

Meeting Minutes of October 19, 2006
Board of Supervisors

Chairman Obernier called the Board of Supervisors Meeting of October 19, 2006 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 Chairman Obernier noted Chairman Josef G. Obernier, Sr. and Vice-Chairman Thomas J. McCaffrey, Jr. in attendance. Supervisor Carl S. Lindborg arrived at 7:40 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Building Inspector/Codes Officer; and Thomas Eells, Director of Public Works.

Acceptance of Minutes from Previous Meetings

This item will be addressed when all members of the BoS are present.

Treasurer's Report *Month ending September*

- Treasurer's Report presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$836,318.51	Operating Reserve Fund.....	\$8,193.19
Construction Sweep Fund	\$17,010.29	Police Pension Fund.....	\$1,165,308.61
Developer Escrow Fund	\$623,897.84	Public Works Cap. Projects Fund ..	\$635,815.65
General Fund	\$138,941.86	Solid Waste & Recycling Fund.....	\$34,708.09
Non-Uniform Pension Fund	\$240,043.34	State Liquid Fuel Fund.....	\$129,286.26

Public Comments *Individuals requesting to be on the agenda*

Ross Unruh, Esquire is in attendance to talk to the Board with regard to the Fire School Property purchase by the Township. Mr. Unruh noted a pump station is supposed to go on the Fire School property. There is an agreement with Scott Piersol to purchase the Fire School property for \$25,000. Mr. Unruh explained Bentley's proposed agreement is to advance those funds, at no interest, to make the purchase on a temporary basis until the original source of funds becomes available so that they can get things moving with PAWC so that they can start construction. Manager Rambo stated that he is going to forward the agreement to John Good for review. Bentley is just going to lend the Township the money until such time that Elliot Building Group comes forth. Manager Rambo has a meeting next week with Elliot to see where they stand. Mr. Unruh would like to see the BoS sign the agreement subject to the approval of John Good.

It was noted that Supervisor Lindborg arrived at the meeting. Chairman Obernier stated that he was okay to sign the agreement, subject to John Goods comments as well as Chairman Obernier's own approval being he has not had a chance to review the revised agreement. Vice-Chairman McCaffrey asked if

pump stations in the future go on Township acquired property, are they going to be placed there at no expense to the developer just because it happens to be public property. Chairman Obernier stated that Manager Rambo has an expectation of getting a paved parking area for people that would use that future park. Vice-Chairman McCaffrey wanted it noted that the next developer that wants to put a pump station in, doesn't point to the last pump station that went on public property, and feels that the developer didn't have to contribute something. Mr. Unruh stated they could have put the pump station on their property, but this was a better location as determined by the Township Engineer and Manager. Chairman Obernier motioned that they forward the agreement onto John Good for his comments and that if any member of the BoS has comments, they will bring them up when they receive the solicitor's comments back. If there are no changes then the agreement will stand. Vice-Chairman McCaffrey found the agreement satisfactory noting that it gives them six months to pay back the loan and seconded the motion. Board Members Obernier, McCaffrey and Lindborg voted aye.

Acceptance of Minutes from Previous Meetings

September 20, 2006 and September 21, 2006 and October 5, 2006. Chairman Obernier noted he has reviewed and commented on the September 20, 2006 and September 21, 2006 meeting minutes. Vice-Chairman McCaffrey stated if there are content changes he would like to have the minutes redistributed. Manager Rambo stated that there is never a change of content; it is usually spelling and punctuation. Supervisor Lindborg motioned to approve the September 20, 2006 and September 21, 2006 minutes. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye. The approval of the October 5, 2006 minutes was tabled.

