

Meeting Minutes of December 20, 2012
Board of Supervisors

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of December 20, 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

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

Public Notification

Chairman Obernier noted there was an executive session held this evening at 7:00 p.m. to discuss personnel issues.

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

General Fund	\$33,028.09	Fire Appropriations Fund	\$18,020.22
State Liquid Fuel Fund	\$29,190.75	K-9 Rudy Fund	\$296.46
Revolving Fund	\$33,941.79	Open Space Fund	\$107,083.69
Police Pension Fund	\$1,712,441.24	Solid Waste and Recycling Fund	\$47,486.12
Non-Uniform Pension Fund	\$376,218.34	Capital Equipment Fund	\$54,318.38
Developer Escrow Fund	\$378,141.23	Emergency Fund	\$42,864.26

There were no comments on the Treasurer's Report.

Special Public Presentations

Presentation to Corporal Gary Williams, K-9 Officer. Chairman Obernier read the plaque out loud, thanked Corporal Williams for all of his years of dedication to the K-9 Unit, and presented the plaque.

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

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the November Police Department report noting there were a total of 117 arrests for the month, personnel worked 1,155 hours, 588 complaints were addressed, and a total of 11,916 miles were patrolled.

Public Works Director Tom Eells gave the November monthly report of the Public Works Department. A total of 849.25 hours was worked by personnel, 3,067 miles were traversed in Township trucks, 42 hours were spent on Township equipment, and 603.10 gallons of fuel were consumed. Maintenance of the building and grounds, vehicles, equipment and roadways was performed during the month.

Manager Rambo gave the November monthly report for the Code Office. A total of 19 building permits were issued for the month. 31 inspections were performed and a total of \$5,534.00 was collected in fees.

Manager Rambo noted 17 campfire permits were issued for the month of November.

Chief Joe Edwards, East Brandywine Fire Company gave the November fire report. He noted a total of 5 fire calls and 12 EMS calls were responded to in WBT.

Chief Greg Lewis gave the report of Martin's Corner Fire Company. He noted a total of 5 calls for WBT for the month of November.

Bob Yearsley, Assistant Chief of Wagontown Fire Company gave their November fire report. He noted a total of 9 calls were responded to in WBT.

Manager Rambo gave the November report of Westwood Ambulance. He noted there were 45 calls for WBT.

Jeff Grossman gave the report of the Historical Commission noting that everything was tabled except Baker's Ridge. The Historic Commission signed off on Baker's Ridge but they are waiting for the engineers report. The historic atlas project will be completed by January 15th. Grossman thanked everyone for the thankless jobs throughout the year. Grossman also note the passing of Jane Davidson.

Jeff Chalfant gave the report of the Parks and Recreation Board. Chalfant stated their movie event for the Saturday matinee with Santa turned out well and noted the Parks and Recreation schedule of events for 2013.

Jack Conti gave the report of the Planning Commission. Conti stated there was discussion regarding who should maintain the trail for the Castaldi Development. Bakers Ridge was rejected unless a letter of extension is received. Manager Rambo noted their engineer will send a letter of extension for acceptance at the next BoS meeting. Conti also noted that the Township has a fairly expensive landscaping ordinance and suggested that they work something out with local landscapers for landscaping outside the developers property. Vice-Chairman McCaffrey suggested the PC could ask for donations, maybe they can find some waivers for what is on the property. Jeff Grossman concurred that would be a great idea. Manager Rambo will look into having a tree bank.

There was nobody present to give the report of the Open Space Review Board.

Municipal Authority Manager Rambo noted the Municipal Authority will be settling the refinancing of its bonds on December 27th with a savings of \$1,046,034 in interest. Manager Rambo noted that Bentley's property was purchased by Longview Development and they are doing what is required.

