

**Meeting Minutes of October 20, 2005
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of October 20, 2005 to order at 7:42 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 Carl S. Lindborg and Vice-Chairman Josef G. Obernier, Sr. in attendance. Supervisor Thomas J. McCaffrey was absent. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; and Dale Barnett, Codes/Zoning Officer.

Presentation of Plaque

The Board of Supervisors to present Officer Alan Johnson with a plaque thanking him for his service to the Township. Chairman Lindborg presented Officer Alan Johnson with a plaque to show appreciation his for his twelve years of dedicated service. Both Chairman Lindborg and Vice-Chairman Obernier thanked Officer Johnson.

Acceptance of Minutes from Previous Meetings

September 15, 2005 and October 6, 2005. The minutes were tabled being that not all three Supervisors were present.

Treasurer's Report

Manager Rambo presented the Treasurer's Report for the month ending September. There were no comments.

Capital Reserve Fund	\$879,608.31
Construction Sweep Fund	\$13,424.84
Developer Escrow Fund	\$699,693.01
General Fund	\$42,933.01
Solid Waste & Recycling Fund	\$57,443.39
State Liquid Fuel Fund	\$19,514.03
Operating Reserve Fund	\$2,971.92
Police Pension Fund	\$1,060,934.93
Non-Uniform Pension Fund	\$217,875.16

Public Comments *Individuals requesting to be on the agenda*

Ms. Jean Ziemak is in attendance to talk to the BoS with regard to the use of unmarked police cars for patrol and how residents can help the police. Ms. Ziemak questioned the number of marked and unmarked cars on patrol and asked if there was money in the budget to upgrade the unmarked cars.

Chief Werner noted that the Police Department has two unmarked cars and three slick back cars where the lights are located on the inside, but they are marked on the outside. People are uncomfortable being stopped by unmarked cars.

Vice-Chairman Obernier asked Ms. Ziemak for clarification to her question regarding the upgrading of unmarked cars. Ms. Ziemak stated that she became aware of an increase in vandalism in our area as well as in surrounding townships and feels it would be a benefit to our citizens to be made aware of this and went on to suggest several ways to inform the residents. Chief Werner stated that he tried to form a Township Watch in the past and had very little response and asked Ms. Ziemak if she would be interested in helping to establish a watch group. Chief Werner explained that people have said that they heard vandalism during the night but didn't feel that it warranted a phone call to the police, you would just call 911 and they would dispatch West Brandywine Township Police. Vice-Chairman Obernier noted an incident at his house where a vehicle smashed his mailbox and he called the police, the police don't know about it unless you call them at the time it happens. Chairman Lindborg suggested that Ms. Ziemak contact Chief Werner if she is interested in establishing a community watch.

Correspondence/Communications *Information to Act Upon*

The Township is in receipt of a letter from Steve Janiec requesting a six month extension of time in which to submit his Subdivision and Land Development Plans for his Horseshoe Pike Project located across from Swinehart Road. Manager Rambo noted they have completed their conditional use but they are required to submit an application to the Township for Land Development within six months. Mr. Janiec is requesting a six month extension because he is waiting to see what happens with the sewer. At the Manager's request Vice-Chairman Obernier motioned to grant the six month extension for the Janiec property. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from George Aman, Esquire with regard to the \$750,000 General Obligation Note being sought from PNC Bank. Manager Rambo noted that the necessary paperwork has been filed with DCED. The paperwork will be available for signing at the next BoS meeting. A phone settlement is scheduled for Friday, November 4, 2005.

The City of Coatesville has provided the Township with input into its proposed Comprehensive Plan update. This item will be discussed later in the meeting when they discuss the Comp. Plan. John Snook will be delayed because he has to attend a hearing, the Board will have to table anything dealing with the Comp. Plan until he arrives.

The Chester County Planning Commission has provided the Township with input into its proposed Comprehensive Plan Update. To be addressed later.

The Chester County Department of Emergency Services is requesting assistance in updating its Hazardous Vulnerability Analysis/Target Assessment list. Chief Werner has sent in the requested information.

Senator Rafferty's office has invited the Township to attend a Senior Expo at Freedom Village on Thursday, November 17, 2005 from 9:00 a.m. to noon. Manager Rambo, Chief Werner, as well as another officer will attend to represent the Township, hand out literature, and answer any questions they may have. The BoS is to contact Ron if they will be attending.