Correspondence/Communications *Information to Act Upon*

The BoS is in receipt of a revised "draft" Decision and Order and layout exhibit for the proposed Pulte 55+ Community. Manager Rambo noted this is the latest revision as a result of talking to the BoS, and meeting with Jim MacCombie and John Good. There is a revised plan to go along with the final draft of the order. Manager Rambo has been in various meetings with Ray of Pulte Homes and has tried to address the concerns of residents from within Friendship Village as well as properties that abut southeast portions of the development. There is no longer a road that goes through the creek to disturb the wetlands or wooded area and there is no longer any emergency access onto Hatfield Road. The once proposed road into Friendship Village now becomes an emergency access only. The Township has gained an emergency access into East Brandywine Township through Applecross Development. Manager Rambo will make extra copies of the draft Order for residents that would like to look at it. Chairman Obernier asked if Pulte was planning on putting a pumping station in on the parcel located on the north side of East Reeceville Road. Ray of Pulte explained the location.

Steve Jakatt asked if the Planning Commission would be made aware of Pulte's changes. Manager Rambo answered yes, they will see it at the preliminary plan stage or he will make it available to the Planning Commission. They are not doing any egress on Hatfield Road, there are two emergency accesses, one is directly through Applecross in East Brandywine and the other is through Old Homestead. They only have one main entrance. Manager Rambo noted that Theresa Lemley is going to put the Order in final format. Pulte is also working with Joe Riper to finalize an intermunicipal sewer agreement.

Vice-Chairman McCaffrey expressed concern with the way the Conditional Use Order is being handled, usually it is a conditioned order that the Township makes up and sends to the developer, this one appears to be going back and forth to try and make it work. Manager Rambo stated that the Township is working within code. There is a timeline where they have to issue the Order so many days after the end of the hearing. Chairman Obernier stated that they are not finished with the intermunicipal agreement and

reminded Pulte that the BoS wants to have a simplistic agreement. Vice-Chairman McCaffrey was concerned about the time clock that it not be deemed approved because they have had no action. Manager Rambo stated he has had daily contact with Pulte. Being that the BoS was okay with the draft Order, Manager Rambo will advise Ms. Lemley to put it in final format. Both Supervisor McCaffrey's and Supervisor Obernier's concerns are being addressed, thus a need for an extension to render the order.

The Township is in receipt of a "draft" proposal from the City of Coatesville for the furnishing of Animal Control Services. Chairman Obernier noted that double and triple time was discussed at the last BoS meeting. Manager Rambo is waiting to get a copy of the City of Coatesville's AFSCME agreement to see the wording. He further noted that all of the surrounding townships use the SPCA for their services.

The Township is in receipt of a letter of extension until February 1, 2007, from Robert Smiley of Genterra Corporation, with regard to the rendering of a decision on their Preliminary Subdivision and Land Development Plan known as Brandywine Meadows located on Highspire Road. Manager Rambo recommended that the BoS accept the extension. Supervisor Lindborg motioned to accept Genterra's extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Township is in receipt of an email with regard to speeding cars in Cross Creek and the request for four-way stops. Chief Werner noted during the times they have been patrolling the area they have not seen anyone speeding. Chairman Obernier suggested they set up the traffic counter that also records the speed of cars.

Vice-Chairman McCaffrey noted that with state law, if that area doesn't warrant a stop sign, then the Township could be held liable if something happens there. He also expressed that he was reluctant to set up the box counter every time that a complaint comes in. The Township has so many miles of roads that this would become fairly expensive to do this. The BoS was in agreement to set up the traffic counter that would also record the speed of the cars and wait to get the results before making any decisions on a resolution.

Signing of additional signature pages for the recently awarded DEP Grant in the amount of \$22,370.00 for recycle bins. Manager Rambo explained that they need additional copies signed.

The Township is in receipt of a proposed Resolution from Thomas J. Anderson & Associates, Inc. with regard to Member's Contributions for the Police Pension Plan. Manager Rambo has reviewed the document and noted it is similar to last year's. It will be placed on the next BoS meeting agenda. Chairman Obernier stated that WBT has a higher payment because of changes that were made, which could have been avoided if they had an actuarial study done two years ago. Manager Rambo stated that he specifically asked for a letter to be written to see what impact the changes had on the Township. This increase was due to other issues that came up for recently passed laws, a loss in some of the plans in 2001 and 2002 that they could be spread out over a period of years, and they have a new officer on board. It is expected to go back down after next year. Vice-Chairman McCaffrey felt that 911 also had an impact on the increase. Chairman Obernier suggested the BoS should insist on having the actuarial work done prior to making changes in the pension plan permanent. Manager Rambo stated that next year they would be done simultaneously; from then forward the contract and the study will correspond with each other. Manager Rambo stated he would give Tom Anderson a call to make sure that the actuarial study is done prior to negotiations for the next contract.