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 recommended the Board accept the minimal animal control 2013 contract for a fee of \$500 with the cost of \$100 per animal that is taken to the SPCA. Supervisor Webb motioned to sign the 2013 Animal Protective Services Contract from the Chester County SPCA at the minimal level. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Vice-Chairman McCaffrey noted for the benefit of Supervisor Webb because he is new on the Board, that he requested that the SPCA file a report with the Township's Police Department when there is an animal cruelty investigation. Chief Werner noted that over the past few years he has had a good rapport with the SPCA.

The Township is in receipt of correspondence from Wallace Township with regard to the transfer of ownership of the chipper purchased in 1998 utilizing PADEP grant funds to East and West Brandywine Townships. Manager Rambo recommended that the Board allow this transfer to be signed by the Chairman and Manager so that the ownership of the chipper becomes that of two municipalities rather than three. Vice-Chairman McCaffrey motioned to sign the agreement transferring the chipper from Wallace, East Brandywine, and West Brandywine to just East Brandywine and West Brandywine. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

The Township is in receipt of a Deed of Dedication prepared by John E. Good, Esquire for the transfer of 5 acres of ground to the Township as open space from Ms. Gaea Humpton. Manager Rambo noted that Ms. Humpton contacted the Manager asking what she can do with her acreage. Manager Rambo explained the Township has a

conservation easement on 100 acres next to her property and Ms. Humpton would like to donate it to the Township as perpetual open space. Ms. Humpton can get medical benefit in California where she lives by doing this. Vice-Chairman McCaffrey would like to have this donation memorialized. Vice-Chairman McCaffrey motioned to proceed with the necessary paperwork in obtaining the five acres of ground as open space. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye. Manager Rambo noted this property abuts the Henderson easement. The Manager noted that M.J. Henderson passed away yesterday from cancer.

The Board of Supervisors is in receipt of an invitation to attend the Pennsylvania Farm Show Public Officials Day and luncheon on Thursday, January 10, 2013. Supervisor Webb and Vice-Chairman McCaffrey would like to attend.

The Board is in receipt of information on the upcoming PSATS Educational Conference scheduled for April 21 to April 24, 2013. Vice-Chairman McCaffrey and Supervisor Webb would like to attend.

Thomas J. Anderson & Associates, Inc. has forwarded the Township an authorization form for review and completion to allow them to perform the January 1, 2013 Act 205 Actuarial Study Report. Manager Rambo requested a motion to sign the paperwork so that Anderson can start the report. Vice-Chairman McCaffrey motioned to allow the authorization form to be reviewed and completed for Act 205. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from the Martins Corner and Wagontown Fire Company's with regard to the Steering Committee set to begin meeting in January 2013 as it pertains to the consolidation of fire and rescue services. Chairman Obernier will attend the meeting.

The Township Engineer has forwarded correspondence to the Township as it pertains to the documents required for the dedication of the Jamie Lane roadway. Manager Rambo explained the process of establishing dedication papers; getting a bond and legal descriptions to the developer.

PADEP has forwarded the Township literature on some upcoming MS4 educational opportunities. Manager Rambo explained that MS4 pertains to stormwater runoff.

The Chester County Solid Waste Authority has forwarded the Township its ACT 101 Annual Report forms for completion. Manager Rambo and Linda Formica will work on this.

Rhonda L Mowday has forwarded the Township a letter of thanks for the professionalism shown by Township personnel at a recent event at her farm on Hibernia Road. Manager Rambo noted a tractor trailer got stuck in the middle of her field.

Supervisor Webb motioned to adjourn from the Township meeting at 8:14 p.m., seconded by Vice-Chairman McCaffrey. Board members McCaffrey, Webb, and Obernier voted aye.

Chairman Obernier opened the Public Hearing at 8:14 p.m.

Public Hearings (Ordinances as advertised)

Ordinance NO. 2012-05: Keeping of Animals.

