

Meeting Minutes of March 6, 2003 Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of March 6, 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, Vice-Chairman McCaffrey, and Supervisor Lindborg in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, Dale Barnett; Codes Officer, and Thomas Eells; Road Foreman.

The first item of business to address was the approval of the Township minutes of January 16, 2003, January 22, 2003, February 6, 2003, and February 20, 2003. Supervisor Lindborg motioned to accept the minutes and Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Chairman Obernier moved onto Public Comments. The first item under Public Comments was Chris Catania is in attendance to talk to the Board of Supervisors with regard to the Catania Subdivision on Hurley Road. The Chairman went on to address the next item being that Chris Catania was not in attendance.

The second item was Chris Cummings, Esquire is in attendance to talk to the Board of Supervisors with regard to waiver requests for the Archdiocese All Souls Cemetery Plan. Mr. Cummings, Esquire summarized the two waiver requests as outlined in their letter dated February 24, 2003. Manager Rambo noted these waiver requests were reviewed and approved by the Township's Engineer. He noted he's asking for a waiver to not address the basins within the property that is being farmed.

Vice-Chairman McCaffrey asked that the requests be contingent upon putting a note on the plan for recording that would state that there is no diversion of water from whatever is being developed into the area that they are referring to as being undeveloped, there is no impact to it, and it's not going to change from it's current condition.

Chris Cummings, Esquire stated they would be taking into consideration the difference between meadow and that of farmland. He noted they are mainly referring to the north area, which is

farmland. Under the code they would have to consider this meadowland and pre-developed even though they are not developing it, the stormwater run-off is much greater being it's farmland, they would have to put an additional above ground retention basin over by the north area.

Vice-Chairman McCaffrey was concerned that if everything is considered meadow, the run-off going into the developed ground from the undeveloped ground would be less on paper than in actuality. He requested the basins that accept the run-off water be constructed to accommodate the actual flow that will come in from the crops, and also that no water from the area that is being developed is going into the undeveloped area. Chris Cummings, Esquire stated they would make note of this on their plan.

Supervisor Lindborg made a motion to grant the deferment until final land development approval process on waiver request #1, and to grant waiver request #2 with the stipulations that Vice-Chairman McCaffrey requested. Manager Rambo stated he would like Chris Cummings, Esquire to prepare the documentation, and he and James MacCombie, P.E. will look at it.

Chairman Obernier moved onto the third and final item under Public Comments. Jack Stewart representing Woodstone Homes is in attendance to discuss the issuance of a temporary holding tank permit for a home (lot 46) scheduled for settlement at the end of this month. He noted a permit has been issued for the sand mound septic system but would like a temporary holding tank permit until weather conditions improve. Manager Rambo will have John E. Good, Esquire set up an escrow for \$10,000 with the title company for the completion of the septic system as well as an additional \$2,500 escrow with the Township. Vice-Chairman McCaffrey made a motion to approve the placement of the temporary holding tank based on Woodstone Homes giving the Township a time frame for installation of the septic system, that there is an escrow established for the full construction costs of the proposed septic system, and a \$2,500 escrow established with the Township. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

Chairman Obernier moved onto Correspondence/Communications - Information to act upon. The first item under Information to Act Upon was the Township is in receipt of correspondence from the Jehovah's Witnesses with regard to waiver requests for their Land Development Plan for their Kingdom Hall. Manager Rambo recommended the Board table the waiver requests until they receive PennDOT's approval. Supervisor Lindborg made a motion to table the waiver requests. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Steve Jackett from the Planning Commission asked if the Board has heard from PennDot regarding the Jehovah's Witnesses. Manager Rambo answered no, not since the first review.

