

Meeting Minutes of June 19, 2003
Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of June 19, 2003 to order at 7:30 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, Vice-Chairman McCaffrey, and Supervisor Lindborg in attendance. 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 item of business to address was the approval of the Township Minutes of June 5, 2003. Being there were no minutes for June 5, 2003 submitted the Chairman moved onto address the Treasurer's Report for the month ending May 2003. Manager Rambo presented the Treasurer's Report as follows:

• General Fund	\$106,232.27
• Solid Waste and Recycling Fund	\$154,715.96
• Capital Reserve Fund	\$979,525.31
• Construction Sweep Fund	\$8,724.79
• Developer Escrow Fund	\$252,219.41
• State Liquid Fuel Fund	\$121,302.33
• Operating Reserve Fund	\$222,426.51
• Police Pension Fund	\$884,634.01
• Non-Uniform Pension Fund	\$155,316.83
• Payroll Fund	\$3,282.19

Public Comments was the next item to be addressed. Moe Finn, President of the Ashberry Lane Homeowners Association, is in attendance to ask questions with regard to the development. Mr. Finn noted there were several members in attendance from the Ashberry Lane Home Owners Association. They were concerned about the traffic that is taking a shortcut through Ashberry Lane and Sweetbrier Lane noting some people are ignoring the stop signs and the 25-miles per hour speed limit.

Chief Walt Werner noted they have stopped cars that were going through the stop signs but the road has not been dedicated. Manager Rambo noted the road is dedicated and they are working on updating the Ordinance with regards to the roads and the posted speed limits.

Supervisor Lindborg asked if it was during rush hour and Mr. Finn stated it is happening at all hours and in all directions. Mr. Finn asked if the speed limit could be posted at 15 miles per hour. Manager Rambo noted they couldn't post it randomly, the speed check that was performed with the counter shows that the 85 percentile is 27 miles per hour, so they have to post it at 25 miles per hour.

Mark Wroblewski of 16 Ashberry Lane noted that where he grew up as the community changed they were able to lower the speed limit from 25 miles per hour to 15 miles per hour and asked if this was possible. Vice-Chairman McCaffrey stated he thought it was illegal to post 15 miles per hour unless it was a school and noted there are limits to what a supervisor is allowed to do.

Kim Hoopes of 171 Little Washington Road suggested installing speed bumps. Vice-Chairman McCaffrey noted they could be a liability issue and suggested they have the police patrol the area more often or possibly turn the street into a one-way street.

Bobbie Martin of 56 Ashberry Lane noted she lives in the back and was concerned because her son almost got hit a couple of times walking through there after the bus dropped him off. Supervisor Lindborg noted he lives on Baker Road that is a cut through to the YMCA and has the same problem. Vice-Chairman McCaffrey stated he lives on Hibernia Road and sees people go airborne they are going so fast. Supervisor Lindborg asked hypothetically, if the road was one-way would it be beneficial. A resident answered no.

Vice-Chairman McCaffrey suggested the residents of Ashberry get together and decide which times of the day are more prevalent that they speed through there.

Angela Gulli of 20 Ashberry Lane asked why they have multiple entrances into Ashberry Lane. Supervisor Lindborg stated several reasons for having more than one entrance. Ms. Gulli suggested chaining off the road and noted that Ramblewood has a road that is chained off. Manager Rambo stated that road is an emergency access only road and was never proposed to be a dedicated street.

The Chairman asked the Manager if they have the ability to chain a public road and the Manager answered no. Vice-Chairman McCaffrey asked if they would like to have the ability to sell them their road back then they can maintain it and do what they want with it. He asked if there was someone who didn't mind having the police vehicle parked in their driveway, the police could sit there for observation. Steve Boulger of 52 Ashberry Lane gave permission for the patrol car to sit in his driveway.

Colin Judge of 98 N. Hawthorne Road noted a situation where the township closed a road due to traffic. Vice-Chairman McCaffrey stated he understood their concern and would be glad to look at anything, but noted it is not the Township's purpose to be a road block for what they would

like to see happen. They have a public roadway and to make it private they would have to get everybody's permission and draw up documents stating how they would maintain it.

Supervisor Lindborg suggested the first thing would be to see if the police could be there on an irregular regular basis and feels if people get a couple of tickets they may slow down.

Chairman Obernier noted if they were to change the speed it would require some type of speed survey, if it turns out that cars maintain a higher speed, the speed limit would be increased. Speed bumps would make it difficult to plough the streets. Tom Eells stated the liability for damage to the undercarriage of a car because of the speed bumps. Chairman Obernier suggested that their association do a survey and decide if a one way would be prudent. The Manager will put the road on the Ordinance so that the speed limit can be enforced.

