

Meeting Minutes of August 16, 2012
Board of Supervisors

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of August 16, 2012 to order at 7:30 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., Thomas J. McCaffrey and William E. Webb in attendance. 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

July 19, 2012 and August 2, 2012. Chairman Obernier stated he read the minutes and submitted comments. Supervisor Webb motioned to approve the minutes of July 19th and August 2nd as amended by Chairman Obernier. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Public Notification

An Executive Session was held on Thursday, August 2, 2012 after the Board of Supervisors meeting and another executive session was held at 6:45 p.m. prior to this BoS meeting. Both meetings pertained to personnel issues.

At this time Chairman Obernier requested that the Public Works Director give his report because he is an hourly employee.

Public Works Director Eells gave the July monthly report of the Public Works Department. A total of 859.75 hours was worked by personnel. 2,718 miles were traversed in Township trucks and 59.3 hours were spent in Township equipment. Maintenance of the building and grounds, vehicles, equipment, and roadways was performed during the month. Mr. Eells also noted that he received the DEP required certification in underground storage tanks. Vice-Chairman McCaffrey congratulated Mr. Eells for his certification. There were no comments and Mr. Eells was excused from the meeting.

Treasurer's Report *Balance on hand as of July 31, 2012:*

General Fund	\$177,862.33	Fire Appropriations Fund	\$81,888.04
State Liquid Fuel Fund	\$78,677.78	K-9 Rudy Fund	\$295.46
Revolving Fund	\$28,780.26	Open Space Fund	\$193,494.39
Police Pension Fund	\$1,648,429.89	Solid Waste and Recycling Fund	\$194,251.32
Non-Uniform Pension Fund	\$370,093.57	Capital Equipment Fund	\$70,306.85
Developer Escrow Fund	\$393,779.71	Construction Sweep Fund	\$25,725.46

Special Public Presentations/Notice none

Public Comments (*residents or representatives of taxpayers of the Township requesting to be on agenda*). Rich and Cathy Orth would like to discuss the proposed Chicken Ordinance. Rich and Cathy Orth were not in attendance.

John and Pat McAleese of Lafayette Road explained that they have a rat problem that is stemming from the neighbors goats, chickens, their droppings, and feed. The chickens don't stay on their own property. Manager Rambo stated the chicken ordinance may not have any effect on the neighbor's property because it may be considered agricultural, having more than four acres. There was an open discussion about the pros and cons

regarding the proposed chicken ordinance. Natasha Kearns of Monacy Road, Bob Wismer of East Reeceville Road, Mike Canale of Reeceville Road, Karl Ciamaichelo of Landover Road, Wayne Kearns of Monacy Road along with several others commented.

Correspondence/Communications *Information to act upon*

The Board of Supervisors is in receipt of the 2013 MMO requirements for the Uniform and Non-Uniform Pension Plans from Thomas J. Anderson & Associates, Inc. Manager Rambo noted the minimum 2013 reduced obligation for the police is \$162,042.00. The market value assets obligation, if the Township would have additional funds available, is \$203,192.00. Chairman Obernier would like to discuss this with the rest of the Board prior to the next BoS meeting.

The Board of Supervisors to approve the signing of the Memorandum of Understanding between the CASD and the West Brandywine Township Police Department. Manager Rambo noted this has been reviewed by John Good and Chief Werner and found satisfactory. Vice-Chairman McCaffrey wanted to clarify that if somebody has a problem at the school that they could still come to West Brandywine Township Police Department and Chief Werner answered yes. Supervisor Webb motioned that the BoS allow the Chief to sign the Memorandum of Understanding between the CASD and the WBTPD. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Correspondence/Communications *Information to note*

The Chester County Tax Claims Bureau has forwarded the Township the tax parcels subject to upset tax sale for review. Chairman Obernier noted the Tax Claim Bureau first sent the wrong list and has now sent the correct list.

