

Meeting Minutes of January 7, 2013
Board of Supervisors

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of January 7, 2013 to order at 7:30 p.m. and noted the Pledge of Allegiance was recited earlier at the beginning of the organization meeting. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Josef G. Obernier, Sr., Thomas J. McCaffrey, and William E. Webb in attendance. Also present was Ronald A. Rambo, Jr.

Acceptance of Minutes from Previous Meetings

December 20, 2012 – Vice-Chairman Webb motioned to table the minutes as they have not been distributed to the Board for review yet. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Public Notification – None

Treasurer's Report - N/A

Special Public Presentations - none

Public Comments (*residents/ representatives of taxpayers of the Township requesting to be on agenda*). – None.

Reports of Departments, Organizations, Boards and Commissions – N/A

Correspondence/Communications *Information to act upon*

The Township is in receipt of correspondence from Ed Baldwin III and Stephen Trego with regard to what is required to establish a Haunted Halloween Hayride as part of their fall operations. Supervisor Obernier expressed that this is an entertainment venue as is the corn maze and they should continue to pay the amusement tax, because anybody can put together a hayride. If the agricultural operation doesn't pay the amusement tax, then the Board has to let the Golf Zone not pay the amusement tax. Chairman McCaffrey disagreed and feels that the Golf Zone is in an area that is zoned differently. The Baldwin's shouldn't be required to pay the amusement tax because if there is something that can keep the farmers solvent in WBT the Board should help them have business to raise the exorbitant amount of county and school district taxes they need to survive. Cathy Courreges of Jamie Lane questioned what the rate is for the amusement tax. Vice-Chairman Webb was okay for the Baldwin's to have the hayride but expressed that if they build any structures, the structures be permitted and inspected. Rhonda Mowday expressed that the Board should consider that there is a difference between the Golf Zone and ag-tourism in an agricultural security area. Chairman McCaffrey stated the Township does agree with that, there is zoning that is specific to large lots like that called country properties. Vice-Chairman Webb motioned for the Board to authorize Ed Baldwin and Stephen Trego to move forward with their plan and that they obtain all necessary building permits for life safety issues. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Supervisor Obernier motioned for the areas that have amusements, which they are required to add 5% listed separately from their fee, with the 5% being forwarded to the Township. Chairman McCaffrey asked if the Board should also add this to fire companies and churches. Supervisor Obernier answered if it is an amusement, everyone should be treated the same. There was no second. The motioned died.

The Board of Supervisors is in receipt of a letter of extension, in which to render a decision, for the Baker's Ridge Preliminary/Final Plans until Friday, April 19, 2013. Manager Rambo noted the applicant is in the process of addressing the Engineer's comments. Vice-Chairman Webb motioned to grant an extension of time for the Baker's Ridge Preliminary/Final Plans until Friday, April 19, 2013. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Correspondence/Communications Information to note

The Township is in receipt of correspondence from the Chester County Planning Commission regarding the Township's inventory of open space and parks. Manager Rambo noted the Township is currently of reviewing the information sent by the County. Vice-Chairman Webb would like a map with open space be placed in the spring newsletter. Vice-Chairman Webb motioned to have information regarding an open space map, what the Township has preserved within WBT into the spring of 2013 newsletter. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye. A resident requested that the activity use also be noted on the map.

Chester County Voter Services has forwarded the Township the 2013 Municipal Primary Form for review and completion. Manager Rambo noted this item is currently being worked on.

The Chester County Assessment office has provided the 2013 Tax Rate Form for completion and submission. Manager Rambo noted this item will be completed and forwarded onto the County.

The Chester County Planning Commission has forwarded the Township the Municipal Official's list for review and updating. Manager Rambo stated this is also being reviewed for submission to the County.

Public Hearings (Ordinances as advertised) –None

Old Business

The Manager and Public Works Director are awaiting the decision of PennDot officials to allow the use of Liquid Fuel Funds for the purchase of the Icedale Road bridge materials for its reconstruction. Manager Rambo stated the Township received a review letter which stated that additional work needs to be done by the design engineer. This is in the process of being completed and sent back to PennDot. Chairman McCaffrey commented that he finds strange that PennDot gives you money for much needed road projects from liquid fuels tax and then they take months to approve use of the money.

Additional discussions on Ordinance NO. 2012-05; keeping of Animals amendments. Rhonda Mowday questioned if there have been any instances of animal overstocking anywhere in the Township either residential or agricultural land where the Township has had situations where the number of animals have created a public nuisance, public health, or safety problems. Ms. Mowday also asked how this ordinance will be funded and stated for the record that this ordinance will affect personal and properties that are in the agricultural security area. Manager Rambo answered correct. Ms. Mowday read out loud section 11 regarding the enactment of local laws in the agricultural area which unreasonably restrict farm structures or farm practices unless it affects public health and safety. Supervisor Obernier expressed that Chairman McCaffrey stated that he wished there didn't have to be any regulation at all, that people should self determine for themselves. If it turns out to be a nuisance Tom's thought is that they can go to the district justice or arbitrator. Chairman McCaffrey stated he started this because the pet ordinance is antiquated and should be done away with. People that have excessive animals should be addressed on an individual

