

**Meeting Minutes of November 17, 2005**  
**Board of Supervisors**

Chairman Lindborg called the Board of Supervisors Meeting of November 17, 2005 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 Chairman Carl S. Lindborg, Vice-Chairman Josef G. Obernier, Sr. and Supervisor Thomas J. McCaffrey in attendance. 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.

**Recognition of Volunteers**

Bob Watts is in attendance to receive his plaque for participation on the Parks and Recreation Board. Chairman Lindborg presented Bob Watts with a commemorative plaque. The BoS thanked Bob for his past dedication to the Parks and Recreation Board.

**Acceptance of Minutes from Previous Meetings**

October 6, 2005, October 20, 2005 and November 3, 2005. Vice-Chairman Obernier noted he has read all the minutes, Supervisor McCaffrey stated he has not yet read them all, and Chairman Lindborg stated he read the minutes and didn't find anything controversial in them. Supervisor McCaffrey motioned to approve the October 6, 2005, October 20, 2005 and November 3, 2005 meeting minutes. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

**Treasurer's Report**

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

Capital Reserve Fund .....	\$805,907.09
Construction Sweep Fund .....	\$13,425.96
Developer Escrow Fund .....	\$752,994.34
General Fund .....	\$27,534.17
Non-Uniform Pension Fund .....	\$248,577.62
Operating Reserve Fund .....	\$2,980.43
Police Pension Fund .....	\$1,049,816.98
Solid Waste & Recycling Fund .....	\$72,361.73
State Liquid Fuel Fund .....	\$8,665.56

**Public Comments** *Individuals requesting to be on the agenda*

There were no Public Comments.

**Correspondence/Communications** *Information to Act Upon*

The Township is in receipt of a letter from Ross Unruh, Esquire, on behalf of Bentley Communities, requesting an extension of time in which to submit the Land Development Plans for the Beaver Creek Realty Project. Ross Unruh was in attendance expressing his concerns that they are still stalled with the sewer, not having made any progress, since the last time they were before the BoS they thought they would have gotten somewhere since then. Despite inquiries, prodding, and pressure nothing is happening. There have been some improvements to the line in Coatesville as a result of efforts. Mr. Unruh noted he saw on the agenda, the Act 537 Plan, to be presented after considerable prodding by DEP. PAWC has presented that, however, it looks as though it is going to be somewhere down the road. Even if they designed it today, it is going to be years before public sewer is going to be available with an expansion. They were hoping to receive some allocation for the Correction Management Plan (CMP). Basically Bentley is in attendance because they spent money on the plans for the Swinehart and Culbertson and the only consequence by not giving an extension, the developer is not going to give up the approval they have, they are going to have to find some way to get that built sooner than they would otherwise.

Manager Rambo stated that Bentley is requesting an extension of time in which to submit the plans to the Township, they have six months once the Opinion and Order is issued. The Opinion and Order has been issued, however, they have come back before the BoS on numerous occasions to get an extension of time in which to submit the plans to the Board. The property is located north on Route 322, somewhat south of the Forks of the Brandywine Church.

Supervisor McCaffrey didn't feel there was any benefit to letting them go on, if they wanted to cooperate with the Township as far as how their apartments would be put in and go with some of the recommendations of the Township's land planner on what was to be there, he might change his mind. For two out of the three projects there has been no agreement to go back and fix those plans.

Chairman Lindborg asked if this delay was caused at the Township's request. Manager Rambo stated that the Township requested that they look at going back to PAWC for sewer. In essence if you are going to look at it that way, yes. Manager Rambo explained that with PAWC now being a public utility they have to sign off on planning modules, they will not sign off on any planning modules, DEP will not allow them to sign off on planning modules. Manager Rambo noted the latest discussions with PAWC, as well as a letter the Township received, that PAWC is currently in negotiations with DEP with regard to planning modules in regard to their Act 537 and construction management plans; they have continued negotiations for the last two months. The ten municipalities that are affected by the service have received the Act 537 plans. They met officially once and had another meeting scheduled in which only one other municipally showed up. Another meeting scheduled for next week where the ten municipalities will be getting together to see where they are with regards to the review. Until all the municipalities get on line with reviewing the Act 537 and getting comments back to PAWC and getting those addressed, nobody can officially adopt the Act 537's that were sent to them. There is going to be a continued period of time until such time that they will have the ability to forward the sewer to PAWC.

