

**Meeting Minutes of June 16, 2005  
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of June 16, 2005 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 Carl S. Lindborg and Vice-Chairman Josef G. Obernier, Sr. in attendance. Supervisor Thomas J. McCaffrey arrived at 7:44 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, Codes/Zoning Officer; and Thomas Eells, Director of Public Works.

**Acceptance of Minutes from Previous Meetings**

May 5, 2005 and May 19, 2005. The BoS agreed to wait until Supervisor McCaffrey was in attendance to approve the minutes.

**Treasurer's Report**

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

Capital Reserve Fund.....	\$835,956.72
Construction Sweep Fund .....	\$15,038.65
Developer Escrow Fund.....	\$352,203.41
General Fund.....	\$145,886.12
Solid Waste & Recycling Fund.....	\$169,091.49
State Liquid Fuel Fund.....	\$127,897.86
Operating Reserve Fund .....	\$2,939.76
Police Pension Fund.....	\$1,013,959.23
Non-Uniform Pension Fund.....	\$209,417.58

**Public Comments** *Individuals requesting to be on the agenda*

There were no public comments.

**Correspondence/Communications** *Information to Act Upon*

Carroll Engineering Corporation has forwarded the Township a waiver request for the light fixture heights of the Coatesville Golf Training Facility. Being the Township has not received Coatesville's light plan yet; Manager Rambo recommended the BoS table the waiver request. Vice-Chairman Obernier motioned to table the waiver request. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Drew Taylor of Nave/Newell has forwarded the Township a letter requesting to reduce the planting requirements of the St. Peter's Church Land Development Plan. At the Manager's recommendation, Vice-Chairman Obernier motioned to table St. Peter's request. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of letters and résumés from Jay Arnold, Seth W. Mackay-Smith, Chuck Dobson, and Sue Bowar with regards to their interest to serve on the Township Planning Commission. Manager Rambo recommended establishing interviews with the interested applicants prior to the next BoS meeting.

John E. Good, Esquire has forwarded the Township the Order for the Ridings of Hibernia, aka Ridings of Brandywine Valley, for signing. Manager Rambo noted that the Elliot Building Group has agreed to the conditions that have been placed in the Order. The Board was in receipt of the draft at the last meeting; no comments were received, so the Manager recommended that the BoS sign the Order. Vice-Chairman Obernier motioned to sign the Opinion and Order for the Ridings of Brandywine Valley, also known as the Ridings of Hibernia. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

At this time it was noted that Supervisor McCaffrey arrived.

The East Brandywine Fire Company has forwarded the Township a Fire Protection Agreement for review and signing consideration. Manager Rambo stated this was given to the BoS at the last meeting for review. Scott Piersol, Treasurer of East Brandywine Fire Company gave an overview of the June 8, 2005 letter that the Township received regarding funding for the fire company and that WBT allocate a fair amount of the cost to provide fire protection based on assessed value and population.

Vice-Chairman Obernier stated a number of years ago when the Township split the state funds between the three fire companies; they in part based it on the assessed values in the area that the different companies were covering. Manager Rambo noted at that time it was based on assessed value, since that time they have had numerous subdivisions that have gone in within the territory of East Brandywine Fire companies, all of which have the higher assessed homes. Manager Rambo will reformulate the assessed value and noted that it has changed from years ago, there is a concern of fair payment based on services, for years East Brandywine Township has given more to East Brandywine Fire Company than West Brandywine Township has.

Chairman Lindborg was concerned because the amount requested has not been budgeted. Manager Rambo suggested if the EMS tax works out, they could try to shift the monies and spread it around. The EMS tax has brought in \$14,000 so far to date this year, which is under what was anticipated when it was adopted. The Township also has money held in reserve that is dedicated to emergency services if the BoS would want to consider utilizing any of that. Chairman Lindborg asked how East Brandywine Township participates in having a say in capital purchasing and noted one issue is that the BoS would like to look at how the money is being spent. Mr. Piersol explained that each month the BoS gets a detailed report and that capital expenses are included as part of their budget presentation.

Supervisor McCaffrey believes that the BoS are all in agreement that East Brandywine Fire Company deserves more money. The Township is looking to trying to provide that and asked if East Brandywine Township has a fire tax. For WBT to provide immediate funding it means that the BoS would have to raise taxes and have a specific fire tax. It would be unpalatable for WBT residents more so than EBT residents because WBT property owners pay a lot more in school taxes and people are hard pressed. It would be difficult to raise taxes even though it is for a good purpose. The BoS has new information from East Brandywine Fire Company which helps, however, Supervisor McCaffrey explained he has no grasp on their planning goals and the new equipment that they are purchasing and is trying to obtain that, as they are trying to find the money, he is trying to be less ignorant about the fire companies service, and hopefully by the end of the year the two will come together and they will have a better handle on it. The Township has three fire companies and as soon as the Township raises the amount of money given to East Brandywine Fire Company, there will be a sincere and probably well-intended request from the other two fire companies for additional funding also. The BoS wants to do something but they have to do it for two additional fire companies, but they don't want to have an additional tax either, they are trying to juggle things around and try to do it in a judicial way.

