

**Meeting Minutes of May 17, 2012
Board of Supervisors**

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of May 17, 2012 to order at 7:35 pm. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Josef G. Obernier, Sr. and Thomas J. McCaffrey in attendance and Supervisor Webb was absent. Also in attendance was Ronald A. Rambo, Jr., Township Manager, Thomas Eells, Public Works Director, Dale Barnett, Codes Officer and Walt Werner, Chief of Police.

Acceptance of Minutes from Previous Meetings

The Minutes of May 5, 2012 were tabled by the Board until Supervisor Webb was in attendance to comment on them. Vice-Chairman McCaffrey motioned to table the minutes of May 5, 2012, seconded by Supervisor Obernier. Board members McCaffrey and Obernier voted aye to table the minutes.

Treasurer's Report

Balance on Hand as of April 30, 2012:

General Fund	\$100,280.00	Construction Sweep Fund	\$ 1,181.39
Fire Appropriations Fund	\$ 71,159.37	State Liquid Fuel Fund	\$ 114,740.05
K-9 Rudy Fund	\$ 295.46	Revolving Fund	\$ 212,270.53
Open Space Fund	\$236,323.29	Police Pension Fund	\$1,677,432.23
Solid Waste and Recycling Fund	\$307,389.40	Non-Uniform Pension Fund	\$ 398,485.13
Capital Equipment Fund	\$ 26,283.26	Payroll Fund	\$ 11,282.08
Developer Escrow Fund	\$458,447.18	General Purpose Emergency Fund	\$ 10,020.70

Special Public Presentations/Notice

Natasha Kearns of 129 Monacy Road was in attendance to talk with the Board of Supervisors with regard to Section 200-98 of the Township's Zoning Ordinance, Keeping of Animals, other than in conjunction with agriculture and the permitted number of animals. Natasha explained to the Board that she was in attendance to talk to the Board with regard to a recent letter from the Code Officer noting that she was in violation of Section 200-98, Keeping of Animals, other than in conjunction with agriculture. Ms. Kearns, in addition to her pets, kept chickens on her property for 4-H Projects and to provide her family with eggs.

The Code Officer noted that she had received the letter due to a complaint filed with the Township. Upon visiting Ms. Kearns property, the Code Officer noted that Ms. Kearns was in violation of Section 200-98, as she had 12 chickens in addition to her other pets and that this is why a violation letter was mailed. Ms. Kearns noted that she kept a clean and orderly coupe in her back yard near the woods and that she had no roosters.

Ms. Kearns advised the Board that she had gotten rid of all the chickens but 4 so that she would come into compliance. She then requested that the Township consider amending the Zoning Ordinance to permit the keeping of chickens on non-agricultural lots so that a family could raise their own eggs and participate in 4-H Projects. Dialogue went back and forth with Ms. Kearns and the Board with regard to her request and how to best approach her request.

The Township Manager was requested to look into agricultural standards based on animal unit values to determine the number of chickens that could be kept on a non-agricultural lot. From here, the Township could look at amending its Zoning Ordinance as it pertains to the keeping of animals based on unit values and at the

same time, establish some standards to go along with the keeping of said animals. Ms. Kearns thanked the Board for their time.

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 Board of Supervisors is in receipt of the Wiggins Shredding proposal for the disposal of Township documents as per the States Record Retention and Disposition schedule. Manager Rambo noted that the costs per bin would be \$34.00 and that the truck would be shared with Valley Township. Vice-Chairman McCaffrey motioned to accept the proposal followed by a second by Chairman Obernier. Board members McCaffrey and Obernier voted aye.

The Chester County GIS Department has forwarded the Township a Tier II Chester County GIS Consortium Agreement for consideration and acceptance. Manager Rambo noted that the Agreement would be for a period of one year at a cost of \$3,600.00. The Township would request that the GIS Department perform a review of the assessed values of fire districts of the Township and to prepare a program that could keep track of the assessed values, the assessment appeals and awards. This information would then be utilized by the Township to calculate the yearly Fee for Service based on the contracts to be signed by the three fire companies that provide fire services to the Township. Vice-Chairman McCaffrey motioned to sign the Agreement followed by a second by Chairman Obernier. Board members McCaffrey and Obernier voted aye.