Ross Unruh noted an additional level of frustration was that they couldn't get DEP to review the Act 537 special study they sent to them. Manager Rambo noted that DEP has 120 days in which to review it once it has been submitted, if they need additional time they need to contact the municipality to ask for additional time in which to render a decision, which they have not done so as

of this date. Bentley's current time schedule for Beaver Creek and the commercial is June of 2006; they are requesting an extension of time from the Township in which to submit plans to the Township until June of 2007. Ross Unruh stated it would take over six months to prepare the plans; they would have to hire someone now. Manager Rambo recommended that the BoS give an extension until December of 2006. Currently PAWC has contracted with Bull Dog Construction to do internal repairs, they have a design of phase II of the east end trunk line and they have a company on board to design the main interceptor and the plant. Between now and the next two or three months he is hoping that they see some activity because the Authority has put them on notice by bond counsel.

Supervisor McCaffrey expressed that for the apartments the whole reason for the voracity and intensity of that development at it's current level is because of a loophole in our ordinance and would like to see them come back to the Township with something that is more constructive for our community. Supervisor McCaffrey feels that they are asking for an accommodation that is going to be a detriment to the community.

Vice-Chairman Obernier expressed that he didn't like the apartments there, it seems that the delay is based on something that the Township asked them to do, to have the sewage go down to PAWC. Vice-Chairman Obernier is not comfortable giving them 1 ½ year extension. Chairman Lindborg stated that nobody on the Board likes the fact that they are apartments. Supervisor McCaffrey stated that it isn't the apartments that he dislikes; it is the intensity of them. Chairman Lindborg stated that the Township has changed the zoning there to allow what has been approved there and Bentley was asked to try and work it out to get the sewage down to PAWC. Supervisor McCaffrey stated he voted against that plan and spoke against it since the beginning. Vice-Chairman Obernier motioned to grant an extension for Beaver Creek Realty until December 6, 2006. Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye. Supervisor McCaffrey voted nay. Vice-Chairman Obernier commented that in light of Supervisor McCaffrey's point, he suggested that the Board go back and revise the zoning. Supervisor McCaffrey stated that has already been done.

The Township is in receipt of a letter from Genterra, granting an extension of time in which to render a decision on the Mae's 2-lot subdivision until December 2, 2005. Vice-Chairman Obernier motioned to grant the extension of time. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

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

The Township is in receipt of the PAWC Act 537 Plan, which is under review by the Township/Authority Engineer and Manager. Manager Rambo noted there is another meeting scheduled between the various municipalities on Tuesday, November 22, 2005 to see where everyone stands with regards to the reviews and to ensure that everyone has noted adequate needs on the CMP's, which are found within the ACT 537 plan.

The Township has received the completed 2005 Actuarial Valuation Reports for forwarding to the Public Employee Retirement Study Commission. Manager Rambo will sign and forward the reports on to the Commission.

John E. Good, Esquire has forwarded the tentative Agreement of Sale for the Chester County Fireman's Property for review. Manager Rambo noted the agreement has been sent to the Chester County Fireman's Association for their review and acceptance.

The TMACC has forwarded the Township information on the upcoming Innovative Funding for the Transportation Projects Conference scheduled for Thursday, December 1, 2005. Manager Rambo will be attending the conference.

John Conti has forwarded a letter to the BoS requesting that he be considered for another term on the Township's Planning Commission. Manager Rambo noted this will be on the agenda at the re-organizational meeting.

The Chester County Association of Township Officials has forwarded the Township a letter with regard to the Resolution forwarded to them for consideration at the recent fall convention. Manager Rambo noted that the Resolutions Committee of the County Association has requested that Chief Werner present West Brandywine Township's resolution, to the Police Chief's Association for their support and that they then forward it to the County Resolutions Committee for consideration. Supervisor McCaffrey noted that they suggested if the Township has a real problem with the SPCA, that they contact the consortium through our Manager and allow all of the municipalities that deal with the SPCA to ask for those written reports as part of their contract.

### **Reports of Departments** *Reports for October 2005*

Vice-Chairman Obernier presented the police report. Tom Eells from the Public Works Department presented their report and noted that the salt barn is almost complete. Dale Barnett presented the Buildings/Codes Department report. There were no comments. Manager Rambo gave the monthly report of the Fire Marshall as well as the reports from Martin's Corner Fire Company, Martin's Corner Ambulance, and Wagontown Fire Company. Todd Shaffer, President of East Brandywine Fire Company presented their monthly report. There were no comments. Mr. Shaffer recalled the ongoing negotiations for funding, it was requested by the board that a possible bylaw be changed to allow one supervisor to sit on their executive board, their board voted in November to approve that. A letter will be forwarded on to each of the municipalities that they serve, requesting that they decide which member of their board would sit on the fire companies executive board. Chairman Lindborg noted there is a check made out for East Brandywine Fire Company in the amount of \$35,421.21, which is based on insurance monies received from the state. It was suggested that East Brandywine Fire Company put a small article in the Township newsletter. Supervisor McCaffrey noted the tremendous number of QRS calls from the Fire Company and asked if there is a particular area that gives West Brandywine Township three times as many QRS calls as everyone else. Mr. Shaffer noted the hot spots in WBT are Freedom Village, the YMCA, and Indian Run Village. After further discussion Chairman Lindborg moved on.

