

**Meeting Minutes of June 19, 2008
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of June 19, 2008 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 Manager Rambo noted Chairman Carl S. Lindborg and Vice-Chairman Josef G. Obernier, Sr. in attendance. Supervisor Thomas J. McCaffrey arrived at 7:37 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Dale Barnett [Codes/Zoning Officer], Corporal Shappell [Police Department], and Thomas Eells [Director of Public Works].

Acceptance of Minutes from Previous Meetings

May 1, 2008 and June 5, 2008. The BoS tabled the minutes.

Treasurer's Report (*As of the end of May*)

Presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$1,195,431.55	Operating Reserve Fund	\$187.17
Construction Sweep Fund	\$12,419.06	Police Pension Fund	\$1,402,764.55
Developer Escrow Fund	\$551,120.15	Solid Waste & Recycling Fund	\$212,235.01
General Fund	\$157,235.04	State Liquid Fuel Fund	\$171,217.02
Non-Uniform Pension Fund	\$323,492.54		

Public Comments (individuals requesting to be on agenda)

Michael Cutting of 18 Gabe Circle of the Preserve at Hide-Away Farms Project is in attendance to talk to the Board of Supervisors with regard to noise coming from the neighbor's peacocks. Mr. Cutting noted several peacocks are living on the property behind his and stated the peacocks squeal for four months (spring to summer) during mating seasons. Chairman Lindborg asked the Manager if there were other complaints about the peacocks. Manager Rambo answered two, Cutting and one other individual. Vice-Chairman Obernier asked if the peacocks were roaming free or in a pen. Cutting noted that they are in a pen and thought that maybe some type of sound barrier could be placed in between. Dale Barnett noted the zoning ordinance permits up to six fowl and stated he spoke with the peacock owner who said that he enjoys them and feels he is permitted to have them. He has owned them for about six years and has and 1 ½ to 2 acres.

Cutting noted that peacocks make sounds up to 100 decibels and asked a question on how the barking dog ordinance could pertain. Manager Rambo explained that the dog ordinance only covers barking and

the noise ordinance deals more with the operation of machinery equipment and stereos. Birds and fowl were specifically left out of that because of their agricultural uses.

The Manager noted that Cutting has the right as an individual to approach the local district justice and file a complaint. Cutting noted he runs fans and humidifiers at nighttime just so he can sleep. Cutting has not approached the owner of the peacocks. Supervisor Obernier felt that Cutting should approach the neighbor first. Chairman Lindborg suggested that Cutting write a letter requesting that they sit down to discuss the situation. If given the opportunity to sit down and talk with reasonable people a lot of things can be worked out.

Elizabeth Zanowiak asked about a noise ordinance since we are no longer a bedroom community and are rapidly becoming a metropolitan area and suggested that an ordinance be written so people don't have to resort to going to court. Supervisor McCaffrey stated the noise ordinance has worked 99.9% of the time until tonight. There is no way to write a law perfect for each individual. If you have two people that can't come to an agreement, a judge can hear both sides of the argument and come to a decision. Chairman Lindborg noted the BoS has always been hesitant about passing a lot of ordinances because they are trying not to be overbearing, that would have an adverse affect on peoples' lifestyles just because we don't like it.

Correspondence/Communications *Information to act upon*

The Township has received correspondence from East Brunswick Township, Schuylkill County, seeking support of their Sewage Sludge Ordinance. Manager Rambo noted he prepared a resolution for the Board's consideration. Chairman Lindborg noted that East Brunswick wants to have a say on what is spread on their fields. Manager Rambo explained that the larger sludge hauling companies are challenging their recent ordinance because East Brunswick Township is not permitting the spreading of the sludge that was a by-product of human waste, it is not being challenged that it is "illegal." WBT has a similar ordinance that was enacted years ago. People have always brought that up when the farmers spread the chicken by-product, which is not human waste product but an agricultural product that is permitted. The Board noted it would consider the adoption of a Resolution of support later in the meeting.

