

**Meeting Minutes of December 2, 2004
Board of Supervisors**

Vice-Chairman Lindborg called the Board of Supervisors Meeting of December 2, 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 (BoS) by the Township Manager noted Vice-Chairman Lindborg and Supervisor Obernier in attendance. Chairman McCaffrey was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Dale Barnett, Codes/Zoning Officer; and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

The minutes of October 21, 2004, November 4, 2004 and November 18, 2004 were tabled until all Supervisors are in attendance.

Public Comments *Individuals requesting to be on the agenda*

John Zaleski, Pat Sellers and Andrew Lehr, Esquire are in attendance to talk to the Board of Supervisors with regard to the TIF proposal of the City of Coatesville and the Coatesville Redevelopment Authority. John Zaleski noted he is an officer of the Coatesville's Taxpayers Alliance (CTA), a group that was established to try and keep school taxes down as a result of CASD's budget activities last summer. Mr. Zaleski handed information out to the Board along with a map outlining the City of Coatesville's proposed TIF area and explained their group's common needs, objectives, and ideas in relationship with CASD. The City's revitalization plan may be made available to the public in January. The reason that CTA is drawing the Board's attention on the revitalization and primarily TIF is because the City of Coatesville's revitalization plan involves a grant or loan of \$40,000,000 to initiate the building and revitalization activities. It is estimated that 3,000 new residential units will be built within the TIF area. The problem is that the City's initial estimate of new students is very low (100 – 150 new students), the reason being is the demographic they are targeting is double income families with no children, but there is no restriction against families with children within the district. He noted that the cost of a Coatesville student varies between \$8,000 and \$17,000 depending upon whether these students are special education students or not, that gives you an average of \$10,000 per average student. He explained how the CASD would be in arrears between \$400,000 and \$600,000. Mr. Zaleski suggested various options and approaches for the Board and other Township's to consider.

Vice-Chairman Lindborg noted his understanding after meeting earlier with Cynthia Quinn was that the area for the revitalization plan has already been established but had not yet been submitted to the school district and officially she said that for this to go into effect it had to be signed off by the School Board, the County, and the State. Mr. Zaleski stated that this was a draft plan that Ms.

Quinn was referring to; there has been more data that has been created since that time. Mr. Zeleski met with Ms. Quinn and Mr. Andres this past Sunday and noted that many of the recommendations that the CTA had made, the School Board is going to adopt. One of those is performing a detailed demographic study of the area to determine how many people, of what variety, would be moving into the district. Ms. Quinn not only concurred with CTA's concerns about the amount of new students and whether or not there is risk associated with the district experiencing some type of loss, but that Ms. Quinn and Mr. Andres both agreed that when they review this plan, that it satisfy all their concerns. The concern is, what is actually going to appear in the plan and how it be negotiated out. The redevelopment committee has already created the plan; the rumor is that it will be available to the public this January. As an entity of the CTA, Mr. Zeleski has already made a formal request for a copy of it. Vice-Chairman Lindborg stated that the real issue with the TIF is that if there is going to be residential housing there, his main concern is that they and surrounding municipalities may end up paying to educate these kids. It's a huge potential debt on us and our children for years to come. He also expressed the importance that other Township's get involved as well. Mr. Zaleski agreed and stated he was going to try and get as much factual information out as possible, he is not necessarily opposed to TIF, but is opposed to bankrupting the citizenry and the district and causing tremendous problems in the future, he supports the revitalization of Coatesville.

Vice-Chairman Lindborg stated that the Township couldn't give money to CTA. Mr. Zaleski stated they are not requesting money from them, they are suggesting that each Township as part of their existing budget, set aside a portion of it just in case they need to establish some legal action. Manager Rambo stated the question is, who is going to establish legal action, who is the attorney, and who will hire the attorney. If it is the tax group, then it can't be supported. Mr. Zaleski stated that it could be agreed upon by the separate Townships, you could identify a motion, potentially as a Township to support a specific attorney with some specific amount of funding.

Vice-Chairman Lindborg asked if there is a candidate to replace Bill Lowe. Mr. Zaleski noted they have had little success in identifying a candidate that wants to replace Bill Lowe from the Coatesville Area. However, the Board does have a least one candidate from the Coatesville Area, that one candidate is going through the interview process and pointed out that the one candidate they are considering was involved in the Redevelopment Authority and Coatesville Area Partners for Progress. They made it known to the School Board that they believe that she should recuse herself from TIF votes because of the conflict of interest.

