

**Meeting Minutes of February 21, 2013
Board of Supervisors**

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of February 21, 2013 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 Supervisor's Thomas J. McCaffrey and Josef G. Obernier, Sr. in attendance. William E. Webb was ill. Also present were Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; and Thomas Eells, Public Works Director.

Acceptance of Minutes from Previous Meetings

January 17, 2013 and February 7, 2013 (*The minutes have not yet been distributed for approval*)

Treasurer's Report

Manager Rambo presented the Treasurer's Report, balance as of the end of January 2013.

General Fund	\$78,258.32	State Liquid Fuel Fund	\$16,658.37
Fire Appropriations Fund	\$6,863.74	Revolving Reserve Fund	\$34,292.37
K-9 Rudy Fund	\$296.46	Police Pension Fund	\$1,712,471.24
Open Space Fund	\$47,440.62	Non-Uniform Pension Fund	\$376,218.34
Solid Waste & Recycling	\$82,829.32	Payroll Fund	\$17,817.39
Developer Escrow Fund	\$384,660.09	Gen. Purpose Emergency Fund	\$2,984.28
Capital Equipment Fund	\$62,191.87		

Special Public Presentations - none

Public Notification

David Malman, Esquire is in attendance to talk to the Board of Supervisors with regard to his client's lots at 132 Andover Road (Mr. Hendrickson) and 136 Andover Road (vacant lot). Mr. Malman supplied some background to the issue and requested a resolution to the lack of a proper setback for a swimming pool. The deck is located on the property line, which was built back in 1972 by the previous property owner prior to Mr. Hendrickson. The previous owner owned both parcels. Currently there are two different owners of the lots. Dale Barnett had stated that even if they were to remove the pool, the lots are still merged. Mr. Hendrickson would like to keep the pool, but has a greater interest in selling the lot for financial reasons. Supervisor Obernier noted he is okay for the Manager to write a letter on behalf of the Board that the Board will support the submission of a zoning hearing application regarding the use of the 64 Andover Road as a building lot. In supporting this application the client and neighbor must agree to remove the encroachments that are occurring on lot 64 and request any variances to ensure the neighbors pool and associated amenities may remain by going to the Zoning Hearing Board. Both lots would be required to connect to the public sewer system.

Public Comments (*residents or representatives of taxpayers of the Township requesting to be on agenda*).

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the January Police Department report noting there were a total of 122 arrests for the month, personnel worked 1,244 hours, 590 complaints were addressed, and a total of 6,862 miles were patrolled.

Public Works Director Tom Eells gave the January monthly report of the Public Works Department. A total of 863.3 hours was worked by personnel, 3,604 miles were traversed in Township trucks, 56.1 hours were spent on Township equipment, and 654.7 gallons of fuel were consumed. Maintenance of the building and grounds, vehicles, equipment and roadways was performed during the month.

The Codes Officer Dale Barnett is out on medical leave, there was no report for January 2013 from the Codes Office or the Fire Inspector.

Chief John Edwards, East Brandywine Fire Company gave the January fire report. He noted a total of 19 calls were responded to in WBT.

Bob Yearsley, Assistant Chief of Wagontown Fire Company gave their January fire report. He noted a total of 7 calls were responded to in WBT.

The report for January from Martin's Corner Fire Company showed 5 fire calls into WBT.

John Sly of Westwood Fire Company gave the January Ambulance Report. He noted there were 54 calls for WBT.

Theo Claypoole gave the report of the Historical Commission noting that Karen Marshal from the County will be presenting the Historical Resource Atlas to the HC on March 7th.

Bob Watts of the Parks and Recreation Board gave the report, noted their schedule of events for 2013 that included the Easter Egg Hunt, the Fathers Day event, and 5K run.

Manager Rambo gave the report of the Planning Commission noting that all of the projects before them were tabled while outstanding engineer comments are being addressed.

There was no one in attendance to give the report of the Open Space Review Board.

Municipal Authority Manager Rambo noted the Municipal Authority report. The new Municipal Authority Board member is John Cassels. The Authority will send out letters to both the Kimberwick and Friendship Village sewer districts explaining the bills that will be forthcoming. The Authority is getting information from Aqua PA to get water meter readings to bill based on usage. This will give residents the opportunity to save based on less water consumption rather than billing flat rate as in the past. A letter will also go out to Kimberwick explaining the special assessment based on the interconnections that have taken place.

Chairman McCaffrey questioned if the police were ever dispatched to Hurricane Hill Farm for traffic control. Chief Werner answered no.

