of John Good and would also like to know the difference between rental units and homes. Chairman Lindborg sees a big difference in homes and rental unit, and would be adamantly opposed to reinstating the re-sale U&O. It created problems for people that he felt were way overboard for the Township to be involved with. Chairman Lindborg would consider this for the rental units. Vice-Chairman Obernier asked Dale to ask the solicitor whether the Board has some sort of responsibility to perform U&O's when there is a turn over of home ownership. Chairman Lindborg stated when people buy a house that is not new; he feels that the Board has no responsibility and would open themselves up to liability if they did. Unnecessary hardships were created when they had it in place several years ago. Discussion ensued.

New Business from the Floor

Barry Parsons noted they received a letter from Manager Rambo regarding an advertisement for the Haynes Kibblehouse Hearing and technically they are restoring the building and not converting it. Manager Rambo explained that however the verbiage is in the application, it is required by law to advertise it the way it is on the application. Manager Rambo suggested that Parsons come to the hearing. Vice-Chairman Obernier explained that during the hearing the solicitor would ask if anyone would like to become an interested party, you would then raise your hand and identify yourself, and at that point you would mention your concern about the way it was advertised.

Elizabeth Zanowiak stated at the last BoS meeting it was noted that there were 11 arrests in the Township and was curious as to why nothing was mentioned in the Daily Local News. Chairman Lindborg noted that occasionally there is a Daily Local News reporter when there is something of particular interest. Zanowiak noted the arrest information is public information. Chief Werner stated that Zanowiak is more than welcome to come look at the book. Zanowiak asked if the Manager ever puts a press release in the Daily Local News. Manager Rambo answered that if there is something going on then the Daily Local will call. Chairman Lindborg stated he takes pride in the Township that things run pretty well and there are not a lot of issues. Manager Rambo stated that a reporter from the Daily Local came for a few meetings in a row, then just stopped coming. Discussion ensued.

New Business from the Board

Vice-Chairman Obernier requested to meet with the BoS after the meeting for a personnel matter.

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). There were no comments.

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 (1.99%). There were no comments.

Review and Payment of the bills.

Manager Rambo noted the Solid Waste Bills totaling \$10,517.18 and General Fund bills totaling \$109,433.49 of which \$66,986 is the Township's contribution to the local fire companies, and State bills totaling \$555.50. The money for the fire company contribution comes from the fire services appropriations tax; that money is specifically collected and distributed to the fire companies. Vice-Chairman Obernier reviewed the bills, found them order, and motioned to pay the bills. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

An audience member asked which fire companies receives the money. Manager Rambo stated it is divided based on coverage areas and assessed value. Martin's Corner will receive \$6,000; 9.5% of the

Township is covered by Martin's Corner, 24.5% is covered by Wagontown, the remaining is covered by East Brandywine who will receive \$44,000,

Upcoming Meetings/Events

- Parks and Recreation Board, Tuesday, July 8, 2008 at 7:00 p.m.
- Conditional Use Hearing, Castaldi Tract, Tuesday, July 8, 2008 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 10, 2008 at 7: 30 p.m.
- Historic Commission meeting, Monday, July 14, 2008 at 7:30 p.m.
- Conditional Use Hearing, Haines & Kibblehouse, Monday, July 14, 2008 at 7:30 p.m. Chairman Lindborg will not be able to attend the CUH.
- Board of Supervisors, Thursday, July 17, 2008 at 7:30 p.m. Chairman Lindborg will not be able to attend this BoS meeting.
- Open Space Review Board, Thursday, July 24, 2008 at 7:00 p.m.
- Planning Commission, Thursday, July 24, 2008 at 7:30 p.m.

Elizabeth Zanowiak questioned why Open Issues were read but not discussed. Vice-Chairman Obernier briefly explained that Open Issues are unresolved issues that have to be acted upon at some point in the future but the BoS doesn't want to forget them. Zanowiak asked where the BoS was meeting and where they are getting information and how are they discussing it if it is not discussed in the presence of the meeting. Chairman Lindborg explained that if someone volunteered to be on the Parks and Recreation Board for instance, it would be announced at the BoS meeting. It would be brought up under correspondence at the public meeting; there would be no knowledge of this before the meeting, unless the BoS receives a copy of the letter in their mail beforehand. There are no other meetings that go on unless they are advertised. The BoS operates according to the Sunshine law. Discussion ensued.

Adjournment

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:07 p.m. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

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