

**Meeting Minutes of August 19, 2004
Board of Supervisors**

Chairman McCaffrey called the Board of Supervisors Meeting of August 19, 2004 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 Thomas J. McCaffrey, Vice-Chairman Carl S. Lindborg, and Supervisor Josef G. Obernier, Sr. in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager and Capt. Walter M. Werner; Chief of Police.

Acceptance of Minutes from Precious Meetings

The first order of business to address was the Acceptance of Minutes from July 1, 2004, July 13, 204, July 15, 2004, and August 5, 2004. Vice-Chairman Lindborg motioned to accept the minutes of July 1, 2004, July 13, 204, and July 15, 2004. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey all voted aye. The minutes of August 5, 2004 were tabled.

Treasurer's Report

Manager Rambo presented the Treasurer's Report for the month ending July. Vice-Chairman Lindborg asked if these amounts were appropriate for this time of year. Manager Rambo noted they currently have \$42,000 outstanding for Solid Waste and have just sent out the second and final notice, which was past due after March 31, 2004. The General Fund is slightly behind in revenues with building permits down. Chairman McCaffrey stated that the Pension Fund is not back to what it once was. Manager Rambo agreed and explained they have money taken out of it every month for a retiree.

General Fund.....	\$50,113.41
Solid Waste and Recycling Fund.....	\$86,606.20
Capital Reserve Fund.....	\$902,543.74
Construction Sweep Fund	\$1,589.05
Developer Escrow Fund.....	\$326,061.04
State Liquid Fuel Fund.....	\$131,448.24
Operating Reserve Fund	\$75,180.42
Police Pension Fund.....	\$945,905.36
Non-Uniform Pension Fund.....	\$183,566.78

Public Comments (those individuals requesting to be on the agenda) will be addressed later in the meeting. John Snook is not yet present to discuss the Community Values Survey.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of a letter of extension from GenTerra Corporation, dated August 11, 2004, granting an additional 30-days in which to schedule the Conditional Use Hearing (CUH) for Brandywine Meadows located on Highspire Road. Manager Rambo recommended that the BoS accept the extension. Vice-Chairman Lindborg motioned to accept the letter of extension, seconded by Supervisor Obernier. Board Members Lindborg, Obernier, and McCaffrey voted aye. The CUH is scheduled for September 15, 2004.

The Township is in receipt of a letter of extension from Andy Eberwein, dated August 11, 2004, granting an additional 30-days in which to schedule a CUH for the Conti Property Project located at Route 340 and Pratts Dam Road. Manager Rambo recommended the BoS accept the letter of extension. Vice-Chairman Lindborg motioned to accept the 30-day extension and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

The Township is in receipt of the new Chester County GIS Consortium Agreement for signing. The Manager has asked each Department Head if they have any work they wanted performed under the agreement. Manager Rambo recommended that the Township participate in the Consortium and noted one project is the mapping of stormwater pipes and retention basins to meet DEP NPDES4 requirements. They are finalizing the previous year contract of which they have been presented with an Address and Utility Atlas. Chairman McCaffrey motioned to continue with the GIS Consortium. Supervisor Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Thomas J. Anderson & Associates, Inc. has forwarded the Township the 2005 Financial Requirement and Minimum Municipal Obligation (MMO) Report for acceptance. Manager Rambo noted they have both Uniform and Non-Uniform MMO. Supervisor Obernier questioned why the administrative expenses have gone up from \$3,000 to \$6,000. Manager Rambo explained this is due to the time involved in doing studies with regard to the pension plans. Supervisor Obernier noted that the cost of the administrative fee is greater than the police contribution for the whole year. Manager Rambo stated they are total individual contributions. Chairman McCaffrey stated that it is \$26,000 for each department. The Township is paying the MMO \$50,000 less the amount from the state, which is about half of that. Chairman McCaffrey and Supervisor Obernier both remembered when the amount was zero. Manager Rambo stated that it is based on salaries and wages, and is also being adjusted because there is an individual from the police now taking out from it. They get the Financial Requirement and MMO on a yearly basis at the same time each year for the following year and receive about half the amount back in grant monies.