Rich Orth of Monacy Road introduced himself and his wife Kathy and stated that their neighbor built a very large chicken coup in their back yard. The neighbors got more and more chickens and the Orth's could no longer hear themselves talk out on their deck because of the cackling. The Orth's were hesitant about going to the Township because they don't want to alter the relationship they have with their neighbors. Kathy Orth called the Township concerning the code for the number of animals allowed on a property and were told they can have a total of six pets and the chickens would be included as part of the pets, they had two dogs. Code Officer Dale Barnett came out a few times in 2012 and served a notice about the number of chickens. The Kearns did comply and went down to 4 chickens. They planted trees along the property line that will continue to grow that will put a barrier as far as being able to see it; that is not a concern, the noise is the Orth's concern. When the Orth's said they were coming

to the Township to check out the situation, their neighbor Mr. Lamb that lives two houses up on the other side of the Kern's is also in attendance. Kathy Orth noted her concern is allowing 24 chickens; this would be equal to if not more than what the Township originally started with. Ms. Orth did research with area townships and you would have to have two acres for chickens in West Caln. Mr. Orth also stated he was concerned about permitting of chicken coops and the size of the coops permitted. Chairman Obernier asked if the Orth's had an opportunity to read this ordinance and if they recalled reading limitations. Vice-Chairman McCaffrey questioned the size of the Kearns property. Mr. Orth answered 78,000 square feet. Chairman Obernier asked the Orth's if they have asked the Kearns to move the location of the chicken coop. Mr. Orth stated that it is spread out at the end of the Kearns back yard. Mr. Orth stated the coop is closer to his property now. Vice-Chairman McCaffrey noted the regulation states that chickens can't be kept any closer than 100 feet from your house. Mr. Orth stated that he hasn't measured it; the chicken coop is closer to the Orth's house than it is the Kearns. Vice-Chairman McCaffrey stated that he would think that chicken cackles from 100 feet would be far enough away. Mr. Orth stated they couldn't hear each other talk so the chickens are loud enough to stop their conversation. Vice-Chairman McCaffrey asked what their solution would be. Mr. Orth stated when there are 20 chickens out there and they are cackling, they have a noise problem, it's a nuisance, and it is disruptive. They both planted trees, they are fine with that. The Kearns keep a very clean coop, a nice yard and there is no odor. They are good neighbors that way. If there were 100 chickens back there and they didn't make any noise, Mr. Orth couldn't care less, it is the noise that is concerning.

Vice-Chairman McCaffrey stated he didn't know how to address that, if you have five chickens there and they all cackle. People that have a large piece of property, he doesn't understand why the Orth's see an equivalent to six great danes on a person's property and six chickens. At any rate, Vice-Chairman McCaffrey wishes he could come up with something that sounds sensible but feels that the existing ordinance for pets is unreasonable. Mr. Orth asked why you would increase the number of chickens when you already have an ordinance that is appropriate and not causing a problem as far as noise is concerned. If there is just one situation, then to increase it, it causes problems. It's better to have an ordinance with provisions that has apparently been alright. Vice-Chairman McCaffrey stated they have had other people that have come in; the Township is lucky enough to have the 4H Center for the entire county. A lot of people who have children don't have enough ground to have pigs, cows, sheep, etc. But they have a program at the 4H Center for more suburban families that allows for chickens. If you have more children you might want to have more than two chickens a piece. That was one of the reasons the Board decided to loosen it up, if you happen to have a couple of dogs, a cat, and a few rabbits. You can have a chicken added to that. The person that Vice-Chairman McCaffrey is referring to has two and half acres of ground. Personally, if you have 2 ½ acres of ground you should probably be allowed to have more than one chicken on it, and it would not disrupt the neighborhood. Vice-Chairman McCaffrey stated he didn't know what other noises there were occurring in their neighborhood, but the BoS were probably going to reenact the noise ordinance tonight. If it is so loud that you can't even hear yourself speak, I'm sure the decibel level of whatever is taking place there is measurable and would be in violation of the noise ordinance, then you would have a way to fix the situation based on the noise. A lot of people that have chickens don't seem to produce this level of noise and it hasn't been a problem. Vice-Chairman McCaffrey would hate to write a regulation for 3,000 households based on the acoustics and this particular breed of bird that is involved with the Orth's and their neighbor. You can't preclude something for everyone because in a particular situation it happens to be a problem, it would be better to take that particular problem to some additional legal attention, maybe under the noise ordinance.