Reports of Departments *Reports for September 2005*

Dale Barnett presented the Buildings/Codes Department report and noted he had ninety hours on the address database project. There were no comments. Manager Rambo gave the monthly report of the Fire Marshall and noted that Paul Gainor received a FEMA certificate for completing ISO (Introduction to Incident Command System) Manager Rambo then presented the report from Martin's Corner Fire Company. Chief Werner presented the police report. There was no one present from the Public Works department to present their report. Todd Shaffer, President of East Brandywine Fire Company presented their monthly report. There were no comments.

Reports of Organizations, Boards and Commissions

There was no report from the Historical Commission. Jeff Chalfant was in attendance to give the report from the Parks and Recreation Department noting that they recommended changing Community Day from September to May when the Police Department holds their Bike Derby. Chief Werner, Manager Rambo, Chairman Lindborg and Vice-Chairman Obernier were all okay to change the date. Michelle Benkovich, Township resident commented about grant money and advertising for the Bike Derby. Chairman Lindborg thanked the people involved with Community Day. There was no one present from the Planning Commission. Manager Rambo gave the report of the Municipal Authority. There were no further comments, Chairman Lindborg moved to address Old Business being that Mr. Snook has not yet arrived at the meeting.

Old Business

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

The Township's Building Inspector/Codes Officer has finalized his review of the recently adopted building code bill and is in the process of preparing an Ordinance amendment for the BoS to consider. There were no comments.

The Manager has finalized Ordinance No. 05-10, Construction in Public Rights-of-Way Ordinance for review and input by the BoS prior to its advertisement and adoption consideration. Manager Rambo asked Chairman Lindborg if he has looked at this Ordinance so that it could be advertised. Chairman Lindborg noted he has not.

The Manager is finalizing the Access Management Ordinance for review and consideration by the Board, which will be available in two to three weeks for the Board's review. There were no comments.

Airwork's is in the final stages to adjust the air circulation and exchange within the shooting range. Manager Rambo noted that Airwork's has finished the hole in the wall. Chief Werner noted he spoke with Ken Creech regarding their expected date of completion.

Old Business from the Floor

Gloria DePedro, 580 Reeceville Road questioned sewer connections and tap in fees. Ms. DePedro also commented how nice the park benches look that were engraved and built by Dale Barnett.

Old Business from the Board

Vice-Chairman Obernier stated he would like to include the reports to the end of the Meeting Minutes. This will be discussed further when all Board members are in attendance.

New Business

Approval of the public improvements escrow release for the Coatesville Catholic (Pope John Paul II) Elementary School. This information was not received and will be put on the next BoS meeting agenda.

Approval of the public improvements escrow release for the Valley View Subdivision. Vice-Chairman Obernier motioned to approve Valley View Subdivision escrow release, seconded by Chairman Lindborg. Board Members Obernier and Lindborg voted aye.

Approval of the escrow release for the Lyons & Hohl Project. The Township Engineer approved the escrow release. Vice-Chairman Obernier motioned to approve Lyons & Hohl escrow release, seconded by Chairman Lindborg. Board Members Obernier and Lindborg voted aye.

Public improvements escrow release approval for the Justin Lane Project submitted by Chris Catania. The Township Engineer approved the escrow release. Vice-Chairman Obernier questioned when the “no parking” signs would be put up. Manager Rambo answered that would be after the road is dedicated. Vice-Chairman Obernier motioned to approve the Justin Lane escrow release. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Construction of the Township’s salt barn has begun, footers have been are poured. Tom Eells noted the salt barn progress.

Signing of Costa Homes Letter of Credit documents. Being that the Township has not received the documents, this item will be addressed at the next BoS meeting.

The Township Manager is preparing the 2006 Township budgets for presentation to the BoS. Chairman Lindborg asked if Manager Rambo received any comments back regarding the Fire Department issue. Manager Rambo received six comments; there were no negative comments.

New Business from the Floor

Jeff Chalfant of Westview Drive voiced his concern regarding a noise problem with a neighbor that has a swimming pool, is playing loud music through an amplifier, and asked that the Board consider adopting a Noise Ordinance. Vice-Chairman Obernier asked if Mr. Chalfant called the police when they were having a problem. Mr. Chalfant answered yes. Chief Werner explained the problem with being charged with disorderly conduct is that it is for a public place; this particular situation is a private residence and that charge will be thrown out in front of a judge. Mr. Chalfant distributed “Noise Ordinance’s” he gathered from several different townships to the Supervisors. After further discussion Chairman Lindborg stated that the Board would look at the information.