Pat Sellers voiced his concerns about how much of the \$40,000,000 (95% will come from the School District) to finance Coatesville's infrastructure of improvement will be commercial and how much will be residential. Vice-Chairman Lindborg stated that it is the residential part that is a real concern. Mike Flaherty, CPA stated he would be more than happy to offer his advice.

Bob Saucier suggested that all the Township's look at the slide presentation that was shown to City Council. He stated that you have to look at the City's history with surrounding Township's and the residents; the City is like an "unfed hog" and will take whatever it can from the School District. He suggested that changes have to take place from the Townships.

Mr. Zaleski stated his point of being at the BoS meeting is to communicate information and stated that it is important that the Township's understand the ramifications of the City's plan. Vice-Chairman Lindborg would like Mr. Zaleski to come back and update the Board.

Supervisor Obernier asked if it was correct that any property that is developed within the red area on the map, those new properties won't be assessed in the same way as the stuff that is already there. Mr. Zeleski explained that the property will be assessed, however, any increase over their previously assessed unimproved state does not go towards the School District. Supervisor Obernier asked if the TIF is enacted and that increased amount goes to the City of Coatesville instead of the School District? Mr. Zaleski answered yes, instead of the School District. Mr. Zaleski then gave an example of an unimproved property assessed at \$4,000,000, noting that the School District would receive taxes based upon \$4,000,000, which would be about \$100,000 per year at the current millage. That \$4,000,000 parcel is part of the TIF area and is improved by a developer. The following year, the assessment done on that property is \$10,000,000, the School District still receives the taxes only on the \$4,000,000. The \$6,000,000 improvement is taxed as well but the taxes go to the City of Coatesville because that is part of the TIF. The enticement for the developer is that the developer can almost build an office building for nothing through grant money. Once the TIF loan is paid off, the City of Coatesville is free to do with the money as it wishes for the remainder of the TIF lifespan (15 – 20 years). Mr. Zeleski said that Paul Jansen has suggested that a portion of the monies that are coming to the City of Coatesville be redirected back to the School District. The amount to be shared would need to be assessed on the basis on the number of students within the district. If the assumption is that only 100 – 150 students will be coming into the district, what happens if you have 400 – 600 students coming into the district, then that would require much more sharing from the City of Coatesville. It would need to be established that the more students that come in, the more money that will go back to the district for sharing, they don't know if that is the case. One recommendation made to the School Board is that they pay close attention to this and assume a conservative fixed value of 500 - 700 students or allow this to be a floating amount.

Steve DiMarco of The Golf Zone is in attendance to talk to the Board of Supervisors with regard to the closing of his Conditional Use Hearing and issuing an "Opinion & Order." Mr. DiMarco noted that they had come up with some solutions to the lighting issues and would like to move forward. Manager Rambo recommended that the BoS consider closing the Hearing and establish Mr. DiMarco's conditions. Supervisor Obernier made a motion to close the Conditional Use Hearing for The Golf Zone. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye. Manager Rambo noted the Township has forty-five to issue the "Opinion & Order."

Correspondence/Communications *Information to Act Upon*

Theresa R. Lemley, Esquire of Riley, Riper, Hollin & Colagreco has forwarded the Township a petition to amend the Township's Zoning Ordinance and establish a Transfer of Development Rights Ordinance. This item was tabled at the recommendation of Manager Rambo.

The Chester County SPCA has forwarded the Township a copy of the 2005 Boarding and Animal Protective Services Contracts for review and consideration. This item was tabled until December 16, 2004 at the recommendation of Manager Rambo.

Charles M. Pennypacker has forwarded the Township correspondence with regard to the possible sale of his client's property to the Township. Manager Rambo informed Mr. Pennypacker that the Township is going to get an appraisal on this property. This item was tabled at the recommendation of Manager Rambo.

The Township is in receipt of correspondence from James W. MacCombie, P.E. with regard to the waiver requests for the Susan B. Maes Minor Subdivision Plan. Manager Rambo stated that Jim MacCombie and the Planning Commission are both okay with the waivers that are being requested. Manager Rambo read out loud the requested waivers. Supervisor Obernier noted that the house was supposed to stand separate from the rest of the development and felt that the house needed to have the monument. Manager Rambo stated that the house will have the monument, but the entire tract won't until it is subdivided and explained that this is for the two-lot subdivision, this isn't for the townhouses. They want the right to be able to subdivide the 150 acres that remain after taking off the Maes tract. Vice-Chairman Lindborg asked if there is a reason to be concerned about this. Manager Rambo stated both Jim MacCombie and himself don't see any reason to be concerned with it. They have five parcels and are creating two; they want to be able to further subdivide the lots where the townhouses are going to be. They are subdividing off Mrs. Maes tract so that she can acquire that, then they will acquire the remaining tract, which is considered tract II. They want the ability to further subdivide that. They also want to use Mrs. Maes tract as part of the open space which is also permitted in the Township's ordinance. Manager Rambo stated they are going to come back with a different plan than the townhouses, which will include a 55+ community and fewer units. Vice-Chairman Lindborg asked John Cassels of the Planning Commission if he sees anything changing on the second parcel whether they approve the two-lot subdivision, instead of wait until it is all done together. John Cassels stated he didn't believe so; he wasn't sure about timing, why it has to happen now. Vice-Chairman Lindborg would like to have more information before granting the waivers. The Board will invite Chuck Dobson of Genterra to the December 16, 2004 BoS meeting to clear up any questions the Board may have. The waiver request was tabled.

