

Meeting Minutes of May 3, 2007
Board of Supervisors

Chairman McCaffrey called the Board of Supervisors Meeting of May 3, 2007 to order at 7:30 p.m. Roll call of the Board of Supervisors (BoS) by the Township Manager noted Chairman Thomas J. McCaffrey and Supervisor Josef G. Obernier, Sr. in attendance. Vice-Chairman Carl S. Lindborg 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

March 15, 2007, April 5, 2007 and April 19, 2007. Supervisor Obernier motioned to table the minutes until all BoS members are present. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

Correspondence/Communications *Information to act upon*

Pattie Barry has forwarded the Township her resume and an email requesting to be considered for the Township's Parks and Recreation Board vacancy. Supervisor Obernier stated that he met with Ms. Barry who seems well qualified, has a real interest, and has lived in the Township for sixteen years. Chairman McCaffrey noted the BoS appreciates her volunteering. Supervisor Obernier motioned to appoint Pattie Barry to the Parks and Recreation Board. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

The Mendenhall Homeowners Association is requesting the Township to review and provide a response with regard to the proposed amendments to their by-laws. Manager Rambo noted he has reviewed the amendments and didn't see anything that would have an adverse affect on the Township. Supervisor Obernier would like Manager Rambo to provide the BoS with his input as to what they want to change and what the effects of those items are. Supervisor Obernier asked for the Association to change their by-laws, do they just require approval of the BoS or do their residents vote on them. Manager Rambo answered that it has to come before the BoS, who has sixty days to review it, then it goes back to their board and their residents vote on it. Further discussion ensued. The BoS would like Vice-Chairman Lindborg's input as well as have Manager Rambo contact the Homeowners Association to have representatives come to a BoS meeting.

The Township is in receipt of a ninety-day letter of extension for the rendering of a decision on the Preliminary Plan of the Gudal Property from The Harlan Corporation. Manager Rambo noted that Harlan is currently working on addressing the engineer's review letter and recommended that the BoS accept the extension. Chairman McCaffrey motioned to accept the ninety-day letter of extension. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Snyder Hoffman Associates, Inc. is requesting a waiver from the Township's Lighting Ordinance on behalf of St. Peter Parish to utilize a McGraw-Edison fixture, Model GAT-100MH-208-5C-UUA-AP, which is a low-wattage metal halide fixture meeting IES "cut-off" classification, and is Dark Sky compliant. Chairman McCaffrey asked what this violates in the Township's ordinance. Manager Rambo explained that this is not full cut-off and noted that the Township is in receipt of a letter dated April 30, 2007 from Stan Stubbe. Manager Rambo read Stan's letter out loud.

Supervisor Obernier noted that this request is not coming from the Archdiocese, it is coming from the construction company. They didn't follow the Township's regulation, they had to go back and redo all the parking lighting. Here is another part of lighting that didn't conform. Father Brower's came into the Township in January and wanted a premature agreement from the Township for a Use and Occupancy, Supervisor Obernier stated that he was okay to agree to that as long as they didn't have to fight about the lighting later. Father gave his word that the church would not be asking for any variance from the way it was written in the Township's Lighting Ordinance. They were given the Use and Occupancy based on that. If you recall on the vote if they came back asking for variances, then the vote would be rescinded. If the Archdiocese is asking for this, then he would like Father to come in and tell the Township that he gave his word and he is going back on his word and to send in a letter that contradicts the other letter that he sent. Supervisor Obernier was not for this at all.

Manager Rambo explained that these are the eight "decorative" lights in front of the church, not the parking lot lights. Supervisor Obernier stated his point is that there is no reason why they can't adhere to the regulation of the Township, that they promised to do both verbally and in writing and felt that this is not a minor thing, it doesn't conform with the regulations and stated that if Chairman McCaffrey wanted to give a back door deal to the church it was up to him and Vice-Chairman Lindborg, but it doesn't conform.

Chairman McCaffrey noted that Stan Stubbe's letter made him feel that the full cut off would not have the "decorative" properties that these do, there are only eight of them. Supervisor Obernier would like to have the good Father come in and tell him that the Archdiocese wants to go back on their agreement about the Use and Occupancy that the Township approved for them. Manager Rambo thought the Use and Occupancy was for the school. Further discussion ensued. Manager Rambo noted that all the lights for the school and the church are on a timer, which goes off at 11:00 p.m. Some lights are on for the camera's security system.