Correspondence/Communications *Information to Note*

John Snook has provided the Township with proposed zoning modifications to the Open Space Design Option for the Board’s review. Manager Rambo is waiting for input from the BoS.

Stan Stubbe has forwarded the Township proposed language to update and modify the Township’s existing lighting ordinance requirements. Manager Rambo is waiting for input from the BoS.

East Brandywine Township has forwarded the Township a letter acknowledging the ability to construct an Emergency Access from the proposed Pulte 55+ Community into East Brandywine Township via Lot #621 on Norland Drive of the of the Applecross Development. Manager Rambo requested a specific letter that denotes the entrance so that they have it on file.

The Penn DOT Bureau of Municipal Services has forwarded the Township their notice of liquid fuel funds and turnback funds for 2007. The Township will receive \$156,042.00 for liquid fuel and \$6,040.00 for turnback.

The Township is in receipt of a review letter from the CCPC with regard to the proposed Zoning ordinance amendments pertaining to Floodplain Management. This will be discussed during the Hearing.

Mark Kohan of 204 Creeks Bend Drive has forwarded the Township correspondence with regard to stormwater. Manager Rambo and Tom Eells explained that they have already addressed this issue. The storm inlet areas of concern were noted as being on private property and not shown on any recorded plans with the Township.

PECO has forwarded the Township information with regard to its upcoming tree-trimming program around power lines. Manager Rambo noted that Greg Carey stated there are less issues when major storms come up when they have expended funds to trim trees.

The Department of Emergency Services has forwarded the Township an update on the Chester County Homeland Security equipment program. Chief Werner noted the various equipment included in the program.

Reports of Departments *Month of September 2006 unless otherwise noted.*

- Police Report presented by Chief Werner. There were no comments.

Total hours	1,389.55	Fatalities	0
Miles patrolled	9,021	Domestics.....	10
Complaints	427	Criminal arrest.....	310
Accidents.....	10	Non-traffic arrest.....	13
Injuries	0	Traffic arrests	54

- Public Works Department Report, presented by Tom Eells.

Total man-hours	833.75	Total Equipment hours	139.4
Miles patrolled	2,693	Fuel gallons	893.3

Tom summarized the work completed throughout the month. There were no comments.

- Buildings/Codes Department Report, presented by Dale Barnett.

Building permits issued.....	31	Contractor licenses issued.....	19
Permit base fees collected	\$5,154.72	Inspections completed.....	44
Occupancy fees collected.....	\$250	Failed inspections paid.....	1
U&O permits issued	5	Total fees collected	\$6,394.72

- Fire Marshall Report was submitted by Paul Gainor and presented by Manager Rambo. There were no comments.

Permit inspections done	55	Hours on patrol.....	4
Other type inspections done	2	Code violations/Complaints	1
- Wagontown Fire Company Report presented by Jeff Benach. There were no comments.

Alarms into WBT	3	West Brandywine Gas	31
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- Martin’s Corner Fire Company Report presented by Manager Rambo. There were no comments.

WBT Fire Calls	1	Total Fire Calls	15
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- Martin’s Corner Ambulance Report presented by Manager Rambo. There were no comments.

ALS	11	Fire/Standbys.....	1
BLS	14	WBT Total Responses.....	30
MVA	4		
- East Brandywine Fire Company Report submitted by Robert Zynn, Jr. and presented by Manager Rambo.

WBT Fire	9	Time in Service QRS: 7 hrs 34 mins.	
WBT EMS	18	WBT Miles traveled Fire	112
WBT Time in Service Fire: 3 hrs 53 mins.		WBT Miles traveled QRS.....	101

Manager Rambo stated that the information that was received from the County is lengthy. Chairman Obernier suggested that the Township ask the different departments to provide the requested information regarding missed calls, etc.