Correspondence/Communications *Information to Note*

The Township is in receipt of a copy of correspondence written to the HOA from Richard and Emily Lescavage of the Valley View Development with regard to their HOA. Manager Rambo read the June 3rd letter out loud. It appears that occasionally people are not in compliance with several items listed in the HOA documents, e.g., bringing a company truck home from work with the company name on it, installation of above ground swimming pools that are more than 12" in depth, and having signs including but not limited to real estate for sale signs. Manager Rambo noted he drove through the development and didn't see any signs or above ground swimming pools. They are not asking for action by the Supervisors, the homeowner is just bringing it to the BoS attention.

Vice-Chairman Obernier noted that when the HOA wanted changes in the past, they asked the BoS to approve them, the BoS wrote back requesting to see more than 50% of the people having voted for that. Supervisor McCaffrey expressed that some HOA documents don't leave any latitude and are sometimes unreasonable. Chairman Lindborg noted that you buy into that. Supervisor McCaffrey feels that there should be some level of appeal for that document. Vice-Chairman Obernier noted that the developer gives the HOA documents to the Township, which are then reviewed by our solicitor, and then approved by the BoS. Supervisor McCaffrey commented that the solicitor is only reviewing them to see if they are legal, but is not commenting on whether they are good or bad ideas. McCaffrey noted that some HOA

documents are forty pages and with all the complexities of buying a home, the homeowner doesn't digest all of the pages of the HOA documents. Chairman Lindborg concurred. McCaffrey noted that the BoS does not have any standing to change the HOA documents; that is up to the HOA. In the future, the BoS could have some sort of template to be applied to homeowners documents to address some of these things. Manager Rambo will write a letter to the Lescavage's acknowledging receipt and request that they keep the Township informed of anything in the future they feel that the Township should be made aware of.

The Township is in receipt of a copy of correspondence from the US Postal Service to Congressman Gerlach with regard to WBT. Manager Rambo read the letter out loud. Vice-Chairman Obernier suggested that they use West Brandywine with the Brandamore zip code; it would still go to the Coatesville Post Office. Supervisor McCaffrey would like Manager Rambo to clarify that the BoS is looking for a sense of community; fire companies and post offices fragment West Brandywine Township. The Township is willing to provide the zip code and help facilitate it and is asking for a reevaluation like they did six years ago. Chairman Lindborg suggested that the Township write a letter to Jim Gerlach and the USPS representative pointing out that the Township wants to acquire the zip code of the place they are shutting down and use that for West Brandywine. Supervisor McCaffrey noted it is important to stress that they would be able to help provide the land and could build the building and lease it to them. Manager Rambo noted he met with Jason Carver from Jim Gerlach's office; they went over the plan of the property the Township is trying to acquire. That is how Jason ended up writing to Gerlach to have him touch base with Frank Neery at the USPS. Supervisor Obernier noted somebody didn't hear us; we are looking to consolidate all these different zip codes and maybe have one zip code that would actually deliver mail from the post office, currently the Brandamore Post Office does not. Manager Rambo will follow up with his emails to Carver to see if he can schedule a meeting with Neery for further discussion.

Elizabeth Zanowiak asked about the post office. Manager Rambo explained that the Township is trying to obtain land on Route 322 currently owned by AQUA Pennsylvania for a local post office. The Township would consider building a facility and entering into a lease with the USPS.

The Township is in receipt of correspondence from Greg Newell, P.E. advising that he has received written authorization to represent the Tabas Family Property at the Castaldi CUH. Manager Rambo noted this information will be accepted into the docket at the July 8th hearing.

Joanne Conti has forwarded the Township a letter requesting to be on the Board's July 3rd agenda to talk about their Siousca Property. Manager Rambo noted the Conti's have a party interested in preserving the inn at the intersection of Route 340 and Pratts Dam Road.

Reports of Departments *Month of May*

Police Report presented by Corporal Shappell. There were no comments.