The Township is in receipt of correspondence from the Chester County Agricultural Land Preservation Board with regard to its 2012 Farmland Preservation Program. Manager Rambo noted if the Township wants anybody to participate in the program, there will be fifty percent matching funds for them to participate.

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the July Police Department report noting there was a total of 125 arrests for the month. Personnel worked a total of 1,195 hours and 549 complaints were addressed. A total of 5,964 miles were patrolled.

Manager Rambo gave the report of Codes Officer Barnett because Mr. Barnett is on vacation. A total of 26 building permits were issued for the month. 54 inspections were performed. A total of \$7,045.79 was collected in fees.

Manager Rambo also gave the July burn permit monthly report. A total of 15 campfires were issued. There were 2 code violations for burning without a permit. Chairman Obernier requested an update for having people register online for burn permits. Vice Chairman McCaffrey noted he is pushing to loosen things up and would like to see people not need permission for a campfire in their backyard and would like to see the code that states that burn permits are required. Manager Rambo stated the code is in the International Building Code. Discussion ensued.

Bob Yearsley, Assistant Chief of Wagontown Fire Company gave their July fire report noting there were no calls into West Brandywine Township. There were no comments.

There was nobody in attendance from East Brandywine or Martin's Corner Fire Company. Manager Rambo noted that Martin's Corner didn't have any calls into West Brandywine in July.

EMS Chief Sly of Westwood Ambulance noted they had 51 calls into West Brandywine Township. The Manager will give Westwood Ambulance a list of addresses for West Brandywine Township. Karl Ciamaichelo expressed disapproval that the Board would give out residents' addresses for any reason. Chairman Obernier stated that this is public information.

There was nobody present from the Historical Commission. Manager Rambo updated the Board regarding the Parks and Recreation 5K Run/Walk event. There was nobody present from the Planning Commission or the Open Space Review Board.

Municipal Authority Manager Rambo updated the Board regarding the decommissioning of the Kimberwick system.

Discussion ensued regarding the requirement for a campfire. The Manager and Code Officer will review the requirements and discuss them with Vice-Chairman McCaffrey.

Public Hearings (Ordinances as advertised) n/a

Chairman Obernier closed the Township Meeting and opened the Public Hearing at 8:45 p.m.

Ordinance No. 2012-04: Repeal of Dog Barking and Noise Ordinance. Vice-Chairman McCaffrey stated he seems to be causing problems talking about these things, at any rate it was not Vice-Chairman McCaffrey's intension to just immediately repeal ordinances that seem questionable. Vice-Chairman McCaffrey would like to have a public discussion and input from people that live in WBT as to how they would like to address some of these things. Vice-Chairman McCaffrey stated as an individual he sees the placement of a police officer in someone's driveway so they can look at how often a dog barks over a given period of time is a waste of manpower. At some point people have to address these issues with their neighbors; the local magistrate is the place that you would go. Each person would take their side and a lot of time it would be very obvious like they have seen this evening. Vice-Chairman McCaffrey stated he didn't want to overtly jump right in a start repealing ordinances.

Chairman Obernier stated if anyone has anything to say they should raise their hand and feedback is appreciated. Chairman Obernier expressed a point that he has under the noise ordinance, just as with the dog barking ordinance the way it is written it requires a police officer to witness the infraction. Under the noise ordinance it requires the Township Code Officer to have a noise meter that is calibrated once a month. Some time ago, the Chief explained that the number of people complaining about either of these is a small handful. Getting that meter is \$3,000, having it calibrated once a month is a few hundred dollars. The Township doesn't have a way to enforce the noise ordinance and Chairman Obernier doesn't want to spend the money to do it. It's an ordinance that is there, but the Township is unable to enforce it. Chairman Obernier's feeling, as well as Vice-Chairman McCaffrey's, is there is an ordinance that doesn't make sense for WBT; it's been in place and hardly ever used. It's not vital; the BoS should just get rid of it.