Mrs. Orth questioned the number chickens noting that the Township is going from 4 to 24. This ordinance is written for more residents. Vice-Chairman McCaffrey noted that 24 is the maximum allowed on a property that is below 10 acres. A person that has a ½ acre lot can get four or five. Supervisor Webb stated that personally he didn't like the fact that the Board puts additional restrictions on folks, and additionally doesn't like the fact that the Board created an ordinance that will cause more problems than good at the end of the day. Mr. Webb stated he didn't feel that the Township should allow any chickens in residential neighborhoods. Especially with construction today, houses are too close, to allow chickens to be kept 10 feet from a property line the Township will have more problems than it's worth. Mr. Webb will not support this ordinance.

David Lamb of 163 Monacy Road stated that nobody answered the question why the Board wants to raise the amount of chickens allowed from 4 to 24. Vice-Chairman McCaffrey stated there was never a 4 mentioned anywhere. The 4 that is being referred to is probably the number allowed under an old ordinance that said you could have six pets. Vice-Chairman McCaffrey's personal opinion is that he doesn't think that a person that has

perhaps 8 acres of ground should be precluded of having a chicken on his property because he has two or three dogs or two or three cats there already. That wouldn't be appropriate.

Mr. Lamb noted when people buy a piece of property and rules are in effect, now they are sitting on their deck by their pool and hear chickens, they are okay with that. Why do you want to change that to 24 chickens and raise the noise level? Mr. Lamb agreed with Mr. Webb as to why this should be changed. Vice-Chairman McCaffrey stated his personal opinion is that you shouldn't have any limit on pets, if there is an argument between neighbors, they should go to an arbiter or district justice and present both sides and have an unbiased third party make the decision if this is or is not a nuisance. There are so many laws out there now; you can't possibly write a regulation to satisfy everyone. The only way to make sure it is not a problem for everyone is to accept the most restrictive policy possible. That puts a lot of pressure onto people that are not into the Orth's particular situation. To conform to a regulation that has no real basis for their particular home. Vice-Chairman McCaffrey stated he didn't know how to deal with that unless you take each thing on a case by case basis and present it to someone. Most nuisances can't be described to such a degree that a written ordinance can apply to everyone, every size lot, every home, and everyone's personality, it's impossible. Supervisor Webb stated that technically they should not have gotten to this point, the animals addressed in section 298A above greater numbers per property other than that a chicken shall be permitted only on properties in excess of two acres.

Chairman Obernier stated personally, there are a lot more people in West Brandywine that own chickens than may appear obvious. A number of them have come in since August that asked if the Board is picking on people that have chickens. Chairman Obernier stated no they are not. Then there are folks like Rhonda Mowday that has three chicken coops along her drive off of Hibernia Road. There are many people that have chickens.

Vice-Chairman McCaffrey stated he would take a case in point, this woman has five children, a chicken lays an egg every two or three days. If she is going to feed the children two eggs each day, she would need more than three or four chickens to do that. Vice-Chairman McCaffrey stated the Board is trying not to guess everyone's purpose for their own property and the way they are using it.

Chairman Obernier stated he understands the issue of the noise from the cackling and suggested they verify how far away the chicken coop is and make them move it if it is too close to their house or well. If your planting stuff, if they have a coop there maybe if they rotate the chicken coop so that the coop is between the chickens cackling and the Orth's house, perhaps that may help alleviate the noise. Chairman Obernier stated he has been doing this a long time and there is nothing the BoS can do that will make everyone happy. Mrs. Orth stated she understands that you can't make everyone happy all of the time, however you are going from minimum chickens allowed to maximum.

