

Meeting Minutes of December 4, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of December 4, 2003 to order at 7:50 p.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman Obernier and Vice-Chairman McCaffrey in attendance. Supervisor Lindborg was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, Dale Barnett; Codes Officer, and Thomas Eells; Road Foreman.

The first order of business to address was the acceptance of Minutes from the previous meetings of October 31, 2003, November 5, 2003 and November 20, 2003. The Minutes were tabled.

Being there were no individuals requesting to be on the agenda the Chairman moved onto Correspondence/Communications - Information to note and act upon. The first item under Information to Act Upon was Schnatz & Rohrer has forwarded the Township a sixty-day letter of extension for the rendering of a decision on their final land development plan. Vice-Chairman McCaffrey motioned to accept the letter of extension. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Vice-Chairman McCaffrey stated at some point the Board should review the plans of the ones that have asked for multiple extensions and see if it is in the best interest of the Township to have their plans be resubmitted. Manager Rambo noted there are no major changes on the plans that are currently under review, they are addressing comments from the engineer's reviews. Steve Jakatt concurred with the Manager that the current plans have no major changes.

The second item under Information to Act Upon was Catania Design Concepts has forwarded the Township a sixty-day letter of extension for the rendering of a decision on their preliminary subdivision plan. Vice-Chairman McCaffrey motioned to accept the letter of extension. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The third item was Marc Jonas, Esquire has forwarded the Township a ninety-day letter of extension for the rendering of a decision on the Coatesville Golf Training Facility preliminary land

development plan. Vice-Chairman McCaffrey motioned to accept the letter of extension. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The fourth item was Costa Homes, Inc. has forwarded the Township a letter of extension for the rendering of a decision on their preliminary subdivision plan. Vice-Chairman McCaffrey motioned to accept the letter of extension. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The fifth item was the Board of Supervisors to consider the acceptance of the cost estimate of \$7,800 from the Brandywine Conservancy for the preparation of the Land Use Assumptions Report that will become part of the ACT 209 Plan. Vice-Chairman McCaffrey made a motion to accept the cost estimate from the Brandywine Conservancy. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Chairman Obernier was concerned that John Cassels, a volunteer for the Planning Commission has been working a lot of hours for the Brandywine Conservancy and wanted to know if there is a way he could be compensated for his work. Manager Rambo suggested that he bill the Brandywine Conservancy for his time. Vice-Chairman McCaffrey noted that he benefits by making business contacts. Chairman Obernier will call John Cassels.

Chairman Obernier was also concerned that the Brandywine Conservancy bills the Township for John Snook's work and doesn't reimburse him for his hours. Vice-Chairman McCaffrey feels that's between John Snook and his employer.

The sixth item was the Board of Supervisors is to consider acceptance of the final draft of the Community Values Survey prepared by the Brandywine Conservancy and the Comprehensive Plan Task Force for mailing to all households for input that will assist with the updating of the Township's Comp Plan. The acceptance of the Community Values Survey was tabled until all Board members are present for further discussion. Steve Jakatt would like to see this item passed as soon as possible. The Board Members will be prepared at the December 18, 2003 meeting to discuss the Survey.

The seventh item was the Township is in receipt of a draft for a proposed Ordinance, prepared by Andrew Rau, Esquire, to amend to the zoning of the LI and RM zoning districts to allow other uses at the Irish Oaks Golf Facility. Vice-Chairman McCaffrey made a motion that they continue their review of the proposed ordinance and that the draft be given to our solicitor for fine-tuning. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The next item on the agenda was the Township has received a request from the Republican Party to utilize the meeting room in late March for a regional planning meeting for northern and western Chester County municipalities. Chairman Obernier agreed that the Republican Party can utilize the meeting room as long as the Democratic Party and the other groups have access to the room as well. Vice-Chairman McCaffrey would like to have a policy about how it is used and if the Township should incur a cost over this, then that group would be responsible to cover it. Vice-Chairman McCaffrey made a motion that they permit to use of the facility for a political gathering

of Township residents and others. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The next item was the Township to consider participating in the West Branch Brandywine Partnership, being established by the Brandywine Valley Association, to educate Township residents and businesses about the new NPDES phase II requirements. The estimated cost is \$1,000. Manager Rambo recommended they join this partnership. The partnership would benefit the Township by being less expensive as they go through the process that is required by DEP and EPA to meet the new requirements. Vice-Chairman McCaffrey made a motion that the Township enter into a partnership with Brandywine Valley Association for educational purposes. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The final item under Information to Act Upon was the Township is in receipt of the 2004 Traffic Signal Maintenance Contract from Signal Service for renewal. Vice-Chairman McCaffrey made a motion to renew the contract from Signal Service. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Information to Note was the next item of business on the agenda. The first piece of information to note was the Board of Supervisors is in receipt of an amended Tax Collection Contract and associated resolutions from H. A. Berkheimer, Inc. for their review pertaining to the collection of the Open Space Tax Imposed on Earned Income that is to be considered for adoption at the December 18, 2003 Township meeting. Manager Rambo noted the charge is 1.75%.

The second piece of information to note was the Township is in receipt of correspondence with regard to an Open Space Conference being held on January 8, 2004 at Villanova University. There were no comments made.

