

**Meeting Minutes of September 21, 2006
Board of Supervisors**

Chairman Obernier called the Board of Supervisors Meeting of September 21, 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 the Township Manager noted Chairman Josef G. Obernier, Sr. and Vice-Chairman Thomas J. McCaffrey, Jr. in attendance. Supervisor Carl S. Lindborg arrived at 8:03 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.

Recognition of 2006 Gold Sponsors (\$1,000.00 or more contribution)

The Township BoS and Parks and Recreation Board recognize Krapf Bus Companies, for their generous contribution to the Parks and Recreation Board 2006 Programs. Dallas Krapf in is in attendance to accept the plaque and recognition. Chairman Obernier expressed that Krapf Bus Companies have helped the Township over the years. Besides monetary donations over the years, Dallas helped the Township get a red light at the Route 322 and Little Washington intersection. Vice-Chairman McCaffrey also expressed appreciation to Dallas for his involvement in the community. Dallas stated that they have been residents of WBT for sixty years; the bus company was started in 1942. The audience applauded.

Acceptance of Minutes from Previous Meetings

July 20, 2006, July 26, 2006, August 17, 2006, September 7, 2006 and September 20, 2006. The minutes were tabled.

Treasurer's Report *Month ending August*

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

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|--------------------------------|--------------|------------------------------------|----------------|
| Capital Reserve Fund | \$917,753.68 | Operating Reserve Fund..... | \$8,161.97 |
| Construction Sweep Fund | \$16,953.16 | Police Pension Fund..... | \$1,148,753.24 |
| Developer Escrow Fund | \$629,024.49 | Public Works Cap. Projects Fund .. | \$644,767.53 |
| General Fund | \$14,652.71 | Solid Waste & Recycling Fund..... | \$86,828.76 |
| Non-Uniform Pension Fund | \$239,258.34 | State Liquid Fuel Fund..... | \$135,937.55 |

Public Comments *Individuals requesting to be on the agenda*

No one requested to be on the agenda.

Correspondence/Communications *Information to Act Upon*

Barry D. Parsons has forwarded the Township a letter of interest to serve as a volunteer on the Building Appeals Board. Vice-Chairman McCaffrey noted that it is very difficult to get people involved and to volunteer and was very happy for Mr. Parsons' interest to volunteer. Vice-Chairman McCaffrey motioned to appoint Barry Parsons to the Building Appeals Board. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

The BoS is in receipt of a revised Decision & Order from Pulte Homes, for its review, with regard to the proposed 55+ Community. There was a joint meeting on September 20th between the BoS and Municipal Authority. Manager Rambo noted as a result of the meeting there would be changes. The Manager will be meeting with Pulte to go over everyone's comments.

The BoS and the WBTMA are in receipt of a revised Inter-Municipal Sewer Agreement for their review with regard to the proposed Pulte 55+ Community. There were no comments.

The Township is in receipt of correspondence from Alan Jarvis, Esquire with regard to the Deed of Dedication for property to be transferred to the Township by James P. Bryant of which John E. Good, Esquire has reviewed. Mr. Bryant did a four-lot subdivision on Pratts Dam Road; one of the requirements was that the stand-alone lot to the west of Pratts Dam Road be dedicated to the Township. It will be beneficial to the Township if they ever need to work on that section of the road. Vice-Chairman McCaffrey stated that since it was reviewed by the solicitor and found to be in order, made the recommendation to accept that piece of property. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Correspondence/Communications *Information to Note*

John E. Good, Esquire has reviewed the proposed Technical Specifications-Traffic Control Signalization and suggested that it be incorporated into a stand-alone ordinance. Manager Rambo is in the process of preparing that ordinance for the October 19, 2006 BoS meeting.

John Snook has provided the Township with proposed zoning modifications to the Open Space Design Option for the Board's review. Manager Rambo noted that the BoS has this information in their book, showing current and proposed, rather than just the original format that it was in.

Stan Stubbe has forwarded the Township proposed language to update and modify the Township's existing lighting ordinance requirements. Chairman Obernier has not yet completed his review of the information yet and would like to discuss this at a later BoS meeting.

John E. Good, Esquire has provided the Township with a review letter on the "draft" Inter-Municipal Sewer Agreement for the proposed Pulte 55+ Community. John Good's comments will be incorporated into the revisions.