Mrs. Orth noted she was concerned about the chickens being too close to the well. Manager Rambo stated the setback would be 100 feet from a well. Vice-Chairman McCaffrey stated that would be regulated by the Health Department.

Cynthia Watts of Westview Drive stated she loves animals but didn't agree to have 24 chickens in any residential area. Natasha Kearns stated she didn't think it is fair to combine dogs, cats, rabbits, and poultry into one law. Mrs. Kearns stated she had to take her rabbits back to the pet store because she exceeded the number of pets allowed. The Kearns have 1.89 acres of ground, the Kearns didn't choose to live in a development, an apartment building, or a subdivision. There are many people in West Brandywine Township that have chickens. This will give people the opportunity to have poultry legally. Mrs. Kearns stated that personally she has poultry for pleasure and for food. The children interact with them and Mrs. Kearns has educational classes regarding the chickens. Mrs. Kearns stated that people complain about the noise, but what about the neighbor's dog barking in the middle of the night. Chickens usually cackle when they lay an egg or they are in danger. Mrs. Kearns doesn't have a rooster.

Mr. Orth questioned why the Kearns didn't come to the Township prior to building a chicken coop to see what the ordinance was; the well is right next to the chickens. Chairman Obernier stated that when you have a well head, you can't have construction next to it within one hundred feet. John Conti spoke to the issue, noting that you can't be within 100 feet of the septic system. Chairman Obernier noted the issue will be settled by the Chester County Health Department. Supervisor Webb noted he had residents come to him and question why the Board is doing this. He didn't know why and feels this will create problems amongst neighbors. People have come in to Board

meetings where chickens are running into their property; rats are on people's property because of a food source. Supervisor Webb asked if Mrs. Kearns has a rabbit in her house. Vice-Chairman McCaffrey stated that there was a finding by the Code Officer that rabbits were considered pets and that was one of the reasons the Board went forward with this exploration in the first place. Chairman Obernier asked if the Codes Officer went in the Kearns house. Mrs. Kearns briefly explained. Vice-Chairman McCaffrey stated that is part of the reason the Board went through this, McCaffrey's personal feeling is when people have a problem between themselves it is not something the entire community is suffering from it is better that they work it out themselves through an arbiter or the district judge. Supervisor Webb stated then the people don't need this Board. Vice-Chairman McCaffrey stated they do if you have a limit of six and they have two bunny rabbits in their house that the Codes Officer has declared pets. If you preclude anybody from doing anything outside their house, there will be no complaints about anybody doing anything outside their house, but that is unfair. Supervisor Webb stated that some people consider chickens their pets but he considers chickens livestock. Vice-Chairman McCaffrey stated there are some very unfair ordinances that consider chickens an agricultural product so you can't have a chicken unless you have 10 acres of ground. This is absolutely ridiculous. You can have 500 parakeets or other traditional pets but if you go outside of what is considered traditional they consider that agricultural.

Judy Lamb of Monacy Road commented about the existing laws when someone moves into their home. Vice-Chairman McCaffrey stated that you can't say that these laws are written in stone or if they did there would be nothing in place, and there wouldn't be any laws. The laws have to be left open and have to have some flexibility because the world changes and the Township has changed. If someone has 60,000 square feet of open ground around their house they should be allowed to have something more than grass and bushes there. Mr. Lamb stated that people bought their house with these rules and personally didn't think it was fair that the Board can go from allowing 4 chickens or 6 pets to allow 24 chickens since the rules have been in effect since they have moved in there. Mr. Lamb was in 4H himself and understands the concept. Vice-Chairman McCaffrey noted there has to be somewhere in the middle where people can meet, without the ability to change regulations from time to time, they become onerous and overpowering.