Vice-Chairman Obernier stated that he has no issue with the quality of service that East Brandywine Fire Company provides and appreciates the extra information that the Township is getting from them and is hopeful that the Township will be able to compensate the Fire Company at some point soon. Chairman Lindborg stated they would continue to move forward toward a resolution for the Fire Company's request.

Joe Arvay is in attendance to report on the activities being planned by the Park and Recreation Board. Several upcoming events are Movie Night in the park, Reading Phillies Night and Community Day. Also noted is the need for signage announcing the events, as well as sponsor signs. Mr. Arvay also discussed maintenance and upkeep of the ball fields.

Steve Janiec has submitted waiver requests dated June 3, 2005, to the Township with regard to his Minor Subdivision for Janiec Builders, that is currently before the BoS. Manager Rambo noted the original requests were submitted in April and then resubmitted in June. Supervisor McCaffrey motioned to grant Janiec's waiver requests. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

Steve Janiec has forwarded the Township a letter of extension until Friday, July 8, 2005 in which to finalize and render an Opinion & Order for his Single Family/Rural Mixed Use Project located on Horseshoe Pike. Vice-Chairman Obernier motioned to accept the letter of extension. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye. Manager Rambo will send Mr. Janiec a copy of the draft Opinion and Order.

### **Correspondence/Communications** *Information to Note*

The Township is in receipt of numerous pieces of correspondence with regard to the ACRE initiative. Supervisor McCaffrey disagrees with ACRE and explained that this regulation doesn't benefit the average family farmer; it benefits a small number of specialized operations that are larger than the typical family farm. They don't just have the ability to amend local ordinances; they supercede local ordinances. It is a particular business usage asking to be exempt. It creates duplications of regulations and places everyone into the court system. Supervisor McCaffrey wrote

a long and very specific resolution, taking each of the laws that he feels are impacted or duplicated and explains them. Chairman Lindborg summarized the resolution.

FEMA has forwarded the Township the 2003 and 2004 Biennial Report Forms with regard to Floodplain Management. Manager Rambo will forward the reports to the engineer for review.

Steve Janiec has forwarded comments with regard to the Township's ACT 537 Special Study for the Culbertson Run/Swinehart/Route 322 Planning area that has been advertised. Manager Rambo will forward Steve Janiec's comments onto Bentley.

AQUA Pennsylvania has forwarded a notice dated June 8, 2005 to its customers within the Township that they will soon be supplementing its water supply with water from the Downingtown Municipal Water Authority. Manager Rambo stated they are going to start utilizing what they agreed to with regard to not taking water from Cornog, they will get it from Downingtown Municipal Water Authority. The letter affirms that they are doing it according to a settlement agreement. AQUA Pennsylvania is noting that there may be discoloration, a different smell, and that there is fluoride in the water. Vice-Chairman Obernier also noted in AQUA Pennsylvania's letter, it states that customers who are providing fluoride supplements to infants should consult their pediatrician.

At this time in the meeting the BoS moved to the Acceptance of Minutes from Previous Meetings. Vice-Chairman Obernier motioned to adopt the meeting minutes of May 5, 2005 and May 19, 2005. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye. The minutes of June 2, 2005 were tabled.

### **Reports of Departments**

Chairman Lindborg then moved onto the Reports of Departments for the month of May 2005. Chief Werner presented the police report. Tom Eells gave the report from the Public Works department. Brush collection that is held the first Saturday of each month was also discussed. Dale Barnett presented the Buildings/Codes Department report. Manager Rambo presented the Fire Marshall, Wagontown Fire Department, Martins Corner Fire Department, and Martins Corner Ambulance. Mr. Shaffer, President of East Brandywine Fire Company was in attendance to present their report. On August 20, 2005, a celebration will be held at East Brandywine Community Park for the Fire Company's 50<sup>th</sup> anniversary.

### **Reports of Organizations, Boards and Commissions**

No one from the Planning Commission was in attendance to present their report. Hugh Redditt presented the Historic Commission report. Mr. Redditt noted that they continue to photograph homes that are fifty years and older in the Township. The Historic Commission is requesting the purchase of a curio cabinet to hold Township artifacts. The Parks and Recreation Board gave their report earlier in the meeting.

