

**Meeting Minutes of October 6, 2005**  
**Board of Supervisors**

Vice-Chairman Obernier called the Board of Supervisors Meeting of October 6, 2005 to order at 7:32 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 Supervisor Thomas J. McCaffrey in attendance. Vice-Chairman Josef G. Obernier, Sr. arrived at 7:37 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Dale Barnett, Codes/Zoning Officer; and Thomas Eells, Director of Public Works.

**Acceptance of Minutes from Previous Meetings**

September 1, 2005 and September 15, 2005. Chairman Lindborg moved to address the next item on the agenda and go back to the Acceptance of Minutes after Vice-Chairman Obernier arrives.

**Public Comments** (those individuals requesting to be on the agenda)

There were no Public Comments.

**Correspondence/Communications** *Information to act upon*

The Township is in receipt of a letter of extension that runs until November 18, 2005 for the rendering of a decision on the Bentley Communities Swinehart Preliminary Subdivision Plan. The Board will address this item when all Board members are present.

The Township is in receipt of the Chester County GIS Consortium Tier III Agreement for consideration and signing. Manager Rambo recommended that the Board accept the proposal in the amount of \$5,000. The Consortium will be working with the Township this year to prepare a Sign Management Program as well as locating Township signs. Supervisor McCaffrey motioned to accept the County Consortium Tier III agreement. Chairman Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye.

The Township is in receipt of a ninety-day letter of extension for the rendering of a decision on the City of Coatesville Golf Training Facility Preliminary Land Development Plan. Manager Rambo stated the City is currently working on addressing the lighting information that the Township has requested. Supervisor McCaffrey stated his impression is that the City is reevaluating everything and that this may not be a serious consideration right now and they may be just holding their place with the Township by asking for an extension. Chairman Lindborg asked what ramifications there are if the Board does not accept the extension. Manager Rambo answered they would have to reject it based on zoning and or subdivision; they have addressed all the zoning issues, the subdivision outstanding is the lighting and the vegetation, with regards to lighting height showing how the vegetation compares to the proposed lighting. The Township is waiting for cross section. Supervisor McCaffrey stated he would like to know that they are seriously pursuing this list of items to be addressed. Chairman Lindborg asked when the

last time the City did something with the plan. Manager Rambo the last meeting they attended was in June regarding the May 23, 2005 review letter. {At this time in the meeting it was noted that Vice-Chairman Obernier was in attendance.} Vice-Chairman Obernier agreed with Supervisor McCaffrey, if they need time to work things out that would be fine, but not ask for an extension without any explanation as to what is going on. Supervisor McCaffrey would like to see the City demonstrate that they are actually proceeding with their plans, there has been no change for months and they keep asking for extension. You don't send a letter on October 3, 2005 because you need an extension on October 5, 2005. Vice-Chairman Obernier motioned to approve a thirty-day extension for the Coatesville Golf Training Facility with the understanding that within the thirty days the City is to present an explanation of what direction they are moving. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

At this time Chairman Lindborg moved to address Item A from the agenda: The Township is in receipt of a letter of extension that runs until November 18, 2005 for the rendering of a decision on the Bentley Communities Swinehart Preliminary Subdivision Plan. Bentley has submitted revised plans that are currently under review, which are in regards to addressing the Jim MacCombie's final comments. Supervisor McCaffrey stated he wouldn't vote positively on the Swinehart Development, he felt that they had presentations made by the Township's land planner, John Snook that were never acknowledged or incorporated in their plan. Chairman Lindborg stated that Bentley is addressing Jim MacCombie's petitions.

Vice-Chairman Obernier asked Supervisor McCaffrey if he feels that if the Board grants this extension Bentley Communities will come closer ... Supervisor McCaffrey thought that this is the sewage plan that incorporates most of their subdivision. Manager Rambo noted that sewage is supposed to go to Pennsylvania American; Bentley is addressing Jim MacCombie's final review comments dealing with stormwater and sewage. Vice-Chairman Obernier didn't disagree with Supervisor McCaffrey's thoughts but felt if they give them more time by granting this extension, it may bring their plan into compliance with MacCombie. Vice-Chairman Obernier motioned to accept Bentley's letter of extension on the Bentley Communities Swinehart Preliminary Subdivision Plan. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye. Supervisor McCaffrey voted nay.

