

**Meeting Minutes of April 7, 2011**  
**Board of Supervisors**

Chairman Lindborg called the West Brandywine Township (WBT) Board of Supervisors meeting of April 7, 2011 to order at 7:30 pm. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Carl S. Lindborg and Josef G. Obernier, Sr. in attendance. Township Manager Ronald A. Rambo, Jr. was also in attendance. Supervisor Thomas J. McCaffrey arrived at 7:34 pm.

**Acceptance of Minutes from Previous Meetings**

*March 3, 2011 and March 17, 2011.* The minutes were addressed after Supervisor McCaffrey arrived. Chairman Lindborg motioned to approve the meeting minutes, seconded by Vice-Chairman Obernier. Board members Lindborg, Obernier, and McCaffrey voted aye.

**Treasurer's Report (n/a)**

The Treasurer's report is not applicable at this meeting.

**Public Comments** (individuals requesting to be on agenda)

*Ed Pristernik of 80 Fox Lane is in attendance and has questions with regard to the budget.* Ed Pristernick noted in 2009 the expenses were 18% over the adopted budget and in 2010 it was 20% over the adopted budget and asked the Board's plan for the future to keep things in check since there are no more reserves. Manager Rambo addressed Dr. Pristernik's comments noting that things are being watched very closely, the Board receives a review of the income on a monthly basis. The Township recently switched to five standalone budgets to alleviate the falsely inflated appearance of the general fund.

Vice-Chairman Obernier explained that the BoS starts off the year with a budget but unforeseen things happen and the BoS recognizes that some years they come in under budget and some years they come in over budget. Vice-Chairman Obernier and Manager Rambo noted several examples. Supervisor McCaffrey stated everyone wants to have a service that is important to them, but when income goes down for everyone in the community the income also goes down for the Township at large. Rather than having a tax increase like the county, state, and federal government did the Township tried to hold everything down so they don't tax people more when they have less money.

Several other items were discussed; health benefits, taxes, and the building of the Township facility. Chairman Lindborg commented that for a little bit of money paid by residents, residents get a bargain with the first class services that are provided by the Township; 24/7 police protection, winter road services are second to none. People always comment that the roads are taken care of in West Brandywine. Chairman Lindborg stated we have tough times whether you look at West Brandywine, Chester County, Pennsylvania, and the Federal government - for what residents pay, the services are well done. Dr. Pristernik stated that he hopes West Brandywine is planning for the future. Supervisor McCaffrey stated the future exists for Chairman Lindborg; he has done a good job. We are in the future for what he planned for without a tax increase; a new Township building, tremendous amounts of park land, huge amounts of open space being preserved with an economy that is cracked. That is what you need to take into account!

**Correspondence/Communications Information to act upon**

*The Board of Supervisors to consider the Authorization of the removal of tax liens on various mobile homes within the mobile homes parks in the Township as submitted by the County Tax Claim Bureau.* Manager Rambo recommended the BoS approve all removals except parcel 29-04000350, 28 Lenepe Way, where people are still

living. Supervisor McCaffrey motioned to accept the removal of the tax liens on the various mobile homes, since it has been reviewed as requested at a prior BoS meeting, with the exception of the one parcel as above noted. Chairman Lindborg seconded the motion. Board members McCaffrey and Lindborg voted aye. Vice-Chairman Obernier recused himself because he is married to the tax collector.

*The CASD is requesting a waiver from establishing an escrow for the construction of the athletic fields proposed for the new North Brandywine Middle School. This item was tabled.*

*The Township is in receipt of a letter of extension until May 19, 2011 for the Pulte Dell Webb, Phase II to IV, Preliminary Subdivision and Land Development Plans from Alyson M. Zarro, Esquire. Manager Rambo noted they are currently addressing the Engineer's outstanding comments and recommended the BoS accept the letter of extension. A letter was received from MacCombie stating the extension is warranted. Vice-Chairman Obernier motioned to accept the letter of extension based on Manager Rambo's recommendation, seconded by Supervisor McCaffrey. Board members Obernier, McCaffrey, and Lindborg voted aye.*

