

**Meeting Minutes of April 20, 2006
Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of April 20, 2006 to order at 7:32 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by the Township Manager noted Chairman Josef G. Obernier, Sr., Vice-Chairman Thomas J. McCaffrey, Jr. and Supervisor Carl S. Lindborg in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Building Inspector/Codes Officer and Thomas Eells, Public Works Director.

Appointment of Part-Time Police Officer

The BoS to appoint Richard J. Craig as a part-time police officer. Richard Craig was sworn in by Chairman Obernier. Photos were taken.

Acceptance of Minutes from Previous Meetings

March 2, 2006, March 16, 2006 and April 6, 2006. Vice-Chairman McCaffrey motioned to accept the March 2, 2006 and March 16, 2006 meeting minutes. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye. The minutes of April 6, 2006 were tabled.

Treasurer's Report *Month ending March*

- Treasurer's Report presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$898,420.86	Operating Reserve Fund	\$3,008.69
Construction Sweep Fund	\$16,610.88	Police Pension Fund	\$1,111,306.18
Developer Escrow Fund	\$656,385.03	Public Works Capital Projects Fund	\$650,000.00
General Fund	\$131,458.77	Solid Waste & Recycling Fund	\$144,367.88
Non-Uniform Pension Fund	\$257,464.29	State Liquid Fuel Fund	\$34.95

Public Comments *Individuals requesting to be on the agenda*

There were no requests to be on the agenda.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of a letter of resignation from Joann Ranck, Administrative Assistant to the Codes/Building Inspector. Supervisor Lindborg motioned to accept Joann Ranck's resignation.

Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Kristin Camp, Esquire has forwarded the Township a letter of extension in which to schedule a Conditional Use Hearing for the Steve Janiec proposed Horseshoe Village Project. Manager Rambo noted that since the initial submission to the Township and presentation to the Planning Commission, Steve has advised Mr. Rambo that he has had contact with representatives of Wawa who are interested in putting in a Wawa at that intersection. They will come in to give a presentation when they are finished revising the plan. The hearings have not started; this will go back to the Planning Commission. Vice-Chairman McCaffrey noted this seems like it should be a new application. Manager Rambo explained that when an application is submitted, it goes to the Planning Commission; they look at it and say whether it falls under the Conditional Use process, and that they are okay with the BoS holding a hearing. The hearing has not been held yet and they would like to put the hearing on hold because they were contacted to have a larger store there. The revised plan will go back to the Planning Commission. Chairman Obernier did not favor an indefinite extension and felt that a three-month extension would be more reasonable. Supervisor Lindborg motioned to give a ninety-day extension in which to get a revised plan into the Township so that the BoS will be able to establish a Conditional Use Hearing within ninety days from today's date, otherwise withdraw the application. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Dexia Credit Local has forwarded the Township correspondence dated April 14, 2006 with regard to a Second Amendment to the Standby Bond Purchase Agreement for acceptance and signing with regard to the Adjustable Rate Bonds Sub-series 2001-D for an additional five-year period. Manager Rambo noted when they did the bond for the new facility, a letter of credit was issued for a five-year period, which is due now. The entire amount can be paid back or it can be reestablished with Dexia for another five years. Manager Rambo noted he forwarded emails to the BoS with regards to George Aman advising the BoS that the letter of credit was coming due, that they need to sign onto it again, unless the BoS plan to repay the outstanding note. Supervisor Lindborg motioned to allow Manager Rambo to sign the five-year agreement on behalf of the Township. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Correspondence/Communications *Information to Note*

Dr. Eck has provided the Township with a copy of the Conservation Easement information as requested during his CUH. Manager Rambo noted the Township received everything that was requested and will contact John Good so that he has the opportunity to prepare the Conditional Use Decision and Order. Vice-Chairman McCaffrey requested that John Good summarize the documents for the BoS. Vice-Chairman McCaffrey feels that this particular project borderlines commercial and not like a bed and breakfast anymore.

Ross Unruh, Esquire has provided the Township with correspondence pertaining to the recommendations of the Historic Commission. Manager Rambo noted this has been forwarded onto John Good and will be incorporated into the Conditional Use Order.

The Township is in receipt of documentation from the Center for Arts & Technology, Brandywine Campus with regard to the Community Service Project on Township property within the Catania Project. Manager Rambo noted that the Township received an insurance certificate for liability. The Center for Arts & Technology has forwarded a copy of what they signed which only included one

day. Manager Rambo will contact them and suggest that they sign a blanket certificate for a period of time.