Chairman McCaffrey noted if you build a church or some other decorative type of structure like that, if there are a couple of lights that augment the aesthetics of that structure, there is a spirit of the law and the letter of the law. Supervisor Obernier would like Father from St. Peter to come in to the BoS meeting to discuss the lighting issue. Chairman McCaffrey motioned to table the waiver request. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of a proposed Ordinance from Valley Township's Solicitor, Alan Jarvis, Esquire with regard to the establishment of an Inter-Municipal Agreement to share various services. Services would include the Building Appeals Board and police scales. This will be advertised for the next BoS meeting. In principle the BoS is in agreement with the Ordinance.

Andy Eberwein of E. B. Walsh & Associates has forwarded the Township a list of waiver requests for the Gudal Property Preliminary Subdivision submission. Mr. Eberwein explained he had two waiver requests; the first request was regarding a reduction of the perimeter buffer. Manager Rambo noted the Planning Commission's recommendation for the BoS consider favorable the request to use their

discretion in reducing and or adjusting the landscape requirements as presented and to approve the request for a waiver regarding the cartway and curbing. The BoS was in agreement to not grant the waiver until the development is complete. The second request was regarding the cartway and curbing. Chairman McCaffrey motioned to grant a waiver to allow 22' wide with rolled curb as long as this is what it actually turns out to be with the existing set of circumstances, it is not a blanket waiver. Mr. Eberwein noted the request is specific, to allow a centerline grade of 8.08%. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The Township is in receipt of correspondence from the East Brandywine Fire Company with regard to a "draft" resolution that would enable the fire company to bill for emergency services within the Township. Discussion ensued regarding insurance policies, coverage, reimbursement, etc. The BoS were in agreement with the resolution with the stipulation that the verbiage be changed to clarify that if there is no policy in effect; there will be no charge to the homeowner.

The Township is in receipt of a ninety-one day letter of extension, until Thursday, August 2, 2007, from GenTerra for a rendering of a decision on their Brandywine Meadows Preliminary Subdivision Plan. Manager Rambo noted that GenTerra is in the process of addressing all the stormwater comments of the engineer and recommended that the BoS accept the extension. Supervisor Obernier motioned to accept the ninety-one day letter of extension that runs until Thursday, August 2, 2007. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from the Chester County Planning Commission with regard to proposed zoning Ordinance No. 07-01, amendments to the Township's Open Space Design Option. Manager Rambo noted the BoS has a copy of this in their book for review. The Chester County Planning Commission is basically okay with the ordinance that is being proposed. Chairman McCaffrey thought it would be good to review the open space policies.

Adjournment from Township Meeting at 8:35 p.m.

Opening of Public Hearing at 8:36 p.m.

Ordinance No. 07-03; consideration of the Technical Specifications for Traffic Control Signalization. Manager Rambo noted they have been working with McMahan Associates and have come up with specs for future traffic control signalization or whenever existing ones are upgraded. Ordinance No. 07-03 has been duly advertised, been reviewed by John Good and found satisfactory. Chairman McCaffrey noted that having this in place, when the developers come in the Township, they would have a better design option and less maintenance. If this was in place when they added the signals at the hospital they would have used the better design option and there would be grounds to have them upgraded so that they would be working better with less maintenance.

Tom Eells asked about the generator. Manager Rambo answered that the Township would pick the generator; the one that was in the plan is outdated. Supervisor Obernier noted he has previously given his comments and was okay with this. There were no comments from the audience.

Adjournment from Public Hearing at 8:39 p.m.

Re-Opening of Township Meeting at 8:40 p.m.

Old Business

Final discussions on Ordinance No. 07-03: Technical Specifications for Traffic Control Signalization. There were no further comments. Chairman McCaffrey requested that they vote on Ordinance No. 07-03 at this time in the meeting. Supervisor Obernier motioned to adopt Ordinance No. 07-03: Technical Specification for Traffic Control Signalization. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

The Manager has forwarded a request to the Township's Agricultural Security Board to establish a meeting to discuss the County's paperwork with regard to the Agricultural Security District. Manager Rambo noted that each person was sent a letter to establish a meeting at the end of May.