### **Reports of Organizations, Boards and Commissions**

Nobody was present from the Historic Commission or the Planning Commission to give a report. Jeff Chalfant was in attendance from the Parks and Recreation Board. Manager Rambo noted that the Parks and Recreation Board met with Chief Werner and Terry Ruhnke with regards to combining the Bike Derby and Community Day. Manager Rambo noted he and Chief Werner went to Freedom Village to the Senior Expo that was sponsored by Senator Rafferty. Quite a few people picked up flyers and expressed their interest in helping the Parks and Recreation Board.

Municipal Authority Manager Rambo gave the report of the Municipal Authority noted they are finalizing the necessary repairs for the Monacy Manor sewer project and are awaiting signed agreements from the Keegan's for the pump station and sewer line easements. Vice-Chairman Obernier noted two people approached him on Election Day regarding an occasional odor coming from the sewer main in the street and asked if it was possible to seal the unit. Manager Rambo suggested that they just put more gaskets on it. Vice-Chairman Obernier asked what the status was

on the vent that the Municipal Authority had voted to put in at the pump station on Reeceville Road. Manager Rambo noted that the engineer is researching it to get firm prices to move forward with it. Manager Rambo will talk with him and find out the expected time frame for this issue.

### **Adjournment from Township Meeting** (time: 8:13)

### **Opening of Public Hearing** (time: 8:15)

Ordinance No. 05-11: Inter-Municipal Agreement. Manager Rambo noted that Ordinance 05-11 is an agreement that will allow various municipalities within the western part of Chester County to work together for the initial reason of dealing with Verizon for an attempt to come to a franchise agreement, as well as anything in the future without the need to redo an ordinance. Basically they have fourteen municipalities that are currently working together to negotiate with Verizon, it also allows any other use of the ordinance in the future. Vice-Chairman Obernier noted that does not obligate the Township for anything to participate, it is still a vote of the BoS whatever the group decides to do.

Joan Thompson asked if the intermunicipal agreement will allow all Municipalities to make different requests. Manager Rambo answered this municipal agreement creates a cog that allows the municipalities all together, as a unit together. Verizon would rather deal with you one on one because they requested that they come to us one on one rather than part of a cog. With no further comments Chairman Lindborg moved to adjourn the Public Hearing.

### **Adjournment from Public Hearing** (time: 8:16)

### **Re-Opening of Township Meeting** (time: 8:16)

### **Old Business**

The BoS 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. Vice-Chairman Obernier noted he had questions that were answered by Manager Rambo.

The Manager has furnished a draft of the Access Management Ordinance for review and input by the BoS. Manager Rambo has forwarded this ordinance to the solicitor who is preparing a review letter. The solicitor sees no issue with Tiers I and II, however, Tier III requires additional work. The Manager sees no problem with adopting Tier I and Tier II of the ordinance and coming back to do Tier III.

Final comments on Ordinance No. 05-11, Inter-Municipal Agreement. There were no comments.

### **Old Business from the Floor**

There were no comments from the Floor.

### **Old Business from the Board**

Vice-Chairman Obernier noted that at their last BoS meeting, Supervisor McCaffrey had a number of questions requesting an opinion from the solicitor. Manager Rambo noted that they received the letter from the solicitor, but has not yet been copied.

Supervisor McCaffrey asked the status of the Sign Ordinance. Manager Rambo noted that the Sign Ordinance was passed. Manager Rambo will forward a copy of the Sign Ordinance to Supervisor McCaffrey.

### **Ordinances and Resolutions**

Ordinance No. 05-11; Inter-Municipal Agreement. At the Manager's recommendation, Supervisor McCaffrey motioned to adopt Ordinance No. 05-11. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

Resolution # 17-05; acceptance of Suttonwoods roadways and storm sewer easements. The Township is waiting for the Engineer's final review letter. Upon the Manager's recommendation, Supervisor McCaffrey motioned to table Resolution #17-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye.

Resolution #18-05; establishment of CD's at DNB First. The Township is to establish four CD's (\$100,000 CD for 3 months at 4.25%, \$100,000 CD for 3 months at 4.35%, \$200,000 CD at 4.6%, \$250,000 for 4.6%). Upon the Manager's recommendation Supervisor McCaffrey motioned to pass Resolution #18-05. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier and Lindborg voted aye. Chairman Lindborg asked if there is a problem with having money in the bank with the FDIC. Manager Rambo answered not with CD's.

