

**Meeting Minutes of February 3, 2005**  
**Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of February 3, 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 7:33 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**

The minutes of January 3, 2005, January 7, 2005 and January 20, 2005 were tabled.

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

No one requested to be on the agenda.

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

The Chester County SPCA has forwarded the Township a copy of the 2005 Boarding and Animal Protective Services Contracts for review and consideration. The contracts are still under review. Manager Rambo noted Chief Werner attended a meeting on the Manager's behalf with the SPCA, as a result of that meeting; the Manager has emailed information to the BoS. The SPCA has requested that the BoS, Chief, and Manager meet with the SPCA's upper staff personnel. Manager Rambo will contact the SPCA to setup the meeting. At this time Chairman Lindborg noted that Supervisor McCaffrey has arrived at the BoS meeting. Supervisor McCaffrey noted that Vice-Chairman Obernier has brought up some good ideas, that the SPCA should file a report with WBT Police Department so that they would know if there is a repeating known offender. Manager Rambo recommended tabling the SPCA contract. Vice-Chairman Obernier motioned to table the SPCA contract. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

The Township is in receipt of correspondence from James W. MacCombie, P.E. with regard to the waiver requests for the Susan B. Maes Minor Subdivision Plan. Manager Rambo noted this item could be discussed under recommendations of the Planning Commission because they have recommended that the BoS grant the waivers. Vice-Chairman Obernier noted that at the January 20, 2005 meeting, Mr. Dobson noted that Mrs. Maes wanted to have her paddock areas to have exclusive use for her horses, she also indicated that the paddock areas were off limits to the folks that live on lot 2, in addition, on lot 2, she could restrict those people from using areas that are in use by her horses on their (lot 2) ground. Supervisor McCaffrey was not in favor granting any

subdivision right or approval on the property until the plan that they are going to develop is fully presented and felt it is premature to give away rights on that property and at the same time guarantee usage. There are all kinds of unanswered questions. John Cassels noted that this is a minor subdivision. Chairman Lindborg noted that the problem is that it is a minor subdivision except that it entails committing part of that ground to an open space project that depends on the other parcel. Supervisor McCaffrey stated that it would be fine to subdivide it if each piece would fly on its own merits, but didn't like the idea of having no definite plans for the one parcel and getting rights from the other parcel that you are creating and its going to be locked in that way. Chairman Lindborg moved onto the next item on the agenda and said that Mr. Dobson maybe in attendance later in the meeting.

Carroll Engineering Corporation has forwarded the Township waiver requests for the light fixture heights and roadway width of the Coatesville Golf Training Facility. At the Managers recommendation, Vice-Chairman Obernier motioned to table the waiver requests. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

The Township is in receipt of letter's of extension dated January 27, 2005 until March 4, 2005 for the Culbertson Realty Associates, L.P. and Swinehart Realty Associates, L.P. Preliminary Subdivision Plans. Manager Rambo noted that Bentley Communities currently have revised plans back to the Township's engineer for review. Supervisor McCaffrey motioned to accept the extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Township is in receipt of correspondence from the Chester County Association of Township Officials with regard to the Spring 2005 Convention held on March 2, 2005 at Chester Springs Inn. Vice-Chairman Obernier will not attend, Supervisor McCaffrey will attend and Chairman Lindborg will let the Manager know if he will attend.

The Township is in receipt of a ninety-day letter of extension dated February 2, 2005 for the rendering of a decision on the Preliminary Land Development Plan for the Coatesville Golf Training Facility. Manager Rambo noted the Township is in receipt of a letter of extension. Steve Jakatt noted that the Planning Commission recommended rejection based on Jim MacCombie's review letter dated December 20, 2004 concerning about a dozen unanswered problems. Chairman Lindborg asked if the Planning Commission felt there was a real reason to reject it other than the fact that the clock was running out and those items have not been addressed. Steve Jakatt stated that if the BoS were to reject the Planning Commission's recommendations he wouldn't have a problem with that. John Cassels explained he didn't know the legal ramification of not accepting the letter, they granted the extension and are granting a privilege for us to have more time. The reason they didn't make it conditioned upon that is because they didn't think that the Planning Commission secretary would want to spend time calling people to get the extension letter. Supervisor McCaffrey asked what the repercussions would be if they were to reject the plan for twelve engineering reasons. Manager Rambo noted they were not engineering reasons but administrative items. Both Chairman Lindborg and Supervisor McCaffrey felt that based on administrative omissions they shouldn't reject it.