Total Hours	1,593	Fatalities	0
Miles Patrolled	10,026	Domestic	14
Total Complaints	671	Criminal Arrests	11
Accidents	22	Non-Traffic Arrests	4
Warrants	3	Traffic Arrests	189

Public Works Department Report: presented by Tom Eells. Tom noted the work completed for the month. There were no comments.

Total man-hours	821	Total Equipment hours	131
Miles traversed	2,177	Total fuel	922.4

Buildings/Codes Department Report: presented by Manager Rambo.

Building Permits issued	87	CL Fees collected	\$1,575
Permit base fees collected	\$23,928	Valley Mechanical Ins	14
Occupancy fees collected	\$1,000	WBT Inspections completed	65
U&O permits issued	1	Failed Inspections (FI) paid	4
U&O permits issued cursory	13	FI Fees collected	\$50
Contractor Licenses (CL) issued	21	Total fees collected	\$26,553

Zanowiak questioned why our Codes/Zoning Officer does inspections in Valley Township. Manager Rambo explained that they don't have anyone certified in mechanical or HVAC at the current time. Through their intermunicipal agreement Barnett does their inspections and charges them for the service.

Fire Marshall Report for May was submitted by Paul Gainor and presented by Manager Rambo. There were no comments.

Permit inspections done	60	Special permits not given	3
Campfire/Recreational Permits	32	Other type inspections done	5
Recreational Specialty Bonfire Permits	1	Code violations/Complaints	3
Agricultural Permits	4	Hours on Ins/Complaints/Violations	42
Permits not given	20	Hours on patrol	4
Special permits given	0		

Wagontown Fire Company Report submitted by Jeff Benach, presented by Todd Ziegler, Assistant Chief. There were no comments.

Fire

Number of calls dispatched into WBT	33	Second dispatch into WBT	1
Initial dispatch into WBT	1	Number of calls scratched	-

Medical Assist

Number of calls dispatched into WBT	-	Second dispatch into WBT	-
Initial dispatch into WBT	-	Number of calls scratched	-

East Brandywine Fire Company Report submitted by Robert Zynn and presented by Scott Piersol. Piersol noted they had a very successful kids festival on June 7th.

Fire

Number of calls dispatched into WBT	13	Second dispatch into WBT	-
Initial dispatch into WBT	13	Number of calls scratched	-

Medical Assist

Number of calls dispatched into WBT	20	Second dispatch into WBT	-
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Initial dispatch into WBT	19	Number of calls scratched	1
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Martin's Corner Fire Company Report: submitted by Chief Dan Metzler and presented by Manager Rambo. There were no comments.

Number of calls dispatched into WBT	3	Second dispatch into WBT	-
Initial dispatch into WBT	-	Number of calls scratched	-

Reports of Organizations, Boards and Commissions

Historical Commission, Parks and Recreation Board, Planning Commission, and Open Space Review Board: There was no one in attendance. Zanowiak asked if the Open Space Review Board has met and if there are minutes from their meetings. Manager Rambo will find out.

Municipal Authority: Municipal Authority Manager Rambo gave the report of the Municipal Authority noting that Caln, Valley, Sadsbury, and WBTMA, all of which are bulk users, are moving with forward to file a formal complaint at the PUC regarding the proposed rate increase. Zanowiak asked the reason for filing the complaint and Manager Rambo gave a brief explanation.

Old Business

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 at the BoS meeting Colton Weber from DCED was in attendance to explain the process and provided a sample resolution. A resolution has been prepared for consideration this evening. Chairman Lindborg noted that the Fire Chief's that service WBT are unanimously in agreement to move forward with this. Supervisor McCaffrey noted that all points that were brought up and discussed at that meeting were incorporated into the resolution. Vice-Chairman Obernier expressed that it is a good idea. It is a balanced way to approach a discussion between all of the groups. Chairman Lindborg noted he sees nothing but positive with result from discussing issues. Manager Rambo asked Piersol if he was moving forward with the resolution at East Brandywine Township and Piersol answered yes.