A resident asked if the Township could post it as a no throughway at specific times. The Board will ask the Township Solicitor for his recommendations for a solution to their road problems.

Angela Gulli suggested adding additional stop signs. Manager Rambo stated they would have to perform a traffic study and have to meet certain PennDot criteria before you could put up a stop sign.

Vice-Chairman McCaffrey asked the Manager about the stop signs that were put up through Friendship Village and noted that people living in other areas are asking him if they can have stop signs like them on their street. Manager Rambo noted those stop signs were put up in the seventies.

Kim Boulger asked if they could post children playing signs. Manager Rambo yes, the sign would be whatever PennDot's criteria was.

Chairman Obernier suggested they attend the July 3, 2003 Board of Supervisors meeting and they will discuss the solicitor comments.

Chairman Obernier moved onto Correspondence/Communications - Information to Act Upon. The first item under Information to Act Upon was the Chester County Agricultural Land Preservation Board has forwarded correspondence to the Township with regard to its Agricultural Security Area for review. Manager Rambo noted they are asking for an update and review of the current membership as well as the application. Supervisor Lindborg stated he has the information that the Manager needs and he will forward it on to him.

The second item to act upon was the Township is in receipt of a fax dated June 6, 2003 with additional information addressing the Supervisors questions that were brought up at the Board of Supervisors meeting of June 5, 2003 from Joanne Conti with regard to her RM properties at Pratts Dam Road and Route 340. Vice-Chairman McCaffrey stated that they specifically had Preston Luitweiler of Philadelphia Suburban Water Company (PSW) who explained to Ms. Conti why the cost went up on water. Mr. Luitweiler specifically pointed out the developments that were no longer part of the extension of the water circle and Ms. Conti chooses to ignore that. Vice-Chairman McCaffrey wants Ms. Conti to know that it has nothing to do with the Township

or any regulation within the Township, it has to do with a business decision from PSW who lost two other subdivisions on that pipeline that raised her fee. Manager Rambo will contact Ms. Conti after the Supervisors review her fax and give him their comments.

Chairman Obernier moved onto Correspondence/Communications - Information to Note. The first item under Information to Note was the Township is in receipt of correspondence from PennDot with regard to the Cedar Knoll Road Bridge. Manager Rambo noted the bridge project commenced on Monday June 9, 2003 and they anticipate they will finish next May or June 2004.

The second piece of Information to Note was the Township is in receipt of correspondence from the YMCA with regard to its upcoming road race do to be held on Saturday, July 12, 2003 at 9:00 a.m. Manager Rambo they are having their usual event and they will have fire police or other members of the YMCA help with traffic control.

The third piece and final piece of Information to Note was the Manager is in receipt of correspondence from Hudson Voltz, Esquire with regard to Camp Indian Run. Manager Rambo will converse with Dale Barnett with regards to the letter. The letter is with regards to whether or not it conforms to zoning and as to whether it can continue as a camp. The Manager noted when they and Wallace Township were discussing the application, the Wallace Supervisors noted it had not been used as a camp for a year or two, according to zoning after one year if it hasn't been used, it loses its non-conformance status and converts to regular zoning.

Vice-Chairman McCaffrey asked if the camp is a use that is not allowed. Manager Rambo answered no, but it is not a specific use that is noted in that specific section. Being zoned R-2, it would have to go before the zoning hearing Board to see if you can still utilize it. Vice-Chairman McCaffrey asked if camp is mentioned anywhere in West Brandywine Township's Zoning and the Manager answered no. Vice-Chairman McCaffrey noted it could fall under a category that could be broad such as educational facility or sports training. Manager Rambo asked how broad did he want him to make the interpretation and stated he would write the letter and forward it to the Township's solicitor for his review.

Chairman Obernier moved onto the Reports of Departments for the month of May 2003, which was the next item on the agenda. Chief Walt Werner was present from the Police Department to give the police report. Tom Eells, Road Foreman then gave the Road Department report. Code Enforcement Officer, Building Inspector; Dale Barnett gave the report for the building and codes department.

Colin Judge of North Hawthorne Lane asked about radon testing and asked if it was part of the International Building Code and Dale Barnett answered it was one of the criteria for the Resale Permit.

Kim Hoopes of Little Washington Road asked if the 104 permits issued were new building permits and Dale Barnett answered this included all permits.

Manager Rambo then gave the report of the Fire Departments. The Manager noted a request for a permit to use vacant abandoned mobile homes for fire training had been turned down and stated

that the units were too close to each other. Included in this report were Martin's Corner, Wagontown, and East Brandywine's report. The Manager then gave the Fire Marshall report.