Chairman McCaffrey noted that they are asking for additional people for the police department and road department and that these accessory expenses are higher than they have been in the past, as they entertain the idea of hiring more people, they have to know all the expenses they will incur. Manager Rambo explained that shows up the following year, currently they have six people that are on the plan, if you divide 6 into \$26,889, that is their MMO which comes out to \$4,500, each

additional person will add another \$4,500, not the next year but the following year, as you add another individual you also get more grant money. The MMO may go up but you get more from the state. Chairman McCaffrey stated that some years back the MMO was \$50,000. Supervisor Obernier stated that the amount was \$38,000. Manager Rambo stated that this is keeping everything on track with what's due. Chairman McCaffrey motioned to accept the MMO's as prepared. Supervisor Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye

The Chester County Planning Commission has forwarded the Township a Contract Amendment for the Township's Comprehensive Plan Update in the amount of an additional \$5,100 in grant funds. At the recommendation of the Township Manager Chairman McCaffrey motioned to accept the contract for additional grant funds. Vice-Chairman Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

The Township is in receipt of a letter dated July 26, 2004, drafted by John E. Good, Esquire that is to be forwarded to Marc Jonas, Esquire with regard to the Coatesville Golf Training Facility Amended Zoning Permit. Manager Rambo will add the verbiage "as noted on the submitted plans" as well "Dated..." to the drafted letter after the second bulleted item, as well as change the text in the fourth bulleted item from Clark's Run Road to Clark's Run Creek. Chairman McCaffrey expressed that he has no trust in the City of Coatesville and Marc Jonas ever since they decided to withdraw from the Conditional Use Hearing and giving our residents some voice. Manager Rambo noted that he and Vice-Chairman Lindborg have continually met with them to get better conditions of which in the last round they got all of the modified conditions. Chairman McCaffrey and Vice-Chairman Lindborg were in agreement they wanted the letter to be very specific. Manager Rambo will add the items discussed to the letter that will be forwarded to Marc Jonas. Vice-Chairman Lindborg made a motion for Manager Rambo and Dale Barnett to forward the amended letter onto to Marc Jonas. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

The Township is in receipt of correspondence from Rhonda Mowday, Organic Farmer with regard to the farming of her property located in the vicinity of 367 Hibernia Road for signing. On the Verification of Adjoining Land Use letter, Manager Rambo will only put a check mark next to the text that says, " In the event that I do use any synthetic fertilizers, herbicides..." and send a letter stating that in the event that the Township uses any of those items they will let her know.

Chairman McCaffrey noted he was disturbed about the Road Bank Management Practices part of the letter. Manager Rambo stated that Hibernia Road is a state road and that the state maintains the road banks. According to PennDot salt is not a problem; which is not being used directly on the road banks. Supervisor Obernier stated that if they take over Hibernia Road from PennDot then it would become our problem. Manager Rambo stated they are planning on taking over Reeceville Road in the near future, but not Hibernia Road. Chairman McCaffrey stated they would note on the letter that Hibernia Road is a state road and any problems would need to be addressed to the state.

Correspondence/Communications *Information to Note*

The Township is in receipt of paperwork from the Chester County Association of Township Officials with regard to Resolutions for the upcoming fall convention. There were no comments made.

The Coatesville Medical Center has invited the Township Police Department to participate in its 2004 Veterans Week Parade scheduled to take place on Friday, November 5, 2004 at 10:00 a.m. There were no comments made.

The Christiana American Legion Post 865 has invited the Township Police Department to participate in its Veteran's Day Parade scheduled for Sunday, November 7, 2004 at 11:00 a.m. There were no comments made.