The Township has had a meeting with the Henderson's and their legal counsel to perform a final review of the proposed Conservation Easement documents and the Township Solicitor, John E. Good, Esquire, is in the process of preparing an Agreement of Sale for the purchase of said Conservation Easements on their 104+ acre farm. Chairman Lindborg noted this will be preserved forever as a farm and won't ever be developed. Manager Rambo noted the Township is following the County's Conservation Easement. The County denied the Township, however, we received a letter of extension that would enable us to reapply to the County. Should we be successful the next time, we can just add the County's name to the easement. The purchase price of the easement is \$1,352,000. The Henderson's are going to allow the Township to make payments over a ten-year period. They want forty equal payments made quarterly of \$33,800. The Township won't be charged interest. The Henderson's are requesting that the first payment be made on July 3rd. On a yearly basis, they will be contributing back to the Township \$10,000 as a gift. The Township will have the first right of refusal should the family member no longer want to farm or oversee the property. Chairman Lindborg noted that the Henderson's have been working with the terms that Manager Rambo came up with; the Henderson's really want to preserve this property and didn't want to see it developed. They just needed some funds to pay the taxes; this is a way for the Henderson's to continue to enjoy their property. The Township residents can enjoy it as well.

Old Business from the Floor

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

Ordinances and Resolutions

Resolution #07-2008; support of East Brunswick Township, Schuylkill County, Sewage Sludge Ordinance. Supervisor McCaffrey motioned to support East Brunswick Township. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Resolution #08-2008; Township participation on a Fire Service Committee/Task Force. Supervisor McCaffrey motioned to approve Resolution #08-2008. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

New Business

The BoS to consider the appointment of Patrolman Phil Mollichella to the Western Chester County Emergency Response Team. Manager Rambo noted that WBT has always had someone on the team since its inception. The former officer on the CCERT has resigned from the force and is now the Chief of Honey Brook Borough. Chairman Lindborg asked how this is beneficial to the Township. Manager Rambo answered that should WBT need the response team assistance here, other team members would come in from outside the Township. Corporal Shappell concurred. Zanowiak asked what the Emergency Response Team does. Manager Rambo gave a brief explanation. Supervisor McCaffrey motioned to appoint Patrolman Phil Mollichella. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Township has submitted a Multi-Municipal Grant Application to DEP for a Horizontal Tub Grinder in the amount of \$190,900.00. Manager Rambo noted DEP said it was okay to add an increase based on when the grant would be awarded. The Township received a revised price on COSTARS anticipating what it will cost at that time. Caln, West Bradford, East Brandywine, and WBT are participating municipalities. The Tub Grinder will be able to shred trees, branches, stumps, etc., into mulch. The Township is asking for 90% of the purchase and the municipalities would split the remaining. The tipping fees at the landfill fund the DEP grants. Manager Rambo then noted all of the equipment that has been purchased through DEP grants.

Paul Kinsey asked why we need a grinder for construction debris. Manager Rambo explained it would also be used for tree limbs and tree stumps. Currently if you remove a tree from your yard, you cannot set it out for trash. However, with this unit you could bring it to the Township. Starting next year, as part of DEP's requirements, the Township will have a call in service. Resident's can set their tree limbs curbside for chipping and will be given a set number of minutes free, then after that there will be a charge for anything over that.

Release request #5 for \$5,601.46 to McCarty & Son, Inc., electrical contractor for the Public Works Facility. The Manager noted the Township Engineer and himself have reviewed the release and recommended approval. Supervisor McCaffrey motioned approval. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Manager is preparing the advertisement and notices for the July 14, 2008 Conditional Use Hearing for the Haines & Kibblehouse scheduled for 7:30 p.m. The advertisement has been sent to the Daily Local News.

New Business from the Floor

Jesse Edwards asked the number of years left on the trash/recycling contract. Manager Rambo answered one year. Municipalities currently going through the bidding process stated they are receiving increases from 25% to 40%. Chairman Lindborg hoped to get some competitive bids and continue the level of service that they have had for the residents.

