

## **Meeting Minutes of April 3, 2008 Board of Supervisors**

Vice-Chairman Obernier called the Board of Supervisors meeting of April 3, 2008 to order at 7:34 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Vice-Chairman Josef G. Obernier, Sr. and Supervisor Thomas J. McCaffrey in attendance. Chairman Carl S. Lindborg arrived at 8:03 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Walter Werner [Chief of Police], and Thomas Eells [Director of Public Works].

### **Acceptance of Minutes from Previous Meetings**

March 6, 2008 and March 20, 2008. The minutes will be addressed when Chairman Lindborg arrives. At 8:09 p.m. the BoS moved to address the minutes. Chairman Lindborg noted he was not in attendance for either meeting. Supervisor McCaffrey motioned to accept the minutes. Vice-Chairman Obernier noted he read the minutes, submitted his changes and seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

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

There were no Public Comments.

### **Correspondence/Communications** *Information to act upon*

*The Township is in receipt of a letter of extension from Beaver Creek Realty Associates, LP until August 8, 2008 for the rendering of a decision on their Beaver Creek Apartment Preliminary Subdivision Plan.* Manager Rambo noted that the Township is in receipt of a letter from the Engineer noting that they have no objection to the applicant's extension request. The previous MacCombie letter suggested a longer extension; the BoS was against the longer extension. Supervisor McCaffrey voiced displeasure regarding the Beaver Creek Apartment Plan noting that he hates this development and doesn't know why the Board facilitates it. The apartments are going to be an eyesore when you enter our community. Supervisor McCaffrey motioned to table the Beaver Creek extension request until Chairman Lindborg is in attendance. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye to table the request.

After Chairman Lindborg's arrival (8:15), Supervisor McCaffrey wanted to touch base on another item regarding the request for a letter from the engineer regarding extensions. The Engineer's letters are from the same day and say the exact same thing. Supervisor McCaffrey would like a more detailed letter to state why they need the extension and how much time would be legitimate. Chairman Lindborg concurred with Supervisor McCaffrey noting that they would like more detail. Vice-Chairman Obernier suggested that our engineer also estimate how long it will take the developer. Manager Rambo noted

that two meetings ago when the extension was accepted, our engineer recommended a longer period of time and the BoS didn't grant it because the applicant requested less time.

Supervisor McCaffrey noted he specifically objects to the Beaver Creek plan, he would like the applicant to delineate the number of requests or extensions they have had. Vice-Chairman Obernier agreed with Supervisor McCaffrey and suggested that they number them e.g. request No.1, request No. 2., etc. Manager Rambo explained the reasons they requested extensions in the past. After further discussion, Supervisor McCaffrey motioned to grant an extension until July 8, 2008. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye. Chairman Lindborg then moved to New Business – approval of release requests.

*The Township is in receipt of a letter of extension from GenTerra until Friday, July 18, 2008 for the rendering of a decision on their Brandywine Meadows Preliminary Subdivision Plan.* Manager Rambo noted they are addressing the engineer's comments. The Township is in receipt of a letter from MacCombie stating that the extension of time is warranted. Supervisor McCaffrey reiterated he would like a more comprehensive letter from the engineer noting exactly what needs to be done along with the time frame to doing it. If an applicant cannot meet the requirements of the ordinance within the time frame, then they should come in under the new regulations and start over again. Supervisor McCaffrey motioned to grant the extension for Brandywine Meadows Preliminary Subdivision Plan. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

*The Township is in receipt of an invitation from the Wagontown Fire Company to attend their annual banquet on Friday, April 18, 2008 at 6:00 p.m. at their firehouse.* Vice-Chairman Obernier already responded. Manager Rambo requested that Chairman Lindborg and Supervisor McCaffrey let him know if they will be attending.

*The Township to consider accepting the quote of Reilly Sweeping for the spring sweeping of subdivision streets.* Manager Rambo noted the quote is \$4,200, the same as last year and recommended its acceptance by the BoS. Supervisor McCaffrey motioned to accept the Reilly Sweeping bid of \$4,200. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

#### **Correspondence/Communications** Information to Note

*PennDot has forwarded the Township notification that this year's payment of Liquid Fuel Funds and Turnback Funds will take place early April.* Manager Rambo noted that the Liquid Fuel Funds had been deposited into the Township's Liquid Fuel Fund via wire transfer.