The Township is in receipt of a ninety-day letter of extension for the rendering of a decision on the Final Subdivision Plan of John and Sandra Nunemaker. Manager Rambo noted they are currently addressing Jim MacCombie's final review comments, they need to go back to the Zoning Hearing Board to get one of the decision of the Board modified. Supervisor McCaffrey motioned to accept Nunemaker's extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Township is in receipt of correspondence with regard to the Chester County Association of Township Officials Fall Convention scheduled for Thursday, November 10, 2005 at the Mendenhall Inn. Supervisor McCaffrey noted a program that begins at 4:00 regarding the Brooking Institute Study denoting that local governments are a hazard to Pennsylvania's future. Supervisor McCaffrey will attend. Chairman Lindborg and Vice-Chairman Obernier are to let the Manager know if they will be attending.

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

PNC Bank has forwarded the Township the necessary documents for the loan being considered for the renovations to the Public Works Department facilities. There were no comments.

The Township is in receipt of numerous pieces of correspondence from George Aman, Esquire with regard to the \$750,000 General Obligation Note being sought from PNC Bank. A Hearing will be held later on in the meeting with regards to the Obligation Note.

The Chester County Conservation District has sent correspondence to the Township with regard to rain barrels they have at a cost of \$35.00 each. Vice-Chairman Obernier noted that last year as soon as they announced the sale, they sold out.

The Chester County Planning Commission has provided the Township with comments on proposed Ordinance No. 05-05. Manager Rambo noted that those comments could be discussed during the hearing.

### **Adjournment from Township Meeting (7:49 p.m.)**

#### **Opening of Public Hearing (7:49 p.m.)**

**Ordinance No. 05-05;** dealing with Section 200 Township Code, which is the definition section as well as terminology in Article's 3 and 4 in the Open Space Design Option. They are amending definitions to add things such as age restricted community, single-family attached, and non-continuous tracks. They are adding various subsections to deal specifically with the Open Space Design Option, age restricted communities, as well as any affiliated uses associated with age restricted communities. They are also adding minimal front yard, side and rear yard information on setback requirements. This information has been discussed at previous meetings during a presentation to the Township by Pulte Associates; they have worked for the past year to fifteen months with Pulte, their legal council, as well as John Snook of the Brandywine Conservancy to come up with this. Pulte owns four parcels of which one final parcel will become an age-restricted community if they pursue and follow through with the Ordinance, which would be the Manager's recommendation to the Board. They have discussed this at previous meetings with John Snook present who presented to the Board and the public his thoughts on it. Chairman Lindborg asked if the Board had any comments. Vice-Chairman Obernier had none.

Supervisor McCaffrey commented that this opens up this type of development anywhere in the Township. The language that has been incorporated in there allows it to happen again somewhere else. Like anything else, these regulations are like a giant ... devise, you never know if you have everything set in place so that it ends up where you want it to be in the end. It makes him nervous in that fashion. Supervisor McCaffrey asked if the twenty-five percent increase in density was related to some sort of transfer. Manager Rambo answered yes. Supervisor McCaffrey stated that it isn't really an increase in density for overall land considered; it is an increase in density at one spot because they have decreased the density somewhere else. Manager Rambo answered correct, they are transferring everything over. Supervisor McCaffrey didn't think that was clear in the County's comments.

Chairman Lindborg stated this ordinance is fluid in a sense that they can always go back and revisit this it. Supervisor McCaffrey hoped that as they enter into this that the Board considers having someone look at it in a worse case scenario being applied in another location. They might discover the defects, like they discovered in Bentley on his particular developments where there are apartments going in, which Supervisor McCaffrey feels are atrocious. Manager Rambo noted that when they were working on this, he and John Snook tried to visually look at the Township to see where this could actually occur elsewhere. There are not too many places in the Township where you will have lots of that size that would become noncontiguous where somebody would want to transfer the rights from one property to another. Chairman Lindborg asked if there were any comments from the audience. There were no further comments so the Chairman moved on.