The Chester County Planning Commission has forwarded a letter reminding all municipalities of the information required to record plans. Manager Rambo noted that the County Planning Commission is very specific on what is required on the plans, so that there are no problems when developers go to record their plans.

PEMA and FEMA have forwarded correspondence to the Township advising that September is National Preparedness Month. Manager Rambo noted that preparedness articles are being placed into the next few editions of the newsletter.

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

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

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|-----------------------|----------|-------------------------|-----|
| Total hours..... | 1,487.20 | Fatalities..... | 0 |
| Miles patrolled | 9,008 | Domestics..... | 12 |
| Complaints | 467 | Criminal arrest..... | 33 |
| Accidents..... | 7 | Non-traffic arrest..... | 3 |
| Injuries..... | 3 | Traffic arrests | 116 |

- Public Works Department Report, presented by Tom Eells. There were no comments.

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|-----------------------------|-------|-----------------------------------|-------|
| Total man-hours | 1,059 | Fuel gallons | 1,036 |
| Miles patrolled | 3,032 | Residents monthly yard waste..... | 40 |
| Total Equipment hours | 106.6 | Loads Yard Waste | 57 |

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

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|--------------------------------|-------------|---------------------------------|-------------|
| Building permits issued..... | 35 | Contractor licenses issued..... | 15 |
| Permit base fees collected .. | \$10,510.73 | Inspections completed | 61 |
| Occupancy fees collected | \$350 | Failed inspections paid | 0 |
| U&O permits issued | 5 | Total fees collected..... | \$11,510.76 |

There was general discussion regarding public improvements, inspections, and the release of escrow funds.

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

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|-----------------------------------|----|----------------------------------|---|
| Permit inspections done | 30 | Hours on patrol..... | 4 |
| Other type inspections done | 1 | Code violations/Complaints | 1 |
- Wagontown Fire Company Report presented by Jeff Benach. There were no comments.

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|---------------------------|--------|--------------------------|------|
| Alarms into WBT | 1 | West Brandywine Gas..... | 15.2 |
| Man-hours in service..... | 397.80 | | |
- Martin’s Corner Fire Company Report presented by Manager Rambo. There were no comments.

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|----------------------|---|-----------------------|---|
| WBT Fire Calls | 2 | Total Fire Calls..... | 5 |
|----------------------|---|-----------------------|---|
- Martin’s Corner Ambulance Report presented by Manager Rambo. There were no comments.

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|-----------|----|--------------------------|----|
| ALS | 32 | Fire/Standbys..... | 0 |
| BLS | 0 | WBT Total Responses..... | 32 |
| MVA..... | 0 | | |
- East Brandywine Fire Company Report submitted by Robert Zynn, Jr. and presented by Manager Rambo.

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|--|----|--------------------------------------|-----|
| WBT Fire | 9 | Time in Service QRS: 10 hrs 24 mins. | |
| WBT EMS | 20 | WBT Miles traveled Fire..... | 53 |
| WBT Time in Service Fire: 8 hrs 52 mins. | | WBT Miles traveled QRS..... | 134 |

Chairman Obernier would like the reports to reflect when a company doesn’t respond to a call from county dispatch and the reason they didn’t respond. Jeff Benach noted that the Township could get that

information through the Department of Emergency Services. The BoS will discuss this issue at another BoS meeting. At this time it was noted that Supervisor Lindborg arrived at the meeting.

Reports of Organizations, Boards and Commissions

There was no one in attendance from the Historic Commission, Parks and Recreation Board, or the Planning Commission. Municipal Authority Manager Rambo gave the report of the WBTMA. Manager Rambo noted that they have purchased the pipe to begin repairs to Monacy Manor capped sewer project. The work should commence in October and end in December. Once the repairs are finished a letter will go out to area residents with a copy of the application to hook in to the sewer system.

Old Business

The Township Manager is finalizing an Ordinance to enable the Technical Specifications for Traffic Control Signalization prepared by McMahan Associates, Inc. to be adopted. This item was addressed earlier.

The Township Engineer and Manager are meeting with the BoS to give input and go over the Township's ACT 537 Plan. A copy will be provided to the BoS. The Manager requested available meeting dates from the BoS.