Supervisor Webb stated he agreed with Chairman Obernier on this for the simple fact that he can't see the Township putting out the money for the equipment to enforce the ordinance. Obviously when the Board put this on the books, they should have taken the equipment into consideration before they spent the money to pass the ordinance. Supervisor Webb is happy to vote to remove these two ordinances from the books. Supervisor Webb also agreed with Vice-Chairman McCaffrey that maybe they should put a committee together to go through the Township's ordinances to get public opinion. The Township can't even get volunteers to join committees that are standing now for Parks and Recreation and the Historical Commission. For the Board to wait and get a committee together would be difficult.

Vice-Chairman McCaffrey stated that it isn't so much a committee, just if you would publicize the fact that this is under discussion and allow people to come to the meetings, just like tonight. Nothing happened right away last time, it was discussed. Now the Township can have someone come in and bring some points up. If you have a full discussion people don't feel like they are being blindsided.

Chairman Obernier stated at the last BoS meeting Vice-Chairman McCaffrey volunteered to write something up in the Township newsletter on the front page, letting people know about current topics under review. Chairman Obernier stated that perhaps Karl Ciamaichelo would like to step up and volunteer and give some specific input on the different laws and regulations that they have.

Mr. Ciamaichelo stated he didn't think there would be enough paper in this world and believes that all of this stuff should go and didn't feel that anybody should have a right to tell him what to do on his property.

Chairman Obernier stated that you could get rid of all the laws. Mr. Ciamaichelo stated that Vice-Chairman McCaffrey was doing a fantastic job as well as Chairman Obernier. Vice-Chairman McCaffrey stated they should discuss this another time and not during a public hearing.

A resident from Reeceville Road questioned if the barking dog and noise ordinance were together. Chairman Obernier answered they are two separate ordinances. The resident recalled a previous resident had a real problem with barking dogs and finally got the police to do something about it because it was irritating and the resident didn't see anything wrong with that and asked if the Township had to have a noise meter then because the officer enforced it. Vice-Chairman McCaffrey explained it is written in the ordinance how you would make the determination, it's just that one neighbor does not trust another to make the determination so they had a police officer deal with it. The resident asked if Vice-Chairman McCaffrey feels this should be repealed. Vice-Chairman McCaffrey answered his personal opinion is yes, he would like to see a lot of the nuisance ordinances stated as nuisances so that they can be taken to the local district justice by the people that are having problems in a clear description given on how that takes place. It's not expensive, in doing so it would not involve the entire community being legislated or controlled. It would take people with a problem and place them before someone who would solve their problem. Simply stating that this is a nuisance does that. It allows what you think isn't a nuisance and what I think is to be adjudicated.

Chairman Obernier stated as Vice-Chairman McCaffrey said earlier, sometimes neighbors use these regulations as a punitive kind of thing against their neighbor and Chairman Obernier agrees with Vice-Chairman McCaffrey for a number of reasons. The dog barking ordinance, Chairman Obernier is hard pressed to pay an officer to sit for ten or fifteen minutes to monitor that a dog is barking for ten minutes and hard pressed to spend three grand for a noise meter when the Township just got a bill for \$200,000 for the pension fund. As Vice-Chairman McCaffrey points out sometimes the best thing is to let the neighbors handle it themselves and go to the DJ if they have to. The DJ can be the arbitrator of their problem. The point is their problem gets fixed either way. If WBT has to fix their problem it costs all of us more tax money. The Township has had a long history of not raising taxes unless the people in this Township vote to have them raised. The long and the short of it is that we feel it is appropriate to just get rid of it. People can go to the DJ and still get it handled.

