

Meeting Minutes of November 1, 2012
Board of Supervisors

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of November 1, 2012 to order at 7:30 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 Josef G. Obernier, Sr. and Supervisor William E. Webb in attendance. Thomas J. McCaffrey, Jr. arrived at 7:35 p.m. Also present was Ronald A. Rambo, Jr.

Acceptance of Minutes from Previous Meetings

October 18, 2012 – The Minutes were addressed after Vice-Chairman McCaffrey arrived. Supervisor Webb stated he read the minutes, found them satisfactory, and motioned to approve the October 18th minutes, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Public Notification - None

Treasurer's Report (n/a)

Special Public Presentations/Notice - None

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

Correspondence/Communications *Information to act upon*

The Township is in receipt of the 2013 Animal Protective Services Contract from the Chester County SPCA. Manager Rambo requested the Board review this information for discussion at the next Board meeting. Supervisor Webb motioned to table this item, seconded by Chairman Obernier. Board members Webb and Obernier voted aye.

The Township is in receipt of correspondence from the Wagontown Fire Company/Martins Corner Fire Company Consolidation Committee requesting that a representative from the Township attend their upcoming meeting scheduled for Tuesday, November 6, 2012 at 7:00 p.m. Chairman Obernier and Manager Rambo will attend.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from the Honey Brook Ambulance with regard to solicitations for memberships. Chairman Obernier noted that Honey Brook Ambulance included a territory map in their request for memberships and suggested that Westwood also include a service area map. Honey Brook also stated in their letter that they return membership money to those that have received the request by mistake. Chairman Obernier expressed their courtesy in doing this is appreciated.

Chairman Obernier stated that Vice-Chairman McCaffrey has arrived at the BoS meeting and moved to address the meeting minutes.

The Township has received the signed cable franchise agreement from Comcast. Chairman Obernier noted the Board had previously signed it; Comcast has signed it and returned a signed copy for the Township's records. Karl Ciamaichelo of Landover Road asked if this is regarding the 5% Franchise Agreement fee that gets passed onto the people of WBT, like a hidden tax that is charged. Manager Rambo explained that there is 5% on both Comcast and Verizon which gives them the right to operate within the Township road right of ways. Discussion ensued.

The PennDot review Engineer has forwarded the Township a list of comments to review with regard to the Township's proposed plans to repair the Icedale Road Bridge #2. Manager Rambo noted this information has been forwarded to the Township's Engineer. A resident questioned if the bridge would be widened. There are no plans to make the bridge wider, this would require new designs, permits, and cost roughly \$1,250,000. The only plan is to make repairs that will cost only \$50,000.

Nancy Fromnick, Chester County Recycling Coordinator, as sent the Township correspondence requesting an update on the illegal dumpsite near the intersection of Route 340 and 82. Manager Rambo delineated this site is a small area with .5 ton of debris located within the City of Coatesville's property within the Township. The Manager will contact the City and request they clean it up.

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

Public Hearings (Ordinances as advertised) - None

Old Business

The Manager and Public Works Director have met with PennDot officials to discuss the use of Liquid Fuel Funds for the purchase of the Icedale Road bridge materials and are awaiting their response. Manager Rambo noted the Township is waiting for the Township's Engineer to address PennDot Engineer's comments.

The Manager is finalizing the 2013 budgets for distribution to the Board so that they may present the 2013 budgets for public review on Thursday, November 15, 2012. Manager Rambo will forward the budgets to the board for review.

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

New Business

Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission tabled all the projects before them. The PC had discussed the keeping of animals, six people were present; five were in favor of how the ordinance was prepared, one person was not.