Maureen J. Zapf has forwarded the Township an email showing interest to serve on the Historic Commission. Supervisor Obernier motioned to appoint Maureen J. Zapf to the Historic Commission. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Signal Service, Inc. has forwarded the Township the 2005 Traffic Signal Maintenance Contract for signing. Supervisor Obernier made a motion that the Manager sign the Signal Service Contract. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Chester County Solicitor's Office has forwarded the Township a request to exonerate Township taxes on tax parcel 29-4-29 owned by the County. Manager Rambo recommended that the Township exonerate the taxes that were not properly recorded. This parcel is part of the tracks down along the Brandywine between Telegraph and ...Supervisor Obernier thought the pieces belonged to the homeowners. Manager Rambo stated not all of them did that. The Manager read Chester County's letter dated November 16, 2004. Supervisor Obernier asked if the County thinks that there is already a trail there. Manager Rambo explained that it was done as a quitclaim deed; there is no trail there now. Vice-Chairman Lindborg made a motion to accept the County's request to exonerate the Township taxes on tax parcel 29-4-29 totaling \$939.14. Supervisor Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

Correspondence/Communications *Information to Note*

The Township has on review a copy of the completed Roadway Sufficiency Analysis and Transportation Capital Improvements Plans prepared by McMahon Associates, Inc. that will be

considered for adoption on December 16, 2004. Supervisor Obernier had questions regarding the intersection at Reeceville Road and Hurley Road and putting a left turn lane in there. Manager Rambo noted that Marie Pantalone explained that with the signal there, there was no need for a turning lane.

Supervisor Obernier stated that at one of the BoS meetings, one of the developers mentioned that they were going to pay in for Act 209. The developer seemed to believe that money would be used for their local road improvements only. Supervisor Obernier thought that the developer would provide the impact fee and the Township would decide where the money would be used. Manager Rambo noted that Act 209 doesn't necessarily have an effect on an individual doing a subdivision. They would have to do road improvement in front of their subdivision in addition to Act 209 unless that improvement was in the Act 209, and then his contributions may help pay that improvement. The impact fees collected can only be spent on capital improvements. Supervisor Obernier wanted clarification that if the developer is building something on the corner of the intersection that is identified in the Act 209, must they use the Act 209 fees for that or does he pay for that local improvement anyway? Vice-Chairman Lindborg stated he couldn't imagine that the developer could get out of doing those capital improvements just because they are identified in the Act 209. Manager Rambo will talk with Ms. Pantalone about Supervisor Obernier's concern.

The Chester County Solid Waste Authority has forwarded the Township notification that the tipping fee will be increasing by 6% (\$6,300) starting January 1, 2005. Manager Rambo stated they were anticipating a slight increase. Supervisor Obernier asked if they were going to have the Municipal Authority send out the bills and Manager Rambo stated only if the court case goes through. Manager Rambo recommended that the yearly Solid Waste Fee increase to \$212, which would cover the increase in tipping fees.

PSATS has forwarded the Township information with regard to recent Legislation that is to be considered by the Governor for signing. Manager Rambo noted the Governor signed the bill on December 1, 2004 and recommended that the BoS consider House Bill 197, it changes the Occupational Privilege Tax (OPT) to an Emergency Municipal Services Tax and allows Municipalities to modify the OPT from \$10 a year to \$52 per year. The School District would still get \$5 of the \$10, the additional tax monies could be used for road maintenance, road construction, and emergency services. The additional income would be between \$40,000 - \$75,000. Supervisor Obernier stated he was not really in favor of raising the tax. Just because the tax can be raised, doesn't mean that it should be. Manager Rambo stated there is a need for it. Vice-Chairman Lindborg felt that there is a value in it for the people driving on these roads that are being maintained and plowed. This tax would only effect those that work within the Township and make over \$12,000 a year. The Board will discuss the tax at a future meeting.