Reports of Organizations, Boards and Commissions

No one present from the Historic Commission. Manager Rambo will write Dr. Vilcheck requesting that someone from the Commission present a monthly report at the BoS meeting. Mark Hartnett was in attendance to give the report from the Parks and Recreation Board. Mark noted that they will be having a dedication ceremony on November 18, 2006 for the residents that have donated money for the trees, picnic tables, and park benches in the Community Park. Chairman Obernier suggested that the whole BoS give a speech at the dedication ceremony.

Steve Jakatt gave the report of the Planning Commission. Steve noted that all business was tabled from the previous Planning Commission meeting, pointing out that Schnatz and Rohrer has been before them since May 25, 2000. The Planning Commission unanimously recommended approval for the Chester Point Development on Gable Road. Brandywine Meadows has to revise their plans and resubmit them to the engineer. Manager Rambo noted they received revised plans from Schnatz and Rohrer right after the Planning Commission meeting. Schnatz’s new engineer has addressed MacCombie’s latest review letter.

Municipal Authority Manager Rambo gave the report of the Municipal Authority noting that they will be proceeding with the Monacy Manor project. The Manager has had correspondence with the owner of the property where the gravity sanitary sewer lines are, they are to meet next week to go over the project.

Adjournment from Township Meeting (8:35 p.m.)

Opening of Public Hearing (8:35 p.m.)

Ordinance NO. 06-10, proposed Zoning Ordinance amendments with regard to the Floodplain Sections and related maps. Manager Rambo noted the Township is adding the definitions as required by FEMA, as well as the Floodplain Federal Insurance Administration, to their zoning book. Manager Rambo noted all the definitions. They are also amending sections to adopt the most recently supplied maps of September 29, 2006 as well as some other information that needs to be on plans. John Good has reviewed the proposed Zoning Ordinance and found it in order. The Chester County Planning Commission has also reviewed the Ordinance. Manager Rambo read the letter out loud that was received from the County, noting their recommendation is that the Township should adopt the amendment. Vice-

Chairman McCaffrey commented that he likes the fact that definitions are always the common throughout, one area to the next. Manager Rambo stated the definitions are the same; the codification has all the definitions listed for every ordinance. Dale Barnett expressed it would be good to adopt. There were no further comments.

Adjournment from Public Hearing and Re-Opening of Township Meeting (8:40 p.m.)

Old Business

The Township Manager continues to finalize the Ordinance to enable the Technical Specifications for Traffic Control Signalization prepared by McMahon Associates, Inc. to be adopted; it be completed in the near future.

The Township Engineer and Manager will be meeting with the BoS on Wednesday, October 25, 2006 at 7:00 p.m. to discuss the Township's ACT 537 Plan. Changes to the proposed map were in the October 5, 2006 BoS meeting books. Chairman Obernier would like to see a copy of the suggested text. Manager Rambo will find out which other Municipalities have updated their ACT 537 plan. Vice-Chairman McCaffrey commented that the Township is given no authority and all the responsibility; the Township does not issue the permits on the larger community systems. The state does and it should be the ones that inspect the systems to see if they have failed.

Further discussion on proposed Ordinance NO. 06-10 with regard to the Floodplain Sections and related maps, amendments to the Township's Zoning Ordinance. There were no comments.

The Township is awaiting the return of RFP's for Audit services of the 2006 Financial Statements. The Township is expecting to receive between five to seven proposals.

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.

Ordinances and Resolutions

Ordinance NO. 06-10, adoption of Zoning Ordinance amendments pertaining to Floodplains. Vice-Chairman McCaffrey motioned to adopt Ordinance NO. 06-10. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

New Business

The Township to discuss raising building permit fees and contractor licenses fees in 2007. Dale Barnett stated that after taking a survey of what other Township permit fees are, WBT is at the lower percentile in comparison. Dale is in the process of updating the building permit fee schedule. The BoS agreed they would like to see the fees that are charged for agricultural activities kept low to encourage the preservation of the farms and larger parcels.