The second item under Information to Act Upon was the Board of Supervisors to consider the DEP requirement to apply for a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater from the various Municipal Separate Storm Sewer Systems (MS4) and the adoption of the of the DEP protocol. Manager Rambo noted as a result of the NPDES requirements we are now in a high quality watershed that requires us to request an NPDES permit for our current drainage systems that empty into the waterways. Jim MacCombie,

P.E. is compiling this information. It is strongly recommended we adopt the DEP protocol. The initial permit will blanket us with regards to all the current ones, thereafter, additional permits are \$100 each. Vice-Chairman McCaffrey made a motion to accept the NPDES regulations. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier all voted aye.

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 PennDot with regard to the Cedar Knoll Bridge Project. Manager Rambo noted the project was awarded to McGuinn Asphalt Company of Lancaster on January 9, 2003. He will be attending the meeting being held March 7, 2003 in King of Prussia with Gary Dunlap the Manager of West Caln. They will be providing them with the details of the project that is set to begin soon.

The second piece of Information to Note was TSG Services has forwarded a request for the release of their completion bond for the completion of the Icedale Road and Route 322 improvements. Manager Rambo noted this completion bond dates back five years to when Irish Oaks initially started. He refused to release the bond until the original improvements were completed. The original contractor has completed the improvements and they met PennDOT's requirements. Manager Rambo will release the bond as soon as he receives a clearance letter from PennDOT. Vice-Chairman McCaffrey wasn't in favor of releasing their completion bond without PennDOT's letter of approval; in case there would be any discrepancies. Supervisor Lindborg made a motion to release TSG Services completion bond. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

The third piece of Information to Note was the Township is in receipt of the AG-PF 385 Certifications for the Police and Non-Uniformed Employees for submission to the Auditor Generals Office. Manager Rambo noted he will be signing and forwarding the completed AG-PF 385 Certifications onto the Auditor Generals Office.

The fourth and final piece of Information to Note was Barbacane/Thornton & Company has forwarded the Township the Annual Audit and Financial Report for 2002. Manager Rambo noted everything is clear and satisfactory with Barbacane/Thornton with regards to the Township Fund. It took an extra day to perform the audit as a result of borrowing the funds last year for the Building and the Park, the lending of funds to the Authority, and also with regards to the two years refunding of expenses.

Being the Reports of Departments and Reports of Organizations, Boards, and Commissions are not applicable for this meeting, Chairman Obernier moved onto Old Business. The first piece of Old Business was the Codes Officer and Township Manager are continuing their preparation of ordinance amendments with regard to; signage and day-care facilities. Manager Rambo stated Codes Officer Dale Barnett has been compiling information received from other area Municipalities with regards to day-care facilities.

Chairman Obernier questioned if the sewer systems would have to be enlarged if a facility is situated in a private home that was originally built with two or three bedrooms. Dale Barnett stated that the Health Department would determine the criteria for this. Manager Rambo stated

that having six or more children would fall under the auspice of state regulations that are governed by the Department of Welfare. Vice-Chairman McCaffrey noted they have a different set of criteria for gallons per day for them being they are not there all the time as a family would be.

The second 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 they have received one request in addition to the one they have appointed to the Historic Commission, however, he is not yet an official resident of the Township, his name will be kept on file.

The third piece of Old Business was the Spring Newsletter is being finalized for a March 24, 2003 mailing. There were no comments made.

The fourth piece of Old Business to address was the Manager is continuing his research into the placement of a concrete silo adjacent to the Township's new facility. Manager Rambo noted he has called some organizations that provide these silos. He is hoping to talk to a gentleman who has advertised in the Township Newsletter. Vice-Chairman McCaffrey would like to see pictures of the silos.

The fifth and final piece of Old Business was the Township Manager and John Snook of the Brandywine Conservancy will be presenting the Board of Supervisors with a grant application for their review and consideration, with regard to the updating of the Township's Zoning and Subdivision Ordinances, along with modifications to the Township's Comprehensive Plan and Open Space, Recreation and Environmental Resources Plan at their meeting of March 20, 2003, for submission to the Chester County Planning Commission.

