

**Meeting Minutes of November 15, 2012
Board of Supervisors**

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of November 15, 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., 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

November 1, 2012 – Vice-Chairman McCaffrey motioned to approve the November 1, 2012 meeting minutes, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Public Notification

An Executive Session was held on Wednesday, November 7, 2012 at 6:30 p.m. and Thursday, November 15, 2012 at 6:30 p.m. to discuss personnel issues.

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

General Fund	\$8,734.38	Fire Appropriations Fund	\$31,349.81
State Liquid Fuel Fund	\$61,262.99	K-9 Rudy Fund	\$295.46
Revolving Fund	\$28,711.56	Open Space Fund	\$68,060.38
Police Pension Fund	\$1,655,677.76	Solid Waste and Recycling Fund	\$83,406.10
Non-Uniform Pension Fund	\$381,975.45	Capital Equipment Fund	\$51,800.18
Developer Escrow Fund	\$388,192.30	Emergency Fund	\$42,278.38
Payroll Fund	\$3,769.20		

There were no comments on the Treasurer's Report.

Special Public Presentations - none

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

Carlos and Karen Jimenez and Lauren Efford are in attendance to ask questions and discuss the K-9 Unit. Efford and the Jimenez's were not in attendance.

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the October Police Department report noting there were a total of 167 arrests for the month, personnel worked 1351 hours, 616 complaints were addressed, and a total of 8,394 miles were patrolled. Sue Bower of Connies Drive questioned if the arrests were all in WBT.

Public Works Director Tom Eells gave the October monthly report of the Public Works Department. A total of 895.5 hours was worked by personnel, 2,612 miles were traversed in Township trucks, 65.3 hours were spent on Township equipment, and 594.6 gallons of fuel were consumed. Maintenance of the building and grounds, vehicles, equipment and roadways was performed during the month. Both Supervisor Webb and Chairman

Obernier noted an email that was received commending the public works department for the exceptional way they maintain Township Roads.

Manager Rambo gave the October monthly report for the Code Office. A total of 16 building permits were issued for the month. 37 inspections were performed and a total of \$5,882.20 was collected in fees.

Manager Rambo gave the October monthly report. A total of 11 campfires were issued.

Chief Edwards, East Brandywine Fire Company gave the October fire report. He noted a total of 28 calls were responded to in WBT.

Manager Rambo gave the report of Martin's Corner Fire Company. He noted a total of 3 calls for WBT for the month of October.

Bob Yearsley, Assistant Chief of Wagontown Fire Company gave their October fire report. He noted a total of 5 calls were responded to in WBT.

EMS Chief John Sly of Westwood Ambulance gave the October monthly report. He noted there were 56 calls for WBT. Dolores Cook of Graces Drive asked the amount for the 2013 fund drive.

Stephen Measure gave the report of the Historical Commission. He noted the Historical Atlas should be completed by the middle of December.

Jeff Chalfant gave the report of the Parks and Recreation Board. He noted they are having a Saturday Matinee with Santa event on December 8, 2012 at 4:00 p.m.

John Cassels gave the report of the Planning Commission. He noted both the Hammell O'Donnell Business Park plan and the Bakers Ridge plan were tabled because there are outstanding issues. Planning Commission members voted in support of Ordinance No 2012-5, the keeping of animals. One member did not support the ordinance because he felt that this was unnecessary; people should get along.

Bob Schini gave the report of the Open Space Review Board. A member of the Madge Britt-Gable family was in attendance with some interest for a conservation easement on their property on Gable Road.

Municipal Authority Chairman Webb noted the Municipal Authority meeting was well attended. This will be discussed under New Business.

Correspondence/Communications *Information to act upon*

The Township is in receipt of the 2013 Animal Protective Services Contract from the Chester County SPCA. Supervisor Webb motioned to table the 2013 Animal Protective Services Contract from the SPCA. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

The Township is in receipt of the October 30, 2012 proposal from Kimmel, Lorah & Associates for the audit of the Township's 2012 Funds. Supervisor Webb motioned to accept the Kimmel, Lorah and Associates proposal for the audit of the 2012 Township funds. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

The Township is in receipt of an Operations and Maintenance Agreement for signing for Lot#13 on Jamie Lane in the Catania Subdivision. They are putting in a peat system, similar to a sand mound but less intrusive by the way it sticks out of the ground. Vice-Chairman McCaffrey noted the Township does not permit sewer systems, the approval or denial comes through the County. Vice-Chairman McCaffrey motioned to sign the Operations and Maintenance Agreement, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye. Jeff Grossman asked questions about the peat system and who would be responsible for the inspection.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from the Chester County Planning Commission with regard to Ordinance No. 2012- 05, proposed amendments to the Keeping of Animals section of the Township's zoning ordinance. Manager Rambo noted the County has reviewed Ordinance No. 2012-5 and summarized the County's comments regarding bird banding, setbacks, and allow rooster chicks until they grow to maturity. Vice-Chairman McCaffrey suggested they allow roosters as long as they don't make a noise; the nuisance factor is the noise. You don't have to re-advertise the ordinance if you make it more lenient. Sue Bower of Connies Drive questioned why the County was involved in the Ordinance.