**Ordinance No. 05-09:** This ordinance was duly advertised as was Ordinance No. 05-05 for consideration at the Hearing tonight, as well as adoption later on in the public meeting. Ordinance No. 05-09 deals with the requirements put upon the Township to advertise by DCED, to advertise that they will be borrowing additional funds against the Township's current tax base. George Aman, Esquire has prepared and advertised the ordinance, and prepared all the legal documents with regard to PNC's documents. The Township has everything in hand to move forward with that Ordinance later on in the public meeting.

Vice-Chairman Obernier stated he read through Ordinance No. 05-05 and agreed with the Manager that there are not too many other applications of this within the Township. As time passes, months and years, everyone will understand the wisdom...there were no further comments. Chairman Lindborg moved to adjourn the Public Hearing at 7:56 p.m.

### **Re-Opening of Township Meeting (7:56 p.m.)**

#### **Old Business**

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board. Chairman Lindborg stated it would be nice to get the Building Appeals Board setup. Manager Rambo stated they currently have three members and are still looking for two more members, there is one that has shown an interest but the Manager has not yet received his resignation for his other position that he currently holds. The Historic Commission and Parks and Recreation Board are also looking for members.

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 BoS to consider. Manager Rambo noted that Dale Barnett is currently reviewing plans from several very large projects as well as working on this.

The Manager has finalized Ordinance NO. 05-10, Construction in Public Rights-of-Way Ordinance for review and input by the BoS prior to its advertisement and adoption consideration. This has been given to the Board for their review and comment. Comments have been received from Vice-Chairman Obernier. John Good has also provided comments that the Manager has addressed. Chairman Lindborg stated he would forward his comments onto the Manager. Chairman Lindborg was okay with it as long as it could be changed. Supervisor McCaffrey stated that these regulations should not be static and can be revisited at any time. Manager Rambo would like the Board's comments prior to the next BoS meeting. The Board was okay for the Manager to move forward to advertise for adoption consideration the first meeting in November.

The Manager is working on an Access Management Ordinance for review and consideration by the Board. Manager Rambo will be contacting the TMAA to get addition assistance. Vice-Chairman Obernier asked the Manager for a timeframe of when he would finish his review. Manager Rambo estimated in December, but it depends what else they are going to start to pursue.

Airwork's is in the final stages to adjust the air circulation and exchange within the shooting range. Manager Rambo stated they are creating additional airflow and installing additional ductwork. However, to get the ductwork in they must jackhammer through the filled concrete walls. Airwork's was sent home when they arrived to jackhammer during a scheduled meeting because of the noise. Vice-Chairman Obernier asked for an estimate of when they are coming back and how long it will take.

Manager Rambo stated that Ken Creech would reschedule them to continue their work; he didn't know how long it would take to hammer through the concrete walls. After further discussion the Chairman moved on.

Final discussions on proposed Ordinance NO. 05-05, zoning amendments. There were no further comments.

Final discussions on proposed Ordinance NO. 05-09, borrowing of funds from PNC Bank. There were no further comments.

The Township's fall edition of the newsletter is at the printers. There were no comments.

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

There was no Old Business from the Floor.

### **Old Business from Board**

There was no Old Business from the Board.

### **Ordinances and Resolutions**

Ordinance No. 05-05; proposed zoning amendments pertaining to the Open Space Design Option and 55+ communities. Manager Rambo recommended that the Board adopt this pertaining to the Open Space Design Option dealing with age-restricted communities. Supervisor McCaffrey commented that he supports the concept that it has been designed for, but if it turns out to be misused in either this project in some way that has not been discussed or in a future project, he asks the Boards support to some sort of legal resistance to it. Both Chairman Lindborg and Vice-Chairman Obernier agreed. Supervisor McCaffrey motioned to adopt Ordinance No. 05-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Ordinance No. 05-09; borrowing of funds from PNC Bank for improvements to the Township's Public Works Facilities. Supervisor McCaffrey commented that the amount that is noted in that is the maximum amount, it does not mean that the total will be borrowed. As they go through the design the Board should be considering what limitations they want to put in place. Chairman Lindborg concurred, that was their understanding when they agreed to borrow the money. Vice-Chairman Obernier motioned to adopt Ordinance No. 05-09, borrowing of funds from PNC Bank for improvements to the Township's Public Works Facilities. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Resolution #15-05; reduction of police contribution to 3% into the Police Pension Plan. Manager Rambo stated the resolution corresponds with the current contract that states they will contribute 3%. Supervisor McCaffrey motioned to accept Resolution #15-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Resolution # 16-05; establishment of Retirement Benefits noted in the 2005 to 2007 Police Contract. Supervisor McCaffrey motioned to accept Resolution #16-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

### **New Business**

John Snook of the Brandywine Conservancy is to present an overview of the

Township's updated Comprehensive Plan. John Snook was not yet in attendance so the Chairman moved on to address the next item of Business.