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

There are no Open Issues before the Township.

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

Interest rate for the week is 2.95 %. There were no comments.

Review and Payment of the bills

The bills presented for payment totaled \$140.71 in the State Fund and \$118,206.69 in the General Fund. Vice-Chairman Obernier stated he reviewed all the invoices, found them in order, and motioned to pay the bills. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Upcoming Meetings/Events

- Planning Commission meeting, Thursday, October 27, 2005 at 7:30 p.m.
- Trick or Treat is scheduled for Monday, October 31, 2005 between 6:00 p.m. and 8:00 p.m.
- Board of Supervisors meeting, Thursday, November 3, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, November 8, 2005 at 7:30 p.m.
- WBT Municipal Authority, Wednesday, November 9, 2005 at 7:30 p.m.
- Historic Commission, Monday, November 14, 2005 at 7:30 p.m.

Adjournment from Township Meeting (time: 8:37 p.m.)

Opening of Public Hearing (time: 8:38 p.m.)

Ordinance No. 05-08; Township's Comprehensive Plan. Manager Rambo noted that Ordinance No. 05-08 was duly advertised, sent to the Chester County Law Library, sent to the Daily Local News in full text, and has been available for review/purchase at the Township building. This is the official hearing. John Snook of the Brandywine Conservancy is in attendance to present it to the public for their comments. If there were any comments, they would be sent to all abutting municipalities as well as the County and school district. The Township is in receipt of reviews from the county and the City of Coatesville; no other reviews were received. John Snook previously gave a presentation as required by law. The Board has received comments from Supervisor McCaffrey who was unable to attend this evening.

John Snook stated at the last meeting he gave an overview of the entire Comprehensive Plan. Mr. Snook noted comments were received. The Plan was almost two years in the making. It is an aggressive plan, not a zoning map. It is projecting a spirit of future development. Mr. Snook feels that the comments received from the City of Coatesville's Manager, are a slight misunderstanding of what the Comprehensive Plan is. He would be happy to help the Manager prepare a letter of response as a courtesy to the City of Coatesville's Manager, Jean Krack. The final point Mr. Krack mentioned was interlinking potential future trail access between the City and the Township. Manager Rambo stated Mr. Krack did note utilizing an existing railroad bridge that is not in West Brandywine Township, it is in West Caln Township. Mr. Snook noted the point is that our conceptual trail plan, that the Comprehensive Plan, recommends for the Township to pursue more detailed trail planning. Manager Rambo noted there is an easement for a trail from the City's proposed golf facility through Conti's property going to Route 340.

Vice-Chairman Obernier noted his interpretation was that the City is looking to use the railroad bed, and recalls when this happened years ago, that every homeowner that was backed up to the creek all stated that in their property deed, the property reverted back to the homeowner when the railroad is no longer in operation. Even though the City of Coatesville says they want to do it, it seems that perhaps it is not a thoroughly thought out plan. They don't have the rights to the property. Understanding that the City carried out the "eminent domain" on the Saha property, could the City use this thought of eminent domain along the railroad bed? Mr. Snook acknowledged that was a good question. Mr. Snook stated the main point is that the Comp Plan specifies that the location

should be carefully thought out and should respect private property rights. The Comp Plan only shows a conceptual location and that the plan clearly states that location is not exact, it can wiggle however it needs to wiggle to avoid private property.

Vice-Chairman Obernier noted Mr. Krack's comment that his concern is that these proposed zoning changes could result in making this property landlocked for future uses. The plan that Vice-Chairman Obernier saw that the City came in with showed an access from Pratts Dam Road and asked if that road would serve the same area that they are talking about? Mr. Snook answered yes, that Mr. Krack is looking at it like there was rezoning happening, and it is a misunderstanding on Mr. Krack's part.

Mr. Snook then noted comments from the Chester County Planning Commission. The County repeated a lot of things out of their landscapes plan, noting that the recommendation set forth in the Township's Comprehensive Plan update appear to be consistent with Linking Landscapes. The County has two comments worth noting. They told us in their preliminary review in the transportation section of the plan, which is derived from the Act 209 Plan, there is a proposal for improvements at the intersection of Route 82 and Route 322, the County noted that there are historic resources at that intersection and they believe that the plan needs to address how those improvements will impact upon the historic structures. The Task Force added the verbiage to the Comp Plan to specifically say that upon the design of those improvements, the impact of the historic resources should be considered. They couldn't go further than that because the improvements have not been designed. They noted in the Comp Plan that improvements are recommended and they have recommended that as a follow-up activity to this plan, at the time that careful sighting be done for the impact on historic resources and design be mitigated. Frankly, at the time of real design there is an issue of public safety versus historic value. Mr. Snook noted he is the first person to clamor for historic resources, at the same time you have to do what is necessary to make it safe. He feels they did acknowledge very distinctly that at the time and preparation of design, the historic impact needs further study. The Comp Plan is a general plan it is not a detailed plan for "X" intersections.