Manager Rambo noted he met with John Snook to explain his concerns about how our current Subdivision, Zoning Ordinance, as well as our Comprehensive Plan, don't correlate property together. Our current Zoning Ordinance needs to be modified to be compliant with time requirements that are noted in the NPC that were recently adopted. He asked John Snook to formulate a tentative schedule that would bring us into compliance so we know the specific time restraints. The Manager and Dale Barnett talked to Mr. Snook with regards to definition concerns and specific regulations pertaining to zoning sections, and also about the list they received from Mr. Snook. The Manager is trying to get a joint application. Mr. Snook will find out if what they are trying to do is totally fundable.

Vice-Chairman McCaffrey noted if they fall within the time frame for the requirement to review and rewrite the Zoning Ordinance it would be a good time to apply for a larger amount of money from the County. Manager Rambo stated it may be time to bring everything in compliance and start from page one, rather than skipping around. He noted the Comprehensive Plan, Open Space Design Option, and Zoning are all in need of review. Manager Rambo will look into the possibility of a total rewrite.

Being there was no Old Business from the Floor or from the Board and no Ordinances and Resolutions the Chairman moved onto New Business.

The first item under New Business was the Manager recommended the Board consider the Township take over Swinehart Road from PennDot under the State Turnback Program. He would like to discuss with the Board what he is trying to achieve with regards to planning the relocation. The Manager noted they have plans from developers with regards to the problem intersection of Swinehart and Route 322. Mr. Snyder is willing to relocate Swinehart Road right through the center of his property. Mr. Janiec is willing to consider instead of coming out onto Highspire to relocate their entrance directly across from that intersection with an emergency exit further up on Route 322. With regard to the reconstruction of their two sites that are partially rural mixed use and residential, Mr. Janiec is also willing to consider a service road. Both parties are willing to do acceleration, deceleration lanes, turning lanes, and signalization of the new intersection. Manager Rambo noted if they take over Swinehart Road like they did with Culbertson Run Road, they have the means, at the same time they are creating a better intersection. They will then have four signals along there that can be timed in conjunction with the ones in East Brandywine to create a better traffic flow.

Vice-Chairman McCaffrey stated they could do that without buying the road back. Manager Rambo stated another reason was with regard to negotiations, should we go to public sewer, he and the Engineer would like the sewer lines down the roadway. By us accepting the road and by us permitting him to utilize the Township road we could allow him to utilize existing materials that would save him a lot of money.

Vice-Chairman McCaffrey had concerns about base failure on the road. Manager Rambo stated they would do the same as they did on Culbertson Run Road, they would do test bores for adequacy.

Vice-Chairman McCaffrey noted the sewer system is a serious concern for people. Manager Rambo stated he talked about this concern with John Snook. Development is here and now we need to cope with what is being presented. By not allowing the developers to do public sewer will not make them go away.

Vice-Chairman McCaffrey voiced concerns that every single development that has been proposed has an increase in intensity because of the availability of public sewer. Part of that is them thinking they are striking a bargain by supplying pipes at no cost to us. Manager Rambo noted if the Authority has to pay for Ramblewood and pay the tap-in fee it's \$600,000, if he can add those homes on for nothing and they can come to some type of consensus, it would benefit everyone.

Vice-Chairman McCaffrey noted West Brandywine would be less developed without sewer. Manager Rambo noted if they total all of those developers, Janiec, Snyder, Trailer Court, and Bentley, etc., with the total capacity of 600,000 gallons per day. That's the maximum capacity that will fit in our pipes that goes above the by-pass.

Vice-Chairman McCaffrey stated they could put in another pipe that goes under the by-pass. Manager Rambo stated they would have to be willing to pay the expenses.

Supervisor Lindborg noted he shares the same concerns as Vice-Chairman McCaffrey has with intensity. Vice-Chairman McCaffrey recommended having an informational meeting to present various scenarios. Manager Rambo noted they will have an informational meeting.