Bob Karpovich asked if the City of Coatesville has formally accepted the conditions. Manager Rambo noted that a letter has been sent and is waiting for a response. Supervisor McCaffrey expressed that he was very weary of the City of Coatesville and their intentions and felt that if it is

only administrative issues then they don't have grounds to reject it. Manager Rambo recommended that the BoS grant the extension, the City of Coatesville's engineers are working to resolve Jim MacCombie's last review letter. Chairman Lindborg motioned to accept the extension. Supervisor McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Signing of the Pennsylvania Council on the Arts Grant award of \$720. Manager Rambo recommended that the Chairman accept and sign the Grant award. Supervisor McCaffrey motioned to accept the Grant award. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

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

The Township is in receipt of correspondence from the SPCA with regard to meeting with them about the Agreement and visiting their facility. This item was discussed earlier in the meeting.

The Township is in receipt of correspondence from John E. Good, Esquire with regard to the Brandywine Hospital Tax Appeal. Manager Rambo noted that the hospital won their appeal to have their taxes lowered. The Manager gave a copy to the tax collector so that she could advise him of the refundable amount.

John E. Good, Esquire has forwarded the Township his comments on the proposed Fire Protection Agreement. Manager Rambo noted John E. Good has found the agreement in order. The BoS need to put a contribution amount on the agreement, which will be the amount for the next three years.

Cohen Telecommunications Law Group has forwarded the Township information on the New Development Change Legal Landscape for Pennsylvania Municipalities. Manager Rambo is currently reviewing the information.

Ross Unruh, Esquire has forwarded the Township and Authority correspondence with regard to PAWC. Manager Rambo will send PAWC a letter in hopes to expedite their actions with regards to sewer. The Manager has a meeting scheduled for February 14, 2005 with PAWC for further discussions with Brian Hassinger and Ian Crooks to see why things have stalled at the lower level and who they should contact to get things moving quicker.

**Adjournment from Township Meeting was at 7:55 p.m.**

**Opening of the Public Hearing was at 7:56 p.m.**

Hearing on Ordinance No. 05-03, ACT 209 information. Manager Rambo noted Ordinance No. 05-03 is an Ordinance imposing a transportation capital improvements impact fee upon new development. The Township has been working on the Ordinance and the establishment of an impact fee for 1-½ years. The Township has met all the legal requirements to get to where they are to date and advertised it as required by law for adoption. This ordinance will officially establish the two transportation districts, the North Transportation Service area, establishing a \$2,611.13 per p.m. peak hour trip fee, and the South Transportation Service area, establishing a \$959.55 per p.m. peak hour trip fee. There were no comments from the BoS. Steve Jakatt, one of the members of the group that worked on this, recommended that the BoS approve the Ordinance. There were no other comments.

**Adjournment from Public Hearing was at 7:58 p.m.**

## **Re-Opening of Township Meeting was at 7:59 p.m.**

### **Old Business**

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board and Historic Commission. Dale Barnett noted the specific criteria that are needed to serve on the Building Appeals Board. The Manager noted this information has been placed on the website.

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and has presented his recommendations to the BoS for comments. The BoS had no comments at this time.

The Township will be accepting bids for the sale of surplus equipment on Thursday, February 17, 2005. Manager Rambo noted the Township has just received the new truck that is not operational yet; they are still waiting for the plow to come in so this may bump the sale of surplus equipment until March.

The Manager has advertised Ordinance No. 05-01, zoning amendments dealing with fences and signs, for a public Hearing and adoption consideration on Thursday, February 17, 2005. There were no comments.

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

None.

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

None

### **Ordinances and Resolutions**

Resolution #02-05; against City of Coatesville proposed TIF Plan to CASD. The Supervisors of WBT have attended the City of Coatesville's presentation. Manager Rambo has reviewed what was handed out. Chairman Lindborg stated that the presentation put the TIF Plan in a different perspective to him, they are proposing a 30/70 split as opposed to 100% from the rumors that he previously heard, 30% to the City and 70% to the main taxing authorities, which is mainly the School District and the County. To some degree it changed his perspective on it, there are still a lot of questions, it was a preliminary presentation.

Supervisor McCaffrey stated that he felt he asked some reasonable questions which seemed to irritate the City of Coatesville representatives and felt that everyone was supposed to go along with what was presented. The split in the taxes, 70% of the real taxes that would be derived under the tax code that exists at that time would come back to the school district, and 30% would go back to the TIF authority to repay the costs of infrastructure and development that precipitated these projects, that doesn't sound so bad. Supervisor McCaffrey stated the part that he is hung up on is that the City representative had all the benefits nailed down, but when you asked him to give the split 60%, 70%, or 80%, he wouldn't tell, 70/30 isn't even a sure thing. Chairman Lindborg stated he told him that it was 70/30. Supervisor McCaffrey stated that when he asked, he was told not to be fixated on any number and not to leave this meeting with any specific figure, because he didn't give one. Supervisor McCaffrey told the representative that the project sounded interesting but they haven't been told the length of the payback period for the loan or the split ratio, he is only