The Township is in receipt of correspondence from the Chester County Solid Waste Authority noting that the tipping fees will be increasing by \$2.00 per ton starting January 2, 2013 and that the Processing and Marketing Contract of the County for Single Stream recycling materials will be \$0.00 and that they will be adjusted monthly as the market changes. There were no comments.

The Township is in receipt of a copy of the CCTCC's audit of Keystone Collections Group. Manager Rambo stated the audit was very intensive and that Keystone Collections has performed well in the collection of the EIT and LSD on behalf of the entire county and its local municipalities.

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. There were no comments.

The Manager is preparing the advertisement for Ordinance No. 2012-05; Keeping of Animals. Manager Rambo noted this will take place within the next two weeks.

The Manager has submitted Ordinance No. 2012-08, Township Noise Ordinance, to the Board for re-consideration prior to its advertising. Manager Rambo noted the Board is in receipt of a copy of this. Both Chairman Obernier and Supervisor Webb are in agreement to reinstate this ordinance. Vice-Chairman McCaffrey would like to see this be a simpler less detailed ordinance and requested that the Board not enact this immediately to give the public time to review it. Susan Hiller of Camberly Court questioned the yearly number of calls for noise. Chief Werner answered a dozen a year. Hiller agreed with Vice-Chairman McCaffrey, commenting that you have all of these arms reaching into everyone's lives; at what point does it stop and questioned why would the Board want to regulate everyone's lives for twelve calls a year. Vice-Chairman McCaffrey concurred. Discussion ensued. Jeff Chalfant, Carl Lindborg, Sue Bower, Karl Ciamaichelo, Mike Canale were among those that commented. Supervisor Webb motioned to appoint Vice-Chairman McCaffrey to join Susan Hiller to establish an ordinance review board, Chairman Obernier seconded the motion. Board members McCaffrey, Webb, Obernier, and McCaffrey voted aye. Manager Rambo wrote down the names of the nine residents that are interested in joining the ordinance review committee. Manager Rambo will research what is needed to formally start the review committee after a list of names are composed for the committee.

Further discussions on the proposed establishment of a Special Sewer District in the Monacy Manor area by the Board of Supervisors in the Township's Act 537 Plan. Manager Rambo stated the Township is in receipt of a letter from John Good, Esquire. The Manager read the letter out loud and outlined the costs associated with establishing a special sewer district, adopting a mandatory ordinance, and filing a lien. Chairman Obernier explained the Municipal Authority is an operating authority, only the WBT Board decides where the sewers go. The two Boards met last Wednesday to cosign for the Authority refinancing resolving the current money issue. In 1996 when the Authority Board was formed it was never the intent to force people to connect. It is still Chairman Obernier's intent not to force people to connect, but suggested the residents in the Monacy Manor area pay the tap in fee since this would cost less now than in the future. Vice-Chairman McCaffrey further explained that, unlike every other township, the BoS purposely did not go with the law that states you may require everyone within 150 feet of the sewer line to connect. The Board is still trying to give people the opportunity to hook up; however, the Municipal Authority had to have a way to fund a viable future. The way the Authority did that is to require people to hook up if your sewer system fails with no resolution and also when the homes are sold. Gradually over a long period of time you could project that the whole area would fund the sewer system. Supervisor Webb concurred

there are only two ways that he is going to support anyone that is going to have to connect to the sewer system: (1) if the sewer system fails and will not perk; (2) if you sell your house. It is unanimous that this current Board will not make anyone connect and will not force government on them. Manager Rambo noted out of the original 41 people in Monacy Manor, 8 people are hooked up, 8 have paid the tap in fee to preserve it at the old rate, and there are about twenty people that haven't hooked up. Karl Ciamaichelo, Mike Canale, Carl Lindborg, Ron Ruffini, Judy Reilly, Allen Smith, Brian Sutton, Mike Rash, Jim McBride, and Susan Hiller spoke to the issue and voiced their opinions and concerns.

Old Business from the Floor – There was no Old Business from the Floor.

Old Business from the Board

Chief Werner stated he requested the Board retire the K9 Officer. Vice-Chairman McCaffrey stated the Officer involved in this has done an excellent job for many years. This is no comment on him, in times where the Township has no money things have to be cut back. Karl Ciamaichelo, Mike Canale, Sue Bower, Neil Campbell, and Brian Sutton asked questions. Board members answered the residents' inquiries. Supervisor Webb noted that K9 Donner's handler is an excellent handler, this has nothing to do with the handler, and it has to do with money. This Board does not want to raise taxes and will not raise taxes, with that said; Supervisor Webb motioned to honorably retire K9 Donner. Vice-Chairman McCaffrey seconded the motion. Board members McCaffrey, Webb and Obernier voted aye. Manager Rambo will have an agreement drawn up stating that the dog will become the handler's property.

