

**Meeting Minutes of September 20, 2012
Board of Supervisors**

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of September 20, 2012 to order at 7:31 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; Dale Barnett, Code Enforcement Officer, and Thomas Eells, Public Works Director.

Supervisor Webb requested a moment of silence for the loss of Ambassador Chris Stevens.

Acceptance of Minutes from Previous Meetings

August 16, 2012 and September 6, 2012. Vice-Chairman McCaffrey motioned to approve the August 16 and September 6th meeting minutes, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Treasurer's Report *Balance on hand as of the end of August 2012:*

General Fund	\$59,584.53	Fire Appropriations Fund	\$29,758.75
State Liquid Fuel Fund	\$36,639.73	K-9 Rudy Fund	\$295.46
Revolving Fund	\$28,144.18	Open Space Fund	\$41,915.23
Police Pension Fund	\$1,646,612.98	Solid Waste and Recycling Fund	\$157,567.73
Non-Uniform Pension Fund	\$372,977.92	Capital Equipment Fund	\$70,317.84
Developer Escrow Fund	\$391,452.59	Emergency Fund	\$30,043.78

Special Public Presentations/Notice none

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

Correspondence/Communications *Information to act upon*

The Board of Supervisors is in receipt of a request from Martins Corner Fire Company to provide them with gas at the Township's costs once they have achieved their municipal allotment. Discussion ensued regarding the usage and billing of fuel. Chairman Obernier expressed if they need to get fuel to go ahead. A spreadsheet has been prepared to track month by month if they are over or under and some point this will be balanced out. The allotment will be based on what is used within WBT. Supervisor Webb and Vice-Chairman McCaffrey also commented. Vice-Chairman McCaffrey motioned for Martin's Corner to purchase fuel, Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

The County Commissioners will hold their first municipal "on the road" meeting at West Brandywine on Wednesday, October 10, 2012 at 7:00 p.m. The Board of Supervisors will attend the Commissioners meeting that will be held at WBT. A mass email will be sent notifying the residents of the meeting and if anyone has any questions about county taxes, 911, etc.

The Township is in receipt of correspondence from John E. Good, Esquire with regard to Pulte Homes. Manager Rambo noted that Pulte Homes is not moving with any of their projects. The Manager spoke with Mr. Good with

regard to taking legal action against Pulte. The Manager noted that the Authority has voted to move forward with legal action. The Manager reminded the Board that the Township is also part of the previously documents with Pulte. Manager Rambo went on to say that Pulte is in arrears with some of their financial commitments to the Township. The Authority is bringing Jeffrey Sommer and Kristin Camp to do litigation. Manager Rambo recommended that the Board consider coming on board with the suit and consider utilizing the same litigation team. Supervisor Webb motioned that the Township join in the suit with the Municipal Authority. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey and Obernier voted aye. Vice-Chairman McCaffrey motioned that they combine forces and limit legal costs by using the same attorneys. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

The Ambulance EMS Deputy Chief from the Washington Hose Company is asking to establish a meeting date and time to discuss ambulance service options with the Township. Manager Rambo noted he received an email from Scott Thornton showing interest to present information to the Township for providing ambulance service to WBT. The Township also received a letter from Honey Brook a few months ago. Manager Rambo advised the Board that Westwood is still interested in providing ambulance services under the contract that is currently in place. As for fuel, of which has been a topic of discussion, Manager Rambo noted that the Supervisors of West Caln are specifically asking the West Brandywine Township Board to assist for a short period of time until Westwood can get additional contributions. Board members expressed their opinions and further discussion ensued. Mr. Sly of Westwood stated they are not requesting any change in the contract as it is written and there has not been a change in the way it was presented. The concern came when West Caln Township was unable to meet the entire fuel contribution that they agreed to for 2012. Joe Edwards, Chief of East Brandywine Fire Company and Ed Tomlinson of Brook Circle commented. Chairman Obernier felt that this was not an unreasonable request from West Caln to ask that WBT split the cost of fuel for Westwood. Vice-Chairman McCaffrey disagreed and stated that if there is money to be paid that Westwood should ask for it directly. Supervisor Webb clarified that West Caln Township is not asking WBT to reimburse them for fuel money that was spent during 2012, they are asking that once the contract is renewed and takes effect on January 1, 2013, WBT steps up and assists West Caln in paying for calls within WBT so that West Caln residents are not footing the bill for WBT residents. Chairman Obernier noted that the WBT Board has a meeting at West Caln next week to discuss sharing the expense of the fuel, tonight the question is does the Board want the Deputy Chief from Washington Hose Company come in and give a presentation. Both Chairman Obernier and Supervisor Webb were okay with this and Vice-Chairman McCaffrey stated he didn't feel a presentation was necessary if the current contract with ambulance service stays the same. This item was tabled.

The WCCC has sent a reminder of the upcoming WCCCOG meeting scheduled for Wednesday, September 26 at 7:00 p.m. at Caln Township. Chairman Obernier will attend the WCCCOG meeting that is scheduled for September 26th.

