

**Meeting Minutes of March 1, 2012
Board of Supervisors**

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of March 1, 2012 to order at 7:30 pm. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Josef G. Obernier, Sr. and William E. Webb in attendance. Also present was Ronald A. Rambo, Jr., Township Manager. Supervisor Thomas J. McCaffrey, Jr. arrived at 7:43.

Acceptance of Minutes from Previous Meetings

The Meeting Minutes of February 16, 2012 were presented for approval after Vice-Chairman McCaffrey arrived in the meeting. Supervisor Webb motioned to approve the minutes as presented, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Treasurer's Report (n/a)

Special Public Presentations

John Levan, Board President of the Coatesville Area Public Library, is in attendance to introduce Denise Pulgino Stout, the new Director of the Coatesville Area Public Library to the Board. Mr. Levan thanked the BoS for their support of the library, introduced Denise Pulgino Stout as the Director of the library. Levan expressed the library would like to have communication regarding library activities and Township activities linked through their website and WBT's website as well as articles in the Township's newsletter. Manager Rambo asked if Coatesville Library provides outreach programs. Ms. Pulgino Stout answered that is something that they will consider. Discussion ensued.

Public Comments (*residents or representatives of taxpayers of the Township 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 for the Brandywine Meadows Preliminary Subdivision Plans until June 22, 2012 from Robert Smiley. Manager Rambo noted the Township is in receipt of a letter from MacCombie stating that the extension request is warranted as the applicant is finalizing outstanding issues. Vice-Chairman McCaffrey motioned to accept the letter of extension, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

The Board of Supervisors is in receipt of an invitation to attend the KEEP FARMING FIRST Conference scheduled for Saturday, March 24, 2012 at the CCIU on Boot Road in Downingtown. Vice-Chairman McCaffrey would like to try and attend.

The Township is in receipt of information from the Township's insurance that requires an acknowledgement by the Chairman as to no responsibility for the intersection of Hibernia Road and Manor Road. Chairman Obernier explained this is an official declaration stating that the Township does not own these roads. Vice-Chairman McCaffrey motioned to sign the declaration regarding Hibernia and

Manor Roads, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from PennDot with regard to upcoming road overlay projects that are scheduled throughout the area. Manager Rambo stated that notification will be sent stating the Township has no utilities in the roadway that PennDOT is planning to overlay; Little Washington Road from the intersection of Route 322 east.

The Township is in receipt of the 2012 Chester County schedule of Household Hazardous Waste Collection events for posting on the website. This will be posted on the Township website as well as be placed in the newsletter.

The Township is in receipt of correspondence with regard to the Chester County Solid Waste Authority free shredding event scheduled for Saturday, March 24, 2012 at the Lanchester Landfill. This will also be posted on the website.

Wallace Township has forwarded the Township correspondence with regard to its desire to no longer participate in the shared wood chipper purchased with grant funds. Manager Rambo noted that Wallace, East Brandywine, and West Brandywine jointly purchased a chipper through a grant with DEP. The lien on the chipper was with Wallace Township. They no longer desire to participate in the sharing of the equipment. Manager Rambo explained to Wallace that to get out of this both East Brandywine and West Brandywine would have to give Wallace \$390.70. The Township is waiting to hear back from Wallace. Vice-Chairman McCaffrey expressed his opinion if Wallace doesn't want to participate any longer, they should be able to get out of the agreement that was made thirteen years ago and doesn't feel WBT should pay them any money. Manager Rambo stated that DEP stated this is how the grant system works that he will do it the legal way.

The Township is in receipt of the updated "draft" of a proposed new Franchise Agreement with Comcast that is being worked on with various municipalities throughout the area. Manager Rambo stated there are thirteen municipalities working together to share attorney's costs in preparation of the new Comcast agreement. If the new draft is found in order it will be presented to the Supervisors for consideration at the first meeting in April. Vice-Chairman McCaffrey questioned if this equals the Verizon agreement. Manager Rambo answered yes; this mimics the Verizon agreement that thirteen municipalities did four years ago. Vice-Chairman McCaffrey questioned what the Townships are aiming to obtain in a negotiated settlement and how far they got towards that goal. Discussion ensued.

The Chester County Solid Waste Authority has forwarded the Township information on the upcoming FREE electronics recycling event scheduled for Friday, April, 27, 2012 at the East Brandywine Township facility. Manager Rambo stated this will be between 9:00 a.m. until 2:00 p.m.