Public Comments (those individuals requesting to be on the agenda)

John Snook of the Brandywine Conservancy is in attendance to review the final results of the Community Values Survey and to update the BoS on the progress of the Comprehensive Plan Update. Manager Rambo invited John Snook tonight so that the BoS is aware of where they stand in the process of updating the comprehensive plan as well as where they are with the final draft of the survey to insure that what they have done and where they are at, is satisfactory and any questions can be addressed. Throughout the process of the last 12 months, each time something has been discussed at a meeting emails as well as hard copies have been distributed to everyone. The members of the Task Force are John Snook, John Cassels, Ron Rambo, Joe Obernier, Carl Lindborg, and Tom McCaffrey. Vice-Chairman Lindborg stated that he has been unable to attend a lot of the Task Force meetings and doesn't anticipate that they can go through this tonight and agree on it, he found out that the Comprehensive Plan has become much more than he originally thought it was. Manager Rambo noted that John is here to spend 45 minutes to present the Comprehensive Plan Update tonight, and if necessary they will advertise a special meeting one morning to go over the entire plan and address any questions.

John Snook noted that the BoS each received a full packet for the Comprehensive Plan. He handed each member of the audience as well as the BoS a "Table of Contents" for the Comprehensive Plan and then outlined the highlights of its contents. He noted that the Community Values Survey is not yet a chapter and awaits the Board of Supervisors approval. Chairman McCaffrey stated that they approved spending more so that they didn't just see the resources within the border of WBT that they also would see what is feathered out in the surrounding areas, the maps only include WBT. Manager Rambo noted that in the amended contract they are signing tonight. Mr. Snook stated that was not part of the original scope, but the County is willing to fund them to go 1,000 feet beyond the Township's boundary.

Mr. Snook noted Chapter 4, that woodlands should be one of the focus points in the Open Space preservation program. Chairman McCaffrey asked what the distinction was between the Class I and Class II forests. Mr. Snook explained the components are age, quality and maturity. The highest quality of woodlands coincides with the largest areas of forest ... habitat, which are essentially the Indian Run watershed. Mr. Snook continued to delineate the draft Comprehensive Plan. Mr. Snook gave a summary of Chapter 5 regarding demographics and Chapter 6 regarding the existing status of land use. Chairman McCaffrey asked how you would tabulate land where the

development rights are purchased. Mr. Snook stated they could categorize that as overlay, although it is not really a “use” category. He noted the Land Use Map shows all uses by use with one exception and that is where there is Township ownership. He noted that Chapter 7 is a pretty straightforward inventory of Public Facilities and Services. Chapter 8 regarding Circulation Patterns builds on the Township’s ongoing Act 209 Study. Chapter 9 “Adjacent and Regional Planning” is a summary of future land use recommendations of all of the surrounding municipalities insofar as what they are recommending for the areas that abut WBT. The Municipalities Planning Code as amended requires that they look at the surrounding municipalities and evaluate any inconsistencies, but doesn’t require that they do anything about them. At this point they have not evaluated any inconsistencies, they have simply inventoried what those surrounding plans said. That will be added to after the recommendation section is completed. The next Chapters outlined were the Recommendation Chapters 10 through Chapter 15 and the final one was Chapter 16. The recommendations will end up dealing with direct and indirect rolls of the Township of both action items and policy. He then concluded his overview of the planning process and stated there are larger maps available for viewing.

John Snook then moved to address the Community Values Survey that was sent out in February 2004. They have received a 24% response, which is considered statistically valid, it is almost the exact percentage of response they had in 1993. In order to compare results from the 1993 survey to the one that was recently sent out was to make the questions as consistent as possible. There were a couple new questions and a few changed questions based on the input of the Task Force. Overall, not only was the percentage rate of return almost the same, most of the results were similar. There were 26 pages of responses for the open-ended questions where people were allowed to write in their concerns. Mr. Snook gave a brief synopsis of the Community Values Survey questions and responses. He noted that there was an increased lack of support for increased taxation to support services of any sort, the response was overwhelmingly no. It is very clear that the people want to be served, but don’t want to pay anymore for it. It is quite obvious that the whole CASD tax increase saga has increased that sentiment.

