

Meeting Minutes of November 5, 2003
Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of November 5, 2003 to order at 7:31 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 Supervisor Lindborg in attendance. Vice-Chairman McCaffrey arrived at 7:33 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Capt. Walter M. Werner; Chief, and Thomas Eells; Road Foreman.

Chairman Obernier moved onto Public Comments being that Vice-Chairman McCaffrey was not yet present to address the approval of the Township minutes which was the first item on the agenda. The first item under Public Comments was Steve DiMarco is in attendance to talk to the Board with regard to the Irish Oaks Golf Center, proposed uses being considered and the request for of a zoning amendment. Steve DiMarco explained that their first loan fell through but now they have secured the loans with the fact that they broaden the scope of their golf facility that will be geared toward year round family entertainment. Andy of Ross Unruh's office stated that they needed some additional permits to improve the clubhouse and the golf center that is already permitted. They will be making it a more viable year round facility with a go cart track and an indoor recreational center that will include laser tag and rock climbing. They are proposing a zoning amendment under the list of conditional uses for the R-M district to include these commercial recreation facilities.

Manager Rambo suggested that Steve DiMarco put his request in writing. The Manager felt that this should be deleted from the R-M district and put into the L-I in conjunction with the chip and putt and golf course so that it is one area. The L-I section is to the west of the intersection of Route 322 and Route 82.

Vice-Chairman McCaffrey noted the Board has tried to work with every owner of the golf facility and they have all promised to do certain things and have never followed through. He suggested this be an opportunity to open the conditional use hearing back up so they can get the neighbors input. Manager Rambo noted that the Conditional Hearing would be reestablished.

Steve DiMarco noted they have commitment letters for the barn and the traffic light and would like to move forward. They would like to utilize the barn for birthday parties having activities that would include laser tag and rock climbing.

Supervisor Lindborg was concerned about the noise level from the go-carts. Steve DiMarco stated they run at 60 decibels and is willing to have limitations set on the hours of operation for the go-carts as well as limits on the noise level of the go-carts. Montgomeryville has go-carts if the Board would like to get an idea of their noise level.

Both Chairman Obernier and Vice-Chairman McCaffrey were concerned with lighting at Irish Oaks. Andy stated they would like to make this a viable year round establishment that will be better for everybody. Manager Rambo suggested they consider not utilizing the go-carts simultaneously with a 4-H horse show. Vice-Chairman McCaffrey suggested they put screening up.

Manager Rambo suggested that Unruh prepare the ordinance amendments and the Board can review it for approval. The Conditional Use Hearing would open back up. Andy suggested that they prepare the petition the way that John Good had conceptualized it and noted it is not a complicated amendment and asked if the Board would like them to draft it to move the commercial recreation facility from R-M to L-I or just add it to L-I. Manager Rambo felt it would be better in L-I.

Vice-Chairman McCaffrey stated it didn't matter where it was, if you leave it in R-M and if the use is described by a definite criteria you can eliminate some of the problems.

Andy asked if and when the zoning change is approved would the Board be okay with moving forward with the Conditional Use and land development simultaneously. Manager Rambo asked if they foresee the need for additional parking. The Golf Center's engineer feels there is ample parking there now.

The second item under Public Comments was Steve Jakatt to talk about the Open Space Referendum. Chairman Obernier noted that the next time that Steve Jakatt is in attendance he will give him sufficient time to speak and that at the last meeting he didn't realize he wasn't finished speaking yet.

Correspondence/Communications (information to note and act upon) Information to Act Upon was the next item on the agenda. The first piece of information was the Chester County Parks and Recreation Department has forwarded the Township a grant extension contract for the Round XI Park Facilities Grant. Manager Rambo recommended the Board accept the extension until the end of November. Vice-Chairman McCaffrey made the motion to accept the extension. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

The second item under Information to Act Upon was the Board of Supervisors is in receipt of correspondence from Ms. Michelle Benkovich of Country Lane with regard to noise. Manager Rambo noted this is with regards to neighbors barking dogs and also noted another neighbor had

their pool filter hooked to a generator for 9-10 hours a day. Vice-Chairman McCaffrey noted that people are allowed to mow their lawns during the daytime hours and felt that it would be acceptable to run the same motor but for a different purpose. Supervisor Lindborg felt that people don't usually mow their lawn for 10 hours a day.