Chairman Lindborg moved onto the report of the Municipal Authority. Supervisor McCaffrey gave the report of the Municipal Authority. Supervisor McCaffrey discussed an issue dealing with sewage, a pipeline, the best location of that pipeline and asked how the person that has to provide ground for a pump station in this pipeline be compensated. Vice-Chairman Obernier asked Mr. Poff if he had contacted the landowner with regards to the pipeline. Mr. Poff stated his understanding was that the Municipal Authority would lead this and that Bentley would support

the Municipal Authority. Supervisor McCaffrey believed that the Municipal Authority had asked Bentley and the property owner to speak together, so that everyone is on the same page. Manager Rambo stated that the Municipal Authority has been in touch with the Keagans. The Municipal Authority has walked the site, they had the Authority Engineer stake it out, since that time they have removed the stakes and put metal rods in so that the property can be maintained. Manager Rambo has had discussions with the Keagans attorney who has contacted Bentley's attorney, Mr. Unruh. Mr. Unruh has forwarded a letter to the Township as to what they would offer. Manager Rambo will forward that letter onto the Keagans and it will be up for discussion at the July Municipal Authority meeting.

Mr. Poff voiced concern about the Municipal Authority discussing these matters at the BoS meeting. Chairman Lindborg stated he just wanted to make sure that people were communicating. Mr. Keagan stated that he has not been contacted by Bentley Communities. Vice-Chairman Obernier suggested that Bentley and the Keagan's talk to each other. Supervisor McCaffrey stated that he walked the property and looked at the amount of property that is being utilized by this facility and doesn't feel that it will bother the Keagan's once it is buried for their current use. They have a number of plans for the property's future use, no one particular plan has been pointed out to show their loss over what is happening here, if they pick one, then they can make a comparison of loss from this project. Supervisor McCaffrey felt that Mr. Keagan didn't need to worry about restoring his driveway, the Township would make sure that it was restored to his satisfaction within reason. Mr. Keagan stated that they are trying to be reasonable and have been cooperative with the Township and Municipal Authority, but have not wanted this on their property. They bought the land for their own purpose and purchased the additional lot for buffer. Supervisor McCaffrey stated that he would like to see all the possibilities listed, as well as the Keagan's appraisal with calculated figures for the ground. Manager Rambo noted that since their last Municipal Authority meeting Mr. Unruh forwarded a letter at the request of the Authority that they receive something so that they can forward it to the Keagan's attorney.

#### **Adjournment from Township Meeting (time: 8:35 p.m.)**

#### **Opening of Public Hearing (time: 8:45 p.m.)**

Ordinance No. 05-01; Fences. Supervisor McCaffrey noted that this Ordinance is an experiment, that some of the items on it are a fine judgment call, trying to give residents a chance to relocate fences and not have large areas of ground that are outside the fence. Should some of the things turn out to be a problem rather than a benefit, the BoS would readdress the Ordinance.

Ordinance No. 05-05; Open Space Option/Age Restricted/TDR's. Manager Rambo read out loud a letter dated June 16, 2005 requesting that the BoS cancel the hearing on Ordinance No. 05-05; in light of Pulte acquiring additional real property in the Township, Pulte is redesigning its original sketch plan and they would like to consider new ordinance amendments that were not previously proposed. The Ordinance was dropped from the Hearing.

Ordinance No. 05-06; Zoning map change regarding property that is north of the intersection of Swinehart and Horseshoe Pike. Manager Rambo noted that this deals with the one subdivision currently before the Township. The first hearing was held in 2003, this is a continuation with a new number, assigning it to No. 05-06. It creates additional rural mixed use on the tract that is currently under an agreement of sale with Steven Janiec. This Ordinance was briefly discussed a month ago and has been readvertised for consideration of adoption this evening. Chairman

Lindborg explained this basically changes a small fragment of area, which is better planned to be commercial and also squares off some lots.

Bentley Conditional Use Hearing; Sewer modification. Mr. Unruh stated on November 20, 2003 the Township issued three Conditional Use Decisions; Culbertson Village, Swinehart and Beaver Creek. The provision of sewer for all three were immortalized with the Condition Use Decision for Culbertson, paragraph 7a. Basically onsite disposal would be on the Swinehart property with the alternate being on Culbertson. The applicant was asked to pursue the sanitary treatment disposal via the Pennsylvania American plant in Coatesville. The applicant stopped the work that he was doing on the site and shifted to pursue the Pennsylvania American option when asked in October of 2004. Mr. Unruh noted that Mr. Poff is in attendance to explain their current status.

Mr. Poff stated that over the past eight months they have completely revamped the Special Study that was prepared through the summer of 2004. In November of 2004 they changed to the Pennsylvania American option and over the last eight months have gone through the County reviews. The actual advertising period and comment period expired today. They are ready upon resolution of the Township to pass that on to DEP to go to Pennsylvania American.