telling the TIF Plan benefits. They have no idea of the projection as to when the buildings are going to be built there. Supervisor McCaffrey noted another concern is that they are building large office buildings, to be located on the corner of Route 82 and Route 340, in the floodplain of the Brandywine. The definition was that they could only use the TIF money on “blighted areas,” and asked how you could call that corner a blighted area. The building in the floodway and some of the other things seem excessive. He would like to have some figures as to when these things will happen and what the actual ratios are going to be for the return of the taxes before making any decisions.

Chairman Lindborg asked Supervisor McCaffrey’s opinion on how it would be negative for the Township and the school district, excluding the floodplain. Supervisor McCaffrey explained the City of Coatesville lacks information, e.g. time frame, amounts, etc. Chairman Lindborg stated that he gave a different presentation when he attended, the representative gave project times. Supervisor McCaffrey stated that everything that he gave a projected time frame hinged on something else. Supervisor McCaffrey asked about the number of children, and the representative told him that there are over 3,500 dwelling units and didn’t expect anyone with children to move into them. Supervisor McCaffrey stated they have nailed down the benefits in numbers for the City of Coatesville, but what it is going to cost the rest of us, it’s still up in the air and they will let us know when they get closer to the actual stuff being finished. Chairman Lindborg stated that there are not going to be any guarantee there are not going to be any kids in there, there has to be some accommodation for the school district for these kids, that is when the 70/30 split came out as opposed to 100%, which he would be adamantly opposed to.

Vice-Chairman Obernier also attended the City of Coatesville’s presentation. He agreed with both Chairman Lindborg and Supervisor McCaffrey, that he heard those things from Mr. Jansen. The plan is very compelling and would be a boom and a good thing for the City. Vice-Chairman Obernier asked Mr. Jansen what the City of Coatesville’s total amount of debt is today and how much money he expected to get from TIF. Mr. Jansen answered the total debt is \$13,000,000 and the amount he expects to receive from TIF is \$40,000,000 or a little less. Vice-Chairman Obernier would like to know Coatesville School District’s total amount of debt and felt that it is rather significant, the school district has a budget in excess of \$100,000,000 a year and for them to divert some of their money, some people may feel that is not a big deal. Vice-Chairman Obernier would like to invite Brenda Haws, Chief Financial Officer of CASD, to a BoS meeting to answer those questions. He wasn’t one hundred percent sure it would be a good idea to divert any money from CASD to help the City. The way it was presented to Vice-Chairman Obernier was that the beneficial thing is that if all the City’s numbers are accurate, at some point, maybe six to twelve years, the school district will see an increased amount of money coming into it because of all the development. Vice-Chairman Obernier also noted that the City is sitting on some amount of cash from selling the City of Coatesville Authority.

After further discussion the BoS decided to have two special meetings, one with Mr. Jansen from the City of Coatesville and the other with Brenda Haws, CFO of the Coatesville School District. Vice-Chairman Obernier suggested they schedule the meetings as soon as possible. Vice-Chairman Obernier’s thought that the school district is going to come to a vote on this within the next month or two. Manager Rambo will get some available dates and email the BoS. Vice-Chairman Obernier motioned to table Resolution #02-05. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Ordinance No. 05-03. Vice-Chairman Obernier motioned to adopt Ordinance No. 05-03 with regard to the Act 209. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

### **New Business**

The Manager has received correspondence from Ms. Cindy Quinn, President of the CASD Board, establishing the following joint meeting dates with the Township BoS, Thursday, March 3, 2005, Thursday, June 2, 2005 and Thursday, September 1, 2005. Chairman Lindborg noted that he appreciated the school board's effort; it was very valuable last year and will continue to be.

Establishment of Conditional Use Hearing for Steve Janiec on Tuesday, March 29, 2005 at 7:30 p.m.

*Recommendations of the Township Planning Commission.* Manager Rambo noted they discussed the Planning Commission's recommendation regarding the City of Coatesville's Golf Training Facility early in the meeting. The second recommendation was the recommended approval of the Maes Minor Two-Lot Subdivision. Vice-Chairman Obernier quoted a passage from page 4, second paragraph, of the January 20, 2005 BoS unapproved minutes concerning the Maes property and a reciprocal arrangement made with Mrs. Maes. Vice-Chairman Obernier understood that the intent was that Mrs. Maes could restrict people from paddock areas, not only on her lot (lot 1), but she could also restrict people on lot 2. Chairman Lindborg stated his interpretation is that a paddock area is comparatively small fenced in area, and that she could access that other ground (lot 2) with a fox hunt or horseback riding, she couldn't restrict others from using it, but has the right to ride across it. Manager Rambo agreed with Chairman Lindborg. Supervisor McCaffrey understood that a paddock could be as big or little as you want. Vice-Chairman Obernier stated that if it is just a fenced in area, he could accept that.