Supervisor Obernier stated that reading through the written comment, there was an overwhelming amount of negativity for the increased taxes for the CASD. Chairman McCaffrey stated that the biggest complaint that people have is school district taxes, ten years ago it was also the biggest complaint. Mr. Snook stated they had a large number of complaints to that affect, he mentioned that there is a general support for the BoS efforts to maintain a sense of community, but in terms of the response they got, don’t call that community “Coatesville.” One new question that was asked was regarding the establishment of a single West Brandywine Post Office. WBT is currently serviced by six Post Offices; sixty-two percent said yes, Mr. Snook noted the various comments. Mr. Snook reviewed the goals and objectives for comprehensive planning set forth in Chapter Two of the draft Comprehensive Plan and their responses. If you can draw any conclusion from the survey, people are not necessarily unhappy with the services, 80% percent stated that police service was adequate, by a similar margin, people said no, they don’t want an increase in taxes for police services.

Supervisor Obernier stated he thought Mr. Snook was oversimplifying it, as he saw the chart, there was an increase in the approval-rating adequacy for all of the Township’s services with the exception of cable. There was a decrease in the dissatisfaction rating for all of the Township’s

service's with the exception of cable there too. A different way of saying this would be, people from ten years ago to today are happier with the level of the various services; the services were all uniformly better to different degrees. There is less dissatisfaction uniformly except for cable. Mr. Snook agreed that it was clear that they believe the services are adequate and apologized for oversimplifying it. Dissatisfaction went down and it was low to start with. Mr. Snook delineated the various adequate responses for the various services in meeting the needs of Township residents.

Vice-Chairman Lindborg noted that after reading the residents comments from the survey, that a high percentage of comments were based on misinformation and not based on fact, as hard as they try to put out information through the newsletter and asked how they could better educate the people. Mr. Snook suggested if they note any patterns of misinformation they could periodically in the newsletter, focus on trying to clear the air. He noted the number of people that thought that the Reeceville bypass intersection was in WBT.

Vice-Chairman Lindborg asked if a study was done as to who was most likely to respond to these types of surveys and how it would influence the answers. Mr. Snook stated to a certain extent, they were likely to be the same people with the greater potential to vote, the results of any particular survey partly depend on the method by which the survey was given. This was a passive survey; there was no pressure to respond to the survey. He noted that they had almost a one hundred percent return from Freedom Village. Because of the turnover rate at Freedom Village there is a higher number of people that have lived here for a short time. Vice-Chairman Lindborg asked if Mr. Snook has studies that would show what the people of that age group and economic level would respond to some of these questions differently. Mr. Snook suggested they could be polled to see what their responses would be and how they would differ from the averages. That age group has a very high propensity to vote. Mr. Snook felt that when the results came in they didn't see any responses that were grossly dissimilar. Chairman McCaffrey stated that the basic thing they all have to realize that this is a guide that may not fully represent the entire Township. Mr. Snook stated that in the big picture level, these results seem supportive of the drafted goals and objectives. He stated that the strongest point brought out with regards to the taxes, was to be cost effective.

Chairman McCaffrey felt that agricultural preservation was a big item that people were willing in the past to pay for; they may not have said that this time, but some of the comments were that they felt they are already being taxed for it. Mr. Snook stated the Open Space question seemed to have caused some confusion, they are not necessarily against what has already been done, but they don't want any additional. Mr. Snook concluded his synopsis of the survey and stated he and Tara Tracy would covet the Boards thorough review.

Chairman McCaffrey commented the trails map made no mention as to the use of the trail such as equestrian, walking, etc. Mr. Snook stated this is a planning issue and agreed that the narrative should indicate what kind of trail is appropriate for what kind of use. Chairman McCaffrey felt that trails is something that over a period of thirty years that people would buy into rather than being imposed on, he felt this would be one of the better things to include in the Comprehensive Plan. Mr. Snook stated that whatever map they have, will clearly be labeled "generalized." The purpose of the map is to show generalized desired connections. Manager Rambo stated this is the type of

map that they need to be able to start applying for state and county funds for the creation of an actual trail network, where you would then get into design of uses.