Mike Canale stated he has been listening to the conversation and they have laws within the Township for noise such as dog barking. Chief Werner stated from his understanding, farm animals are not considered in the same category with dogs. Vice-Chairman McCaffrey stated that if they are not in a farm situation maybe they could be. Vice-Chairman McCaffrey commented that someone could come in and complain that a lawnmower is too loud. Mr. Orth stated that is why they came to the Township to check to see what was permitted, that is when they found out about the six pets and followed through with it. The Kearns did not check with the Township prior to building the chicken coop. Mr. Orth didn't want to contact the Code Officer and came reluctantly. He was hoping that the Code Officer would stop out and say that it has come to the Township's attention, rather than saying the Township got a complaint from the Orth's because that is what they do. Unless you make a complaint, the Township can't do anything. So they force you into that situation. This should have been handled if the gentleman stopped out and said that the Township heard concern over the number of chickens and some noise, and we're here to see if you are following the rules of the Township. That is not how it was handled. They were forced to get the chickens out. The Kearns are upset with the Orth's. Mr. Orth understands them being upset. If they are down to four chickens and that is not a problem right now, then why is the Board forcing their way back to more chickens. Vice-Chairman McCaffrey answered because they had to give away something else they had to keep 4 chickens on their property and asked Mrs. Kearns when the Code Officer came to her house, if she had 17 chickens in her back yard. Mrs. Kearns answered (inaudible). Mrs. Orth requested that more restriction be placed on the acreage and the number of chickens that are allowed noting they are going from 4 to 24 and would like to see a happy medium. Vice-Chairman McCaffrey stated that a person with 40,000 square feet of property should be allowed to have more than 4 chickens on their property. Vice-Chairman McCaffrey likes the idea of addressing this between individuals with an arbitrator or DJ. It was pointed out by others that they would like to have a written ordinance. Vice-Chairman McCaffrey stated to have four typed pages, at some point you start to touch upon the absurd. At some point maybe we can make it less than 24 chickens. If this is too noisy, we can measure the decibel level. If you have a party with 5 or 6 people all talking, you would hear that next door too, probably louder than cackling chickens.

Mr. Lamb noted that what Vice-Chairman McCaffrey was just saying makes no sense; Chief Werner stated that he has no control over noise that chickens make. Vice-Chairman McCaffrey answered if he writes it into the regulation then he will be able to.

Supervisor Webb noted it is the Board's objective to protect the safety and welfare of its residents. It is very obvious to Supervisor Webb after sitting on the Board this year, that this ordinance does not do that, there are people that are upset; they have had people complaining there are chickens coming on their property. Supervisor Webb stated he doesn't support this because the public doesn't support this, not one person has come to Supervisor Webb and said that's a great ordinance, please pass that. Mrs. Karn noted that chickens are not a problem with rats. Rats don't go after chickens, they go after food. Chairman Obernier stated he knows the folks that they are referring to, the chickens were running free; foxes were in the area killing chickens. The chicken carcass was laying there and drawing the rats. Mrs. Karn stated that chickens don't make noise during the night.

At this time, Chairman Obernier noted it is 9:10 and moved onto address the noise ordinance.

Ordinance NO. 2012-08: Noise Ordinance.