Mr. Unruh asked Mr. Poff if he recently heard rumors that there are problems with Pennsylvania American that may have resurrected. Mr. Poff stated there have been rumors, they have been able to speak with representatives of both DEP and one former employee Ian Crooks of Pennsylvania American. What they learned is that there generally are rumors to the extent of what they know. The connection management plan has been approved and is still in effect and whatever rumors are going around about planning modules being rejected are having to do with planning outside the realm of the connection management plan. It is Bentley's expectation that through this process and the submission of the Special Study it will move forward as they discussed.

Vice-Chairman Obernier wanted clarification that Ian Crooks is no longer a Pennsylvania American employee. Mr. Poff answered yes, that he left the company two weeks ago. Vice-Chairman Obernier also wanted to clarify that that Mr. Poff stated that the Pennsylvania American connection plan which Pennsylvania America had to be forwarded onto DEP, that it has been approved by DEP. Mr. Poff believed that it is forwarded on a quarterly basis and through the process it has been submitted and signed off by DEP and believed it was the last two submissions. Mr. Unruh stated he spoke personally with Tim Latish who is the connection management guy at DEP who said that the connection management plan is still valid. There are some internal discussions, the Act 537 has to be approved yet by DEP, what the content of that will be we don't know, but we suspect we will find out during the meeting that Ron Rambo had scheduled on June 27, 2005.

Vice-Chairman Obernier said as he recalled there was some question about whether Pennsylvania American had capacity enough to accommodate with the project, and thought that was behind them, that they had received acknowledgement that there is capacity. Vice-Chairman Obernier asked Mr. Unruh if he has seen anywhere in the connection plan, that the three properties of Coatesville revitalization are noted on that plan. The connection management plan is provided for capacity as it is currently constructed. It is Mr. Unruh's understanding that what they put on there is the total volume amount, the total volume amount would accommodate the capacity which the Township has already committed certain property owners and also be sufficient additional capacity to accommodate Bentley Properties and their projects. Vice-Chairman Obernier stated that the

connection plan doesn't identify Bentley per se, they just say that WBT has a certain amount of capacity and asked if they indicated in that connection plan that the City of Coatesville has a certain capacity. Mr. Poff answered correct, and East Fallowfield, Caln and several other places.

Mr. Unruh stated that as far as he knows, Pennsylvania American is still the option, but there are still the permits and we don't know what they will bring about. That is why they have asked that the Conditional Use be modified to provide for Pennsylvania American. Vice-Chairman Obernier asked where the rumors began. Mr. Unruh stated they heard that some of the planning modules had been turned down, and he called DEP, and talked with ... who was very coy. This leads to the fact that they believe that everything is going along with Pennsylvania American, since they are dealing with DEP, they should be at least be prepared for the fact that for some reason it becomes clear that there is some insurmountable problem that would cause a possibility of that option, or a significant delay, they want the ability to go back to the sewer option which is immortalized in the Conditional Use Opinion and Order. Vice-Chairman Obernier asked if that connection plan that was submitted to DEP has any time frame associated to the supply of capacity. Mr. Unruh answered no, they have a certain amount of unused capacity in the plan and they are allocating that to the various users. Vice-Chairman Obernier said then that certain timing of the allocation is not noted and Mr. Unruh answered that is correct. Mr. Poff noted that the allocation for the additional for WBT is contingent upon the ... upgrades; similarly future expansion into the system beyond what has already been acquired by the Township is contingent upon the expansion that is presently going through the 537 process and is budgeted and scheduled to be constructed and online in 2008.

Mr. Unruh stated he misunderstood Vice-Chairman Obernier's question, they do have years and gallon allocations for various Township's over a period of time so that not everyone gets connected all at once. Mr. Unruh stated that representatives of Bentley are in attendance because currently, the Conditional Use that is issued is inconsistent with the path that they are traveling, they were asked to do that, are willing to do that, and will continue to do that, but they need to have the ability to pull the plug if it looks like they are headed toward a brick wall.

Hugh Redditt of Swinehart Road noted there was a rumor going around that they would be forced to hook into the sewer project. Manager Rambo stated that is just a rumor and explained if a line goes by Mr. Redditt's house it will be a force main, so you would not tie in, if a gravity line would go by his house, the Supervisors in the Act 537 does not require mandatory connection. Supervisor McCaffrey stated if you look at the actual regulation that they all quote about a sewer line being within 100 feet of a person's home causing them to be forced to connect, it stated that the BoS "may" require that. In WBT they have never required that. Vice-Chairman Obernier stated that if you have a gravity line go in front of your house, what they have done in the past is ask the person to certify that their system was okay, then they didn't have to connect, if it was bad you would have to fix it or connect, or when you sell your home than you would have to connect.