Budget preparations for 2007 are underway. Departments have not given the Manager their budget requests for 2007.

The fall addition of the Township newsletter is scheduled for completion and mailing over the next few weeks. Manager Rambo will get information from Scott Piersol regarding their address signs.

The BoS to review and discuss the correspondence, along with the signed petition, received with regard to Township Ordinance NO. 05-07, Dog Barking Ordinance. Chairman Obernier read the correspondence from Randy, Brenda, and Brenda R. Boston, dated September 6, 2006, out loud. The correspondence is requesting that the Dog Barking Ordinance be revoked. Randy Boston of Monacy Road noted there is something that is fundamentally troubling about the way the law is currently enforced. Mr. Boston explained that he received a warning from an officer regarding his barking dog; by the time the officer arrived the dogs were inside and not barking. Mr. Boston would like the Ordinance to be revised as outlined in his letter. Supervisor Lindborg asked if the warning was received before or after the Ordinance was passed. Mr. Boston answered after.

Vice-Chairman McCaffrey noted the BoS had previously discussed changing the appearance of the warning, it looked liked you had already been found at fault for doing something wrong. If that is part of the problem it can be resolved.

Chief Werner noted only three or four people received a warning and only one person, that he could think of, has received more than a warning since the Ordinance was passed on June 2, 2005. Supervisor Lindborg stated that he talked to a number of the people that signed the petition; some were flat out against any type of ordinances passed, a number were confused and didn't know what they signed. If he looked at the number of people that signed the petition and everyone on there had either gotten a warning or were fined, then Supervisor Lindborg would feel they have an unfair, too stringent ordinance or they have a lot of inconsiderate people. That apparently is neither case. At this point in time Supervisor Lindborg is not willing to make a change. There were very few complaints made to the police department since the dog ordinance went into effect, the BoS is looking at the ordinance as a deterrent. Further discussion ensued.

Brenda Boston noted that the warning came without the officer ever seeing or hearing the dog. Chief Werner explained that he didn't want to cite anyone if he didn't have to, there are issues in other parts of the Township that are worse. One person was cited thirteen times, at some point you have to take a stand. This is why they have an ordinance. Brenda Boston understood that the Township needs to have an ordinance for situations where there is a constant problem, but felt that the way the ordinance is currently worded it is addressing things that are not a constant problem. Supervisor Lindborg said if Ms. Boston is trying to say that this allows for abuse of the ordinance, that hasn't happened. In over a year, the Police Department has only received two or three calls and one person was cited. That is not abuse; the ordinance is doing what the BoS felt at the time was necessary. Supervisor Lindborg reiterated that they haven't had any other problems or issues with the ordinance in the year and three months since it was passed.

Sue Boston noted that no one on her street knew about their dogs or had any complaints about her dogs, yet the implication at the last meeting was that there most certainly must be a problem. Mr. Boston explained that they are trying to protect their ability to live, when you have dogs, dogs are going to bark. Mr. Boston stated that they are careful that the dogs do not bark excessively. They did their best to find a solution on this issue, as noted in the letter.

Jim Connor of Lafayette Road commented about his neighbor that owns a german shepard and a great dane. Vice-Chairman McCaffrey suggested that Ms. Boston come in to see the BoS if she gets another warning, not to live in fear of the ordinance. Chief Werner also asked Ms. Boston to call him if she receives another warning. Chairman Obernier noted that the Board is not here to fix neighbor problems, but suggested that Ms. Boston put up a tarp to obstruct the dogs view from neighbors so that it wouldn't bark at them. Tom Eells, a neighbor of the Boston's noted that would not be feasible, you would need too much tarp. Vice-Chairman McCaffrey stated if she gets a citation again, then they would have some data to go by to see what caused it.

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

There were no Ordinances or Resolutions.

New Business

The Township Manager has finalized the Floodplain Ordinance changes as required by the NFIP and PA Act 166, the PA Floodplain Management Act and has advertised Ordinance NO. 06-10 for a public hearing and adoption consideration on Thursday, October 19, 2006. Copies have been given to the County, the Township's Planning Commission, and John Good.

The Township Manager has mailed out six RFP's for Audit Services of the 2006 Financial Statements.