Jeff Chalfant stated he strongly believes the Township needs to have a noise ordinance. Prior to the noise ordinance five years ago, Jeff Chalfant and his wife came to numerous meetings, they had to call the police department 4 or 5 times because of loud music during all hours of the night. Since the noise ordinance went into effect, they have not had to call the police department one time for that situation. The reason is that it is a deterrent. Mr. Chalfant stated when he found out that it had been repealed under the circumstances there seemed to be some confusion about the noise meter. Chairman Obernier explained that part of the issue at the time was not just the meter but there was some confusion about the definition. Chairman Obernier stated he was the one that had the confusion about the noise meter, believing that there was no noise meter and also had an issue with the definition. The definition issues have been resolved by Manager Rambo and Chairman Obernier talking about some things. The Board was not aware that the Township had purchased the sound meter. In order to reenact the noise ordinance they have to follow procedure having public feedback and such. Chairman Obernier personally is not looking to change anything in the noise ordinance and is just trying to rectify this. Chairman Obernier stated he made a mistake and is not a perfect person. There is a lot that goes before him and on occasion he is too quick to find out about it, that is what happened with the noise ordinance. None of the Board members have issues with the noise ordinance, nobody has complained about it. It is Chairman's expectation that the Board will move forward with it and it will be as it was. Jeff Grossman asked if a property is still zoned residential and not institutional, do they get exempt because of their orientation. Manager Rambo explained the church and school went through zoning hearing and received the right to be built on the Archdiocese property there. Mr. Grossman stated his problem was that during the preliminary pre-zoning stuff, he was promised all sorts of stuff and then came waivers and variances. Now Mr. Grossman has to deal with kids and bells three times a day and has put in over \$24,000 worth of trees and it doesn't help. He's asked to have the bells turned down and would like to have them turned off for the Christmas vacation. Manager Rambo stated he has talked with them numerous times, they have the bells on at lunch time to alert the kids to come in and out when they are switching lunch periods. All of the activities last until nine or ten at night. Mr. Grossman stated the school doesn't have the ability to change the bells during lunch time; nobody is out there during the day. Mr. Grossman stated he will be banging his head against the wall even more when baseball season starts now that the ball field is there. Unfortunately they are exempt. Chairman Obernier stated that is because they are religious. When Chairman Obernier grew up and even here, the Hibernia UMC host youth groups at night. The thing that got Mr. Grossman most upset was at the beginning, the hearings they had at first where he was told by the previous supervisor, Chairman Obernier, and Vice-Chairman McCaffrey that lighting, noise, water, etc, he didn't have anything to worry about, and then came waivers and variances. Chairman Obernier stated he was under the impression that they did require them to have extra landscape plantings. Mr. Grossman answered no, the church and school were given waivers and he was thanked for putting in his trees. Chairman Obernier asked if there were any more comments regarding the Noise Ordinance, there were none. Supervisor Webb motioned to close the hearing, Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

The Hearing closed at 9:20 p.m.

Supervisor Webb motioned to reopen the Township meeting, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye. The Township meeting was reopened at 9:20 p.m.

Old Business

The Manager and Public Works Director are awaiting the decision of PennDot officials to allow the use of Liquid Fuel Funds for the purchase of the Icedale Road bridge materials for its reconstruction. Manager Rambo is waiting for information from PennDot.

Final discussions on Ordinance NO. 2012-05, Keeping of Animals amendments. Vice-Chairman McCaffrey stated he could see the maximum number be reduced from 24 chickens to 18 chickens and suggested the language be changed to allow more baby chicks.

Final discussions on Ordinance NO. 2012-08, Township Noise Ordinance. Vice-Chairman McCaffrey would like to leave this open a while to receive additional comments.

The winter edition of the newsletter will be mailed out over the holidays. There were no comments.

Final discussions on the 2013 Township budgets. Supervisor Webb requested the budget be simplified to not have peoples salaries spread over different categories. Vice-Chairman McCaffrey stated he previously had the same comment and explained that this is a state requirement to put be broken down into fragmented categories. Manager Rambo suggested they do a tally sheet. Discussion ensued.

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

New Business

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 future BoS meeting.