Pam Voorhees of Ponds End Drive asked if the Pennsylvania American thing falls through, at what point do you go back to the original plan, what happens to the whole process, would people get renotified that plans have changed back to the old plan, and what would happen with the people that have adjoining properties to that, where it would go back to the drip irrigation or spray. Mr. Unruh stated that they have the opportunity to participate by input to the BoS, before the BoS made their decision. There is no spray irrigation, if they have to go back to that and the treatment system is pursued then they would have to work with the Municipal Authority.

Ms. Voorhees stated her question was not answered, "Would people that have adjoining properties to that be renotified of the change of action?" Mr. Poff answered by process of the special study there is a public comment period by which people would have the opportunity to review the plan and provide comment. Ms. Voorhees asked if the residents would receive notification individually or through the newspaper. Manager Rambo answered through the newspaper. Vice-Chairman Obernier noted with the possibility of going back to the onsite plan, asked if they need to have some type of soil analysis. In a Municipal Authority meeting the engineer acknowledged that the testing has never been completed. Manager Rambo stated that if they go back to using the onsite disposal, they would be required to complete the soil analysis and testing.

Frank Keegan asked if they have to go back to the original plan, how will they connect all of these properties. Manager Rambo stated that part of the Swinehart tract already has the ability internally, so there is no need to, but to Swinehart, if it goes back to the Culbertson Village tract it would go up Swinehart Road to the entrance to their tract off of Swinehart Road, it would probably then continue on to Steve Janiec's property which is on the north side of Route 322, and any effluent that would have to go back to Kimberwick, if required, would go through Culbertson across Route 322 to Kimberwick, that hasn't been laid out yet, but that would be the shortest and most direct means. Mr. Keegan stated that would make that whole section of Culbertson Run Road. Manager Rambo noted there wouldn't be a force main going up there with the effluent, the pump station would still be needed and the gravity line through the Keagan's and the pump station up to Swinehart to the treatment would still be needed.

Supervisor McCaffrey stated his only misgiving is that he feels that open space calculations for the subdivision were not properly done. Going to the other locations for the sewage lets everything off the hook, its not something that everybody is going to fight about, but should they go back to an onsite system, he would like to make sure that the open space calculations are done properly. Supervisor McCaffrey would like included in the minutes, that he feels there is a certain gift facture in the number of units that are going into these developments because the calculations for open space and what area is needed for effluent disposal were not made complete. If they do go back that way, he feels there are going to be some problems and would to make sure the number of units are not anchored, instead that they change with the ability to dispose of effluent according to the open space standard. Supervisor McCaffrey didn't want to memorialize the number of number of units and sewage disposal at the expense of an analysis of open space area.

Mr. Unruh stated that he understands that Supervisor McCaffrey's position was that he would rather improve the Conditional Use...Supervisor McCaffrey stated that also this evening they could have opened the Conditional Use and change other places in it in accommodation for this, we are trying to stick with sewage. He does not wish to grant certain rights and privileges by making the statement that if it doesn't work going to Coatesville, you just go back and dispose of it on the ground there, as you had originally planned, it will have to be analyzed as to how much open space is used and how much disposal area is needed, etc. And if things don't work out, then they will have to change something.

Mr. Unruh stated they are not trying to open up the whole Conditional Use Decision, the only reason they are opening up the Conditional Use Decision tonight is because the Township and Authority asked them to go to Pennsylvania American, if that hadn't happened they would be able to proceed according to the Conditional Use Decision. Supervisor McCaffrey said, "sir with all due respect, you're the one that wants to include two different sewage alternatives, if you would like to

change it to what they are already trying to do and just put Pennsylvania American in and withdraw the other, then he wouldn't have a problem."

Chairman Lindborg stated that in this case he didn't think it was fair, Bentley was going forward with the on lot plan and the BoS asked them very specifically to go to Coatesville. If they had done this voluntarily then maybe we could address it. So they stopped going the route they initially started and moved forward with the Board's request to go to Coatesville. They are asking for the option to go back to what they were originally doing. Supervisor McCaffrey stated that he was not trying to remove the option that they have on paper, he would just like everybody to stick with what was on paper back then and go through whatever analysis that is required under the ordinance rather than to just guarantee that sewage may be disposed of onsite if it doesn't work with Pennsylvania American. Chairman Lindborg stated they can only dispose of the amount of sewage that the ground will test to accommodate, if there are problems there, given proper amount of area to dispose of it can potentially limit the number of units they can put there. Chairman Lindborg appreciates what Supervisor McCaffrey was asking for, but didn't feel it was fair. Supervisor McCaffrey didn't see how it wasn't fair; he was just asking them to comply with their regulations. Chairman Lindborg said Bentley is asking to go back to what was originally approved.

Mr. Unruh stated if they have to go back to the onsite system they want to comply with the requirements of Conditional Use Decision. He is hoping that they don't have to go back to that, they have invested all this time and effort because of Pennsylvania American. They have only been working on this since November and are hoping that it will be successful.