Paul Gainor of Holly Road stated that originally there was a good reason to enact these two codes. Manager Rambo answered the dog barking ordinance was adopted because of the problems with neighboring dogs barking. The noise ordinance was adopted with regard to complaints from neighbors regarding construction times, parties, etc. Mr. Gainor stated if you eliminate a lot of these nuisance ordinances you wouldn't need a code inspector fulltime, you could cut him down to save some money and you wouldn't need the police to enforce it, so you could get rid of some police at the same time. Good move. Get rid of all of them. This will save a heck of a lot of money for yourselves. Chairman Obernier affirmed or save you from paying higher taxes. Mr. Gainor stated he didn't mind paying the taxes in the Township, but it will lower his taxes if you get rid of all these people. And everybody will learn a dismissive lesson... And the chicken law is discriminating against the male chickens. Chairman Obernier stated yes, roosters are too loud. Chairman Obernier asked if there were any other comments. There were none and the Chairman closed the Public Hearing at 8:56 p.m. and reopened the Township meeting.

Old Business

The Manager, Public Works Director and Township Engineer have met with a Structural Engineer to discuss the Icedale Road bridges to establish the most economical means to address the recent bridge inspection reports. There were no comments.

The Township Manager is preparing Ordinance No. 2012-06, amendments to the Recycling Ordinance for presentation to the Board of Supervisors. There were no comments.

The Township Manager has met with the County's GIS Department staff to review the Fire Service Assessment coverage areas. Manager Rambo noted the Township will be making the first payment this evening according to the contracts. The assessments for the entire Township have been reviewed. East Brandywine covers 62%, Martin's Corner covers 12%, and Wagontown covers 26% of the Township. Due to the court decision and the lowering of Freedom Village's assessed value by \$17,000,000 a year that will have an effect on the percentage of assessed value covered by East Brandywine, they are going from 66% down to 62% and the other two will be adjusted up slightly. This will be done on a yearly basis so the correct budget numbers will be applied.

Final discussion on Ordinance No. 2012-04, repealing of the dog barking and noise ordinance.

Chairman Obernier asked if anyone would like to add further comment to the dog barking and noise ordinances. There were no comments.

Additional discussion on utilizing MuniPay for the payment of bills, etc. Discussion ensued regarding the use of MuniPay for credit card payments. Supervisor Webb motioned to authorize the Manager to take the necessary means to utilize MuniPay for the payments of bills for the Township residents. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Fall newsletter articles are due tomorrow, August 17, 2012 on Linda Formica's desk. Vice-Chairman McCaffrey is to submit an article for the newsletter.

Budget requests for 2013, from Boards, Commissions, and Department Heads are due into the Manager by September 28, 2012. Manager Rambo sent an email to all Boards, Commissions, and Department Heads for budget submissions.

Old Business from the Floor

Chairman Obernier moved to address John and Pat McAleese's issues with their neighbor. Supervisor Webb noted the code and discussion ensued. The Manager advised the Board that he would have the Code Officer follow up on the issue.

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

New Business

The Township to consider the bids received for 20,000 sq. yds. + or- of tar and chipping with Sadsbury Township. Manager Rambo noted that Sadsbury received three bids; the Township Engineer recommended the Board accept the bid of AMS. Sadsbury has already done so. This will be \$1.54 square yard for a single coat. Manager Rambo recommended the Board accept the recommendation of the Township Engineer. Supervisor Webb motioned that the Board accept the AMS bid based on the recommendation of the Township Engineer. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

The Manager has advertised Ordinance No. 2012-03 for the Township's participation in "The Western Chester County Council of Governments" for a September 6, 2012 adoption consideration. There were no comments.

Award of bids for the sale of used equipment. Manager Rambo noted the Township received two bids and recommended the Board accept the bid of Jersey One for the 2003 Crown Vic for \$566.99 and to also accept the bid from Police Car Store LLC for the 1985 pickup of \$750. Vice-Chairman McCaffrey motioned that the high bidders be awarded the items, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Discuss the updating of the Township's Police Manual. The Board was in agreement for the Police Manual to be updated.