The other comment that the County had referred to is a request that they add a summary table to Chapter 16, the implementation chapter, which describes the timeframe for completion of recommended action items. The County is suggesting that we take this out and summarize it into a table, which would show recommendations, timeframes, and who is responsible. Mr. Snook stated they could do that if that is what the Board would like, it is not required by law and is not necessary. The County also suggested that the Township separately publicly publish this chapter as a handout so that the residents can become more familiar with the Comprehensive Plan. Manager Rambo suggested they put the entire text on the website. Both Chairman Lindborg and Vice-Chairman Obernier agreed. Vice-Chairman Obernier stated if Chairman Lindborg is okay with it, he was okay to follow the County's recommendation number 9, "for the Township to create a summary table of the recommended action items..." Mr. Snook stated that is not a legally required part, but that doesn't mean the BoS can't direct him to incorporate that into the actual document when they publish the final document. Manager Rambo noted the BoS could do this under Old Business (remaining comments) later in the meeting.

Chairman Lindborg stated that Supervisor McCaffrey had forwarded an email to the BoS as well as Manager Rambo in reference to the Comp Plan. His first sentence noted that he generally found the 2005 Comp Plan a valuable accomplishment in addition to the delineation of Township planning. Tom's next point was one that is collectively felt and is important to note, that this document is not static, but is a fluid document where they can address changes on a regular basis or as they feel necessary. Vice-Chairman Obernier read from Tom's email, "I would ask that as part of the

acceptance of this new document, a regular series of dates be set or at least accepted in principle for the review and adjustment of this plan. There should be a very clear understanding that this Comprehensive Plan is not static but a living plan requiring regular attention, review, and adjustment, hopefully, on a yearly basis or a shorter time frame. Chairman Lindborg stated that collectively the Board feels that way and if they vote to approve this, it will be part of what they are going to address every year. Chairman Lindborg then summarized other points made by Supervisor McCaffrey. If they are going to take a look at this down the road, there are a couple items that Supervisor McCaffrey would like to address; among those is the use of public water versus on-site ground water and how wastewater is discharged into waterways within the Township. There is part of the Township's Ordinance that they call "Country Properties," which was an effort to encourage larger parcels of ground by giving some special consideration for the uses on those parcels and the type of houses that may be associated with those parcels. He referenced the trails and maybe some compensation to some larger property owners that they will be allowed to have trails through their property and also addressed the equestrian interests that there are within the Township and how the Board might address access via trails and so forth, especially in conjunction with Hibernia Park. Those are a couple petitions that Tom wanted to be included. Mr. Snook stated that they are all logical. There were no further comments.

Adjournment of the Public Hearing

Chairman Lindborg motioned to adjourn the Public Hearing at 8:57 p.m.

Re-Opening of Township Meeting (time: 8:57 p.m.)

Chairman Lindborg moved to address the last item under Old Business, final discussions on proposed Ordinance No. 05-08, Township's Comprehensive Plan. There were no comments.

Ordinances and Resolutions

Ordinance No. 05-08; Township's Comprehensive Plan. Manager Rambo recommended that the Board adopt Ordinance No. 05-08. Vice-Chairman Obernier motioned to adopt Ordinance No. 05-08. Chairman Lindborg seconded the motion and noted the Board is in receipt of an email from Supervisor McCaffrey stating that he is also in favor of this adoption. Board Members Obernier and Lindborg voted aye. Chairman Lindborg noted that this was a tremendous amount of work and effort from many people, John Snook and the Brandywine Conservancy, too many people to name for fear of leaving someone out.

The Comprehensive Plan will be available in for review at the Township building, for purchase, as well as on the website. John Snook suggested they do a summary for the newsletter.

Adjournment

With no other business to discuss, Vice-Chairman Obernier motioned to adjourn the meeting at 9:03 p.m. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye in favor to adjourn.

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