Signing of the Glenmoore Veterinary Final Land Development Plans of Greg and Amy Tremoglie. The Township is in receipt of plans from the veterinary hospital, the letter of credit requiring signatures, as well as all the necessary paperwork. Manager Rambo recommended that the Board sign the plans so they can take them for recording. Supervisor McCaffrey motioned to approve the Veterinary Final Land Development Plans. Vice-Chairman Obernier questioned Mr. Tremoglie with regard to their plantings and then seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Recommendations of the Township Planning Commission. Manager Rambo noted the October 5, 2005 recommendations of the Planning Commission. James P. Bryant Final Minor Subdivision Plan is looking for the BoS to grant conditioned final approval so that they can pursue the necessary outlet to gain funds for the public improvements. Vice-Chairman Obernier motioned to grant conditioned final approval. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye. John and Sandra Nunemaker Preliminary/Final Subdivision Plan - it was recommended rejection unless a letter of extension was received, which was received. All Souls Cemetery is seeking conditioned final approval so they can pursue a funding mechanism to get the cemetery started. Supervisor McCaffrey motioned to grant final conditioned approval. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

The Parks and Recreation Board has cancelled the movie night scheduled for October 8, 2005. Manager Rambo noted they couldn't get enough people to help initiate everything. DNB First has graciously brought the Parks and Recreation Department a popcorn machine. It will have a plaque on it saying "compliments of DNB First."

Signing of the St. Peter's Church Final Land Development Plans. The Township is in receipt of their financial agreements, letter of credit, inspection check, and the Final Land Development Plans for signing. Vice-Chairman Obernier motioned to accept St. Peter's Church Final Land Development Plan. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

The Manager, along with other local Municipal Manager's, are in the process of obtaining information from Gerry Lederer an attorney from the law firm of Miller & Van Eaton of Washington, DC with regard to franchise fee agreements with Verizon. A meeting was held at the Township with eight municipalities and Gerry Lederer, Esquire, as a result of the meeting, WBT will be preparing intermunicipal agreements and ordinances to pass out to several municipalities. The price from the law firm is approximately \$10,000 plus expenses. If they get at least eight or more municipalities to participate, they will divide the cost. Manager Rambo will also ask the attorney to look at the Township's current agreement with Comcast.

Construction of the Township's saltbarn is scheduled to begin on October 10, 2005. Tom Eells noted the timeframe for the construction of the saltbarn and explained that it is being constructed of concrete walls to support the weight of the material that will be piled against the wall. Supervisor McCaffrey felt that the construction of the saltbarn is incredibly expensive and didn't feel that you need concrete walls that are ten foot high because the material that would lean against the wall wouldn't be ten foot high. Supervisor McCaffrey suggested a double wall structure that could be constructed out of something besides concrete so that it wouldn't be so expensive. It would be nice if the local community could have

been spared being charged the prevailing wage rate of some contractor in center city Philadelphia, which is adding 30% to 40% to the cost of this building.

The Manager will be attending an upcoming seminar on “Municipal Stormwater Management-Strategies for Success” at Villanova University on October 11, 2005. Manager Rambo stated this deals with MPDS IV requirements.