*The Township is in receipt of correspondence of information with regard to the new Right to Know Law (Act 3 of 2008) of which goes into affect on January 1, 2009.* Manager Rambo noted that he will be attending a training seminar on April 29<sup>th</sup>. The BoS will need to appoint a person to be considered The Open Records Officer.

*The Township is in receipt of information from PRINT with regard to updating the Township's 2004 Municipal Directory and Map.* Vice-Chairman Obernier and Supervisor McCaffrey were okay to update the Township's map with PRINT.

*The Board is in receipt of a memo from the Police Chief with regard to Police Policy 02-05-02, Electronic Restraint Device and its title being changed to Electronic Control Device.* There are no other changes throughout the document. Manager Rambo recommended the BoS approve the policy change. Supervisor McCaffrey motioned to make the change. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

**Adjournment from Township Meeting: 7:46 p.m.**

**Opening of Public Hearing: 7:47 p.m.**

Hearing on Ordinance No. 2008-01, amendments to the Open Space Design Option. Vice-Chairman Obernier noted that they have been working on this ordinance for two years. Manager Rambo noted they have come to an agreement on verbiage and definitions. Ordinance No. 2008-01 has been duly advertised, received engineer's comments, Chester County Planning Commission comments and has been found satisfactory. There were no comments.

**Adjournment from Public Hearing: 7:49 p.m.**

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

**Re-Opening of Township Meeting: 7:49 p.m.**

**Old Business**

The Spring edition of the Township newsletter is currently at the printer and due back from the printer this week.

Discuss the participation in a Joint UCC Board with surrounding municipalities. Manager Rambo noted the information is included in the BoS meeting books. Supervisor McCaffrey noted he didn't want this to be an additional expense for WBT. Manager Rambo explained that there would be an initial fee of \$500 per member to establish an escrow fund. After that it would be \$100 annual fee. Area municipal managers have been meeting with Stacey Fuller from a West Chester law firm that specializes in Regional UCC Appeals Boards. Supervisor McCaffrey asked how many appeals board members that WBT has to provide. Manager Rambo noted that WBT would be able to provide the Joint UCC Board with five names that we can pick from. Each Township should provide two names. Supervisor McCaffrey motioned to participate in the Joint UCC Board. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Final discussions on proposed Ordinance NO. 2008-01. Supervisor McCaffrey noted this document is a living document and is not written stone. This change is a reaction of loopholes and omissions. Vice-Chairman Obernier concurred and noted that all three BoS members all agree.

Discuss and consider participation on a Fire Services Committee/Task Force with East Brandywine, Upper Uwchlan, Wallace and West Nantmeal Townships with regard to fire and rescue services. Manager Rambo noted he is still waiting to hear back from Mr. Weber from the Governor's Center for Local Government Services. Vice-Chairman Obernier suggested that they table discussion until they hear back from Mr. Weber and Chairman Lindborg is in attendance. Supervisor McCaffrey voiced concern that WBT has three fire companies that service the Township and would like to see all of them somehow included otherwise only a small segment of our Township would be participating.

**Old Business from the Floor**

There was no Old Business from the Floor.

**Old Business from the Board**

Supervisor McCaffrey asked if the letter to PSATS was sent out that he requested. Manager Rambo noted who the letters went to as well as the dates that they were sent out.

## **Ordinances and Resolutions**

Ordinance NO. 2008-01, adoption of the amendments to the Township's Open Space Design Option. Supervisor McCaffrey motioned to adopt Ordinance NO. 200-01. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

## **New Business**

*Recommendations of the Township Planning Commission.* Manager Rambo noted there are three recommendations. 1) That the letter of extension from Beaver Creek be accepted. (This was tabled until Chairman Lindborg arrives). 2) That the letter of extension from Brandywine Meadows be accepted. (The BoS earlier in the meeting accepted Brandywine Meadows). 3) That they establish a conditional use hearing date for the Castaldi Tract Conditional Use application. Manager Rambo will establish a conditional use hearing date for Castaldi.