Supervisor Obernier commented that on some of the maps particularly the public water and sewer map, that some of the lines are so broad that it is difficult to see. He sees a value for a map, they have homes that have public water, on-lot wells, on-lot sewage, public sewage, or a mixture of these and would like to see the facilities denoted somehow. Mr. Snook stated that anything portraying broad colored lines needs to be carefully looked at, they have to be formatted for an 11" X 17" page. Supervisor Obernier noted they have community systems within the Township, which are not reflected on the map at all. Chairman McCaffrey noted that the Manager found some discrepancies in ownership of the water pipeline; people were reluctant to give out the locations of pipelines for fear of terrorist intervention. Manager Rambo stated the map shows the actual locations.

Joan Thompson questioned if the numbers were accurate for the Comprehensive Plan. Mr. Snook explained they did not use the County's estimates because the County used a straightforward projection approach, with the same numerical increase over the last couple of decades. This is a conservative approach, but in the case of WBT, they didn't feel this was reasonable because of the development already being planned.

Chairman McCaffrey asked if they will have digitized overlays that the Planning Commission can utilize. Mr. Snook explained that is part of the contract extension. Chairman McCaffrey noted that the GIS system is anchored by a specific point of reference within the community, if they wanted to have a developer have an integrated plan that could be overlaid on top of the Township's maps, then they would have to have certain high quality reference points within the Township to draw their positioning from and asked if they could they find out where and how many of these reference points would be in his review of the GIS process. John Cassels explained that this comes down to the applicant hiring a surveyor. Ninety percent of every plan is built on an arbitrary user coordinate that could be the center of an intersection and build everything off of there, then you would take that drawing and move it to where they think it should be approximated. Chairman McCaffrey was told you couldn't do that if you want this integrated with the county and our GIS mapping, you have to use higher quality reference points. Supervisor Obernier stated that years ago Chairman McCaffrey mentioned about the PA State system that has certain monuments located throughout the State, they should try to get one of those located in WBT. Chairman McCaffrey stated that as part of the GIS evaluation, they would like to have some idea of what would make it work well for them in future planning. Supervisor Obernier would like a connection with the State grid and asked how many State grid points they need in the Township. John Cassels explained that the grid points in Pennsylvania are so far apart that it is very expensive to tie into the closest one. Supervisor Obernier asked how many monuments would be needed in WBT. John Cassels felt that one would be enough. The Board directed the Manager to find out the requirements to get a State monument in WBT or however many that John Cassels and James MacCombie think are reasonable and to add to the subdivision ordinance that the developer must supply a high quality reference point as part of the subdivision requirement. Manager Rambo stated that this is already in the ordinance. John Cassels noted they just have to push it more. Manager Rambo stated that the recent developers have been submitting their plans on disk. Supervisor Obernier asked if they also have a high quality marker placed in the field. Manager

Rambo explained that would come at the end once they are done their projects, they have not had any projects where this should have been done yet. Chairman McCaffrey was under the impression that the State monuments were put there by the state, so that the quality of the monuments would be equal and that the developer himself could do for about \$600. Manager Rambo stated they require the developers to submit their plans on a disk and also at the end of the project they are to establish one high quality point. Supervisor Obernier asked John if that was good enough to have one high quality point. John feels that if the plan gives references to the State plan coordinates and the same coordinates that GIS maps are in; it will be in the right spot. Chairman McCaffrey stated they will try and enforce the ordinance with the subdivisions that come up and asked the Planning Commission to make sure that is noted that the BoS would like a high quality marker. John Snook suggested one of the things they can do in this extra project is that if they already have a submission, they can take it... and openly see how it fits and stated that the purpose they told the county was to test out how their requirements are. Manager Rambo stated they already have a few submitted on disks.

Reports of Departments

Chairman McCaffrey then moved onto the Reports of Departments for the month of July 2004. Walt Werner was present to give the police report. There were no comments. Manager Rambo presented the Public Works report. There were no comments. Dale Barnett gave the report from the Buildings/Codes Department. There were no comments. Manager Rambo then gave the report of the Fire Marshall, Martins Corner Fire Department, Martins Corner Ambulance, and Wagontown Fire Department. There was no report from East Brandywine Fire Department. There were no comments.

Reports of Organizations, Boards and Commissions

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of July. John Cassels gave the report of the Planning Commission. There were no comments made.

Manager Rambo gave the report of the Parks and Recreation Board. Supervisor Obernier gave the report of the Municipal Authority. Manager Rambo noted the Authority will be having a meeting on August 25, 2004 to discuss the procurement of easements relative to the Bentley Communities Projects. This was one of the conditions stating that the Municipal Authority would work with them to obtain easements because they are getting Bentley to place it in areas that will be a benefit to the Township in the future.

Old Business

The Board of Supervisors is searching for volunteers to serve on the Building Appeals Board and Historic Commission. There were no comments made.

The Manager has scheduled a public hearing on the proposed zoning amendments dealing with Home Occupations for Thursday, September 2, 2004. There were no comments made.

The Parks and Recreation Board continues their search for volunteers to assist with the Township's Community Day Celebration scheduled for Saturday, September 25, 2004. There were no comments made.

The Township Manager is finalizing the bid specifications for the collection of solid waste and recyclables for a September 2004 advertisement. There were no comments made.

Newsletter articles for the fall edition are due on the desk of Linda Formica by Friday, August 20, 2004. There were no comments made.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board.

Supervisor Obernier noted the street sign was missing for Justin Lane. Manager Rambo will ask the developer to replace the street sign again; he has replaced it twice already. Supervisor Obernier asked if it could be installed with superglue so the sign could not be unbolted? Vice-Chairman Lindborg asked if it could be installed in concrete? Manager Rambo stated they have to be “break away posts.”

Supervisor Obernier noted that people on Ashberry Lane still have their mailboxes too close to the street and asked if we needed to notify the Homeowners Association. Manager Rambo stated that it is the individual’s responsibility. The guidelines will be in the newsletter where they are supposed to be posted. The Township is not responsible if they are not installed according to the guidelines.

Supervisor Obernier noted that the three CASB members agreed to attend a WBT Board of Supervisors meeting on a quarterly basis. The CASB members will have the first hour of the regular BoS meeting. Manager Rambo will set up a date for the informational meeting.

Chairman McCaffrey submitted a letter to the CASB regarding representation of the people in WBT, there are 3,000 people in our district that are not getting representation. Representation should change based on the current population. Every ten years the Federal Government and the State Government changes representation areas as the census figures come out and asked why the school district doesn’t do the same thing. Chairman McCaffrey noted that he submitted a personal letter and would be glad to submit the same letter to the BoS for review. Manager Rambo will ask the solicitor about addressing representation for the Township residents.

Supervisor Obernier noted the BoS had sent a letter to the solicitor about public documents. Chairman McCaffrey stated they should follow up on that as well. He would like to make sure that the BoS make it clear through some type of written correspondence that the Coatesville Area School’s Budget is a public document, once it has been prepared and the preliminary is voted on, it should be freely released to the public. Supervisor Obernier stated they asked the CASD for a Line Item Budget as well as acknowledgement that it is public record, they received correspondence from John Good stating that in his opinion it is a public record as well as the work papers behind it. They have not received this acknowledgement from the school district and don’t want to be in the same position next year. Chairman McCaffrey stated that once it has been voted on, then it doesn’t do any good to release it. A letter has been sent to the Township Solicitor John Good

regarding what mechanism could be put in place to alleviate this happening next year and the Township is awaiting his response.

New Business

The Township will begin to prepare its 2005 budget in September with budget requests due to the Manager by Friday, September 10, 2004. There were no comments made.

Discussions are continuing with surrounding municipalities with regard to police services. Manager Rambo noted they held a meeting on August 13, 2004. Manager Rambo, Vice-Chairman Lindborg, Chief Walt Werner, and representatives from Honey Brook Township will be going to Philadelphia to meet with legal council.

The Township's Building Inspector/Codes Officer is reviewing the recently adopted building code bill and will be making recommendations to the Manager for presentation to the Board. There were no comments made.