The second piece of New Business was the Recommendations of the Township Planning Commission. Manager Rambo reported the recommendations of the Planning Commission. The first recommendation was regarding Catania. The Manager noted as a result of talking with Catania and getting them to redesign the site, they created a 10.8-acre parcel up the center that includes the ruins that leads to the McCormick tract, with the acceptance of that, they would have the means to connect the walking trail to Netherwood. The Manager also forwarded a letter to Mr. Guerarra with regard to the purchase of his property. They almost have a total circle within the Township to create a walking trail system.

Supervisor Lindborg asked if the ruins are just ruins. Steve Jakatt from the Planning Commission noted the house could be made usable with reasonable effort. Manager Rambo stated Catania is willing to give adequate money to cap all of the ruins. The house could become a pavilion or a site for people to stop in the trail system. The Manager is looking into the availability of a grant for creating a trail system, as a historical structure they may be able to obtain additional funds.

Manager Rambo noted that the reason Chris Catania was going to be attendance was to discuss his thoughts on making a contribution to the trail system. At this time in the meeting Supervisor Lindborg made a motion to table the waiver requests for Chris Catania's preliminary subdivision plans. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Manager Rambo then continued with the report of the Planning Commission, the second item was regarding the Hanna/Ziegler final subdivision plan. Manager Rambo noted they have seven complete sets that have been signed, sealed, and notarized. This pertains to the creation of a second lot behind Mr. Hanna's house as a result of the purchase of property to create a conforming lot. Supervisor Lindborg made a motion to approve the Hanna/Ziegler final subdivision plans. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Manager Rambo then continued on with the third recommendation pertaining to the Valley View preliminary subdivision plan for Genterra. The Manager noted he has not yet received a clean review letter from Jim MacCombie. He talked with Mrs. Fleager and noted she is in failing health and would like to get this taken care of. Supervisor Lindborg made a motion to give preliminary subdivision plan approval to Valley View based on the receipt of a clean letter from the Township Engineer at that time they can move forward with their final plans in conjunction with them giving us a letter of extension.

Manager Rambo continued with the fourth and final recommendation regarding a Conditional Use Hearing date be established for the two applications for Beaver Creek Realty Associates. He stated the need to have the initial Hearing established in April to meet time constraints. Manager Rambo will establish a Conditional Use Hearing for April 28, 2003 with an alternate date being

April 29, 2003 with the first Hearing running from 7:00 – 8:30 p.m. and the second Hearing scheduled for 8:30 – 10:00 p.m.

Being the third item under New Business regarding the establishment of Hearing dates had already been addressed, Chairman Obernier moved onto the fourth piece of New Business. The Township has forwarded a letter to Mr. Dominick Guerarra with regard to the purchase of his property located off of Schoolhouse Lane. Manager Rambo noted that he and Linda will be putting a grant application together to pass a resolution at the next meeting.

The fifth piece of New Business was to discuss the current paper recycling efforts at the Township facility. Manager Rambo noted that Shryock Brothers will be closed permanently. The new vender, Mr. Stoltzfus requires different criteria for recycling that requires the separation of the paper and cardboard. Manager Rambo noted if the paper doesn't get recycled the Township will have to pay another \$90,000 in tipping fees on a yearly basis. He also noted that one paper trailer needs work. The replacement of the last medium size truck is scheduled for next year. A new system allows the truck beds to be interchangeable. A Chester County grant may be available.

Vice-Chairman McCaffrey asked if the residents now recycle newspaper at the curb. Manager Rambo stated that residents find it easier to bring them up to the trailer when they bring their other paper and cardboard. With the increase in tipping fees we have to address the needs for the individuals now willing to accept our paper.

Vice-Chairman McCaffrey stated he has seen the road crew spending time with the recycling instead of doing roadwork. When you add in putting money into new trailer beds and loading them, and all these other factors, then we don't make that much money. A large portion will be recycled at the curbside, though we won't see the cardboard and other paper. He is also concerned that having the paper recycling at the new facility will look like an eyesore.