Discussions on proposed Ordinance No. 2012-05, pertaining to chickens, prior to its forwarding to John E. Good, Esquire, the Township Planning Commission, and County Planning Commission for their review and input. Manager Rambo stated he will review his notes and the meeting tapes for the public comments and make modifications as suggested. Chairman Obernier stated that people have to keep their animals on their own property.

Approval of release #12 for the Hide-Away Project in the amount of \$206,578.80. Manager Rambo stated they are continuing the placement of the public improvements for phase 2. The Manager, Engineer, and Inspector have been out to the site. The Engineer has found the release request satisfactory. Supervisor Webb motioned to approve release request #12 for Hide-Away Farms project as recommended by the Township Engineer and Township Manager. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Signing of the Ted and Dawn Knepp subdivision plans and other related documents for recording. Manager Rambo stated the Knepp's subdivision plans have received approval from the Board based on the Knepp's receiving their planning module from DEP which has been given. This evening the Board is in receipt of declarations of easements, stormwater control management maintenance agreements, access and utility easements, and plans for signing. Vice-Chairman McCaffrey motioned for the Board to sign the documents they have already approved. Chairman Obernier seconded the motion. Board members McCaffrey, Obernier, and Webb voted aye.

The West Caln Township Board of Supervisors would like to meet with the Supervisors to discuss the Ambulance Contract in September. Chairman Obernier noted one of the purposes for meeting with West Caln is to discuss providing fuel for ambulance service and dialog ensued. John Sly of Westwood Ambulance commented that in all of their presentations, West Caln agreed to pay for fuel. Mr. Sly voiced concern that because the previous contract was awarded jointly, if WBT were to renew the contract as stated which has no fuel in it and then a few days later that West Caln were to change their contract to say they can't pay for fuel anymore, then Westwood Ambulance wouldn't be able to change the contract. Westwood Ambulance is currently meeting their budget as projected. If fuel were to change, that may cause a deficit. The Board is okay for the Manager to contact West Caln and advertise a joint meeting.

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

Ordinances and Resolutions –

Ordinance No. 2012-04: repealing of the Dog Barking and Noise Ordinance. Supervisor Webb motioned to adopt Ordinance No. 2012-04 to repeal the Dog Barking and Noise Ordinance. Chairman Obernier seconded the motion. Board members Webb and Obernier voted aye. Vice-Chairman McCaffrey abstained because he didn't want to rush into this, would like to see this announced, published, and have meetings where people can come in and contribute their opinion. Chairman Obernier felt they did that, it was in the paper, the Board took discussion at this meeting and the last BoS meeting.

Public Comments - None

Developer Presentations - There were no Developer Presentations.

Open Issues before the Township

Chairman Obernier noted the following 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 (scheduling a September, 6, 2012 presentation with regard to investments).

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 \$50,516.10, of which there is a bill for OAC Network Solutions. A vote is requested to pay all bills and then a separate vote for the OAC bill. Fire Appropriations Fund bills total \$34,960.46, the Solid Waste Fund bills total \$32,028.12, and the State Liquid Fuel Fund bills total \$29,931.69. Supervisor Webb reviewed the bills, found them in order, and motioned payment with the exception of the OAC bill. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye. Supervisor Webb motioned to pay the OAC bill, seconded by Vice-Chairman McCaffrey. Board members Webb and McCaffrey voted aye. Chairman Obernier abstained because he owns OAC Network Solutions.

Upcoming Meetings/Events

- Open Space Review Board, Thursday, August 23, 2012 at 7:00 p.m.

- Planning Commission, Thursday, August 23, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, September 6, 2012 at 7:30 p.m.
- Parks and Recreation Board 5K Run/Walk, Sunday, September 9, 2012 at 8:00 a.m.
- Historic Commission, Monday, September 10, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, September 11, 2012 at 7:00 p.m.
- Municipal Authority, Thursday, September 13, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, September 20, 2012 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Webb motioned to adjourn the meeting at 9:51 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Webb, McCaffrey, and Obernier voted aye in favor of adjournment.

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