John Cassels stated that historically the Maes property has been used by neighbors for riding for decades and doesn't feel she would ever try to stop that. Mr. Cassels noted the information that has come out of the Comprehensive Plan Update process, it has all the environmental features for the Township, Mr. Dobson gave them an overlay of Mrs. Maes' property, where the paddock area and his development are. Chairman Lindborg stated that is not a problem to the Board, the concern about having the open space on lot 1 being omitted already in association with a project that is not yet laid out. Supervisor McCaffrey reiterated that for him it is difficult to have rights going to an unknown number of developments, with an unknown amount of needs associated with them. This may seem inconvenient for the property owner, but you have to see the whole context of what is going to take place before you can make a decision on that subdivision.

Chairman Lindborg stated if it was just a two-lot subdivision and there was nothing that associated lot 2 with lot 1, it wouldn't be a big deal at all. John Cassels stated that Mr. Dobson is prepared to demonstrate it. Manager Rambo asked the Planning Commission if Mr. Dobson has sent a letter of extension. Steve Jakatt stated that the clock continues until March 17, 2005. Supervisor McCaffrey motioned to table the approval of the waivers and approval of the Maes Minor Two-Lot Subdivision Plan. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Signing of the Golf Zone Opinion & Order. Manager Rambo noted there was one change (paragraph 7) that was suggested with regards to lighting that had been discussed with John Good.

Manager Rambo read the modified paragraph out loud. Both Supervisor McCaffrey and Chairman Lindborg agreed to strike the word “reasonably” in that paragraph. Vice-Chairman Obernier questioned the hours of operation as noted in paragraph 2 and asked if the BoS if they want the go-cart operation going until 10:30 p.m. Manager Rambo answered they have had testimony that the Golf Zone is going to use certain decibels. They will create a bowl shape so they sit down in the ground and use dirt to create mounds, they are going to plant the mounds with screening buffers, so that everything that creates noise will stay there or go up. It is not to exceed 60 decibels. Vice-Chairman Obernier was concerned about the time of 10:30 p.m. It was noted that the BoS was in agreement with 10:30 p.m.

Vice-Chairman Obernier was concerned with paragraph 7, Manager Rambo explained they will be using the modified version of paragraph 7 that John Good faxed on February 1, 2005. Vice-Chairman Obernier was okay with that. Supervisor McCaffrey motioned to sign the Golf Zone Opinion and Order as prepared with the insert of modified paragraph 7, with the deletion of the word “reasonably” also in paragraph 7. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Signing of the Golf Zone Sewage Maintenance Agreement. Manager Rambo noted they have a signed copy from the previous owners. This copy for the new owners has to be signed and forwarded to DEP. This agreement allows the Township to step in if they don’t maintain it. Supervisor McCaffrey motioned to sign the Golf Zone Sewage Maintenance Agreement. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Spring Newsletter articles are due to Linda Formica by Friday, February 18, 2005. There were no comments.

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

Steve Jakatt, Chairman of the Comprehensive Planning Committee respectfully requested that the BoS carefully review the sixteen chapters.

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

There was no new business from the Board.

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

There were no Public Comments.

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

Cable Franchise. The Manager noted he received a current address list of Comcast customers in WBT.

Baker and Reason Lane access. There was no further activity since a letter was sent. This item will be removed.

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

The interest rate for the week was 2.19%. Vice-Chairman Obernier suggested that the Manager determine within the next month or so, what the break-even rate would be to decide when to switch over to a fixed rate. Manager Rambo will look into the different options.

**Review and Payment of the bills**

Manager Rambo noted bills totaling \$29,474.37 for payment. Vice-Chairman Obernier motioned to pay the bills as presented. Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye.

**Upcoming Meetings/Events**

- Parks and Recreation Board meeting, Tuesday, February 8, 2005 at 7:30 p.m.
- Municipal Authority, Thursday, February 10, 2005 at 7:30 p.m.
- Historic Commission meeting, Monday, February 14, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, February 17, 2005 at 7:30 p.m.
- Planning Commission meeting, Thursday, February 24, 2005 at 7:30 p.m.

**Adjournment**

With no other business to discuss, Vice-Chairman Obernier motioned to adjourn the meeting at 9:07 p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye in favor of adjournment.

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