Mr. Keagan asked if it was correct that this project, the way that it is stated right now, only benefits Bentley properties and not the community. Manager Rambo answered if it goes to Pennsylvania American that yes, it does benefit others, within that, when the Municipal Authority is going to Pennsylvania American, not only has it requested additional capacity for Bentley, it has requested additional capacity for the Kimberwick area (210 homes), Cross Creek area, and part of Culbertson Run and Route 322 corridor.

Mr. Keagan asked if they have to go back to their original plan, would it benefit all those people. Manager Rambo answered yes, if they have to go back to the original plan, they would have to build a state of the art sewage disposal treatment facility to address the same aforementioned people. Mr. Keagan said, "then their drip fields are going to have to take in everybody." Manager Rambo answered either all theirs or the Authority has the ability to change the current Kimberwick spray to drip.

A resident asked if they go back to the drip plan, is there something that was going to be on that property as far as sewage, right next to us on the other side, so that they would be hit twice on the side that abuts down to Bentley's. Manager Rambo answered no; the effluent on Swinehart tracts would be in the southwest corner of the Swinehart tract. The effluent disposal in the Culbertson Village tract would be in the northwest corner, north of the proposed entrance road, not abutting any of the Cross Creek residences or the Keagans. The disposal of the Janiec tract would be in the northwest corner of their property. The disposal of the Kimberwick would be throughout the existing spray field areas.

Mark Brogan of Raleigh Drive asked if it would be to the Berkley/Raleigh Drive areas. Manager Rambo stated that it would be to the southwest and possibly within proximity of twenty to thirty feet to the rear of the property lines to some of the homes on Berkley Drive.

Mr. Brogan stated that basically this whole thing would benefit Bentley and not the community. Manager Rambo answered that it will benefit the community and explained that if it goes to Pennsylvania American, Mr. Poff is going to run a pipe under Route 322 to Kimberwick. If it goes to his new treatment plant, Mr. Poff is going to run a pipe under Route 322 to Kimberwick in the future. Should there be, usually the County want to see a failure rate of 50%, if that occurs in Cross Creek the Authority would then hire an engineer that will design an new system for Cross Creek that will gravity flow to the pump station.

Mr. Brogan asked what the current status is for Kimberwick. Manager Rambo stated that right now Kimberwick is functioning; there is no room for expansion that is why Mr. Poff is going to create a state of the art system on his site, so that they will only have one large system, rather than have several smaller systems.

**Adjournment from Public Hearing** (time: 9:18 p.m.)

**Re-Opening of Township Meeting** (time: 9:18 p.m.)

### **Old Business**

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board (2), Historic Commission (2) and Planning Commission. There were no comments.

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and is in the process of preparing an Ordinance amendment for the Board of Supervisors to consider. There were no comments.

Additional input into proposed zoning ordinance amendments 05-01[Fences], 05-05[Open Space Option/Age Restricted/TDR's] and 05-06[zoning map change]. There was no additional input.

The Bentley Community ACT 537 Special Study has been advertised for public comment. Mr. Unruh asked if the Board plans to pass a resolution to approve the Special Study at the next BoS meeting and also requested additional information in terms of responses from the Chester County Planning Commission, etc. Manager Rambo noted that information was sent out. The Manager will provide copies to Mr. Unruh.

The summer edition of the Township's newsletter has been forwarded to the printer for printing. There were no comments.

The BoS to render a decision on the Bentley Communities Preliminary Plans for the Culbertson Village Townhouse Development. Manager Rambo stated that the BoS held a meeting with Bentley Communities. The Township presented to them the thought of their ability to go down to a 40 ft. right-of-way, 22 ft. wide paved roads with rolled curbs, 2 ft. green strip between the rolled curbs, and a 4 ft. side walk, both sides of the street, the sidewalk would continue all the way around the site, there would be a concrete apron between the sidewalk and the rolled curb, wherever the driveway point would abut the sidewalk could then be blacktop. Bentley gave an

extension at the last meeting so they would have the opportunity for their construction people to look at their plans to ensure that it would work within what they had discussed. They had since come back and given the Township a resolution noting all the discussions and they are in concurrence that they will agree with what was discussed. Prior to final approval, the Township will make sure that all landscaping requirements and needs from the review letter of the landscaper be addressed.

Manager Rambo stated that the extension of time runs out tomorrow, based on receiving the resolution and based on what Bentley Communities have agreed with, he recommends that the BoS give Conditioned Preliminary Approval. They will have to address the landscapes architects letter and they have to finalize sewer. Mr. Poff explained that he can't fully address that letter because there are concerns in there raised by the landscape architect, that goes against the Conditional Use Order, which the landscape architect was not privy to the entire process, he was given a set of plans late in the process, he commented on things that didn't have anything to do with the purpose of bringing the landscape architect in, in the first place. If the Township wants to simply comply with the plan, then they are one hundred percent willing to do that.