The Township is invited to attend a Legislative Breakfast on Tuesday, June 12, 2012 at the Downingtown Country Club. The Board will let Manager Rambo know if they are planning to attend so that he could register them.

Correspondence/Communications *Information to note*

The Township is in receipt of the Pennsylvania Public Utility Commission Final Implementation Order as it pertains to Chapter 23 of Act 13 and Marcellous Shale Gas Wells. The Board noted receipt of the information and that there were no Wells within the Township.

The Township is in receipt of correspondence as it pertained to the Federal Highway Administration and its sign regulations that were to go into effect. Manager Rambo noted the Federal Highway Administration was forgoing the implementation of 46 traffic sign regulations that would have required the replacement of signs by specific dates. The regulations will now permit their replacements when a sign becomes worn out.

The Township's Solicitor, John E. Good, Esquire, has found Draft #2 of the Fire Services Contract Agreement in order. Manager Rambo noted that he had forwarded a copy of the Fire Services Contract Agreement onto the fire companies for review.

The Township is in receipt of the approved Round 21 Chester County Acquisition Grant for the Henderson Conservation Easement. Manager Rambo noted that the extension was through November 14, 2012. A second request for the reimbursement of funds would be submitted to the County in October of 2012 for the Henderson Easement and at that time, one additional six month extension would be requested.

The Township was in receipt of information from the Chester County EOC that they will be holding the first Chester County Knowledge Center Exercise on Thursday, June 21, 2012. Manager Rambo informed the Board that this information was forwarded onto the Township's EMC.

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the April monthly report of the Police Department noting a total of 120 arrests for the month. Personnel worked a total of 1,028.5 hours and addressed 358 complaints. A total of 4,753 miles were patrolled.

Public Works Director Eells gave the April monthly report of the Public Works Department. A total of 761.75 hours was worked by personnel. 1942 miles were traveled in Township trucks and 124 hours was spent in Township equipment. Maintenance of the building and grounds, vehicles, equipment and roadways was

performed during the month. The sweeping of Township streets also took place. Karl Ciamachelo asked questions about gas and mileage.

Codes Officer Barnett gave the April monthly report for the Code Office. A total of 13 building permits were issued for the month. 28 inspections were performed of which included 10 for Valley Township. A total of \$3,850.00 was collected in fees.

Fire Inspector Barnett gave the April monthly report. A total of seven campfires were issued and 1 was denied due to the size of the campfire pile.

Chief Ziegler gave the April fire report of the Wagontown Fire Company. He noted a total of 3 calls were responded to in West Brandywine Township during April.

Chief Lewis gave the April fire report of the Martins Corner Fire Company. He noted a total of 3 calls in West Brandywine in April.

Chief Edwards gave the April fire report of the East Brandywine Fire Company. He noted seven fire calls into West Brandywine in April and 4 medical assist calls responded to. Chief Edwards then requested that he have the opportunity to discuss the 2nd "draft" of the proposed Fire Services Contract of which removed the ability to obtain free fuel from the Township. Chief Edwards was disappointed that the Board of Supervisors was taking such a stance and that he would have to come up with funds to cover the cost of fuel being taken out of the contract. He questioned the Board as to why this occurred. The Board advised Chief Edwards that they felt that fuel was being used for purposes other than fire services based on the calls responded to within the Township. Discussions continued between Chief Edwards and the Board for a period of time. At the end of the discussions, the Manager suggested that he develop a means to provide fuel at no cost based on the number of calls responded to within the Township. The Board was okay with this and requested that information be forwarded onto them to review.

John Sly was present to give the Westwood Ambulance (Station 144) report for the month of April 2012. He noted 41 calls in West Brandywine for the month.

Vice-Chairman McCaffrey requested the Manager ask the Township solicitor what the Township's options are for establishing special districts where there is extreme activity and you can tax for that service.

Jeff Grossman gave the report of the Historical Commission and stated they are requesting to have internet service at the old school house where they meet.

Manager Rambo stated that nobody was present from the Parks and Recreation Board, but noted their planned activities that include a concert, car show, and 5K run. The Parks and Recreation Board are looking for fire police to direct traffic at their Father's Day concert.

Manager Rambo noted there was no activity for the Planning Commission.