Signing of Costa Homes Final Subdivision Plans (aka Hidden Meadows) and Letter of Credit documents. At the Manager’s recommendation, Supervisor McCaffrey motioned to sign the plans that are to be held until all financial agreements have been met. 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**

Vice-Chairman Obernier noted he heard on the radio and read in the newspaper that Honey Brook Township is going to disband their two-man police department and is possibly going to state police servicing. Honey Brook Township Supervisor’s and Township Manager met with WBT Supervisor’s and Manger over a year ago to figure out what viable options they had. Board Members expressed concern that WBTPD may be called to service Honey Brook all the time and what the cost to our community would be along with the effect that it will have on the Township’s Officers who are already very busy. Chief Werner explained that they would first call the state police who will dispatch and call for backup and that WBT would not respond first. After further discussion, Chief Werner suggested that he talk to the solicitor as well as their insurance company. Manager Rambo stated that Honey Brook Township has already been given a cost analysis for services and he has already had discussions with one of their supervisors. Manager Rambo and Chief Werner are in the process of collecting more information and will be sending Honey Brook Township a letter.

### **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.

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

Interest rate for the week (3.01 %). There were no comments.

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

Manager Rambo noted General Fund bills totaling \$173,148.45 of which approximately \$20,000 will be reimbursed from DEP for the leaf vacuum. Supervisor McCaffrey motioned to pay the bills as presented. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye. Both Supervisor McCaffrey and Vice-Chairman Obernier noted that they have reviewed the invoices and found them to be in order. At this time in the meeting the Board moved to address the meeting minutes.

### **Acceptance of Minutes from Previous Meetings**

September 1, 2005 and September 15, 2005. Supervisor McCaffrey noted that he was confused about some items that were discussed that were not in the September 1, 2005 meeting minutes and wants to

find out if they are in the September 15, 2005 minutes. Vice-Chairman Obernier motioned to approve the September 1, 2005 meeting minutes. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye. Supervisor McCaffrey abstained.

### **Upcoming Meetings/Events**

- Historic Commission meeting, Monday, October 10, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, October 11, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, October 13, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, October 20, 2005 at 7:30 p.m.
- Planning Commission meeting, Thursday, October 27, 2005 at 7:30 p.m.

Chairman Lindborg noted they are awaiting input for the Comprehensive Plan.

John Snook of the Brandywine Conservancy arrived at the meeting and presented an overview of the Township's updated Comprehensive Plan scheduled for a public hearing and adoption consideration on Thursday, October 20, 2005 via Ordinance No. 05-08. John Snook noted that the new Comprehensive Plan is a culmination of about two years of work with Township staff and Task Force. The overall time frame for this Plan is twenty years, with the expectation that it is to be reviewed after a ten-year period. It is intended to provide guidelines to the character of growth in the Township. John Snook outlined the public input via the Community Values Survey that was sent out to approximately 3,000 households and compared information from the previous survey that had been sent out year's prior. The Comprehensive Plan Task Force moved beyond the survey to inventory of its natural and cultural resources based upon which was based upon a survey that was done in 1993, except they are able to go much further with a greater level of detail now because today they have computer mapping available. The County offered the Task Force extra funding to go 1,000 feet beyond the Township's boundaries so that they could see the relationship of resources as they cross the Township boundaries. All this information is now available in the laptop format for the Planning Commission to use. The culmination of the Comprehensive Plan is the Future Land Use Plan. The purpose of the Future Land Use Plan is to define the character of development in each area. After further summery John Snook's final comment was that this is down to the immediate short-term and further analysis, the Board ultimately has the final word on how the Comp Plan reads, that in a nutshell is a few years worth of work.

Chairman Lindborg thanked John Snook and stated that it was a tremendous amount of work put in by a lot of people and that the BoS appreciates his input and passion for the Comprehensive Plan. Joan Thompson, of the Coatesville Ledger and Jesse Edwards of Manor Road had questions/comments for John Snook. Supervisor McCaffrey commented that hopefully this is something that is more fluid than it had been in the past; it would be nice to see parts of it updated on a regular basis. John Snook stated they tried to write in a manner that would be fluid and encourages that approach. One of the recommendations is to update the historic resources, they did the best they could on short-term updates; it could stand further analysis.

Vice-Chairman Obernier asked if the Township could apply for the grant money now that Mr. Snook has given the presentation on the Comp. Plan. Manager Rambo explained that the plan has been advertised and will be officially adopted on October 20, 2005. After the final adoption a tally will be made of all accumulated of all associated bills for presentation preparation to the County. A December date is anticipated for reimbursement. Supervisor McCaffrey will submit his comments prior to the next BoS meeting. The biggest point for him is that these are not static documents and are open to change.

**Adjournment**

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:19 p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

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