The Department of Community and Economic Development has forwarded the Township information with regard to upcoming training IS 700- The National Incident Management System. Manager Rambo noted that the courses are available on-line. At some point all supervisors, managers, police chiefs, and emergency management coordinators will be required to take these courses that are through FEMA.

The Township is in receipt of information pertaining to National Incident Management System courses that are being offered on-line. There were no comments.

Reports of Departments *Month of March 2006 unless otherwise noted.*

- Police Report presented by Chief Werner. There were no comments.

Total hours.....	1,362	Fatalities.....	0
Miles patrolled	7,914	Domestics	14
Complaints	493	Criminal arrest	28
Accidents.....	11	Non-traffic arrest	14
Injuries.....	2	Traffic arrests.....	109
- Public Works Department, presented by Tom Eells. Chairman Obernier asked if there was a breakdown of man-hours.
- Buildings/Codes Department Report presented by Dale Barnett. There were no comments.

Building permits issued.....	10	Inspections completed	73
U&O permits issued	16	Failed inspections paid	2
Contractor licenses issued	24	Total fees collected.....	\$15,478.21
- Fire Marshall Report was submitted by Paul Gainor and presented by Manager Rambo. There were no comments.

Permit inspections done	54	Hours on patrol	6
Other type inspections done	3	Code violations/Complaints.....	3
- Martin’s Corner Ambulance Report presented by Manager Rambo. There were no comments.

ALS	16	MVA.....	8
BLS	21	Fire/Standbys	6
- Martin’s Corner Fire Company Report (no report for March submitted)
- East Brandywine Fire Company Report presented by Manager Rambo.

WBT Fire Total	10	Time in Service QRS: 5 hrs 10 mins.	
WBT QRS	31	Fuel Usage Fire: 125 miles	
WBT Time in Service Fire: 4 hrs 29 mins.		Fuel Usage QRS: 72 miles	
- Wagontown Fire Company Report presented by Manager Rambo. There were no comments.

Automatic Alarm.....	1	Motor Vehicle Accident	2
Brush Fire.....	2		

Reports of Organizations, Boards and Commissions

Historic Commission: no report given. Parks and Recreation Committee Report was presented by Mark Hartnett. Chairman Obernier asked if there was a greater turnout for the Easter Egg Hunt this year over last year. Jeff Chalfant also of the Parks and Recreation Board noted there were 258 last year and 271 this year. Steve Jakatt gave the report for the Planning Commission. Mr. Jakatt noted that they had tabled all three applications before them. The Chairman of the Planning Commission

wrote a letter, which Mr. Jakatt read out loud expressing several concerns including when to send a proposed development forward to the BoS. Manager Rambo explained that with the Conditional Use Application, the Township has 60 to 90 days to establish a hearing, the Planning Commission can ask for additional time to look over the application. If there are questions, ask that they come in with the additional information so that they can be adequately addressed, at that point ask for an extension of time to be forwarded to the Township so that you have proper time to recommend the hearing be established. The time clock starts as soon as it is submitted to the Township. Chairman Obernier explained that a clean letter from the engineer means the engineer has reviewed the plan and there are no outstanding unanswered issues and a letter has been issued stating there are no outstanding issues. Further discussion ensued.

Municipal Authority Report, presented by Municipal Authority Manager Rambo. Manager Rambo noted that the Authority and the Authority Engineer continue to meet with Pennsylvania American Water Company to ensure that adequate sewer capacity is there with regard to the quantity that has been purchased. They are in the process of sending a revised CMP to DEP for their approval. At that point the Authority will be able to sell to Bentley and make available to them capacity that is unutilized. The venting flagpole has been erected on Reeceville Road. Further discussion ensued regarding the venting flagpole.

Adjournment from Township Meeting (time: 8:30 p.m.)

Opening of Public Hearing (time: 8:30 p.m.)

Ordinance No. 06-02 through 06-04: posting of signs on new public streets. These ordinances deal with stop signs, no parking, and speed. Manager Rambo noted the ordinances were duly advertised. Ordinance 06-02 amends the original Ordinance 03-13, to add Camberly Court, Chelmsford Court, Elmwood Lane, Kingwood Lane, Justin Lane, Lahawa Drive, Patricia's Lane, Pennswick Drive, and Waterford Lane as 25 mile an hour speed limit roadways.

Ordinance No. 06-03 amends Ordinance No. 03-12 for the posting of the following additional streets as "no parking," Camberly Court, Chelmsford Court, Elmwood Lane, Kingwood Lane, Justin Lane, Lahawa Drive, Patricia's Lane, Pennswick Drive, and Waterford Lane.

Ordinance No. 06-04 establishes the placement of stop signs and the creation of stop intersections within those same roadways as noted.