Manager Rambo noted the report of the Open Space Review Board, stating there is a person interested in talking to the OSRB at their next meeting about a property on Gabel Road.

Municipal Authority Manager Rambo gave the report of the Municipal Authority noting the Authority projects are complete and they are in the process of closing the Kimberwick system. There is a planning module resolution to pass tonight to submit DEP for its closure.

Chairman Obernier excused the Chief of Police, Codes Officer, and Public Works Director from the meeting.

Public Hearings (Ordinances as advertised) The Township meeting was adjourned at 9:15 and the Public Hearing was opened.

Ordinance 2012-02: Comcast Cable Franchise Agreement. Manager Rambo noted that Ordinance No. 2012-02 has been duly advertised. This ordinance allows Comcast Cable to have a Franchise in the Township for fifteen

years, with a onetime renewal of five years and gives the Township five percent. The Township has been working on this as a group for nine months. Vice-Chairman McCaffrey questioned if the Board will vote on the renewal. Manager Rambo answered no that is automatic. Vice-Chairman McCaffrey felt that is illegal and that he wouldn't agree to that. Manager Rambo answered it is not illegal and explained that this gives the Township money, the Township is not paying for a service. The last contract was perpetual. This now defines things specifically so that the Township will get the money it should be. The agreement is for a fifteen year period. It is being done in that fashion because there are individuals out there that are trying to get the federal law changed so that franchise fees are no longer legal. So this agreement was extended out as far as they could to guarantee the Township five percent for fifteen years with another renewal of five years. This is legal and has been through numerous attorneys. Attorneys that do municipal work have worked on this for the multiple municipalities. Vice-Chairman McCaffrey commented okay, that Manager Rambo is sure, just because it is not a contract that the Township is spending money on, it is not confined to that piece of the second class code. Manager Rambo answered that is correct. The Township hired an attorney as a group, there are thirteen municipalities. Each Township spent \$975 rather than \$9,700 each. Vice-Chairman McCaffrey stated he is okay with this; the five percent is about the best the Township can get. Manager Rambo stated that this is the most you can get. Every service is specifically spelled out where funds can be obtained legally, in the past it was questionable because it wasn't spelled out.

Karl Ciamachelo questioned what the five percent was from. Manager Rambo explained this is five percent of the income that Comcast brings in.

Vice-Chairman McCaffrey stated it is difficult because they can't define West Brandywine Township since they can't use a zip code. Manager Rambo stated the addresses are verified. Mr. Ciamachelo asked what a franchise is. Manager Rambo answered a franchise gives Comcast the right to service WBT with cable throughout the Township and give them the right to operate within the Township's road right of ways. Mr. Ciamachelo stated the residents that have Comcast are actually paying five percent more because Comcast is paying the Township. The Manager answered yes, that is the same with Verizon. There were no further comments. With that, Vice-Chairman McCaffrey motioned to close the Public Hearing at 9:20 p.m. At this time Chairman Obernier excused himself for a few minutes because he had to make an emergency phone call.

Upon the return of Chairman Obernier the Township meeting was reopened at 9:24 p.m.

Old Business

The Manager has met with representatives of PADEP and the Army Corp of Engineers as it pertains to the replacement of the Icedale Road bridges with precast concrete culvert systems by CONTEC and to discuss what would be involved in replacing said bridges. Manager Rambo stated he also spoke with representatives of Wheeler Incorporated, they are manufactures of wooden bridges. There is a means that they could possibly do this in a different fashion. Manager Rambo will look at funding options when he has the cost to repair it.

The Township Manager has forwarded the amended Contractual Agreements for Fire Protection Services back to the fire companies for their review. There were no comments.

The Township Manager is finalizing the amendments to the Recycling Ordinance to ensure that it is up to date with regard to materials being recycled, reporting requirements of businesses and to allow for a June 7, 2012 adoption consideration. There were no comments.

The Township is awaiting information from John Tallman of Tower Economics Company, Inc. with regard to the possible placement of a tower at the old Kimberwick Sewer Treatment Facility. There were no comments.

Final discussions as it pertains to proposed Ordinance 2012-02, Comcast Cable Franchise. Manager Rambo noted this ordinance allows the Board to adopt the proposed agreement that is initially fifteen years with a onetime renewal of five years. Discussion ensued.