*The Township is in receipt of a letter of extension until July 27, 2011 for the CASD Final Subdivision and Land Development Plan for North from K & W Engineers. Manager Rambo recommended the BoS accept the letter of extension noting they are currently addressing outstanding comments of the lighting consultant as well as the landscape review. Vice-Chairman Obernier motioned to accept the letter of extension based on the Manager's recommendation, seconded by Supervisor McCaffrey. Board members Obernier, McCaffrey, and Lindborg voted aye.*

*The Township is in receipt of a letter from John M. Lang with regard to the Route 82/E. Reeceville Road/Cedar Knoll Road intersection. Manager Rambo explained Mr. Lang noted a recent accident and feels the intersection should be improved with a four way stop. Vice-Chairman Obernier motioned for the Manager to request PennDot look at this and make adjustments by regrading the banks and maybe have the Township assist them. Supervisor McCaffrey seconded the motion. Board members Obernier, McCaffrey, and Lindborg voted aye.*

*The Township is in receipt of a letter of extension in which to schedule the initial Conditional Use Hearing for the AQUA PA, Inc. water tank application. Supervisor McCaffrey motioned to accept the letter of extension, seconded by Vice-Chairman Obernier. Board members McCaffrey, Obernier, and Lindborg voted aye.*

#### **Correspondence/Communications Information to note**

*The Township is in receipt of correspondence from the Bureau of Municipal Services with regard to the 2011 Liquid Fuels and Turnback Funds. Manager Rambo noted the amounts are down 5% from last year.*

*The Brandywine YMCA has forwarded the Township correspondence that they have met with Rumsey Lighting with regard to their parking lot lights and will update the Township upon receipt of their recommendations. There were no comments.*

*The French Creek Iron Tour (cycling for open space) has provided the Township with information on their event of June 12, 2011. Manager Rambo explained he will write a letter to PennDot letting them know that it is okay for them to come through the Township. Chief Werner will also be advised.*

*The Township is in receipt of correspondence from the Martins Corner Fire Company with regard to their 1<sup>st</sup> Annual Golf Tournament scheduled for Tuesday, July 19, 2011. This will be held at Applecross Country Club. Discussion ensued regarding Martins Corner Ambulance Service.*

*The Township is in the process of reviewing the 2011 Chester County Transportation Improvements Inventory (TII). There were no comments.*

#### **Reports of Departments, Organizations, Boards and Commissions (n/a)**

#### **Adjournment from Township Meeting and Opening of Public Hearing (n/a)**

## **Old Business**

*The Manager is in the process of preparing the Airport Hazard Zoning Overlay District for incorporation into the Township's zoning ordinance as required by PA Act 1984-164. Manager Rambo expressed this is not a priority because it is a small area near the intersection of Route 82 and Route 340.*

*The Township has completed the initial reimbursement request to the County for the Henderson Conservation Easement in the amount of \$301,061.25 for review and approval. Manager Rambo noted the Township has a reimbursable grant from the County for \$400,000 toward the purchase of the Henderson Conservation Easement. So far the Township has spent \$602,132.50. The \$301,061.25 will go back into the open space fund. It will take until 2011 to receive the total amount of reimbursable expenses.*

*The Township will be participating in the multi-municipal shredding event this Saturday, April 9, 2011 at the Kohl's shopping center in Thorndale between 9:00 a.m. and 1:00 p.m. Residents can bring up to four boxes.*

*The Manager is finalizing the Safety Committee Policy, Medical Information Policy and PSATS CDL Program and Guidance Policy for the Boards review and consideration. Manager Rambo noted additional policies also being updated. Manager Rambo recommended the BoS adopt the revisited policies as recommended by council upon review of the Township's personnel manual to come into conformance with state and federal requirements. Vice-Chairman Obernier made the motion as stated above, second by Supervisor McCaffrey. Board members Obernier, McCaffrey, and Lindborg voted aye.*

*The Township's Park and Recreation Board is seeking basket donations for the annual Easter Egg Hunt scheduled for Saturday, April 16, 2011 at 10:00 a.m. There were no comments.*

## **Old Business from the Floor and the Board**

There was no Old Business from the Floor or the Board.