Reports of Departments, Organizations, Boards and Commissions (n/a)

Old Business

The Township is waiting for information from CONTEC as it pertains to the cost associated with the reconstruction of the Icedale Road bridges utilizing a concrete culvert system. Manager Rambo stated the township is looking at a system that costs between \$300,000 and \$500,000 to do repairs to the two Icedale bridges.

The Manager and Zoning Officer continue their review of the Zoning Ordinance as it pertains to areas that permit the operation of roadside stands. There were no comments.

The Board of Supervisors is in receipt of the proposed amendments to the Township's lighting section of the Subdivision and Land Development Ordinance. Manager Rambo stated if the BoS is okay with the latest review, it will be forwarded on to Stan Stubbe, the Township's lighting consultant. Chairman Obernier will review it by the next BoS meeting.

The Manager has met with the local fire companies to discuss the Contractual Agreement for Fire Protection Services that was provided to them. Manager Rambo stated that earlier this evening he met with representatives from the three fire companies and their legal counsel, they are okay with the concept of the contract but have a couple small modifications. Chairman Obernier explained he had an issue with one portion of the contract that has to do with holding the Township liable if the fire company is being sued. The Township didn't fight the fire; all the Township has done was to give the fire company money to provide a service. Manager Rambo requested a "holds harmless" agreement. Discussion ensued. Vice-Chairman McCaffrey will try and attend the next fire company meeting the second Thursday of the month.

The Township is reviewing its Recycling Ordinance to ensure that it is up to date with regard to materials being recycled and reporting requirements. There were no comments.

Old Business from the Floor

Sue Bowar of Connies Drive questioned if the Township is responsible for the cost of the Icedale Bridge repairs. Manager Rambo answered yes; they are the only two bridges that the Township owns. The Township will look for available funding.

Old Business from the Board

Chairman Obernier expressed appreciation for Carl S. Lindborg's past 28 years of service as a Township Supervisor to the Township. The audience applauded.

New Business

The Board of Supervisors to discuss the establishment of a Use and Occupancy for a Re-Sale or Rental of Property Ordinance. Chairman Obernier noted that Supervisor Webb put together a proposed ordinance. Vice-Chairman McCaffrey stated that he was told at the last meeting that the Township already has an ordinance that it has to enforce and questioned if there is already an ordinance or are they writing a new one to enforce. Supervisor Webb explained that they discussed tweaking the existing ordinance. Webb read the proposed ordinance out loud. Copies were made for members of the audience. McCaffrey expressed that he is against having additional burdens placed on members of the community for their own good and stated "government is supposed to do for the community what we as individuals cannot do for ourselves." McCaffrey further voiced displeasure pointing out his issues and concerns with the proposed ordinance.

Several people in the audience voiced their opinions in opposition to the re-sale ordinance that included comments from Sue Bowar, Bonnie Ruggeri, Jack Conti, Carl Lindborg, Dave Gifford, Joe Boldaz, Mark Shields, Sue Sleichter, Joanne Conti, Mike Richey, Don Morrison, Kristin Boldaz, Joe Meli, and Erin Smith.

Chairman Obernier noted the BoS is requesting that the Manager outline for the Board, the particular items that need to be voted on and appealed and to also put together language for sump pumps and their connections. As Carl Lindborg pointed out, that should come under the purview of the Municipal Authority. Manager Rambo noted they would have to adopt an ordinance repealing the adoption of the maintenance code of 2000 and amend it to address stormwater and public sewer needs and re-adopt portions of it that would allow the Township to oversee it. Supervisor Webb would like to amend and

repeal section 107.5 of the property maintenance code so that they can still enforce grass, weeds, and maintenance issues.

Carl Lindborg stated that tonight is an example of local government working, people came, expressed their opinion, and there was flexibility on the part of the Board. The residents can leave the meeting tonight feeling good about the local Township, local Board, and how they handled this particular situation. The audience applauded.

Chairman Obernier expressed that the only thing that he has ever wanted to do, the whole time he has been an elected official at the Township is to do what the people that live in the Township want and doesn't focus on the folks that just vote for him. Obernier stated he represents everyone and further expressed that McCaffrey is very passionate about this, Obernier is not passionate about this, but it is important to him that he personally does what the residents want. The more people talked about the bad points of this, it became very clear. Chairman Obernier hates tax increases and swears that he will never vote for a tax increase that originates with this Board, for any reason. Obernier stated that Carl Lindborg was a Supervisor when he came on board and that he learned a lot from Lindborg, more than anything he learned to listen by following Carl's example. As much as Obernier enjoys having Webb here, he also misses Lindborg being here.