Supervisor McCaffrey noted two things that he did not favor, one was referring to developments by their specific number of units and the other item of concern was that there was no reason given for granting the 40 ft. right-of-way and without a reason it would allow anybody to come in with a similar project to have a 40 ft. right-of-way. Mr. Unruh thought the reason they agreed to do sidewalks, the primary thing from Bentley's point of view is the additional costs of putting in the sidewalks and concrete aprons that they wouldn't otherwise have to do. Supervisor McCaffrey stated that according to the ordinance they have to have sidewalks there. According to the Township Engineer that sat down at the same table with Bentley's representative and attorney, he said that you have to have sidewalks there to connect other parking areas within the subdivision. That was his interpretation of regulations for safe access to parking areas.

Chairman Lindborg asked if there was a motion to grant Conditioned Preliminary Approval. There was no motion made at this time, so Chairman Lindborg moved on to the next item on the Agenda.

### **Old Business from the Floor**

There was none.

### **Old Business from the Board**

There was none. The next item that was addressed was New Business.

### **New Business**

The Manager is finalizing the "draft" cell phone policy, sign management program policy, snow removal policy and safety wellness program policy as recommended by the insurance company for presentation to the Board of Supervisors. There were no comments.

The Township Manager, Police Chief and Airwork's are in the final stages of addressing the air circulation and exchange of the shooting range. Manager Rambo stated Airwork's has completed their work; it is better but not totally adequate. Chief Werner and Dale Barnett are to visit other ranges. The Manager will write a letter stating they feel that it is still inadequate.

The Board of Supervisors and Manager are in the process of interviewing those that responded to the Township's RFQ pertaining to its General Obligation Note. This week they had four presentations; they met with Chris Corcoran with PNC, Scott Shearer of PFM, Dan Fox of Legg Mason, and Bruce Barnes of Milt Lopus. Each has different scenarios. Manager Rambo suggested that the BoS meet with him for general discussions regarding what was presented to the Township.

The Manager is continuing his preparation of a "draft" Right of Way Ordinance and Access Management Ordinance for review and input by the Board of Supervisors. There were no comments.

The Manager and Township Solicitor are in the process of preparing an Opinion and Order for the Steve Janiec Project located on Horseshoe Pike. There were no comments.

The Manager has advertised proposed zoning ordinance amendments pertaining to signs, Ordinance No. 05-04, for a public Hearing and adoption consideration on Thursday, July 7, 2005. There were no comments.

Opening of bids for Micro-Surface Treatment of roadways. At 1:00 p.m. as noted in the Daily Local News advertisement, the Public Works Director and Manager opened the bids for Micro-Surface Treatment of roadways. Two companies submitted bids, BJ Brenaman bid \$2.12 a square yard, bid bond included, total price is \$64,019.76. Asphalt Paving Systems, Inc. \$1.84 a square yard, for a total of \$55,564.32, bid bond also included. Manager Rambo noted for the past two years the Township has had Asphalt Paving Systems and recommended that Micro-Surface Treatment be awarded to Asphalt Paving Systems. Vice-Chairman Obernier motioned to award the bid to Asphalt Paving Systems. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

At this time in the meeting the BoS moved to address the rendering of a decision on the Bentley Communities Preliminary Plans for the Culbertson Village Townhouse Development. Supervisor McCaffrey asked Mr. Obernier if he was familiar with a letter that was requested by the BoS with regards to charges of foot dragging, stonewalling, etc. Vice-Chairman Obernier noted that he did recall the request. Manager Rambo noted he had not received the letter. The presentation of our engineer in the presence of Bentley's engineer seemed to vindicate them of any kind of delay that was purposeful and malicious in nature and asked for a letter that the charges are not true. Mr. Unruh then gave the letter to Supervisor McCaffrey. Supervisor McCaffrey stated that he would like the minutes to reflect that there were numerous items of accommodation by the developer that prompted this particular 40' right-of-way, if this goes into the summation of minutes for today that it state that. Although the resolution does not state so, there were numerous accommodations and partnerships that led to this accommodation in the final phases of this plan. He would like that there be an association with their resolution for the historical records. At this time in the meeting, Chairman Lindborg moved to address the Ordinances and Resolutions.

### **Ordinances and Resolutions**

Resolution #05-05; City of Coatesville proposed TIF Plan to CASD. Manager Rambo noted that current Resolution #05-05 is the original; he has received the revised TIF areas and noted there is a drastic change from the original TIF presentation. Chairman Lindborg agreed that it is significantly different than the original; it has been broken down into three specific areas, downtown housing, townhouse development, and the third was for a combination hotel and office building on Route

82. After general discussions, Vice-Chairman Obernier suggested that they ask the CASB their thoughts regarding TIF. The Board agreed the TIF Resolution may no longer be appropriate for the revised TIF plan the way it is currently worded. Manager Rambo will look at rewriting the resolution based on the revised TIF plan. The resolution was tabled.