Joan Thompson asked if these are old streets. Manager Rambo noted they are recently adopted streets. There were no further comments.

Supervisor Lindborg motioned to close the Public Hearing. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Adjournment from Public Hearing (time: 8:33 p.m.)

Re-Opening of Township Meeting (time: 8:33 p.m.)

Old Business

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

The Township Manager is in receipt of a propose “final draft” on the Technical Specifications for Traffic Control Signalization from McMahon Associates, Inc. and a review is taking place. There were no comments.

Discussions on the Township’s proposed Noise Ordinance No. 06-07. Manager Rambo noted that the Township has received a letter from John Good who states that there is information in there so that the ordinance can be properly enforced if adopted, there are decibel readings, etc. Vice-Chairman McCaffrey expressed that there are parts of this ordinance that he can’t live with, “reasonable sensibilities” and statements like that. Vice-Chairman McCaffrey does not favor nebulous ordinances open to the discernment of somebody stopping by your private property, imposing his/her own values on you as to what happens to be reasonable. Manager Rambo suggested that an additional sentence be added to refer to the established decibel readings. Chairman Obernier suggested that a copy be given out to everyone in the audience.

Vice-Chairman McCaffrey stated that he also asked for some instruction from the attorney on how private people may bring each other into litigation without having a law written specifically for their purpose. The loss of what somebody has taken from you is up for dispute. It is difficult, you can’t legislate a courteous neighbor. There should be a way for individuals to present their case to an arbiter and have that person make a decision. Vice-Chairman McCaffrey didn’t mind having something at the Township for gross infractions. To try to micromanage every neighborhood to suit the individual residents is going to create a very uncomfortable situation for a lot of people. The better part of Vice-Chairman McCaffrey’s position is to see that down the road, as you legislate things, it gets more and more constrained based upon someone’s system of values. And who that is imposing their values is a distress.

Chairman Obernier suggested that they continue discussion regarding the noise ordinance until the next meeting, which will give Vice-Chairman McCaffrey time to come back at the next meeting with a specific list of what he finds objectionable.

John Hertz requested a copy of the Noise Ordinance.

Vice-Chairman McCaffrey also felt that if a person wants to have a party that would be in violation of the ordinance, if they could get a one-time permit. Reasonableness should be written in to this.

Selena Marrow asked if there is any current noise ordinance that says you can’t make noise at a certain time of the day and gave an example of her son riding his dirt bike in his own yard during the day. Chairman Obernier answered that currently there is no noise ordinance in the Township. Vice-Chairman McCaffrey noted there is a Nuisance Ordinance. Further discussion ensued.

Jeff Chalfant noted that at the last Park and Recreation meeting the question was asked if anyone on the Parks and Recreation Board had any objections to having a decibel test during Community Day and no one objected.

Jesse Edwards noted that people ride in the field behind him and they have not come to the Township to complain. Chairman Obernier noted that his neighbor rides up and down their driveway every Sunday afternoon, which is very noisy, he just lives with it. After further discussion, Chairman Obernier recapped that Vice-Chairman McCaffrey will bring in a list of objectionable items on the ordinance so they can discuss it at the next BoS meeting.

Old Business from the Floor

Steve Jakatt, Hill Over Pratts Dam asked for an update for an issue that he brought up at a previous meeting regarding a depression in the roadway on Pratts Dam Road and suggested that they be filled in with asphalt instead of spending thousands of dollars for an engineer. Tom Eells noted that is not a solution it is just a temporary fix.

Old Business from the Board

There was no Old Business from the Board.

Ordinances and Resolutions

Ordinance's No. 06-02 through 06-04: posting of signs on new public streets. Supervisor Lindborg motioned to adopt Ordinance No. 06-02 through 06-04. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Resolution #05-06: establishment of 322/Little Washington Light Upgrade Capital Reserve. Manager Rambo noted the Township is re-establishing this as a capital reserve, when it was established originally the monies were put into the developer escrow funds and should not have been. The hearing needs to be re-established because one account needs to be closed and another account needs to be opened. Vice-Chairman McCaffrey motioned in favor to re-establish the hearing. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

New Business

The Township is in receipt of revised renderings for the proposed upgrades to the Public Works Facilities. Manager Rambo noted that the information was provided at the last BoS meeting. Chairman Obernier noted that there will be no spare bays and asked if there will be suppression sprinkler system. Manager Rambo answered that it has not been determined if it is necessary. Dale Barnett will make the determination, once the plan is designed whether it will need a suppression system, code will be followed. Manager Rambo explained that they are trying to approve the façades and the general outlay of the building so that the architect can prepare specs, and then he will draw the specs up as required. Chairman Obernier expressed concern about not having a fire suppression system, what the cost would be to have one, and if the sprinkler system is required by code. Supervisor Lindborg noted he liked the full stone front and would like an estimate on the cost of the stone.