Elizabeth Zanowiak questioned the BoS about the illegal aliens that work for our contracted hauler. Manager Rambo noted that the Township's solicitor said that is up the hauler to address. Discussion continued.

New Business from the Board

There was no New Business from the Board.

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

Paul Kinsey was in attendance to discuss the Burning Ordinance. Mr. Kinsey explained he has been burning with a burn permit for 22 years and never had a problem until now. Manager Rambo noted that you can still burn and explained to be eligible for state grants you have to have certain ordinances in effect. WBT has been a mandated municipality to recycle since 1992. The modification of the burning ordinance was the last ordinance that they had to modify to come into conformity with the state. Over the years, the Township received over \$1,000,000 in grants for recycling equipment. The ordinance is still written so that you can ask for a specialty bonfire or campfire. Supervisor McCaffrey noted that this ordinance was written for property owners in suburban areas, WBT has a large number of residents that don't fit that normal tract style development, feels that this burning ordinance is too stringent, and would like to have John Good look into it.

Zanowiak noted what she is hearing is a little overkill. WBT is buying all of the equipment for recycling, if the Township does not comply with the ordinance, then it won't be able to get grants. How much recycling equipment does the Township need? Zanowiak asked if all WBT residents have access to the mulch and voiced concern about the taxpayer cost and that only one resident is benefiting from the leaves. Vice-Chairman Obernier explained that most of the money that the Township is spending on this equipment is coming from grants, the BoS has not increased the Township tax to pay for all of these things but if they don't go for the grants and still need the equipment, the only alternative is to raise taxes. Chairman Lindborg explained that not just one person benefits, all the people that have their leaves collected benefit from this program. Manager Rambo explained that if the Township didn't take the leaves to the farmer, the leaves would go to the landfill and a tipping fee would be charged. Supervisor McCaffrey noted that the landfill no longer accepts the leaves for free. Manager Rambo explained that the Township couldn't accept the leaves to sit on the ground to decompose; it would have to go through a special permitting process to accept leaves to due the process. Caln Township had to go through a process with DEP, they had to pave a large parking area, the leaves cannot touch the ground, and they also need a leaf turner. Chairman Lindborg stated they would keep monitoring this; Manager Rambo will keep looking into effective programs to collect leaves. Supervisor McCaffrey stated the Board doesn't like what is happening but Manager Rambo is trying to avoid unfunded mandates, the state is great in discovering what everyone should be doing and they don't fund that activity. Manager Rambo is clued-in seeing where the government regulations are headed and getting grants so that the Board can deal with these things without charging the residents to do it.

Zanowiak questioned the BoS about their emails and why all the email goes to Manager Rambo. Vice-Chairman Obernier noted that Manager Rambo always passes the emails along. Zanowiak also asked questions regarding mulch and having an electrician on staff as a full time employee.

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). There were no comments.

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 (1.99%). There were no comments.

Review and Payment of the bills.

Manager Rambo noted the Solid Waste Bills totaling \$22,151.36, State Fund Bills totaling \$2,042.49 and General Fund bills totaling \$58,221.00. Supervisor McCaffrey motioned to pay the bills. Vice-Chairman Obernier noted he reviewed the bills, found them in order, and seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Upcoming Meetings/Events

Chairman Lindborg noted the upcoming meeting and events. There were no comments.

- Open Space Review Board, Thursday, June 26, 2008 at 7:00 p.m.
- Planning Commission, Thursday, June 26, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, July 3, 2008 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, July 8, 2008 at 7:00 p.m.
- Conditional Use Hearing, Castaldi Tract, Tuesday, July 8, 2008 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 10, 2008 at 7:30 p.m.
- Historic Commission meeting, Monday, July 14, 2008 at 7:30 p.m.
- Conditional Use Hearing, Haines & Kibblehouse, Monday, July 14, 2008 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:10 p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye in favor of adjournment.

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