Resolution #09-05; Grant submission to the County for property purchase. Manager Rambo stated this grant will be submitted to Chester County for the acquisition of the two small parcels located in the Hill Over Pratts Dam development. This resolution states that the Township will have \$6,700 available to match the project should they be awarded the \$6,700.

Resolution #10-05; Concurrence of waivers/modifications pertaining to the Preliminary Plans of Culbertson Village Townhouse Development. Chairman Lindborg stated that Supervisor McCaffrey asked that the minutes reflect the points being brought out for granting some of the waivers and modifications.

Resolution #11-05; Opposition of ACRE.

Ordinance NO. 05-01; Fences.

Ordinance No. 05-05; Open Space Option/Age Restricted/TDR's.

Ordinance No. 05-06; Zoning map change.

Chairman Lindborg asked if there was a motion for Resolution #09-05, Resolution #10-05, Resolution #11-05, Ordinance No. 05-01, and Ordinance No. 05-06. Supervisor McCaffrey motioned to pass those Resolutions and Ordinances noted by Chairman Lindborg. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

Manager Rambo will look at addressing Ordinance No. 05-05.

### **New Business from the Floor**

Pat Edwards noted that she and her husband Jesse Edwards attended a Fifth Annual Law Enforcement event held on May 15, 2005 at ...Baptist Church and that they were very pleased to see Corporal Gary Williams and K-9 Rudy there.

### **New Business from the Board**

Manager Rambo noted the BoS had previously given Conditioned Final Approval to Hide Away Farms project. Since that time Hide Away Farms has come under an agreement of sale with South Down Properties. They are establishing with the Township all necessary escrows; the Township has before them tonight plans for signatures as well as the escrow documents for signatures. The Engineer has approved the escrow amounts and John Good has approved the escrow documents. Manager Rambo will be attending settlement with South Down Properties on July 1, 2005 to turn over the plans once the Township receives the necessary checks for inspection fees, snow plow removal fees, and a contribution (\$15,000) for signalization upgrades to the Little Washington Intersection as well as a check for \$25,000 to go towards the preservation of the existing historic home by whomever purchases it.

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

Jesse Edwards commented about an unsightly property along Route 82. Dale Barnett noted that he sent out a letter with no response and was having trouble locating the property owner. Vice-Chairman Obernier asked the Code Officer if he could arrange mowing of the property by Township personnel and bill the owner, as has been done before in another subdivision. Dale Barnett said that he would take care of it.

Jim Potter asked if the golf course plans had been cancelled and what the development plans are for the property between Route 82 and Hibernia Road. Manager Rambo answered that they have Conditioned Final Approval and the Opinion and Order was signed tonight.

Jesse Edwards commented about Rocky DiAntonio's grass that is going to seed. Manager Rambo stated that Dale Barnett would send Mr. DiAntonio a violation letter.

### **Open Issues Before the Township**

Cable Franchise. There were no comments.

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

The interest rate for the week is 2.76 %. There were no comments.

### **Review and Payment of the bills**

The bills presented for payment totaled \$71,511.38 of which \$20,00 is recoupable from the Solid Waste Fund. Supervisor McCaffrey felt the True Green bill was too high. Manager Rambo stated True Green was lower compared to other bid they received. Supervisor McCaffrey questioned the Reed Smith bill. Vice-Chairman Obernier explained that they might receive some of the money back, that it is being held in an escrow. Vice-Chairman Obernier motioned to pay the bills. Supervisor McCaffrey seconded the motion as long as the money paid to Reed Smith was going into an escrow. Board Members Obernier, McCaffrey, and Lindborg voted aye.

### **Upcoming Meetings/Events**

- Planning Commission meeting, Thursday, June 23, 2005 at 7:30 p.m.
- Gotlieb Conditional Use Hearing, Wednesday, June 29, 2005 at 7:30 p.m.
- Brandywine Meadows (Maes Tract) Conditional Use Hearing, Wednesday, June 29, 2005 at 8:00 p.m.
- Board of Supervisors meeting, Thursday, July 7, 2005 at 7:30 p.m.
- Historic Commission meeting, Monday, July 11, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 12, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 14, 2005 at 7:30 p.m.

### **Adjournment**

With no other business to discuss, Vice-Chairman Obernier motioned to adjourn the meeting at 10:10 p.m. Supervisor McCaffrey seconded the motion. Board Members Vice-Chairman Obernier, McCaffrey, and Lindborg voted aye in favor of adjournment.

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