Discuss placement of an outfield fence at the Township's Community Park ball field. Manager Rambo noted this is budgeted in the Capital Reserve this year. The cost for standard fencing is \$4,400 and coated is \$7,400. The ball field currently has structured baseball in the summer. The chairman of the Parks and Recreation Board has also requested that the Township erect a fence. Vice-Chairman McCaffrey felt that it would be better to leave the field open. Manager Rambo noted that the original plan showed a baseball fence in the future. Jeff Chalfant noted they have been trying to get Caln Little League and EBVA, and they won't use the field because it doesn't have a regulation fence. Manager Rambo noted that the green fence would match the backdrop. Chairman Obernier motioned in favor for the Township to install the appropriate fence. Supervisor Lindborg seconded the motion. Board Members Lindborg and Obernier voted aye. McCaffrey voted nay, not knowing where the placement would be.

A Public Hearing will be held for proposed Ordinance No. 06-08, definition and parking requirements for Health/Exercise/Racquet Sports Clubs on May 4, 2006. There were no comments.

The Township Manager will be approaching the Henderson's with regards to Conservation Easements on their properties at the intersection of Routes 82 & 322. Manager Rambo noted he has approached the Henderson's, they would like the Township to prepare a document. John Good advised the Township to put down what they would like to see in it and forward the paperwork to him.

Release #2 approval in the amount of \$100,879.06 for Catania's Jamie Lane Project. Manager Rambo noted that Jim MacCombie and himself have reviewed the request and found it satisfactory. Supervisor Lindborg motioned to approve Catania's release request. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

New Business from the Floor

Joan Thompson had questions regarding the Township audit. Supervisor Lindborg noted that his understanding is that there is going to be policy suggestions dealing with different issues in the Township, e.g. overtime pay, time clock issues, vacation time, reimbursement policy. Some of them have already been implemented; a time clock has been installed. The Township has a very complex accounting system and we are looking at ways to address some of those issues to make sure everything is credited to where it should be.

New Business from the Board

Chairman Obernier noted that the person that conducts the foxhunt has contacted Vice-Chairman McCaffrey and was given the okay to conduct a hunt on his property. That person had to get signatures. Chairman Obernier stated that Vice-Chairman McCaffrey feels that this is part of the Chester County West Brandywine heritage and he also agrees with that. The BoS collectively came up with some thoughts, they would like to have an article in the Township newsletter letting people know who to contact if it is okay for them to go on to their property. Vice-Chairman McCaffrey explained that the hounds occasionally momentarily go on people's property chasing the fox. Chief Werner stated he agreed with the heritage of the foxhunt as well; unfortunately the residents that have moved into the Township don't feel the same way and suggested the foxhunters need to open the line of communication up to the residents. Further discussion ensued. Vice-Chairman McCaffrey's final comment was that he would like to people get together and come to some sort of logical conclusion. If we knew who was complaining, to have them directly correspond with the fox hunt people.

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

There were no Public Comments.

Open Issues Before the Township

SPCA 2006 Animal Control Contract. Manager Rambo noted the SPCA's legal council is currently reviewing the resolution and will reply back.

Ordinance amendments with regard to the IBC (International Building Code). There were no comments.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. There were no comments.

General Obligation Note (Adjustable Rate Loan for the Facility/Park Construction)

Interest rate for the week was 3.79 %. There were no comments.

Review and Payment of the bills

Bills from the General Fund, Solid Waste Fund, and State Fund. Upon reviewing the invoices and finding them in order, Supervisor Lindborg motioned to approve payment of the bills. Vice-Chairman McCaffrey noted that he looked at a select number of invoices, found them in order and seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- Planning Commission meeting, Thursday, April 27, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, May 4, 2006 at 7:30 p.m.
- Bike Derby/Community Day/Antique Car Show, Saturday, May 6, 2006 at 10:00 a.m.
- Historic Commission meeting, Monday, May 8, 2006 at 7:30 p.m.
- Pulte Conditional Use Hearing, Monday, May 8, 2006 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, May 9, 2006 at 7:30 p.m.
- Municipal Authority meeting, Thursday, May 11, 2006 at 7:30 p.m.

Adjournment

With no other business to discuss, Supervisor Lindborg motioned to adjourn the meeting at 9:39 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye in favor to adjourn.

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