Correspondence/Communications *Information to act upon*

The Township is in receipt of correspondence from Joan Keller of Lafayette Road and the historic schoolhouse, museum and library. Manager Rambo noted that Keller did not show up for an interview by the BoS so the Manager will contact her.

The Township is in receipt of an email from Lisa Westervelt of Ramblewood Drive and an interest to assist with the Historic Commission. Manager Rambo will contact Westervelt to see if she can meet with the Board.

The Township's Parks and Recreation Board have submitted its request to the Board of Supervisors to approve the annual Run for Veterans to be held at Hibernia Park on Sunday, September 8, 2013. Supervisor Obernier motioned for the Manager to forward a letter noting the Board's support for the Run for Veterans that is being held at Hibernia Park on Sunday, September 8th. Manager Rambo noted that based on last year the Parks and Rec will cover all costs for this event. Chairman McCaffrey seconded the motion. Board members Obernier and McCaffrey voted aye.

Gary L. Hoover has forwarded the Township a request to continue farming the 16 acres of open space, located on Route 322, owned by the township. Manager Rambo noted that Hoover has farmed this property ever since it was taken over by the Township, each year Hoover gives a contribution for its use to the Historic Commission or Parks and Recreation Board. Hoover signs documentation that he uses proper farming practices, maintaining the soil. Chairman McCaffrey would like to keep a record of this. Supervisor Obernier motioned to approve Hoover's request to farm the 16 acres for the next year, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.

Correspondence/Communications Information to note

The Township is in receipt of correspondence on the French Creek Iron Tour scheduled to take place on Sunday, June 9, 2013 utilizing State roadways within the Township. Manager Rambo will send a letter noting the Township is aware they are using the road so that French Creek Iron Tour can apply to PennDot for the appropriate permits.

PADEP has forwarded the Township notification that its 2010 Act 101 Recycling Program Performance Grant has been awarded in the amount of \$7,594.00 of which represents 729.9 tons of material being recycled. There were no comments.

Patrice Proctor, Chairwoman, Valley Township Board of Supervisors, has forwarded the Township notification that Valley has entered into an inter-municipal agreement with Caln Township to assist with their Building, Codes and Zoning Department. Manager Rambo noted that with prudence Valley's Board made the decision to consider their options with another municipality because Mr. Webb is on the Board at West Brandywine Township.

The Township is in receipt of correspondence from Lenny and Gabrielle Kotke of Highspire Road with regard to a proposed Medical Office Complex and Future Office/Retail east of Horseshoe Village. Manager Rambo noted if they are talking about the Janiec property, that received approval years ago, they haven't moved forward with it. Things approved years ago are protected by the State for they don't lapse. They are within an area that permits that type of facility.

CCATO has forwarded the Township a list of resolutions that will be considered at the upcoming spring convention on Thursday, March 14, 2013. There were no comments.

Public Hearings (Ordinances as advertised) -None

Old Business

The Manager and Public Works Director are awaiting the revised documentation to submit to PennDot officials to allow the use of Liquid Fuel Funds for the purchase of the Icedale Road bridge materials for its reconstruction. Manager Rambo is waiting to hear from the structural engineer to see if he had submitted the requested information to PennDot.

Additional discussions on Ordinance NO. 2012-05, Keeping of Animals amendments, draft #10.

Karen Vollmecke of Cedar Knoll, Alexandra Parks of Monacy Road, Rhonda Mowday of Hibernia Road, Geraldine Sparks of Landover Road, Melissa Alton of Hibernia Road, and Bob Wismer. Manager Rambo explained that placing a coop, which is an accessory building, requires a zoning permit. Discussion ensued. The mutual decision is to amend draft #10 to require a zoning permit if the coop is over 32 square feet stationary, this will not supersede homeowner's documents, and to figure out something so that people don't frivolously go after other people. Chairman McCaffrey and Supervisor Obernier agreed that these laws that they are writing are living documents that are open to change and revision. Draft #11 will be available in two weeks for review.

The Manager is in the process of preparing Ordinance NO. 2013-01 as it pertains to the Airport Hazard Area zoning. There were no comments.

The Township Manager is in the process of preparing an Ordinance to amend sections of the Township's Outdoor Lighting requirements for presentation to the Township's Planning Commission and the County Planning Commission. Manager Rambo stated that Stan Stubbe's version is being placed into the final format.

Old Business from the Floor – There was none.