Chairman Obernier moved onto Reports of Organizations, Boards, and Commissions. John Cassels gave the report for the Planning Commission. Richard Kane of 24 Landover Road noted he was chosen by the City of Coatesville to have his well tested by Carroll Engineering.

Jim Dix of 11 Frasier Boulevard noted he received a letter from Carroll Engineering stating he was outside the ¼ mile radius for well testing. The Manager will help him in having his well tested. Manager Rambo noted they have met with the City of Coatesville's Manager and their legal council and noted they will have the opportunity to select wells to be tested in addition to those wells they have selected. Manager Rambo stated the City of Coatesville concurred that only one well on-site will be utilized for potable water, the well across Route 340 will be utilized for irrigation.

Supervisor Lindborg noted the maximum amount of water that will be drawn from the well would be 5,000 gallons of water per day. The average home uses 300 gallons per day noting that it's less than what houses would be. The Manager stated that it is based on sewer capacity and the number of occupants that you can have.

Steve Jakatt, Hydrogeologist offered his assistance for the testing of wells.

Richard Kane was concerned about the information that two individuals from Carroll Engineering had told him about the test well site, noting that he was told that the 5,000 was for the potable water and the test would be when they do the pump from the A. Duie Pyle site. Mr. Kane will let the Manager know the names of the individuals. Manager Rambo stated he will be talking with Carroll Engineering.

Mr. Frasier asked when the test will be done. Mr. Kane thought it scheduled over the July 4th weekend. He will drop off the paperwork with the information on it.

Vice-Chairman McCaffrey had concerns about what the City of Coatesville testified to regarding their use of water and then latter changed what they had said. He asked if Steve Jakatt would let them know what would be done differently if the City of Coatesville follows the Delaware River Basin Commission (DRBC) requirements. Steve Jakatt stated he would need to know what their testing procedure is going to be.

Being there was no one present from the Historic Commission Chairman Obernier moved onto the report for the Park and Recreation Board. Colin Judge gave the report from the Park and Recreation Board. Colin feels that it is important to have the Park Rules and Regulations in place before the opening of the Park.

Supervisor Lindborg and Manager Rambo gave the report from the Municipal Authority and noted there are issues with the right-of-ways. Manager Rambo noted they will be doing a full title search for easements that are on one of the properties. The Manager noted they currently

have people tying in to the sewer system at Reeceville, Main-Lin, and Netherwood and most likely 100 percent of Main-Lin would be tying in within the year.

Chairman Obernier moved onto Old Business. The first piece of Old Business was the Board of Supervisors is continuing their search to fill the Historic Commission, Parks and Recreation Board, and Building Appeals Board vacancies. Manager Rambo noted the Park and Recreation Board was full, but was in need of volunteers to assist with preparations for the Grand Opening. He noted they have received applications from two people for the Building Appeals Board and noted they have one vacancy for the Historic Commission. The Manager will drop the Park and Recreation Board off the list.

The second piece of Old Business was the Board of Supervisors and Township Manager are in receipt of a cost breakdown from John Snook of the Brandywine Conservancy with regard to updating the Township's Comprehensive Plan along with an associated outline to complete the task and a Chester County Planning Commission grant application for consideration. Manager Rambo noted at the previous Board meeting, the Board requested the opportunity to review the proposal. The Board was in agreement for the Manager to forward it on.

The third piece and final piece of Old Business was the Manager and Public Works Director are in the process of completing their list of proposed improvements to roadways being considered under the PennDot Turnback Program. The Manager will meet with William Tritle with regards to Reeceville Road.

Karen Vollmecke asked about being added to the Agricultural Security Committee. Manager Rambo requested that Ms. Vollmecke obtain a new application from the County or send in a copy of the original. Manager Rambo stated when he receives the application he will send a letter to the County explaining that the Board didn't act on time, then she would be added. Karen Vollmecke also requested that they add the Agricultural Security Committee to the agenda and the Board stated they were okay with changing the agenda. Discussions pertaining to Karen being appointed as Vice-Chairman of the Agricultural Security Committee took place as well as their available meeting dates.

Being there was no Old Business from the Floor the Chairman moved onto Old Business from the Board. Vice-Chairman McCaffrey noted he would like to receive the approved minutes for the web-site updates. The Township Codes have been added to the website.