Manager Rambo noted they have only been getting \$3 a ton from Shryock Brothers, we will get \$15 a ton from Mr. Stoltzfus. The Manager and Mr. Eells have looked into having enclosed recycling boxes that other Municipalities are using and have also looked into other options.

Supervisor Lindborg noted that trying to educate people with the new way to recycle the paper would be the Township's best alternative. Manager Rambo stated he would look into trying to get an education grant. Currently, 120 ton a year curbside and 150 ton at the Township is being recycled.

Vice-Chairman McCaffrey stated we all agree it would be nice to recycle more without costing more money, every time we offer an alternative we get burned by someone who misuses it. Manager Rambo's final comment was when he noted there will be a camera system set up at the new facility.

The sixth and final piece of New Business was the Board of Supervisors will be meeting with the WBTMA Board Thursday, March 13, 2003 at 7:00 p.m. with regard to the Authority's refinancing of its 1996 Sewer Bond. Manager Rambo noted he finished the review of the

refinancing document and has advertised a special meeting. This afternoon with the current rate the savings on a refinance would be \$160,000, although this amount is subject to change.

Being there was no New Business from the Floor, Chairman Obernier moved onto New Business from the Board. Vice-Chairman McCaffrey noted he attended a Municipal meeting and asked if anyone would be interested in receiving the handouts. Manager Rambo will call Pat Morrison for the Municipal books.

Supervisor Lindborg noted after listening to a talk show called Government Acquisitions, he learned there are companies that would supply vehicles to Municipalities if they agree to have advertising on them. Discussions pertaining to vehicles with advertising took place. Manager Rambo will look in to it, he also noted they will be picking their two police vehicles on Monday.

At this time in the meeting they moved to accept the letter of extension for Valley View Preliminary Subdivision Plan. Supervisor Lindborg made a motion to accept the letter of extension dated March 6, 2003. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye. Manager Rambo will write a letter with regards to the conditioned approval. Supervisor Lindborg made a motion to approve the Valley View Preliminary Subdivision Plan based on based on a clean review letter from the Township Engineer. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier all voted aye.

Being there was no other New Business from the Board and no Public Comments Chairman Obernier then moved onto Open Issues. The first Open Issue was the CASD tax audit review. Manager Rambo noted he in the process of obtaining their old correspondence.

The next Open Issue was the Cable Franchise review letter. Manager Rambo noted he has requested information from them and has not yet received a response.

Chairman Obernier moved onto the next item on the agenda regarding the Facility/Park Update. Manager Rambo noted as a result of the inclement weather this winter, the Township has extended the contract until July 1, 2003 for the competition of the building. The current interest rate is 1.35%. Manager Rambo noted they expect to move into the new facility the beginning of July. He and Dale will be looking into building workstations similar to the one's that are manufactured to the new facility's wood beams. Dale has agreed to build the wood tables for the meeting room, he will probably be working four days a week at the Township and one day a week at home in his wood shop. Supervisor Lindborg asked if he would engrave his name on them. Manager Rambo noted he was working with the architect on a plaque for the new facility.

The Chairman moved onto the review and payment of the bills. Manager Rambo noted the bill that pertains to salt for \$65 a ton - the contract price is \$33 a ton; he will get the difference between that and what the contract price is. 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:

- Municipal Authority meeting, Thursday, March 13, 2003 at 7:30 p.m.
- Zoning and Subdivision Task Force meeting, Wednesday, March 19, 2003 at 7:30 p.m.
- Planning Commission meeting, Thursday, March 27, 2003 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, April 3, 2003 at 7:30 p.m.
- Historic Commission meeting, Monday, April 7, 2003 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, April 8, 2003 at 7:30 p.m.
- Board of Supervisors meeting with the Municipal Authority, March 13, 2003 at 7:00 p.m.
- Board of Supervisors will be at the State Convention of Township Supervisors, Sunday, April 5 – Wednesday, April 9, 2003.

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 8:55 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