Old Business

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

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and has presented his recommendations to the Manager and Board of Supervisors for review. Manager Rambo noted this information is in the BoS mailboxes.

The Manager has forwarded the proposed zoning amendments with regard to fences and signage to John E. Good, Esquire for input prior to sending it to the Chester County Planning Commission and WBT Planning Commission for review and comments. There were no comments.

The Township's 2005 budget are available to the Public for review.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

Supervisor Obernier noted he had asked the Manager for the status of inquiring about having a West Brandywine Post Office. Manager Rambo will send a letter out in January.

Supervisor Obernier noted a small convex mirror on the north side of Hurley Road and asked if anyone knew why it was there and if the Township has any responsibility because it is there. Manager Rambo answered no.

Supervisor Obernier asked about Justin Lane being paved and if there was money in escrow to do so. Manager Rambo stated that the money is escrowed. He is on the list to be paved, but hasn't had his contractor in yet.

Ordinances and Resolutions

Ordinance No. 04-04; dealing with the discharging of firearms in residential areas. Manager Rambo recommended that the BoS table Ordinance No. 04-04. Supervisor Obernier made a motion to table Ordinance No. 04-04. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

New Business

The Board of Supervisors will adopt the 2005 Township Budget at their public meeting of Thursday, December 16, 2004. It was noted that there will be no increase in taxes.

The winter edition of the Township Newsletter is slated for mailing the week of Monday, December 27, 2004. There were no comments.

Recommendations of the Township Planning Commission. Manager Rambo noted one recommendation is the rejection of the McAndrew-DeHaven Minor Subdivision unless a letter of extension is received. The Manager is in receipt of a letter granting an extension of time until January 21, 2005 and recommended that the Board accept the extension. Supervisor Obernier made a motion to accept the letter of extension. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is accepting bids for the purchase of three recycling roll-off containers. Manager Rambo noted this was advertised and they will open bids at noon on January 16, 2005 and present them to the BoS for consideration that evening.

The Township will be advertising the sale of used equipment for a January 20, 2005 opening. There were no comments.

The Board of Supervisors will be adopting a new fee schedule for submission of plans, etc. at their meeting of December 16, 2004. There were no comments.

The Township is meeting with Honey Brook Township with regard to providing police services. Manager Rambo emailed new information to the BoS.

New Business from the Floor

Karen Vollemecke inquired about the status of Ordinance No. 04-04. Vice-Chairman Lindborg gave her a brief explanation. Supervisor Obernier suspects that the mediation between the parties will be successful and that the Ordinance will just be tabled and the BoS will move on from it.

Jim Brian thanked the BoS for attending the CASB meetings and noted the next CASB meeting was slated for Monday, December 6, 2004 at 7:00 p.m. Supervisor Obernier asked Mr. Brian if he was a member of the CTA and if he was aware of the Alliance going to the Caln Commissioners or other Township's and requesting the attendance of their Supervisors. Mr. Brian, CTA member answered that they have requested the Supervisor's attendance, about half of them ignore the request and the other half have ridiculed them. He has seen opposition from other Township Supervisors with his presentation about TIF and noted that WBT Supervisors are the only ones that have been receptive to them.

New Business from the Board

There was no New Business from the Board.

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

There were no Public Comments.

Open Issues Before the Township

Cable Franchise. Supervisor Obernier stated they are still waiting for an explanation of the three revenue line items that they identified, but didn't know how it affected the Township. Comcast did send a letter acknowledging there was money coming to the Township. Supervisor Obernier suggested the Township put an advertisement in the newspaper for a RFP (request for proposal). The Board will discuss placing an ad for an RFP when all the Board members are present. Manager Rambo will prepare a letter to Comcast requesting a response with regards the three line items.

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

The interest rate for the week is 1.9%.

Review and Payment of the bills

Vice-Chairman Lindborg noted bills for the State Fund totaling \$2,939.39 and General Fund bills totaling \$38,063.21. There are citations out in the amount of \$22,000. Supervisor Obernier motioned to pay the bills and Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye in favor of their payment.

Upcoming Meetings/Events

- Municipal Authority meeting, Thursday, December 9, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, December 13, 2004 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, December 14, 2004 at 7:30 p.m.

- Board of Supervisors meeting, Thursday, December 16, 2004 at 7:30 p.m.
- Christmas with Santa, Saturday, December 18, 2004 from 11:30 a.m. until 1:30 p.m.
- Planning Commission, Tuesday, December 21, 2004 at 7:30 p.m.

Adjournment

With no other business to discuss, Supervisor Obernier motioned to adjourn the meeting at 9:04 p.m. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye in favor of adjournment.

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