Supervisor Obernier noted that in going through the open space and things that the Township is proposing to purchase, they recognize that they don't have the money to do everything that they would like to do. Supervisor Obernier suggested that they offer some small amount of money, maybe \$2,500, to these folks, whether they are in the Agricultural Security District or if they are not, the parcels that the BoS have an interest in, in exchange for the right of first refusal, should they want to sell their land to a developer. That way for a small amount of money as things happen, they have to come to the Township first. Supervisor Obernier noted he does not own property in the West Brandywine Agricultural Security District. Chairman McCaffrey noted they have previously discussed this at the PSATS convention and agreed to let the Open Space Review Board pick the select few in which they would offer some right of first refusal to. Further dialog continued.

The Manager is continuing talks with the Henderson's of Horseshoe Pike and Manor Road with regard to the purchase of development rights. Manager Rambo stated he is getting a list of appraisers that can appraise development rights so that the Township can approach the Henderson's.

Old Business from the Floor

Mark Hartnett asked if the Township has received any new information regarding from the Post Office. Manager Rambo stated a letter was sent out to Representative Jim Gerlach. No response has been received.

Old Business from the Board

Supervisor Obernier noted a construction sign that is down on Hurley Road and asked if this could be taken care of. Supervisor Obernier also noted that there is graffiti on the Rubertone Barn and asked if Chief Werner could touch base with the county. Chief Werner noted they have pictures of it and stated he would contact the county.

Ordinances and Resolutions

Ordinance No. 07-03: Technical Specifications for Traffic Control Signalization. This item was voted on under Old Business.

New Business

The Township Manager has advertised the proposed changes to the Open Space Design Option as Ordinance No. 07-01, for a May 17, 2007 hearing and adoption consideration. The BoS is in receipt of the Ordinance for their review.

Discuss the establishment of a Township Adopt-A-Road Program. Manager Rambo noted the BoS is in receipt of the program, noting that the program would work similar to the state program. This was also noted in the newsletter, several people expressed interest.

Appointment of Marie Whiteman as the Township's Police Secretary/Receptionist. Manager Rambo recommended that the BoS appoint Marie Whiteman as full time Secretary/Receptionist. Chairman McCaffrey motioned to appoint Marie Whiteman. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Recommendations of the Township Planning Commission. Manager Rambo noted their recommendations have already been addressed to accept the extensions of time and for the BoS to grant Gudal's waiver request.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board.

There was no New Business from the Board.

Public Comments

There were no Public Comments.

Open Issues Before the Township

The Township continues to seek volunteers to serve on the Building Appeals Board and the Parks and Recreation Board. Manager Rambo is awaiting a resume from an interested individual for the Building Appeals Board. All vacancies have been filled for the Parks and Recreation Board.

The Township has received information from Caln Township with regard to the traffic signal at the hospital/school entrance and is under review by Township representatives. Manager Rambo noted he spoke with Greg Prowant and said that WBT BoS would not consider anything until the permit is in both names of Caln Township and West Brandywine Township. Manager Rambo also told Greg that WBT will be adopting a new ordinance with regard to the specifications that WBT would like to see on the signals. Greg requested that a copy be sent to him once the Township has adopted the Ordinance. Manager Rambo will forward a copy of the Ordinance to Greg Prowant.

The Township is in receipt of correspondence from Stan Stubbe with regard to suggested amendments and modifications to the Township's Lighting Ordinances. Supervisor Obernier noted that Supervisor Obernier and Vice-Chairman Lindborg have been discussing this and stated that they need to discuss the issue further.

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

The Manager and Supervisors are in the process of updating the Township's Non-Uniform Personnel Policy Manual. There were no comments.

General Obligation Note (Adjustable Rate Loan based on Harrisburg Bond for the Facility/Park Construction) Interest rate for the week is 4.27%. Manager Rambo stated this is an all time high for the Township. Both Chairman McCaffrey and Supervisor Obernier agreed that the Township has saved a lot of money with this versus if they would have gotten a regular loan.

Review and Payment of the bills.

Review and Payment of the General Fund (\$104,247.36), this amount includes the initial payment to the three fire companies that service our Township through the Fire Appropriations Tax that the Township

collects. The Township is paying them 75% of what they will get as a contribution this year. Liquid Fuel totaled \$125.34 and the Solid Waste Fund totaled \$1,439.47. Chairman McCaffrey motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

Chairman McCaffrey noted the upcoming meeting and events.

Adjournment

There being no further business before the Board, Chairman McCaffrey motioned to adjourn the meeting at 9:01 p.m. Supervisor Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

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