The Board to select an alternate to serve on the WCCCOG. Chairman Obernier stated that he is the primary person from WBT. Supervisor Webb motioned to appoint Vice-Chairman McCaffrey as the alternate to serve on the WCCCOG. Chairman Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Discussion on the re-establishment of the Noise Ordinance. Supervisor Webb expressed he voted to remove the Noise Ordinance under the assumption that the Township did not have a decibel reader and that it would cost around \$3,000 to buy the equipment to enforce the Ordinance. Since then Supervisor Webb was made aware that the Township has a meter that calibrates itself so there is no cost and is in favor of reinstating the Noise Ordinance. Chairman Obernier stated he is also in favor of re-establishing the Noise Ordinance. Vice-Chairman McCaffrey expressed this is difficult because he didn't vote to rescind the Ordinance, you can't legislate consideration and respect for one another. It is getting difficult to have all the laws written with all the different facets, possibilities, and variables that go into making something a noise for another person. Vice-Chairman McCaffrey would like to explore what it takes to declare something a nuisance and get the aggrieved party go before an arbitrator or go before district court, rather than legislating something with tremendous detail that affects thousands of other people. Jeff Chalfant also spoke to the issue favoring the re-establishment of the Noise Ordinance. Discussion ensued regarding the pros and cons of the Noise Ordinance. Jeff Grossman of Beaver Creek and Karl Ciamaichelo of Landover also commented. Supervisor Webb motioned to proceed in the process of having the Noise Ordinance re-established, seconded by Chairman Obernier. Board members Webb and Obernier voted aye. Vice-Chairman McCaffrey voted nay.

The Township will hold a special branch and brush pick-up on Tuesday, November 6, 2012, residents are requested to call in to schedule a pick-up. There is a sign-up sheet on the website, an informational Snippet will be sent out, and residents are able to drop their brush off at the Township prior to Saturday.

New Business from the Floor

Jeff Grossman requested the Township website be utilized for the ordinances, hearing dates, etc.

New Business from the Board

The Board expressed appreciation to the Emergency Management Coordinators (Doug Smith, the Emergency Management Coordinator; Richard Guest, Emergency Management Coordinator for WBT South; and Keith Davis, Emergency Management Coordinator for WBT North) that manned the command center at the Township during Superstorm Sandy and also articulated appreciation for Ron Rambo, Tom Eells, Tom Maher, Larry Weaver, Kim Hoopes, and Adam Clark of the Public Works Department.

Vice-Chairman McCaffrey requested a review of the Ordinances and suggested that the Noise Ordinance be published on the website, earlier than required by law, so that people have ample time to review it. Chairman Obernier and Supervisor Webb were okay for this information to be placed on the website.

Ordinances and Resolutions

Resolution #13-2012: meeting agenda. Supervisor Webb and Chairman Obernier explained that Resolution #13-2012 is regarding a change in the order of the agenda so that the reports of departments and committees are addressed in the beginning of the meeting. Supervisor Webb motioned to approve Resolution #13-2012, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, 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 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. Manager Rambo will talk with Stan Stubbe, the Township's lighting consultant.

Investment of Pension Funds according to Section 3204 of the Second Class Township Code. 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%). There were no comments.

Review and Payment of the Bills

Manager Rambo noted the General Fund bills total \$17,455.10 of which one is for OAC Network Solutions. The Manager recommended a motion approving all bills except the OAC bill. The Fire Appropriations Fund bills total \$13,762.72, the Solid Waste Fund bills total \$1,112.46, and the Liquid Fuels Fund bills total \$3,129.06. Supervisor Webb motioned to pay all of the bills except the OAC bill, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye. Supervisor Webb then 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.

Upcoming Meetings/Events

- Joint meeting of Board of Supervisors and Authority Board, Wednesday, November 7, 2012 at 6:45 p.m. The purpose of this meeting is to discuss refunding of the Authorities 2009 bonds.
- Municipal Authority, Wednesday, November 7, 2012 at 7:30 p.m.
- Historic Commission, Monday, November 12, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, November 13, 2012 at 7:00 p.m.

- Board of Supervisors, Thursday, November 15, 2012 at 7: 30 p.m.
- Open Space Review Board, Tuesday, November 20, 2012 at 7:00 p.m.
- Planning Commission, Tuesday, November 20, 2012 at 7:30 p.m.

Chairman Obernier questioned if the Manager spoke with John Good about establishing a sewer district for Monacy Manor. Manager Rambo noted that currently under the Act 537 Plan, the Monacy Manor area falls within the Friendship Village Sewer District. In order to create its own sewer district you would have to remove it from Friendship Village. This would have to go through Act 537 approval that would take about six to nine months. The Manager is looking into the number of people in areas that are sewerred to see if it is feasible to require all people to connect based on committal letters from years ago. The Board requested for the Township Manager to ask the Authority Manager to do a cost assessment to lien a property stating to the buyer that a sewer system that has to be put in. Further discussion ensued.

Adjournment

There being no further business before the Board, Vice-Chairman McCaffrey motioned to adjourn the meeting at 8:47 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