New Business was the next item on the agenda. The first item was the Board will hold a public work session to discuss the Bentley Communities Swinehart Realty and Beaver Creek Realty Plans on Friday, June 27, 2003 at 8:00 a.m. Manager Rambo asked if the Board would like to have that on July 22, 2003 and then go into the other two or establish a separate night. He noted that they could do finish up Bentley which will start at 7:00 and advertise the other one for 7:30 and have the third one (Culbertson Village) proceed immediately after. Vice-Chairman McCaffrey noted he would like the Hearings to begin at 7:30 p.m.

Chairman Obernier suggested they keep the current Hearing at 7:00 p.m. but future meetings should start at 7:30 p.m. Vice-Chairman McCaffrey and Supervisor Lindborg noted they didn't

like having two or three hearings scheduled on the same night. Manager Rambo requested the Board give him some other dates. Chairman Obernier suggested the Manager send the Board an e-mail with the available dates. Manager Rambo will check with John E. Good, Esquire and Ross Unruh, Esquire. He asked the Board if the others are still on for July 22, 2003 at 7:00 p.m. and the Board answered yes.

The second item under New Business was the Township Manager has met with DEP to discuss the 902 Grant submission being considered by the Township. Manager Rambo noted the Township is applying for funds to assist with the printing of the Newsletter, postage from 1997, recycle bins, setup area for new dumpsters, and 49% of the cost of the \$171,000 truck.

Colin Judge asked what type of bins they were going to purchase and Manager Rambo answered the co-mingle recycle bins for the residents. A resident commented on the poor quality of the current recycle bins. Manager Rambo stated the original bins that looked like egg crates held up well.

The Manager noted the grant totals \$90,000 and that DEP stated there is little money and a lot of applicants. The Manager will submit the grant request and hope for the best.

Chairman Obernier asked how much the recycle bins cost and the Manager answered nothing. Tom Eells noted the residents could use any type of bin they want for recycling.

Karen Vollmecke asked if the information about the cost of the recycling bins would be in the Newsletter and the Manager answered yes.

The third item under New Business was the Township's Park and Recreation Board will be meeting the second and fourth Tuesday of each month at 7:30 p.m. through September 2003, commencing June 24, 2003, in preparation of the facility and community park grand opening. The Manager noted this change would be duly advertised.

The fourth item under New Business was the summer edition of the Township's newsletter is slated for mailing the week of June 23, 2003. There were no comments made.

The fifth item was to discuss the addition of a pole barn for road equipment to CH&E's contract. Manager Rambo noted between the park and the building they are 2.5 percent over contract. They have \$866,000 in unpaid bills and have \$1,045,935. They will be left with around \$70,000 to \$75,000 to work with. They had previously discussed building a pole barn for road equipment if they had any money left. The two-year-old estimate for the pole barn was between \$60,000 and \$70,000. The Manager noted they have extended contracts for the park and building through the end July without any penalties. The company that will construct the amphitheater also builds pole barns.

Vice-Chairman McCaffrey asked that the pole barn be built in an area that will still be able to be utilized down the road if they build another building to house the equipment. Manager Rambo stated the garage is shown on the plan. The pole barn will have a red roof so it will match the new facility.

Supervisor Lindborg and Vice-Chairman McCaffrey were in agreement they would like the Manager to obtain additional information about the pole barn. The Board would like to have a weathervane with a lama on top of the pole barn.

The sixth item was Ordinance No. 03-10, amendments to the Township Zoning Ordinance, has been forwarded to the Chester County Planning Commission, West Brandywine Township Planning Commission and Township solicitor for review and the Daily Local News for advertising. The Manager requested that the Board review it. It will be up for adoption on July 17, 2003.

The seventh item was the approval of release request #5 for Suttonwoods, Phase II totaling \$155,861.87. Manager Rambo recommended the Board table the release request. Supervisor Lindborg made a motion to table request #5, Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The eighth and final item was in preparation of the move to the new facility, the Board is to consider advertising for either a full-time receptionist position or two part-time positions. Vice-Chairman McCaffrey was concerned that when the Township moved they would spend money on new furniture and personnel that wasn't in the budget. The Manager noted that regardless of the move they were still in need of another body to answer phones and make copies. The Board was in agreement that the Manager advertise for full and/or part time and wait and see who the applicants are. Vice-Chairman McCaffrey had concerns about having expenses that are not budgeted but stated it was okay for the Manager to advertise for a receptionist.

Being there was no New Business from the floor the Chairman moved onto New Business from the Board. Supervisor Lindborg had concerns about the Resale Use and Occupancy and noted he didn't remember signing it and didn't think it was the Township's business to do this. He will review it and bring it up at the next Board of Supervisors meeting. Vice-Chairman McCaffrey had concerns about the additional liability if the Township has to go in and issue a permit to reoccupy a home. If anything should go wrong, people will look at it as some sort of warranty from the Township. Supervisor Lindborg stated that perhaps if it is a rental property it might be different.