## **New Business**

*Recommendations of the Township Planning Commission. Planning Commission Secretary Rambo noted the following recommendations. 1) Recommended rejection for Cycle Max self storage unit plans based on the Engineer's latest review letter dated January 5, 2010. Rambo then read the Engineer's letter out loud noting the Section numbers of the Ordinance. Time clock expires April 10, 2011; the Township has not received a letter of extension. The Manager and Engineer met with the owner of Cycle Max and outstanding issues have not been addressed. Supervisor McCaffrey motioned to reject the plan based on the Planning Commission's recommendation as itemized by the Manager. Vice-Chairman Obernier seconded the motion. Board members McCaffrey, Obernier, and Lindborg voted aye. 2) The PC recommended acceptance of the Pulte extension. 3) The PC recommended the BoS schedule a Conditional Use Hearing for Aqua PA Conditional Use Application for the placement of two water tanks on Horseshoe Pike.*

*The Board to discuss the establishment of the following Funds for specific purposes to assist residents in better understanding and following the Township revenues and transfers: Fund 30- Capital Reserve Fund (specific replacement of equipment), Fund 40- Revolving Fund (holding of funds throughout the year that are designated for use), Fund 95- Operating Reserve Fund (funds set aside to assist in future shortfalls). Supervisor McCaffrey questioned what the difference was between the Capital Reserve Fund they had in the past and the new Funds. Manager Rambo briefly explained the Capital Reserve Fund throughout the past years was also used as a flow through account. Some of these items would be better situated in a revolving fund where the monies can be taken out and utilized if deemed necessary. Supervisor McCaffrey wanted to clarify that basically there will be some money set aside for possible expenses associated with the Police Department, i.e. various labor acts, etc. The Township had a Capital Reserve Fund for equipment; dump trucks, etc. What they have been unable to do is have a reserve for shortfalls from various state acts and requirements that involve labor, the treatment of people that are on disability, etc. Manager Rambo advised that is what these new funds would establish. There was no further discussion. Supervisor McCaffrey motioned to approve the establishment of the abovementioned funds. Vice-Chairman Obernier seconded the motion. Board members McCaffrey, Obernier, and Lindborg voted aye.*

*The Board to award the street sweeping contract so that work can be scheduled.* Manager Rambo noted the Public Works Director put out a request for proposal for street sweeping for 2011. Three proposals were received; TCM Sweeping for \$3,300, Riley Sweeping for \$4,800, and R&S Sweeping for \$4,500. Manager Rambo recommended the BoS award the contract to TCM for \$3,300. The state currently uses them and finds their work satisfactory. Vice-Chairman Obernier motioned to award the sweeping contract to TCM Sweeping, seconded by Supervisor McCaffrey. Board members Obernier, McCaffrey, and Lindborg voted aye.

*Approval of the release of all remaining escrow funds for the All Souls Cemetery Project.* Manager Rambo noted the Township has held 15% for eighteen months, everything has been reviewed and approved by the Township Engineer. The Manager and Engineer recommended release of all remaining funds. Vice-Chairman Obernier motioned for the Township to release all remaining funds in escrow for the Alls Souls Cemetery project. Supervisor McCaffrey seconded the motion. Board members Obernier, McCaffrey, and Lindborg voted aye.

*Establishment of Conditional Use Hearing dates for the AQUA PA, Inc. Tank Project and the Southdown Homes, L.P. Lot 60 of Hide-Away Farms Project (May 9 or May 11).* The Manager will advertise the Hearings to begin at 7 pm on Wednesday, May 11<sup>th</sup>, the second CUH to follow.

*The Manager is gathering information on the cost to repair or reconstruct the Icedale bridges.* Manager Rambo stated the Township recently received a report from the State that notes that the 77 foot span bridge over Icedale Road is in need of repair. The cost to repair the bridges will be between \$200,000 and \$300,000. Chairman Lindborg asked if there is any funding is available. Manager Rambo is looking into it. Further discussion ensued.