Jeff Grossman thanked Corporal Williams for the personal time and effort he put into the K9 unit and also thanked the BoS past and present for their support to allow them to try to continue with Donner, unfortunately the funding dwindled off. They had a good run with K9 Rudy being the State champion two times.

New Business

Presentation of the 2013 Township budget to the Board of Supervisors with it being advertised for public review and comments starting Thursday, November 29, 2012. Manager Rambo noted the Township budgets total \$6,372,485.00 with no proposed tax increase and no proposed solid waste increase.

Discussions on the proposed draft amendments of Ordinance NO. 2012-09 as they pertain to the Outdoor Lighting Section found within the Township's Subdivision and Land Development Ordinance. This item will be discussed at a later meeting.

Newsletter articles for the winter edition are due on the desk of Linda Formica by Friday, November 16, 2012. Supervisor Webb will submit an article.

The Board of Supervisors to award the painting of double yellow lines on Township roads based on the quotes obtained by the Public Works Director and reviewed by the Manager. Manager Rambo noted three proposals, Guidemark Inc - \$10,790.64, IRM Inc - \$16,158.96, and Alpha Space Control Inc - \$7,399.30. The Manager recommended the Board award the line painting to Alpha Space Control Inc. Vice-Chairman McCaffrey motioned to award the bid to the lowest bidder, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

The Board of Supervisors to discuss and appoint an individual (must be an elected official) to serve on the Martins Corner/Wagontown Fire Company Steering Committee, as it pertains to the consolidation of the companies, along with an alternate member. Vice-Chairman McCaffrey motioned to appoint Chairman Obernier as the Township representative, seconded by Supervisor Webb. Board members McCaffrey and Webb voted aye. Chairman Obernier abstained. Chairman Obernier then motioned to appoint Supervisor Webb as the alternate representative, seconded by Vice-Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Supervisor Webb abstained.

Approval of release request #5 for the Catania Project, known as Jamie Lane, in the amount of \$42,993.01. The release request was reviewed by the Township Manager and reviewed and signed off by the Township Engineer. Manager Rambo recommended the BoS approve the request; Vice-Chairman McCaffrey motioned to approve the

request because the Township has the Engineer's approval. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

New Business from the Floor

Karl Ciamaichelo expressed concern regarding the Brandywine Greenway project; this is a back door to pass cap and trade onto people. Manager Rambo explained this is a project that is being operated by the Brandywine Conservancy to study of the West Branch of the Brandywine. Chairman Obernier and Vice-Chairman McCaffrey further explained the idea of the project was to have people plan together through multiple municipalities for greenways and riparian buffers. Susan Hiller and Neil Campbell also spoke to the issue.

Jeff Grossman requested notifications be placed on the website.

Sue Bower questioned if there are any plans to inspect people's sewer systems. Chairman Obernier answered that the County decided not to enforce that regulation, but recommended that septic tanks be pumped out every two years.

New Business from the Board

Supervisor Webb stated that WBT was not included in a grant that other municipalities are getting since the DOA didn't acknowledge that the Township needed the Airport Safety Zoning Ordinance, but it is depicted on the DOA's official documents. After discussion with Dave Malman and Amanda Seltzer, the Township will be funded for up to \$2,000 from the Airport Authority for the Township's mandatory Airport Safety Zoning Ordinance.

Ordinances and Resolutions and Business from the Floor – There were none.

Public Comments - None

Open Issues before the Township – Chairman Obernier noted the following Open Issues 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.

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%). This was used to fund the Township Building that cost \$2.6 million. The park and the building was \$3.1 million. The Building is good for fifty years and was built without a tax increase.

Review and Payment of the Bills

Manager Rambo noted the General Fund bills total \$117,011.23, and Solid Waste bills total \$34,388.15, and State Liquid Fuels bills total \$28,943.18. Manager Rambo requested two separate votes, first to pay all bills with the exception of OAC Network Solutions and then a second vote for the OAC bill. Supervisor Webb reviewed the bills, found them in order and motioned payment of the OAC bill. Chairman Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey 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

- Open Space Review Board, Tuesday, November 20, 2012 at 7:00 p.m.
- Planning Commission, Tuesday, November 20, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, December 6, 2012 at 7:30 p.m.
- Historic Commission, Monday, December 10, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, December 11, 2012 at 7:00 p.m.

- Municipal Authority, Thursday, December 13, 2012 at 7:30 p.m.
- Open Space Review Board, Tuesday, December 18, 2012 t 7:00 p.m.
- Planning Commission, Tuesday, December 18, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, December 20, 2012 at 7:30 p.m.

Sue Bowar questioned if the updating of Act 537 plan will change the voluntary hook up. Chairman Obernier answered no.

Adjournment

There being no further business before the Board, Supervisor Webb motioned to adjourn the meeting at 10:14 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