Dale Barnett's understanding was that Supervisor Lindborg was concerned about the possibility of rental properties, condominiums, and multi-family units and a couple of other things that came up in the Township that he had decided on this.

Supervisor Lindborg stated he agreed thinking that it was for multi-family dwellings or it involved one individual affecting another individual. Vice-Chairman McCaffrey stated he was concerned that if the Township inspects the house and then if something should happen would the Township be held liable.

Chairman Obernier noted that they had said that most other townships have been doing this already, and asked if they were aware if the other townships have ever been sued, and noted he

was not aware of any. Vice-Chairman McCaffrey stated he resents it when somebody comes in and states they are going to require certain standards for the community.

Chairman Obernier noted it was certain standards for building and construction in the community, not a standard of manipulating your life; it is a health, safety, and welfare issue. The Chairman noted they have many open permits in the Township.

Vice-Chairman McCaffrey asked how the Codes Officer would address an issue where you have a forty year old house that is not meeting today's code is now more stringent. Dale Barnett answered that if its not a safety issue they would go by the codes from that time. Vice-Chairman McCaffrey stated there has to be a rational use for that inspection.

Chairman Obernier noted a rational use for that inspection and noted a certain building on Baker Road and said they don't have the ability to condemn it. Supervisor Lindborg stated that you should not have that right. Chairman Obernier stated that it may fall down on the people living there or the people that may move in there.

Vice-Chairman McCaffrey stated the government is there to do the things for people that they need done collectively as a group, not as a social safety net. Both Vice-Chairman McCaffrey and Supervisor Lindborg felt that this is a pernicious loss of personal property rights and personal rights in general. Chairman Obernier disagreed with them and felt it is a health and safety issue.

Colin Judge noted that his neighbor is a real estate broker who stated that this is one of the only Township's that requires a radon inspection. It was noted that the radon test can be waived.

Supervisor Lindborg and Vice-Chairman McCaffrey would like the Resale Use and Occupancy added to the agenda for further discussion to take place at the July 17, 2003 Board of Supervisors meeting. The Manager will find out if they repeal the Resale Use and Occupancy whether they can repeal only the single-family dwelling part of it.

Jesse Edwards asked about the radon testing and the Manager stated they can require the radon testing in a standard mortgage agreement.

Being there were no Public Comments Chairman Obernier moved onto Open Issues. The first Open Issue was the CASD tax audit review and response. Manager Rambo noted he will unearth the files when they move to the new facility.

The last Open Issue was the Cable Franchise review letter. Manager Rambo stated they have received the information and it is under review.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. The Manager noted they have extended the contract through the end of July for both the Park and Facility. They anticipate the building will be done by the middle of July. Manager Rambo noted the current interest rate is 1.39%.

The Chairman moved onto the payment of the bills. Vice-Chairman McCaffrey motioned to pay the bills and Supervisor Lindborg seconded the motion. Board Members Vice-Chairman McCaffrey, Supervisor Lindborg and Chairman Obernier voted aye in favor of their payment.

Chairman Obernier noted upcoming meetings and events as follows:

- Parks and Recreation Board meeting, Tuesday, June 24, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, June 26, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, July 3, 2003 at 7:30 p.m.
- Historic Commission meeting, Monday, July 7, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 8, 2003 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 10, 2003 at 7:30 p.m.

Manager Rambo stated they no longer have any place to take the paper, the Amish person we are using could no longer take it. Their options are either spend money that is not in the budget or they let it go back into the waste stream and pay for it. The paper has to be sorted which will require the purchase of sorting bins. The Manager will join the PMI County contract and take the paper recycling down to BFI.

John Cassells asked where East Brandywine takes their paper recycling. Manager Rambo stated it goes to A.J. Blosenski.

Manager Rambo noted they get 160 ton of paper in the trailers per year and the recycling rate is at 26%. It was noted that the paper companies require the paper to be bailed in order for them to take it.

Karen Vollmecke suggested they start a worm farm to eat the cardboard.

Supervisor Lindborg suggested that the Manager and Tom Eells come up with some scenarios and come back to the Board. Manager Rambo recommended the Township get a couple of boxes to sort the paper in for now.

The Manager noted new regulations that are in effect. Where the Township takes the leaves and trees has to be approved by the DEP and suggested that Karen Vollmecke go through the DEP process to accept the leaves. Vice-Chairman McCaffrey suggested that Ms. Vollmecke write a letter to DEP and ask them what their requirements are so that she can continue accepting the leaves on her farm.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:45 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