*Discuss the farming of Township owned open space.* Steve Trego and Ed Baldwin were in attendance. Manager Rambo noted the Township owns 16.9 acres available for farming. The Manager is in receipt of a draft lease agreement. First, the Manager will have to evaluate the change from non-taxable to taxable. Currently the Township is given a donation; this can no longer be done with multiple people that want to farm. Supervisor McCaffrey asked if the Township owned property can be registered under Act 319 and suggested the Manager contact the soil conservation district so that the soil will be tested to maintain its viability. Each parcel should be bid separately; priority should be put on local farmers. Manager Rambo answered yes, but the Township would still be responsible for payment of taxes. There are five farmers that want to farm Township property. Steve Trego suggested that local farmers also receive priority when awarded the bid. Chairman Lindborg agreed. Further discussion ensued.

*Discussion on the need to update the Comcast franchise agreement.* The Township's franchise agreement dates back to 1962. Manager Rambo stated that various municipalities' agreements are also coming due and suggested they participate in a multi municipal agreement where everyone reaps the same benefit. Supervisor McCaffrey made a motion for the Manager to look into a multi municipal franchise agreement with shared costs, seconded by Vice-Chairman Obernier. Board members McCaffrey, Obernier, and Lindborg voted aye.

### **New Business from the Floor**

Ed Pristernik suggested the Township do a point system for farming Township property, requested an update regarding the bridge reflector on Route 82, and also asked about grant money.

### **New Business from the Board**

Vice-Chairman Obernier stated a resident asked if a reflector could be placed by the entryways to the Township to make it easier to see where to turn. Obernier also asked if the Public Works department could do a quick survey to locate potholes so they can be filled in.

### **Public Comments & Developer Presentations**

There were no Public Comments or Developer Presentations.

### **Open Issues before the Township**

*The Township Engineer and Manager continue their work on updating the Township's Act 537 Plan.* There were no comments.

*The Township is looking for two volunteers to fill vacancies on the Parks and Recreation Board. There were no comments. There were no comments.*

### **General Obligation Note**

*Emmaus Bond Pool Adjustable Rate Bond for the Twp. and Public Works Facility/Park Construction: interest rate for the week is 2.23% There were no comments.*

### **Review and Payment of the Bills**

Manager Rambo noted he would like to have the OAC bill approved separately. The General Fund bills total \$107,187.58, Fire Services Fund total \$3,750.50, Open Space Fund bills total \$950.00, Solid Waste bills total \$41,692.19, Liquid Fuel Fund bills total \$82,686.18 that includes an AHC transfer from the Liquid Fuels fund to make the second payment on the truck that was purchased last year. Members of the BoS reviewed the bills and found them in order. Supervisor McCaffrey motioned to pay the bills with the exception of the OAC bill, seconded by Vice-Chairman Obernier. Board members McCaffrey, Obernier, and Lindborg voted aye. Supervisor McCaffrey stated he reviewed the OAC bill, found it in order, and motioned payment. Chairman Lindborg seconded the motion. Board members McCaffrey and Lindborg voted aye. Vice-Chairman Obernier abstained because of his involvement with OAC Network Solutions.

### **Upcoming Meetings/Events**

- Historic Commission meeting, Monday, April 11, 2011 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, April 12, 2011 at 7:00 p.m.
- Municipal Authority meeting, Thursday, April 14, 2011 at 7:30 p.m.
- Parks and Recreation Easter Egg Hunt, Saturday, April 16, 2011 at 10:00 a.m.
- Board of Supervisors meeting, Thursday, April 21, 2011 at 7:30 p.m.
- Open Space Review Board meeting, Thursday, April 28, 2011 at 7:00 p.m.
- Planning Commission meeting, Thursday, April 28, 2011 at 7:30 p.m.

Manager Rambo and Dale Barnett met with Steve DiMarco, the owner of the Golf Zone, who expressed his interest in working with the Township this June or July to hold a community event for the purpose of raising money for autism and the Township.

### **Adjournment**

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 8:45 p.m., seconded by Chairman Lindborg, with all board members voting in favor of adjournment. Board members Obernier, Lindborg and McCaffrey voted aye.

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