The Board to discuss and consider the adoption of a Sewage Management Ordinance. Manager Rambo noted this is in Act 537 and the BoS had discussed this in the past. Vice-Chairman Lindborg felt that if you put this in with all the tax increases that people are facing, it would be a nightmare at a time when people can't afford to pay school taxes among other things. Chairman McCaffrey stated that the Health Department representative that he spoke with said that they would give special allowances to people with existing systems that had to make modifications to do the pumping and the measuring that was necessary. Chairman McCaffrey said during a County Association meeting, the Health Department chopped him down when he expressed his concerns. Chairman McCaffrey would like that in writing from the Health Department and would then take it to DEP and at that point you could then think about a maintenance program if there is a place to take the sludge.

Supervisor Obernier agreed with Vice-Chairman Lindborg and asked if there was a way to satisfy DEP and still not jump on the people with failing systems. He suggested inspecting systems and giving the people with failing systems an advanced warning that this would have to be addressed in the future, which would give the homeowner time to save money to fix it. Vice-Chairman Lindborg stated that any house that is sold today does not meet today's regulations for septic systems, every house that you inspect will more than likely have a failing system. DEP will ask for a list of all the failing systems and they will send a letter to them. Manager Rambo stated that the Township does not inspect sewage systems.

Chairman McCaffrey stated that the Township does not give permits for the systems, the county does the inspections, and the state has the authority over them, and questioned why they don't come out and make sure it is what they want. The Township has none of the authority and all of the responsibility; the Township doesn't have a sewage enforcement officer. Manager Rambo noted it is stated in Chapter 25 as well as the Second Class Township Code they the Township is responsible for sewer. Chairman McCaffrey disagreed, the Township does not permit sewer and is not responsible.

Supervisor Obernier agreed that it is written in the Second Class Township Code and also agreed with Chairman McCaffrey that they don't have a sewage enforcement officer. He suggested that they not do an official inspection, but a Township inspection to let resident's know they have a failing system. Chairman McCaffrey disagreed, the Township is not supposed to say if the system works or not, the Township is just supposed to make sure every 2-3 years they pump out the septic tank. Manager Rambo stated that you have to have it certified when you sell your house, which is done by a third party. Chairman McCaffrey would like to personally avoid doing anything with this in the hopes that the people who are writing the regulations, permitting the sewer system, and developing the rules, are the ones that finally take the responsibility of inspecting to make sure that what they created is operating well. Vice-Chairman Lindborg agreed with Chairman McCaffrey. Supervisor Obernier agreed as well that it is not the Township's responsibility; it is the County and DEP that is responsible. He would like to let the residents know the condition of their system and advise them should they have an issue. Chairman McCaffrey stated the Township is not allowed to evaluate the resident's systems, they are only allowed to make sure they pump their systems every 2-3 years. Supervisor Obernier stated that the Township is not even doing that and noted that DEP has asked Manager Rambo if they are getting certification from the residents that they have pumped out the system every 2-3 years. Vice-Chairman Lindborg noted the Township has a lot of correspondence asking if the Township has done that yet and asked how many municipalities are doing it. Manager Rambo stated that East Brandywine is going to do it. Vice-Chairman Lindborg doesn't want to do anything with the septic right now.

Supervisor Obernier suggested they selectively start the program when a house is sold when the County would have inspected it; they have a partially inspected system in place and would satisfy DEP. Chairman McCaffrey reiterated that it all falls back on the County doing something and then the Township is responsible for it after their done. It is awkward, they are forced to take what other people have in their own regulations and enforce it for them. The people with the authority should also have the responsibility. Supervisor Obernier feels that what happened in Friendship Village will happen again and DEP will put a moratorium on the Township. Vice-Chairman Lindborg felt that if DEP forces the Township to do this, then the onus is on DEP not on the Township. Manager Rambo stated he put this on the agenda to try and alleviate any future problems, it is a tool that can assist them in which they can get 75% of the money back for the oversight. Chairman McCaffrey reiterated he would like to receive a letter from the Health Department that states that people with older manufactured systems will not be required to update everything that is substandard. He doesn't want to enact anything but would like to keep active enough in it so they know what all of the possibilities are. Vice-Chairman Lindborg does not want a letter sent to the Health Department. The Board decided to take no action at this time with regard to the adoption of a Sewage Management Ordinance.