The Township is in receipt of a letter of extension until March 7, 2013 for the Hammell-O'Donnell Business Park Preliminary Plans. Manager Rambo explained they have a high pressure gas main that is in the way of their sewer lines. They are in the process of negotiating with the gas company to lower the main at their cost. The Township is in receipt of a letter from MacCombie stating that the extension request is warranted. Supervisor Webb motioned to accept the Hammell-O'Donnell letter of extension until March 7, 2013, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from the Pennsylvania Department of the Auditor General with regard to the 2012 Municipal Pension System State Aid and the Volunteer Fire Relief Association funds to be received. Manager Rambo noted the Township is scheduled to receive \$60,793.86 on September 21st toward the general municipal pension fund. This is down roughly \$40,000 from last year because last year they used a different one time formula. The fireman's relief funds to be received this year will be \$52,008.40, the lowest since 2004. Contributions are based on 50% population and 50% real estate assessment. Fireman's relief contributions have seen a downturn over the last year due to assessments. Vice-Chairman McCaffrey questioned the reason for the reduction in funds. Manager Rambo explained that a lot of people are reassessing their homes; Freedom Village went from being assessed at \$49,000,000 to \$32,000,000 based on a court decision of which the Township has to reimburse them approximately \$35,000 over the next two years and lose an additional \$17,500 each year in

tax revenues. Each month the Township receives roughly twenty reassessment changes that people won and only one that stays the same.

The Township is in receipt of the estimated 2013 Municipal Liquid Fuels Allocation from Pennsylvania Department of Transportation's Bureau of Municipal Services. Manager Rambo noted this is \$169,071.93, down \$6,000 because fuel prices are up and people are buying less fuel.

The Township is in receipt of the time-stamped acceptance of its MS4 Program Yearly Application Submission to PADEP. Manager Rambo stated this was notification that the submission was received in a timely fashion.

John E. Good, Esquire has forwarded correspondence to the Township noting that the dedication papers are in order for Phase I of the Hide-Away Farms Project. Manager Rambo stated they are currently preparing the roads for dedication. The final wearing course of paving has to be placed, basins have to be finished, and the hiking trails have to go in. The solicitor has approved the dedication papers. The engineer has reviewed the legal descriptions and they are making changes based on this review. Monuments and pins have been placed.

The Township is in receipt of a copy of the joint meeting advertisement with the West Caln Township Supervisors as it pertains to the discussion of ambulance service that is scheduled for Monday, September 24 at 7:30 p.m. There were no comments.

PennDot has forwarded the Township a copy of the bridge inspection reports for the Icedale Road bridges performed by McCormick Taylor, Inc. This item will be discussed later in the meeting.

The Department of Emergency Services has forwarded the Township information on upcoming seminar dates on The Emergency Management Code. Manager Rambo noted that he thought this was either Title 73 or 75 of the State Code.

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the August Police Department report noting there was a total of 122 arrests for the month. Personnel worked 1,192 hours and 527 complaints were addressed. A total of 6,691 miles were patrolled.

Public Works Director Tom Eells gave the August monthly report of the Public Works Department. A total of 875.5 hours was worked by personnel. 1,878 miles were traversed in Township trucks and 144.7 hours were spent on Township equipment. Maintenance of the building and grounds, vehicles, equipment and roadways was performed during the month.

Manager Rambo noted that Mr. Brown from Brooke Circle is in attendance concerning the continual clogging of an inlet near his residence. Mr. and Mrs. Brown spoke to the issue. Dialog ensued. Vice-Chairman McCaffrey will look at the water situation and Manager Rambo will take measurements and make a diagram as a first step to try and find a solution to the problem.

Codes Officer Barnett gave the August monthly report for the Code Office. A total of 33 building permits were issued for the month. 44 inspections were performed in WBT and 3 for Valley Township. A total of \$10,420.61 was collected in fees. Supervisor Webb thanked Mr. Barnett for addressing a prior issue concerning rats and chickens that a resident had with a neighbor. The issue is being worked on and is progressing.

Fire Inspector Barnett gave the August monthly report. A total of 14 campfires were issued. Mr. Barnett updated the Board regarding having an online fire permit issued.

Chip Patton, Deputy Fire Chief of Wagontown Fire Company gave their August fire report. He noted a total of 3 calls were responded to in WBT.

Greg Lewis, Fire Chief of Martins Corner Fire Company gave their August fire report. He noted a total of 1 call that was responded to in WBT.

Manager Rambo noted the August report of East Brandywine Fire Company. He noted 3 fire calls and 22 QRS calls into West Brandywine.

Chief Sly of Westwood Ambulance gave the August monthly report. There were 48 calls into West Brandywine Township. Manager Rambo asked Chief Sly if he would be able to report on the number of calls that other ambulance companies respond because Westwood is already on another call and Chief Sly stated that he would also like to know the number of calls that they miss but that information would come from the County and they don't have the ability that they once had.