*Signing of the 11-lot Gudal Subdivision Plans (Brandywine Valley) located on Union Road at the intersection of Union and Pratts Dam Roads.* The plans were approved conditioned upon establishment of escrows. Manager Rambo will be going to the settlement to get the original letter of credit and to give them the plans. Supervisor McCaffrey motioned to sign the plans that were previously approved pending escrow. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

*Discuss the establishment of a Township Burning Ordinance to meet DEP requirements for submission of future recycling grants.* Supervisor McCaffrey expressed concern that people may have piles and piles of debris. Manager Rambo noted that this would not affect a farmer from carrying out the normal customary activity of his farming operations as provided under the Pennsylvania Right to Farm Act. Manager Rambo noted that you can't burn construction material or anything designated as a recyclable, such as those items collected at curbside. Currently the Township does not permit the burning of leaves. Supervisor McCaffrey was concerned that if a storm comes through and there is an excess of branches, it would be asking too much of people to compost all of that. Manager Rambo noted that the way that it is written, this will be addressed properly; bonfires and campfires are still permitted. This will address what was lacking as one of the requirements that the Township has for future DEP grants. At this time it was noted that Chairman Lindborg arrived and will be taking over the meeting. The BoS then moved back to address the meeting minutes.

*Approval of release requests for the Public Works Facility.* Manager Rambo noted the three requests, 1) McCarty & Son, Inc. for \$3,591.96 (electrical work), 2) Five Star, Inc. for \$19,100.00 (mechanical work), 3) McComsey Builders, Inc. for \$9,507.56 (general construction). Manager Rambo noted that the payments were reviewed and found warranted. Supervisor McCaffrey motioned to approve the release requests. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Township is putting together a DEP Multi-Municipal Recycling Grant Application for the purchase of either a Tub-Grinder or Horizontal Grinder unit that would be utilized in conjunction with the recycling of yard waste, construction wood materials and other materials. The Horizontal Grinder is safer to operate. Vice-Chairman Obernier motioned to participate and pursue the grant. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

## **New Business from the Floor**

There was no New Business from the Floor.

## **New Business from the Board**

Supervisor McCaffrey asked if there was proper buffering around the St. Peter Church. Mr. Grossman was in attendance regarding the buffering around the church. Discussion ensued. Manager Rambo noted that the Township has inspection escrows for the church but the school is finished and has no more escrows. Mr. Grossman will contact Father Browers regarding buffering as well as the number of times that the school bell rings throughout the day and evening.

Vice-Chairman Obernier asked about a letter that was received from West Caln regarding sewer lines. Manager Rambo explained that West Caln sent their Act 537 to WBT to review. Manager Rambo sent a letter questioning West Caln asking why not have a gravity line into WTB instead of a force main. Discussion continued.

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

There were no Public Comments.

**Open Issues Before the Township**

The Manager and Township Engineer continue in their efforts of reviewing and updating the Township's Act 537 Plan. There were no comments.

The Township is in receipt of correspondence from E. B. Walsh & Associates and the Township Engineer with regard to the cul-de-sac waiver request for the Brandywine Manor Project (Gordon Eck Property). Manager Rambo noted this is on hold.

The Township continues to seek volunteers to serve on the Historic Commission and Parks and Recreation Board. There were no comments.

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

Interest rate for the week (2.56%). There were no comments.

**Review and Payment of the bills.**

Manager Rambo noted the Solid Waste Bills totaling \$12,153.00, State Funds totaling \$14,736.79, and General Fund bills totaling \$99,426.37. Supervisor McCaffrey motioned to pay the bills. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

**Upcoming Meetings/Events**

Vice-Chairman Obernier noted the upcoming meeting and events. There were no comments.

**Adjournment**

There being no further business before the Board, Supervisor McCaffrey motioned to adjourn the meeting at 8:42 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer