

**Meeting Minutes of November 3, 2011**  
**Board of Supervisors**

Chairman Lindborg called the West Brandywine Township (WBT) Board of Supervisors meeting of November 3, 2011 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 Carl S. Lindborg, Josef G. Obernier, Sr. and Thomas McCaffrey in attendance. Also present was Ronald A. Rambo, Jr., Township Manager.

**Acceptance of Minutes from Previous Meetings**

*October 6, 2011 and October 20, 2011.* Supervisor McCaffrey motioned to approve the October 6, 2011 meeting minutes, seconded by Vice-Chairman Obernier. Board members McCaffrey, Obernier, and Lindborg voted aye. Supervisor McCaffrey motioned to table the October 20, 2011 meeting minutes, seconded by Vice-Chairman Obernier. Board members McCaffrey, Obernier, and Lindborg voted aye.

**Treasurer's Report (n/a)**

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

*Ted and Dawn Knepp and Jonathan Howe are in attendance to talk to the Board of Supervisors with regard to a land swap with the Township.* Dawn Knepp explained to the Board the Knepp's intention to subdivide the land they own that is located at 1640 and 1642 Horseshoe Pike, for their son in law into two parcels. Mr. Rambo had previously informed the Knepp's that the 50 foot access strip would not confirm for the subdivision and suggested the Supervisors and the adjoining property owner be approached to request a land swap. Vice-Chairman Obernier suggested they deed restrict their properties to prevent further subdivision if they move forward with the land swap. After some brief discussions the Board was okay for the Knepp's to move ahead with the land swap as long as there are currently no deed restrictions on the Township owned property.

**Correspondence/Communications** *Information to act upon*

*The Township is in receipt of a ninety day letter of extension for the Hammell-O'Donnell Business Park Preliminary Subdivision and Land Development Plans.* Manager Rambo recommended the BoS accept the letter of extension so they can continue to address sewage and DEP. Supervisor McCaffrey motioned to accept the extension letter for the Hammell O'Donnell Business Park Preliminary Subdivision and Land Development Plan while they finalize stormwater issues. Vice-Chairman Obernier seconded the motion. Board members Board Members McCaffrey, Obernier, and Lindborg voted aye.

*Thomas J. Anderson & Associates, Inc. has forwarded the Township a resolution to consider with regard to the Elimination/Reduction of Member's Contributions for the Police Pension Plan.* This resolution will be voted on later in the meeting.

*Thomas J. Anderson & Associates, Inc. has forwarded the Township an updated resolution to bring the current Police Pension Plan in compliance with the current contract.* Manager Rambo explained this stipulates the two different pension scenarios; officers hired prior to January 1, 2011 get X benefits, officers hired after January 1, 2011 get Y benefits.

*Shane Johnson of Prout Drive has forwarded the Township an email with regard to his interest to serve on the Parks and Recreation Board.* The BoS met with Mr. Johnson prior to tonight's meeting. Supervisor McCaffrey

motioned to appoint Shane Johnson, seconded by Vice-Chairman Obernier. Board members Board Members McCaffrey, Obernier, and Lindborg voted aye.

*The Township is in receipt of an email from Greg Prowant of the Western Chester County Regional Planning Group requesting that the Township acknowledge receipt of the final draft Regional Economic Study. The BoS is in receipt of this information. The Western Chester County Regional Planning Group is looking for a letter that the BoS had received and accepted the draft so they can submit a reimbursement request to the County. Supervisor McCaffrey motioned the BoS acknowledged receipt of this material, seconded by Vice-Chairman Obernier. Board members Board Members McCaffrey, Obernier, and Lindborg voted aye.*

*Kimmel, Lorah & Associates, LLP has forwarded the Township its engagement letter to perform the 2011 audits. Manager Rambo noted the fee to perform the audit is \$9,900. Vice-Chairman Obernier motioned to authorize Manager Rambo to sign the audit committal letter, seconded by Supervisor McCaffrey. Board members Board members Obernier, McCaffrey, and Lindborg voted aye.*

*Issuance of the ORDER for the Hide-Away Farms Lot 60 Conditional Use Application as it pertains to the farmette and historic structures. This information has been forwarded to the BoS and Mr. Ives. Mr. Ives will be in attendance at the November 17<sup>th</sup> meeting. During the October 20, 2011 BoS meeting Mr. Ives stated he would complete everything within a year with the issuance of the building permit. He must restore the façade and roof so there are no leaks. The BoS discussed the pros and cons regarding the ability to either turn the barn into two dwelling units or keep it as an agricultural use. After much dialog the Chairman moved on noting that Mr. Ives will be in attendance for further discussion at the next meeting.*

**Correspondence/Communications** *Information to note*

*The Township is in receipt of correspondence from John E. Good, Esquire advising that he would be pleased to serve as Solicitor for the upcoming year. There were no comments.*

*The Pennsylvania State Association of Township Supervisors has forwarded information with regard to prevailing wage rate reform and bidding bills currently being discussed. There were no comments.*

*FEMA has forwarded the Township correspondence with regard to the Brandywine- Christina Watershed for review as it pertains to floodplain management and risk assessment under Risk Map. There were no comments.*

**Reports of Departments (n/a)**

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

**Old Business**

*The Public Works Director continues the gathering of information on the cost to repair or reconstruct the Icedale Road bridges. There were no comments.*

*The Manager is in the process of preparing the information necessary to add parcels to the Township's Agricultural Security Area. There were no comments.*

*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 Manager has provided the Board of Supervisors the draft 2012 budgets for their review prior to the public presentation on November 17, 2011. There were no comments.*

*The Township is working on updating its EOP and will be scheduling a second meeting of those working on the plan for early December. There were no comments.*

### **Old Business from the Floor**

There was no Old Business from the Floor.

### **Old Business from the Board**

There was no Old Business from the Board.

### **New Business**

*Recommendations of the Planning Commission.* Manager Rambo noted there was only one recommendation, to reject the Hammell-O'Donnell plan if the letter of extension was not received. The letter of extension was received and was addressed earlier in the meeting.

*Recommendations of the Township Open Space Review Board.* Manager Rambo stated the OSRB is looking at working with Dr. Eck; he is to provide for their review a plan delineating the various categories of easements of areas A, B, and C. The OSRB also awaits revised language as a result of Natural Lands Trust getting involved for stewardship.

*Articles are due for the Winter Edition of the Township Newsletter.* There were no comments.

*The Board of Supervisors is in receipt of a copy of the draft proposed amendments to the Township's lighting section of the Subdivision and Land Development Ordinance.* There were no comments.

*Signing of the AQUA, PA Final Plans for the placement of two water tanks on Horseshoe Pike.* Manager Rambo stated the plans are approved, the escrows are in place, and they have the stormwater management documents that are required with the \$2,000 to assist in future MS4 preparations. The Manager recommended the BoS sign the final plans. Chairman Lindborg stated the seven sets of plans will be signed at the end of the meeting.

### **New Business from the Floor or the Board.**

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

Chairman Lindborg stated he just became aware that tonight's BoS meeting is being videotaped.

### **Ordinances and Resolutions**

*Resolution #30-2011, elimination/reduction of contributions for 2012.* Supervisor McCaffrey motioned to adopt Resolution #30-2011, seconded by Vice-Chairman Obernier. Board members Board Members McCaffrey, Obernier, and Lindborg voted aye.

*Resolution #31-2011, adoption of Police Pension Plan to ensure compliance with contract.* Supervisor McCaffrey motioned to adopt Resolution #31-2011, seconded by Vice-Chairman Obernier. Board members Board Members McCaffrey, Obernier, and Lindborg voted aye.