Old Business from the Board

Supervisor Obernier noted that at a previous meeting he felt that Chairman McCaffrey took offence to something he said regarding the amusement tax concerning Hurricane Hill and read a statement out loud. Manager Rambo stated he provided a draft amendment to the amusement tax and then read the draft out loud. Supervisor Obernier stated that his point is that this amusement tax is the law, which has to be applied fairly. Chairman McCaffrey explained that all he wants is what the people that voted for him asked him to do; to maintain the atmosphere and spirit of the Township in the face of heavy development pressure. To do that Chairman McCaffrey tries to make legislation available that is fair to the minority group that people depend on for that spirit and atmosphere, which are the farmers that are here. Supervisor Obernier expressed that if this was challenged in court the Township would lose. If the Board can't amend this, then agricultural operations will be charged, this won't be money out of their pocket, they can just charge the amusement tax in addition to their regular fee or the Board can just abolish the amusement tax. Chairman McCaffrey stated he will stick with his original thought and feels that the area for amusement is in the business of producing amusement and is the main source of income and would like the amendment placed in the amusement tax ordinance. Rhonda Mowday of Hibernia Road and Bob Wismer of Reeceville Road commented. Further discussion ensued. Supervisor Obernier stated that Chairman McCaffrey will further research the issue. This will this will be discussed at the next BoS meeting.

New Business

The Township has picked up the used street sweeper from Montgomery Township and training is scheduled with all participating municipalities for Monday, February 25, 2013. There were no comments.

The Township to consider selling their used radio systems to Amateur Radio Operators valued at approximately \$25.00 each as permitted by Section 1504 of the Second Class Township Code. Manager Rambo explained there are 20 radios with a special frequency; you have to have a license to use it. There are several people interested in purchasing them. Board members McCaffrey and Obernier are okay for the Manager to sell the radios.

The Township Manager has prepared Ordinance NO. 2013-02, amendment to the Township's Amusement Tax Ordinance, as requested by the majority of the Board for review. The Board agreed that Chairman McCaffrey will further research the Amusement Tax Ordinance. This item will be discussed at the next BoS meeting.

Articles for the spring edition of the newsletter are due on Linda Formica's desk by Friday, March 8, 2013. There were no comments.

Kimmel, Lorah & Associates are in the process of performing the 2012 financial audit of the Township for submission to the State. There were no comments.

Signing of the final land development plans for the North Brandywine Middle School Project of the CASD. Manager Rambo noted the North Brandywine Middle School land development plans were conditionally approved in 2011 and that the outstanding issues have been addressed with Caln. The new school itself is in Caln Township. The athletic fields will be built in WBT after the old school is down will be in WBT and the stormwater discharges into WBT. Marc Kurowski is in attendance and is part of the firm that did the land development plan. Mr. Kurowski is requesting the BoS sign and hold onto the plans with the opportunity to go back to the school board and ask if they will establish an escrow for the inspections that may take place in WBT. When the plan received approval, this BoS waived the requirement for the escrow for public improvements. WBT needs to have an escrow in place to pay for any inspections that occur so that the inspections don't come out of pocket. Chairman McCaffrey questioned why the Board would sign the plans if they don't have an escrow agreement. Manager Rambo stated Mr. Kurowski wants to get them signed, get everything approved, he can bring

them back to the BoS and then the Township can release the plans for them. Chairman McCaffrey motioned for the BoS to sign the plans and release them upon establishment of an escrow. Supervisor Obernier seconded the motion. Board members McCaffrey and Obernier voted aye.

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

Ordinances and Resolutions - There were none.

Public Comments (individuals not on the agenda)

A resident asked questions about the Township's current contract with the SPCA. Dialog ensued.

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.

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 \$88,001.69, Fire Appropriations Fund bills total \$1,963.26, Solid Waste bills total \$37,058.67, and State Liquid Fuels bills total \$8,458.11. Supervisor Obernier reviewed the bills, found them in order and motioned payment of the bills. Chairman McCaffrey seconded the motion. Board members Obernier and McCaffrey voted aye.

Upcoming Meetings/Events

- Open Space Review Board, Thursday, February 28, 2013 at 7:00 p.m.
- Planning Commission, Thursday, February 28, 2013 at 7:30 p.m.
- WBT Ad Hoc Review Committee, Tuesday, March 5, 2013 at 7:30 p.m.
- Board of Supervisors, Thursday, March 7, 2013 at 7:30 p.m.
- Historic Commission, Monday, March 11, 2013 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, March 12, 2013 at 7:00 p.m.
- Municipal Authority, Thursday, March 14, 2013 at 7:30 p.m.
- Board of Supervisors, Thursday, March 21, 2013 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Obernier motioned to adjourn the meeting at 10:13 p.m. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye in favor of adjournment.

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