The Board suggested that having a pool filter hooked up to a generator may be code related. Vice-Chairman McCaffrey noted that you can't regulate something without objective criteria they have to decide what the objective criteria are going to be. Manager Rambo noted that in the last year and a half they have had noise complaints about barking dogs, boom boxes, exhaust systems, and loud parties.

Vice-Chairman McCaffrey explained that things that are detracting from the quality of someone's life can be taken to the local court by an individual rather than having an ordinance against or for it. Neighbors should confront their neighbors and try to talk it out first before any other action is taken.

Supervisor Lindborg feels they have some responsibility to the residents in situations where they are causing major inconveniences. He would like to come up with a solution that would alleviate some of these problems down the road.

Manager Rambo suggested they take her letter under consideration and review. The Manager will look into noise ordinances that other municipalities have.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first piece of Information to Note was the Township is in receipt of correspondence from the County GIS and Assessment Office with regard to new programs to access information. Manager Rambo stated this will give the Township the ability to do address changes and have web access for county property transfers.

Vice-Chairman McCaffrey inquired about attending the classes for GIS and how to use some of the programs they have. Manager Rambo suggested that the Township's office personnel could teach him the programs as well.

The second piece of Information to Note was Ross Unruh, Esquire has forwarded the Township correspondence with regard to the roadways at Hammell South and the zoning map change being sought on behalf of his client, Steve Janiec. Manager Rambo noted they are waiting for lab results regarding the core samples that have been taken at Hammell South. The replacement of the road would depend upon the integrity of the materials and if they meet PennDot's specifications. Tom Eells noted that in the worst-case scenario the entire road would not have to be replaced.

The third piece of Information was the Department of Emergency Services has forwarded information with regard to the Township's Emergency Operations Plan. Manager Rambo stated that this pertains to the notification and resource manual and response check list that he and Paul Gainor will be working on.

The fourth piece of Information to Note was the County Department of Facilities Management has forwarded information to the Township with regard to the Reid Road Bridge reconstruction. Manager Rambo noted they advised the Township that the Reid Road Bridge will begin 24 months of design activity and construction is tentatively set to begin the summer of 2006.

The fifth and final piece of Information to Note was the Township is in receipt of correspondence with regard to the Act 209 Study that is underway. Manager Rambo noted this is general information and was given to the Board.

Chairman Obernier then moved onto Old Business. The first piece of Old Business was the Board of Supervisors continues their search to fill the Historic Commission and Building Appeals Board vacancies. Manager Rambo noted they have a couple of individuals that are interested in filling the Historic Commission vacancy and for two months the Board has taken this under advisement until they have reviewed their résumés. The Manager will give the Board the résumés and the Board will act on this at the next meeting.

The second piece of Old Business was the Manager and Public Works Director are continuing the process of completing their list of proposed improvements to roadways being considered under the PennDot Turnback Program. Manager Rambo noted this is in conjunction with their request to the CASD. The request was given to the school board and was put on their consensus list for action and the Manager is waiting to hear from them before they move forward.

The third piece of Old Business was the Township has advertised for the sale of surplus equipment and will be opening bids at the November 20, 2003 meeting. Manager Rambo noted that one of the items is the RV that was donated to the Township by Beechwood campground. The Police Chief's Association has approached Walt Werner and requested that the Township donate it for their use. The Board agreed that the Manager will reject any bids for the RV and donate it the Association.