basis, it was pointed out and rightly so, that you have to consider the rights of people that are next door to the person with the chickens. Under the current ordinance, six pets are what you can have. Vice-Chairman Webb stated that this comes down to local zoning with regard to the rules with this. The following residents voiced their opinions and noted the pros and cons of the proposed ordinance. Melissa Alton of Hibernia Road, Joyce Kline of Manor Road, Joan Grant of Landover Drive, Catherine Courreges of Jamie Lane, Richard Orth of Monacy Road, Natasha Kearns of Monacy Road, Geraldine Sparks of Landover, Rebecca Kearns of Monacy Road, Jerry Plourde of Lafayette, Bob Wismer of East Reeceville Road, Jeannie Lamb of Monacy Road, Jeff Grossman of Beaver Creek Road, Katie Gharadaghian of Landover Road, Margaret Shannon of Landover Road, Mike Canale of Reeceville Road, Wayne Kearns of Monacy Road, Karen Volmecke of Cedar Knoll Road, and Kathy Orth of Monacy Road. Vice-Chairman Webb expressed that he is not against people having chickens, but is against people disrupting other people's lifestyles and intruding on other people's property rights. This item will be on the next BoS agenda.

Discuss interviewing those that have shown an interest on serving on the Township's Ad Hoc Review Committee to select 7-9 members. Chairman McCaffrey explained this committee is designed to try and eliminate or review some of the Township's regulations. Discussion ensued regarding the number of members to select and whom to select. There are twelve applicants.

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

New Business

Discussions on the proposed draft amendments of Ordinance No. 2012-09 as they pertain to the Outdoor Lighting Section found within the Township's Subdivision and Land Development Ordinance. Supervisor Obernier stated he reviewed the amendments and other than a typo is okay with it.

The Board of Supervisors to discuss a multi-municipal purchase of a used street sweeper from Montgomery Township to assist with meeting MS4 requirements and road related projects. Manager Rambo noted this will be through Municibid, \$10,000 is the minimum bid. The Manager is talking to three other municipalities to split the cost. The used street sweeper should cost between \$25,000 and \$30,000. A new street sweeper would cost \$200,000. Vice-Chairman Webb motioned that the BoS allow the Manager to discuss the multi-municipal purchase of the used street sweeper from Montgomery Township to assist with meeting MS4 requirements for roadway projects. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission motioned to reject the Bakers Ridge Plan unless a letter of extension was received. The extension was received. All other projects were tabled.

New Business from the Floor and the Board – There was no New Business from the Floor or the Board.

Ordinances and Resolutions and Business from the Floor – There were none.

Public Comments - None

Open Issues before the Township – Chairman McCaffrey noted the following Open Issues and there were no comments.

The Township Engineer and Manager continue their work on updating the Township's Act 537 Plan.

The Manager continues his work on the Township's Agricultural Security Area update.

Updates to the Township's lighting section of its Subdivision and Land Development Ordinance.

Investment of Pension Funds according to Section 3204 of the Second Class Township Code. Supervisor Obernier stated he is aware the way the code is written, the Board is not to invest in individual stocks or

mutual funds. The Township authorized a group to invest and this group is investing in stocks. Supervisor Obernier needs clarification since the Board cannot do this, if this investment group can. The Board has to invest in things where you will not lose money such as treasury bonds. Chairman McCaffrey requested the Manager find out how much more the municipal contribution would have to be if they project their gains on just treasury bonds, etc. Supervisor Obernier stated he requested that they get professional guidance on this outside of the person that is doing the investing. Manager Rambo will forward information onto Supervisor Obernier regarding this.

General Obligation Note

(Emmaus Bond Pool Adjustable Rate Bond for the Twp. and Public Works Facility/Park Construction: interest rate for the week is 1.35%). There were no comments.

Review and Payment of the Bills

Manager Rambo noted the General Fund bills total \$16,490.27, Fire Appropriations Fund bills total \$459.11, Solid Waste bills total \$230.46, and State Liquid Fuels bills total \$1,260.02. Vice-Chairman Webb reviewed the bills, found them in order and motioned payment except for the West Chester Borough bill. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye. Chairman McCaffrey requested the West Chester Borough bill be researched.

Upcoming Meetings/Events

- Parks and Recreation Board, Tuesday, January 8, 2013 at 7:00 p.m.
- Municipal Authority organizational meeting, Thursday, January 10, 2013 at 7:30 p.m.
- Municipal Authority, first meeting of the year, Thursday, January 10, 2013 at 7:45 p.m.
- Historic Commission, Monday, January 14, 2013 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, January 17, 2013 at 7:30 p.m.
- Open Space Review Board, Thursday, January 24, 2013 at 7:00 p.m.
- Planning Commission, Thursday, January 24, 2013 at 7:30 p.m.

Natasha Kearns asked about the time that it takes to get the ordinance passed. Discussion followed regarding the process of changing the current ordinance.

Adjournment

There being no further business before the Board, Supervisor Obernier motioned to adjourn the meeting at 10:15 p.m. Vice-Chairman Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye in favor of adjournment.

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