The Board to consider the purchase of a used 4 in 1 bucket for the Township's wheel loader from Eagle Power & Equipment to assist with its yard waste recycling program. Manager Rambo noted the cost is \$8,000 from solid waste. Supervisor Webb motioned for the Township to purchase a used 4 in 1 bucket from Eagle Power & Equipment to assist its yard waste recycling program. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

The Board of Supervisors to discuss the establishment of a policy in which to recognize Township employees for their dedication and service. Vice-Chairman McCaffrey motioned for the Manager to draft the policy, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

New Business from the Floor

Mike Canale noted the Township just gave recognition to an employee for services. Chairman Obernier stated it is okay to give plaques. Vice-Chairman McCaffrey explained this pertains to when someone would get a monetary award like a bonus, so that you have logical reasoning behind it and there isn't any trouble. Karl Ciamaichelo feels that this will open up a can of worms in the future that down the road every employee would get a bonus. Further discussion ensued. Manager Rambo will draft a policy.

New Business from the Board

There was no New Business from the Board.

Ordinances and Resolutions

Resolution #14-2012: establishment of the West Brandywine Township Ad Hoc Review Committee.

Supervisor Webb motioned to adopt Resolution #14-2012, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Resolution #15-2012: enactment of 2013 Budgets. Supervisor Webb motioned to adopt Resolution #15, 2012, enactment of the 2013 budget with a zero tax increase and an amended tally sheet to show salaries, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Resolution #16-2012: establishment of 2013 Real Estate Tax rate. . Vice-Chairman McCaffrey motioned to adopt Resolution #16, 2012, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Resolution #17-2012: establishment of 2013 Fire Appropriations Tax rate. The tax rate is .22 mills. Supervisor Webb motioned to adopt Resolution #17-2012, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Resolution #18-2012: establishment of 2013 Solid Waste and Recycling Fee. The solid waste and recycling fee will remain at \$286 for the year. . Vice-Chairman McCaffrey motioned to adopt Resolution #18, 2012, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Ordinance No. 2012-05: Keeping of Animals. Vice-Chairman McCaffrey motioned to table Ordinance No. 2012-05 and possibly revise the maximum number. Chairman Obernier seconded the motion. Board members McCaffrey and Obernier voted aye. Supervisor Webb voted nay.

Ordinance No. 2012-08: Noise Ordinance. Supervisor Webb motioned to adopt Ordinance No. 2012-08, seconded by Chairman Obernier. Board members Webb and Obernier voted aye. Vice-Chairman McCaffrey voted nay because he would like to allow more time for more public input.

Chairman Obernier suggested that Manager talk to churches, schools, or anyone that has bells about ringing bells and if they have to the Board can change the noise ordinance.

Public Comments

Karl Ciamaichelo questioned the number of acres that the Township has in open space. Supervisor Webb would like to have a map that shows open space in the next newsletter.

Further discussion ensued regarding Ordinance No. 2012-05. Vice-Chairman McCaffrey asked to revisit the designation of animal units by using acres and asked that the maximum number of birds be reconsidered from 24. It may be better to increase the square footage required for each additional bird. That would allow someone that has 7 acres to have more than someone that has 3 acres.

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%). There were no comments.

Review and Payment of the Bills

Manager Rambo noted the General Fund bills total \$103,321.50, and Solid Waste bills total \$27,678.75, and State Liquid Fuels bills total \$7,210.22. Vice-Chairman McCaffrey reviewed the bills, found them in order and motioned payment, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

Upcoming Meetings/Events

- Board of Supervisors, organizational meeting, Monday, January 7, 2013 at 7:30 p.m.
- Board of Supervisors, first meeting of the year, Monday, January 7, 2013 at 7:45 p.m.
- Parks and Recreation Board, Tuesday, January 8, 2013 at 7:00 p.m.
- Municipal Authority organizational meeting, Thursday, January 10, 2013 at 7:30 p.m.
- Municipal Authority, first meeting of the year, Thursday, January 10, 2013 at 7:45 p.m.
- Historic Commission, Monday, January 14, 2013 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, January 17, 2013 at 7:30 p.m.

- Open Space Review Board, Thursday, January 24, 2013 at 7:00 p.m.
- Planning Commission, Thursday, January 24, 2013 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Webb motioned to adjourn the meeting at 9:57 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