The final item under Old Business was the Township will be advertising the updated ordinances pertaining to parking, speed limits, stop signs, traffic signals, engine brakes, etc. for a November 20, 2003 hearing and adoption. Manager Rambo noted the result for posting signs on Ashberry Lane is that they could create specific times for no through traffic. They can post it but cannot enforce it. The Board agreed they should put the signs up.

Old Business from the Floor was next. John Cassels referenced the Upper East Branch Watershed Conservation plan and had draft copies of the plan for the Board. The Brandywine Conservancy received a grant from DCNR, who provided grants for basically the same area to three different organizations. By submitting the plan and getting it adopted will open up the ability to go into phase II. They would be able to then get grant money start improvements one of which is on Beaver Creek Road.

The Chairman moved onto New Business. The first item under New Business was Release of the remaining funds in the Ashberry Lane public improvements escrow account. The Manager recommended they abstain from releasing the funds.

The second item under New Business were the recommendations of the Township Planning Commission. Manager Rambo noted the first recommendation of the Planning Commission was to give final approval to Valley View Subdivision conditioned upon establishing all escrows for public improvement, contributions, and inspection fees. Vice-Chairman McCaffrey motioned to approve Valley View Subdivision with those conditions stated. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye. Manager Rambo noted Valley View will be at the next meeting with the plans and the escrow documents.

The second recommendation was regarding Joanne O. Speers Final Subdivision Plan. The Manager recommended the Board table the decision, that the time clock runs until Tuesday, November 25, 2003 and he can put it back onto the agenda for the same recommendations if they don't receive an extension of time. Supervisor Lindborg made a motion to table the Joanne O. Speers plan. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The third recommendation was regarding Barbara M. Domsohn Preliminary Subdivision Plan. Based upon the Planning Commission's recommendation and the Manager's recommendation Supervisor Lindborg made a motion to approve Barbara M. Domsohn's Preliminary Subdivision Plan. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The third item under New Business was the Board of Supervisors to render a decision on the Bentley Community Conditional Use Applications for Culbertson Village, Beaver Creek Realty, and Swinehart Realty. Manager Rambo noted that as a result of meeting with a representative of Bentley Community they have received a letter of extension dated November 5, 2003 granting the Board until Thursday, November 20, 2003 in which to render a decision. The Manager and John Good will be meeting to prepare legal conditions for presentation to the Board for review and consideration so they can make a decision on November 20, 2003. Manager Rambo recommended the Board accept the letter of extension. Supervisor Lindborg made the motion to accept the extension of time. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The fourth item under New Business was the Board of Supervisors will present a draft of the proposed 2004 budgets for general discussion at their meeting of November 20, 2003. Manager Rambo will have this prepared for the Board within the next few weeks.

The fifth item was the Winter Newsletter articles are to be turned into Linda Formica by Friday, November 14, 2003. There were no comments made.

Being there was no New Business from the Floor or from the Board, and no Public Comments the Chairman moved onto Open Issues. The first item under Open Issues was the CASD tax audit review and response. The Board agreed that the Manager remove this item from the agenda.

The next Open Issue was the Cable Franchise review letter. Manager Rambo noted that this is being reviewed.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted they have been able to correct the heat and air conditioning in the building. The current interest rate is 1.4 %.

Vice-Chairman McCaffrey noted that at the election poles there was a feeling of resentment that the elections were not held at the new township building. Manager Rambo explained that the township building was available for them to tour or conduct business. If they have the elections separate they won't have to close for the day.

The Chairman moved onto the payment of the bills for the General Fund (\$56,539.79) and State Fund (\$2,608.71). Supervisor Lindborg motioned to pay the bills and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Zoning Hearing, Monday, November 10, 2003 at 7:30 p.m. for St. Peters Church.
- Parks and Recreation Board meeting, Tuesday, November 11, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, November 13, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, November 20, 2003 at 7:30 p.m.
- Planning Commission meeting, Tuesday, November 25, 2003 at 7:30 p.m.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 8:47 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye in favor of adjournment.

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