The BoS to have the proposed 2007 budget in hand for general discussion at their November 2, 2006 meeting. There were no comments.

The BoS to appoint the following members of the Parks and Recreation Board as members of the Open Space Review Board; Jeff Chalfant and Paula Kondracki. Vice-Chairman McCaffrey motioned to appoint Jeff Chalfant and Paula Kondracki to the Open Space Review Board. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

There were discussions with regard to Supervisor McCaffrey's memo about Fire Arms Safety and Handling Workshops. Vice-Chairman McCaffrey feels that some education would be logical because the Township has a Police Department, shooting range, and classroom. It would be a relatively inexpensive service to offer. Chief Werner explained they are currently working with the NRA gun safety program.

Jesse Edwards commented that the parents that buy the firearms should be responsible for gun safety. Vice-Chairman McCaffrey stated that he doesn't want this to become a controversial item that everyone is going to argue over, the thought is to provide an educational opportunity for people in the community so that they would know learn firearm safety, so that they may prevent accidents.

Supervisor Lindborg suggested that the BoS could put an article in the newsletter and advise people of the safety programs that are out there, but did not favor the Township getting involved in hosting a gun safety program. People should be responsible if they buy guns. Vice-Chairman McCaffrey stated that you could make the same argument for people that buy a car. Residents could gain some insight of education that would benefit the whole community at large. Steve Jakatt agreed with Mr. McCaffrey as long as it doesn't violate insurance rules; the more education the better.

Pat Edwards suggested that a survey be put in the newsletter for the number of people interested. Manager Rambo will meet with Chief Werner to see what he would propose to do and contact the insurance company to make sure the Township is not putting itself into a position that it should not be in.

Discuss preparation of a Resolution for consideration with regard Act 101 of 2006 [SB809 (PN 1958)]. Manager Rambo noted that recent law that was signed and became effective on September 7, 2006, which allows the BoS to be compensated for loss of wages while attending Township business. Manager Rambo read the ACT 101 amendment out loud. Manager Rambo will prepare the Resolution for consideration at the next BoS meeting.

New Business from the Floor

Joan Thompson asked about the quarterly school board meeting. Manager Rambo noted that the CASD ACT 1 Commission presentation would be on the next BoS agenda. Chairman Obernier asked Manager Rambo to send the CASB an invitation to schedule another quarterly meeting.

New Business from the Board

There was no New Business from the Board.

Public Comments (individuals not requesting to be on the agenda)

There were no Public Comments.

Open Issues Before the Township

Ordinance amendments with regard to the IBC (International Building Code). The BoS is waiting for information from Dale Barnett.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. Manager Rambo will set up a meeting with them.

The Township continues to seek volunteers to serve on the Building Appeals Board and the Parks and Recreation Board. There were no comments.

The Township Engineer and Manager continue in their efforts in preparing updates to the Township's ACT 537 Plan for presentation to the Board. This was covered earlier in the meeting.

General Obligation Note (Adjustable Rate Loan for the Facility/Park Construction)

Interest rate for the week was 3.92 %. There were no comments.

Review and Payment of the bills

Bills from the General Fund (\$92,294.35), State Fund (\$83,453.56) and Solid Waste Fund (\$19,855.32). Upon the Board's reviewing the invoices and finding them in order, Supervisor Lindborg motioned to approve payment of the bills. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Upcoming Meetings/Events

- Planning Commission, Thursday, October 26, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, November 2, 2006 at 7:30 p.m.
- Open Space Review Board meeting, Thursday, November 9, 2006 at 7:00 p.m.
- Municipal Authority meeting, Thursday, November 9, 2006 at 7:30 p.m.
- Historic Commission meeting, Monday, November 13, 2006 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, November 14, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, November 16, 2006 at 7:30 p.m.

Adjournment

With no other business to discuss, Vice-Chairman McCaffrey motioned to adjourn the meeting at 9:17 p.m. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye in favor to adjourn.

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