### **New Business**

Discuss the proposed Fire Company Appropriations Tax associated with the 2006 general fund budget. Manager Rambo noted that upon the Board's request, an article be placed in the newsletter which went out to 2,900 homeowners and 8 comments were received back. One person listed several complaints, she would rather have a post office before a fire truck, she was livid about the school district's taxes, and unfortunately it is a lot of stuff that the Township doesn't have any control over. Four or five people totally supported the new Appropriations Tax and a couple people asked some additional questions.

Chairman Lindborg stated that the people who support it seemed to indicate that if the BoS does this, that they also repeal the Fire Hydrant Tax. When you look at the proposed tax ordinance, part of it is that they rescind Ordinance No. 99-01 a special tax for hydrants. It establishes one and rescinds the other.

Vice-Chairman Obernier commented that it was in the Township Newsletter and they have had several BoS meetings where people could have come in and commented, called the manager, or sent an email. The quietness of it, the explanation and rationale of it, he recalled one woman that sent a positive email stating that she appreciated how carefully the BoS handles the money and perhaps that it why the Board has not heard from more people.

Manager Rambo will move forward to advertise the ordinance if the Board is okay with it. It will appear in the Daily Local News three times prior to adopting it to meet the necessary requirements. Two or Three people have also expressed interest in sitting on the Fire Review Board. Joan Thompson, Reporter of the Coatesville Ledger wrote an article on the proposed tax. Supervisor

McCaffrey expressed disappointment that so few people had commented and would like to have had more time to put it in another addition of the newsletter.

Presentation of the 2006 Township budgets to be considered for adoption on Thursday, December 15, 2005. Manager Rambo noted that all BoS members are in receipt of a copy of the proposed budget. There are proposed revenues of \$4,572,054 that consists of Capitol Reserve Fund, Solid Waste Fund, Liquid Fuel Fund, and the General Fund. There is no tax increase on real estate tax. There is the establishment of the Fire Company Appropriations Tax and the rescinding of the Hydrant Tax. Next years Real Estate Tax bill will be broken down (.861 for real estate tax and .22 for the Fire Appropriations Tax). One hundred percent of that FAT money will go to contributions, payment of workman's comp, fuel, and payment of the hydrants associated with fire service.

Manager Rambo noted that all three-fire companies will continue to get money as a result of negotiations with East Brandywine Fire Company, the other two fire companies also benefited from their negotiations. The territory was re-divided based on current assessment and current population. As noted in the newsletter this could be the start for West Brandywine Township in meeting with all three fire companies in trying to determine the best needs of the Township, that is the thought of establishing the Fire Review Board that they are considering next year. Three people have shown an interest in sitting in on the Review Board.

Chairman Lindborg noted that Manager Rambo has prepared the budget so that it is itemized clearly and not just a code. Supervisor McCaffrey noted he would like to have a summary of total expenses such as for "heating oil." Manager Rambo stated that the budget was prepared based on Supervisor McCaffrey's request to have a very definitive breakdown. Manager Rambo will advertise the budget for a twenty-day public review at which time the budget will become public. Vice-Chairman Obernier requested that the proposed budget be posted on the website when it becomes a public document.

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

There was no New Business from the Floor.

#### **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 3.38 %. Manager Rambo noted that the interest rate has gone up for the past two weeks. The budget is estimated for 3.75% interest, based on the last three years of fluctuation.

#### **Review and Payment of the bills**

The bills presented for payment totaled \$865.83 in the State Fund and \$152,322.57 in the General Fund of which there are three contributions to the various fire companies, as well as the first payment for the salt barn, which accounts for \$110,000 of the bills. Supervisor McCaffrey motioned to pay the bills. Vice-Chairman Obernier stated he reviewed all the invoices, found them in order,

and seconded the motion to pay the bills. Chairman Lindborg also noted he found the bills to be in order. Board Members McCaffrey, Obernier, and Lindborg voted aye.

**Upcoming Meetings/Events**

- Planning Commission meeting, Tuesday, November 22, 2005 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, December 1, 2005 at 7:30 p.m.
- Municipal Authority meeting, Thursday, December 8, 2005 at 7:30 p.m.
- Historic Commission meeting, Monday, December 12, 2005 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, December 13, 2005 at 7:30 p.m.

**Adjournment**

With no other business to discuss, Supervisor McCaffrey motioned to adjourn the meeting at 8:39 p.m. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye in favor to adjourn.

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