### **Public Comments**

Bill Webb commented he contacted the District Attorney's office with regard to the video taping of the Supervisor meetings. He stated that the BoS should notify the public at the beginning of the meeting if they are going to be videotaping the meeting. Vice-Chairman Obernier asked Mr. Webb to provide him with the citation that requires that videotaping of a meeting be announced at the beginning of the meeting. Mr. Webb stated he actually spoke to the ADA on Call, not the District Attorney himself. Vice-Chairman Obernier asked Mr. Webb to get the citation of law from who he spoke to, Mr. Webb said he would. Mr. Webb then asked why Mr. Obernier was videotaping the meeting and Vice-Chairman Obernier explained he is videotaping the meeting because people expressed to him that they wished they could see the meeting because they were unable to get to the meetings.

Bill Webb also commented he didn't think it is very effective to continue with the K-9 unit if the K-9 is only utilized one time in a one year period; the Township is paying thousands in repair bills to the K-9 vehicle, food,

and vet bills. He then noted that the Township can't give the fire department the extra money they are requesting, but can support the K-9 unit. Supervisor McCaffrey stated that Corporal Williams is not going to use a bicycle on patrol thus the vehicle needs repaired. Supervisor McCaffrey also stated that he was personally shocked in previous BoS meetings at the upwelling of support for the dog. There was never anything in this Township that had such instantaneous support that raised thousands of dollars as K-9 Rudy did. Corporal Williams does a lot of the schooling at his own expense and there is a lot that the Township gets from it. It is probably more sensible to retain the dog than to put assault rifles in all the police cars for the emergency. You can't look at everything in dollars and cents, there is an emotional value. Corporal Williams goes to the schools and puts a different face on "police" for the children.

Vice-Chairman Obernier suggested that Bill Webb talk to Jeff Grossman, Mr. Grossman was the holder of the donation money for K-9 Rudy. Vice-Chairman Obernier concurred with Supervisor McCaffrey that Corporal Williams puts a whole different face on policing for children with the dog.

Bill Webb also asked if the Township bids out for services i.e. engineering and solicitor. Supervisor McCaffrey noted Township regulations state that you don't need to bid for professional services. Supervisor McCaffrey suggested that Mr. Webb review what has taken place and see what the professional service providers do for the Township before coming to any conclusions. Supervisor McCaffrey noted that it is not always good to take the lowest price for a service.

**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 one volunteer to fill vacancies 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.

#### **General Obligation Note**

*(Emmaus Bond Pool Adjustable Rate Bond for the Twp. and Public Works Facility/Park Construction: interest rate for the week is 1.65%).* There were no comments.

#### **Review and Payment of the Bills**

Manager Rambo noted the General Fund bills total \$10,148.33 of which there is one bill to Cedar Grove Environmental for \$88. Manager Rambo requested a vote on all bills except for the Cedar Grove bill. Vice-Chairman Obernier motioned to pay all of the bills with the exception of Cedar Grove Environmental, seconded by Supervisor McCaffrey. Board members Obernier, McCaffrey, and Lindborg voted aye.

Vice-Chairman Obernier then motioned to pay the Cedar Grove bill, seconded by Chairman Lindborg. Board members Obernier and Lindborg voted aye. Supervisor McCaffrey abstained because he works for Cedar Grove. Manager Rambo then noted the Solid Waste Fund bills total \$7,385.30 and Liquid Fuel Fund bills total \$2,441.98. Vice-Chairman Obernier stated he reviewed the bills, found them in order, and motioned payment. Supervisor McCaffrey also reviewed the bills, found them in order, and seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye to pay the bills.

#### **Upcoming Meetings/Events**

- Parks and Recreation Board, Tuesday, November 8, 2011 at 7:00 p.m.
- Municipal Authority, Wednesday, November 9, 2011 at 7:30 p.m.
- Historic Commission, Monday, November 14, 2011 at 7:30 p.m.

- Board of Supervisors, Thursday, November 17, 2011 at 7:30 p.m.
- Open Space Review Board, Tuesday, November 22, 2011 at 7:00 p.m.
- Planning Commission, Tuesday, November 22, 2011 at 7:30 p.m.

**Adjournment**

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:00 p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye in favor of adjournment.

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