The Township is preparing its final draw request for the State Community Park Grant. There were no comments made.

The Board to discuss the amendment of the Zoning Ordinance dealing with fences and their placement. Vice-Chairman Lindborg would like to see some flexibility that a stockade fence could be placed to some degree in the front and side yards in particular situations. Chairman McCaffrey suggested they change the definition to possibly "blockade" that would meet certain criteria where it would be appropriate. Some of the older homes were build right along what is now a busy

thoroughfare that you may want to block out. Dale Barnett noted that he had looked into the fence ordinance from about fifteen other municipalities. Supervisor Obernier suggested they put plantings in. Vice-Chairman Lindborg stated they take time and are very expensive, if you could combine the plantings with a privacy fence it would look astatically nice and accomplish what they want to do. The key thing is to allow it without having that “compound” look.

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.

Open Issues

The first Open Issue was the Cable Franchise list review. Manager Rambo will write another letter with regard to the breakdown with their new accounting system. Supervisor Obernier stated that it has been six months since the first letter was sent and they have not yet responded.

Facility/Park Update

The current interest rate is 1.43%. There were no comments made.

Review and Payment of the bills

Chairman McCaffrey noted bills for the General Fund, Solid Waste Fund, and the State Fund totaling \$53,726.89 of which \$20,000 will come from Solid Waste. Vice-Chairman Lindborg motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of their payment.

Upcoming Meetings/Events

- Parks and Recreation Board meeting, Tuesday, August 24, 2004 at 7:30 p.m.
- Planning Commission meeting, Thursday, August 26, 2004 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, September 2, 2004 at 7:30 p.m.
- Municipal Authority meeting, Thursday, September 9, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, September 13, 2004 at 7:30 p.m.
- Conditional Use Hearings; Conti Property, Route 340 & Pratts Dam Road, Wednesday, September 15, 2004 at 7:00 p.m., Brandywine Meadows (Mayes Tract), Highspire Road, Wednesday, September 15, 2004 at 8:30 p.m.

Michelle Benkovich of Country Lane asked for a follow up with regards to a Shooting Ordinance. Chairman McCaffrey explained that he just received information tonight with regard to this issue. He explained that you have to be careful that it addresses the issue of concern and does not create another issue for everyone else in the community that has not had any problems. Supervisor Obernier suggested they make an exception for farms or agricultural security district land. Manager Rambo suggested that you give a definition of target shooting. Vice-Chairman Lindborg noted that he has pigeons in his barn and is closer than 150 yards, he is in the agricultural security district and thinks that is one of the reasons to be in there, because when some ordinances are passed, they pertain to homes that are much closer together, then they won't adversely affect the farms. Chairman McCaffrey stated that no one does anything about bow and arrow shooting,

which is just as dangerous as a firearm, because it doesn't make any noise. He would like to find a solution that deals with her specific issue and doesn't affect everyone in the community.

Supervisor Obernier asked Dale for an update with regards to the generator and noise issue. Dale stated he had stopped by the property at which time the property owner was not present. Supervisor Obernier asked Dale what was the ultimate goal of his actions. Dale noted that the electrical code states that he needs a permanent electrical supply for the pool. Supervisor Obernier would like to see the generator issue resolved before next year. Dale will look up the original Use and Occupancy permit to see if this was given with the generator being in use. He has sent correspondence to the homeowner as well as left voice mail with regards to having permanent electric to his pool being safer. Vice-Chairman Lindborg would like to see this issue resolved so that it is not an issue next year.

Adjournment

With no other business to discuss, Supervisor Obernier motioned to adjourn the meeting at 10:46 p.m. Vice-Chairman Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye in favor of adjournment.

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