Theo Claypoole gave the report of the Historical Commission stating that the Historical Commission recommended that new development on historic property be given the historical name. Manager Rambo stated explained that in some instances it may cause confusion.

There were no members present from the Parks and Recreation Board. Manager Rambo noted that Parks and Recreation had their 5K run it was successful. They had enough money to donate to their cause.

Manager Rambo noted that all plans before the Planning Commission were tabled at their last meeting.

There was no quorum for the Open Space Review Board in August.

Municipal Authority Chairman Webb gave the report of the Authority noting the following items were discussed: Pulte owes the Authority money, having a onetime tap in fee per house for Kimberwick, and having a mandatory connection for Monacy Manor as per the 2nd Class Township Code that if you are within 150 feet of a sewer line. The Municipal Authority voted to ask the Supervisors to change the Act 537 Plan to force these residents to connect that will follow the Code and help with shortfalls. The Board made it not mandatory in the Act 537 Plan to connect at any point that has public sewer unless you sell your house or if your septic system failed and there is no remediation. Vice-Chairman McCaffrey objected to making people with a functioning system forced to connect because there is a need for funding. This item will be discussed later in the meeting.

Public Hearings (Ordinances as advertised) n/a

Old Business

The Manager has received plans and a detailed list of materials required for the repairs to the Icedale Road Bridge requiring immediate repairs and is requesting that the Board consider bidding for said materials.

Manager Rambo noted the estimated materials list cost is \$32,000 to \$35,000. The Manager would like to bid out the list and utilize liquid fuel funds to pay for the materials. Supervisor Webb motioned to advertise to bid the list of materials, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

The Township Manager is preparing Ordinance NO. 2012-06, amendments to the Recycling Ordinance for presentation to the Board of Supervisors. Manager Rambo stated the Ordinance is being reviewed by John Good to make sure it is okay and will then be presented to the Board for consideration.

Budget requests for 2013, from Boards, Commissions and Department Heads are due into the Manager by September 28, 2012. Manager Rambo stated he received budgets from the Police and Historical Commission.

The Township will be bidding for the sale of used equipment for an October 18, 2012 bid opening. Discussion ensued regarding the used equipment that included the police bikes.

Old Business from the Floor

Ed Tomlinson questioned if single family homes can become group homes and also noted an issue with PECO wires that are encased in concrete that is disintegrating. Manager Rambo will call Greg Cary of PECO.

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

New Business

Draft #5 of proposed Ordinance NO. 2012-05, pertaining to chickens, has been forwarded to John E. Good, Esquire for his review and input. Manager Rambo noted the Board is in receipt of Draft #5.

The Township Manager has begun his work on the 2013 budget as it pertains to anticipated revenues. Chairman Obernier suggested that the anticipated revenues not be increased for 2013. Manager Rambo noted that revenues have decreased over the last three years.

Discussions on what the Township would like brought before the newly established WCCCOG for consideration. Vice-Chairman McCaffrey suggested they reform the school tax system.

New Business from the Board

Supervisor Webb requested that discussion regarding the mandatory connection for Monacy Manor as per the 2nd Class Township Code be placed on the next agenda.

Business from the Floor – There were none.

Public Comments - None

Open Issues before the Township

The Township Engineer and Manager continue their work on updating the Township's Act 537 Plan. There were no comments.

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

Updates to the Township's lighting section of its Subdivision and Land Development Ordinance. Chairman Obernier will meet with the Manager regarding the updates.

Investment of Pension Funds according to Section 3204 of the Second Class Township Code. Chairman Obernier advised the Board that he is in the process of looking for someone that can answer questions he has on a safer way of investing money.

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 \$48,939.92, of which there are bills for Cedar Grove Environmental and OAC Network Solutions. A vote is requested to pay all bills and then separate votes for the Cedar Grove and OAC bills. The Solid Waste Fund bills total \$20,891.99. Chairman Obernier reviewed the bills, found them in order, and motioned payment with the exception of the Cedar Grove and OAC bills. Supervisor Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye. Supervisor Webb motioned to pay the Cedar Grove bill for \$88, seconded by Chairman Obernier. Board members Webb and Obernier voted aye. Vice-Chairman McCaffrey abstained because he is a Principal at Cedar Grove. 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 is a Principal at OAC Network Solutions.

Upcoming Meetings/Events

- Joint meeting with West Caln Supervisors, Monday, September 24, 2012 at 7:30 p.m. at West Caln.
- Open Space Review Board, Thursday, September 27, 2012 at 7:00 p.m.
- Planning Commission, Thursday, September 27, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, October 4, 2012 at 7:30 p.m.
- Historic Commission, Monday, October 8, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, October 9, 2012 at 7:00 p.m.
- County Commissioners at West Brandywine, Wednesday, October 10, 2012 at 7:00 p.m.
- Municipal Authority, Thursday, October 11, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, October 18, 2012 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Webb motioned to adjourn the meeting at 9:50 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