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

New Business

The Township to award road equipment bid for those municipalities that will be participating in the multi-municipal paving group of which the Township participates in. Manager Rambo noted one bid was received for road equipment from Robert R. Pierson Inc. The Township currently has a contract with them through July 6th. This contract will run from July 7th through July 6th of 2013. The Manager recommended the BoS accept the Pierson bid for a paver with operator for \$150 per hour, a screed man at \$125 per hour with operator and no screed man. A roller with an operator \$90, without and operator is \$65 a milling machine is \$440 an hour. Vice-Chairman McCaffrey motioned to award the road equipment bid to Robert Pierson, the bids were in line with last year's bid. Chairman Obernier seconded the motion. Board members McCaffrey and Obernier voted aye.

Summer newsletter articles are due on Linda Formica's desk by Friday, May 18, 2012. Chairman Obernier requested that a sign up form be placed on the front page for people to give the Township their email addresses for emergencies.

The new police vehicles are to be received within the next few weeks. There were no comments.

New Business from the Floor - There was no New Business from the Floor.

New Business from the Board

Vice-Chairman McCaffrey requested the Board renew its ordinances and regulations to see if they can be streamlined a little bit. There may be regulations that they don't need to impose that may be taken up by neighbors. Chairman Obernier concurred. Vice-Chairman McCaffrey motioned to review the Township's regulations for simplicity, streamlining, and public review, seconded by Chairman Obernier. Board members McCaffrey and Obernier voted aye.

Ordinances and Resolutions

Resolution #08-2012: Municipal Authority Planning Module review by PADEP. Manager Rambo recommended the BoS pass Resolution #08-2012 so that it can be forwarded on to DEP for review so that the Kimberwick Spray Irrigation system can be decommissioned. Vice-Chairman McCaffrey motioned to pass Resolution #08-2012, seconded by Chairman Obernier. Board members McCaffrey and Obernier voted aye.

Resolution #09-2012: small borrowing of funds in the amount of \$65,500 from DNB First for purchase of police cars. Vice-Chairman McCaffrey motioned to pass Resolution #09-2012, seconded by Chairman Obernier. Board members McCaffrey and Obernier voted aye.

Ordinance #2012-02: Comcast Cable Franchise. Chairman Obernier motioned to approve Ordinance #2012-02, the Comcast Cable Franchise contract. Vice-Chairman McCaffrey seconded the motion based on the appraisal received from the Township Manager and those involved with formulating this. Board members Obernier and McCaffrey voted aye.

Public Comments - There were no Public Comments.

Developer Presentations - There were no Developer Presentations.

Open Issues Before the Township

Chairman Obernier noted the following Open Issues Before the Township. No dialog ensued.

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

The Township is looking for two volunteers to serve on the Parks and Recreation Board.

The Township Manager is working to complete the Airport Hazard Zoning District Overlay.

The Township is looking for a volunteer to fill a vacancy on the Historic Commission.

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.

Driveway onto Baker Road near Reason Lane.

Investment of Pension Funds according to Section 3204 of the Second Class Township Code.

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 \$113,199.99 and the Fire Appropriations Fund bills total \$87.38, the Solid Waste Fund bills total \$3,191.40, and the State Liquid Fuel Fund bills \$5,048.43. Vice-Chairman McCaffrey stated he reviewed the bills, found them in order, and motioned payment. Chairman Obernier seconded the motion. Board members McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- Board of Supervisors, Thursday, June 7, 2012 at 7:30 p.m.
- Historic Commission, Monday, June 11, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, June 12, 2012 at 7:00 p.m.
- Municipal Authority, Thursday, June 14, 2012 at 7:30 p.m.
- Car Show and Greaseband Concert, Sunday, June 17, 2012 starting at 3:00 p.m.
- Board of Supervisors, Thursday, June 21, 2012 at 7:30 p.m.
- Open Space Review Board, Thursday, June 28, 2012 at 7:00 p.m.
- Planning Commission, Thursday, June 28, 2012 at 7:30 p.m.

Adjournment

There being no further business before the Board, Chairman Obernier motioned to adjourn the meeting at 9:30p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye in favor of adjournment.

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