Vice-Chairman McCaffrey noted he has a few basic points; first, government does for people what people can't do for themselves. Second, government has to live within its means. Third, he has tried very hard to represent the people's opinion here, if he can't do what everyone has asked him to do, from conscience or knowledge or any other reason, McCaffrey will try to educate everyone what he found out and try and change their minds on a particular subject. If he were to be ever able to not do that, he would vote as people ask him to or will leave office. Point being that McCaffrey brings information to people, point out the details, and most people that don't have a vested interest in it will see it the same way. McCaffrey stated he appreciates Webb bringing this up, that you shouldn't have laws on the books that you are not enforcing; Webb brought this up out of honest concern for people that live here.

Jack Conti thanked the Board for listening stating that this is government by the people.

The Township Manager met with John Tallman of Tower Economics Company, Inc. on Friday, February 17, 2012 with regard to the placement of a tower on the old Kimberwick Facility. Manager Rambo is awaiting information from Mr. Tallman regarding a tentative height for a tower in that location.

The Township attended a meeting at Caln Township with regards to the possible establishment of a Council of Governments. Chairman Obernier stated he attended the meeting and summed up that they don't know what they want to do, they are looking for ways to build up the area. Obernier suggested to them that they focus on one thing that everyone could agree on, that the electric company offer the township, as a whole, a lower rate. Obernier requested this a year ago with the electric company, they were not interested then but now it appears they are interested and suggested that the three Council of Governments combine for reduced electric rates for residents. Obernier motioned to sign the letter of interest and have Manager Rambo continue going to the Council of Government meetings. Manager Rambo stated that elected officials are supposed to attend. Obernier stated he would attend occasionally if McCaffrey and Webb attend when Obernier can't attend. Manager Rambo will send a letter of intent. The Manager explained that the Council of Government is looking at sharing cost in purchasing. Currently, not through a Council of Government, WBT as well as thirteen other municipalities meet at WBT on a monthly basis between managers and secretaries to look at the saving of funds.

The Township will be participating in the Second Annual Multi-Municipal Shredding Event scheduled for Saturday, April 15, 2012 at the Caln Shopping Center. There were no comments.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board

Both Supervisor Webb and Chairman Obernier will be at Freedom Village on Saturday at 10:00 a.m.

Chairman Obernier noted an issue on Baker Road where people are not using their driveway but go across their lawn from Reason Lane. This creates a hazardous situation because of the tree line there. Manager Rambo will have Dale Barnett look into having them use their driveway.

Ordinances and Resolutions

Resolution #05-2012; resolution in support of changing the State Prevailing Wage Act. Manager Rambo explained that everything over \$25,000 that is bid out, the Township is required to pay prevailing wage act rates. There are two house bills at the current to time amend that to \$185,000. Vice-Chairman McCaffrey motioned to pass Resolution #05-2012, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Public Comments

There were no Public Comments.

Developer Presentations

There were no Developer Presentations.

Open Issues Before the Township

The Township Engineer and Manager continue their work on updating the Township's Act Plan. There were no comments.

The Township is looking for two volunteers to serve on the Parks and Recreation Board. There were no comments.

The Township Manager is working to complete the Airport Hazard Zoning District Overlay. There were no comments.

The Township is looking for a volunteer to fill a vacancy on the Historic Commission. There were no comments.

The Manager continues his work on the Township's Agricultural Security Area update. There were no comments.

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%).

Review and Payment of the Bills

Manager Rambo noted the General Fund bills total \$31,952.94 after you subtract the Voyager check that was deleted, Fire Appropriations Fund bills total \$923.79, Solid Waste Fund bills total \$34,364.16, Open Space Fund bills \$30,000, and the Liquid Fuels Fund bills total \$3,508.53. Supervisor Webb motioned to pay all bills excluding the Voyager bill, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Upcoming Meetings/Events

- Municipal Authority, Thursday, March 8, 2012 at 7:30 p.m.

- Historic Commission, Monday, March 13, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, March 14, 2012 at 7:00 p.m.
- Board of Supervisors, Thursday, March 15, 2012 at 7:30 p.m.
- Open Space Review Board, Thursday, March 22, 2012 at 7:00 p.m.
- Planning Commission, Thursday, March 22, 2012 at 7:30 p.m.
- Easter Egg Hunt, Saturday, March 31, 2012 at 10:00 a.m.

Adjournment

There being no further business before the Board, Vice-Chairman McCaffrey motioned to adjourn the meeting at 10:06 p.m. Supervisor Webb seconded the motion. Board Members McCaffrey, Webb, and Obernier voted aye in favor of adjournment.

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