Adjournment from the Township Meeting was at 8:18 p.m. and the Opening of the Public Hearing was at 8:19 p.m. The Public Hearing was regarding Ordinances No. 03-12 through Ordinance No. 03-16. Manager Rambo noted the Ordinances relate to no parking, stop intersections, signalization of intersections, and the use of jake brakes within the Township. Being there were no comments made Vice-Chairman McCaffrey motioned to close the Public Hearing at 8:20 p.m. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Chairman Obernier reopened the Township Meeting at 8:21 p.m. and moved onto Old Business. The first piece of Old Business was the Board of Supervisors continues their search to fill the Building Appeals Board that will be established in 2004. There were no comments made.

The second piece of Old Business was final discussions on Ordinance No. 03-12 through Ordinance No. 03-16, pertaining to parking, speed limits, stop signs, traffic signals, engine brakes, etc. Steve Jakatt asked about the ordinance regarding parking. Manager Rambo noted it is the same Ordinance they currently have with regards to no parking in subdivision streets with the addition of new streets.

Manager Rambo noted they will be putting up signs in Ashberry Lane stating no through traffic during certain hours. There is no legal means to enforce it. Vice-Chairman McCaffrey noted the option is open for the subdivision to purchase the road.

The third piece of Old Business was the 2003 winter edition of the newsletter is being printed for a December 15, 2003 mailing. There were no comments made.

The fourth piece of Old Business was the 2004 budgets are available for public review. There are copies available for review in the Township lobby.

The final piece of Old Business was the Township will consider Ordinance No. 03-17, zoning map amendment, for adoption at a public hearing during the Conditional Use Hearing of Steve Janiec on December 9, 2003 at 7:30 p.m. at the Township building.

Old Business from the Floor was the next item on the agenda. Steve Jakatt commented that he was in favor of the Open Space Earned Income Tax.

Being there was no Old Business from the Board the Chairman moved to Ordinances and Resolutions. Vice-Chairman McCaffrey made a motion that the Board adopt Ordinance No. 03-12 through Ordinance No. 03-16. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

New Business was the next item on the agenda. The first item was Christmas with Santa is scheduled for Saturday, December 13, 2003 between 12:30 p.m. and 2:30 p.m. at Friendship School. There were no comments made.

The second item under New Business was the Township has advertised Ordinance No. 03-18 for consideration and adoption on December 18, 2003 with regard to an increase in the OPT tax at the rate of 1/8 of a percent to go toward the preservation of Open Space. Manager Rambo noted they were duly advertised as required by law.

The third item under New Business was the Recommendations of the Township Planning Commission. Manager Rambo then read the Planning Commission Recommendations. The Manager asked for a motion from the Board granting conditioned final approval of the Final Land Development Plan for the Jehovah's Witnesses Kingdom Hall based on establishing an escrow account. Vice-Chairman McCaffrey made motion granting the conditioned final approval as stated by the Township Manager. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye. Manager Rambo will write a letter to the bank.

The fourth item under New Business was the Final release request of escrowed funds for the Stone Barn Project totaling \$48,393.51. Manager Rambo noted they are awaiting final approval from the engineer.

The Board of Supervisors will hold their annual re-organizational meeting on Monday, January 5, 2004 at 7:00 p.m. and their first monthly meeting immediately thereafter. Chairman Obernier noted that the Township meeting will start around 7:10 p.m. after the re-organizational meeting.

The final item under New Business was the Township's Code Officer and Manager are looking into a Noise Ordinance for presentation to the Board. Manager Rambo noted they are in the process of looking into a Noise Ordinance as a result from a few letters received a couple months ago. Steve Jakatt felt the majority of people would favor a noise ordinance. Vice-Chairman McCaffrey explained how the criteria would need to be very specifically defined and feels that a neighbor should confront their neighbor with a problem first before coming to the Township.

Chairman Obernier moved onto Public Comments being there was no New Business from the floor or from the Board. Bob Karpovich of Fraser Boulevard asked if there is anything new from the City of Coatesville. Manager Rambo noted they are still working on their plans.

Chairman Obernier then moved onto Open Issues. The first Open Issue was the Cable Franchise review letter. Manager Rambo noted this is under review.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. The current interest rate is 1.47%. Manager Rambo noted the construction is completed and now they are under warranty.

The Chairman moved onto the payment of the bills for the General Fund, State Fund, and Solid Waste Fund. Vice-Chairman McCaffrey motioned to pay the bills and Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Parks and Recreation Board meeting, Thursday, December 9, 2003 at 7:30 p.m.
- Conditional Use Hearing, Janiec, Tuesday, December 9, 2003 at 7:30 p.m.
- Public Hearing for Ordinance No. 03-17 in conjunction with Janiec CUHA, zoning map change, at 7:30 p.m., Tuesday, December 9, 2003.
- Municipal Authority meeting, Thursday, December 11, 2003 at 7:30 p.m.
- Planning Commission meeting, Tuesday, December 16, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, December 18, 2003 at 7:30 p.m.

With no other business to discuss, Vice-Chairman McCaffrey motioned to adjourn the meeting. Chairman Obernier seconded the motion. The meeting was adjourned at 8:40 p.m.

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