Opening of sealed bids for the sale of surplus equipment and vehicles. Manager Rambo opened the sealed bids as denoted in the chart below. Chief Werner expressed that he would like the scale bid rejected. Supervisor Lindborg noted with the exception of the scales, the highest bidders, as highlighted in bold below, will be awarded the bid. Chairman Obernier motioned to award the high bids as indicated by Supervisor Lindborg. Supervisor Lindborg seconded the motion. Board Members Obernier, Lindborg and McCaffrey voted aye.

| NAME | 77 6X6 Dump Truck | 81 Terex Wheel Loader | 99 Ford Crown Victoria | 03 Dodge Intrepid 82,867 +miles | 03 Dodge Intrepid 66,500 +miles | 99 Ford Expedition | Scales |
|----------------------------|------------------------------|----------------------------------|---------------------------------------|--|--|-------------------------------|---------------|
| Wagontown Fire Co. | \$0.00 | | | | | \$100.00 | |
| MT. Rocky Trucking Inc. | \$2,125.00 | \$2,485.00 | \$375.00 | \$525.00 | \$695.00 | \$1,185.00 | \$150.00 |
| Richard Wilson | | \$5,500.00 | | \$1,250.00 | \$1,750.00 | | |
| Joshua Johnson | | | | | \$4,101.00 | \$2,801.00 | |
| Gaudino Brothers | \$260.00 | \$2,130.00 | \$740.00 | \$1,160.00 | \$1,230.00 | \$2,080.00 | |
| Gil Weaver | \$3,610.00 | \$3,875.00 | | | | \$3,610.00 | |
| Grace Quality Used Cars | | | \$1,245.00 | \$1,845.00 | \$1,845.00 | | |
| Bay Ridge Motors, Inc. | | | \$1,169.00 | | | | |
| Sherif Elshlakany | | | \$1,878.00 | \$425.00 | \$425.00 | \$2,825.00 | |
| Devino Used | \$3,677.00 | \$3,677.00 | | | | | |

The Manager has prepared Ordinance NO. 06-11, creation of the Open Space Review Board for advertisement, public hearing and adoption consideration on Thursday, October 5, 2006. Chairman Obernier noted that at a prior meeting, the BoS picked the Planning Commission and the BoS to serve on the Open Space Review Board. The solicitor suggested that the BoS not be on the Open Space Board, because it is the BoS that makes the decision. The Open Space Review Board is an advisory group. Manager Rambo stated that within the law itself it specifically talks about the Planning Commission. The Ordinance has been prepared, the solicitor found it to be in compliance. It will be a nine-member board, open to the public, adopt rules and regulations, adopt a way to proceed in grading properties. Supervisor Lindborg motioned for the Manager to move forward with Ordinance NO. 06-11. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Release request approval or the following projects; St. Peter's Catholic Church (\$495,121.01), Steve Janiec Plank Farm (\$26,682.89), Southdown (\$77,386.59), and Valley View (\$53,918.06). Manager Rambo and Jim MacCombie have reviewed the release requests and found them satisfactory. The Township's onsite inspector Dale Barnett has reviewed the projects to make sure everything has been done properly. Supervisor Lindborg motioned to approve the release requests. Vice-Chairman McCaffrey stated since the Township Engineer has reviewed them, he seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The Chief and Manager will be meeting with representatives of the City of Coatesville to discuss shared animal control services. Manager Rambo and Chief Werner will meet with the City on Monday.

The Township is in the process of receiving written quotes for the placement of a battery back-up system on the signal located at the intersection of 322/Little Washington/Springton and Culbertson Run Road. When the Hideaway Project was signed, money was contributed to the Township for the upgrading of the intersection for LED's and battery backup system. Since that time both signals have been upgraded at Route 82 and Route 322 and Little Washington Road and Route 322. There is \$8,200 remaining in the account. Manager Rambo stated that knowing that they need to get a battery backup system at Little Washington they received two quotes: Signal Service (\$7,424) and Signal Control Products (\$8,914). Manager Rambo recommended they move forward in ordering a battery backup system for that intersection and utilize the monies that were contributed to the Township by the developer. Supervisor Lindborg motioned to move forward with the battery backup system with Signal Service. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

New Business from the Floor *Sketch plan presentation*

Gudal Tract, 17 single-family lots at the intersection of Union and Pratts Dam Road, plan prepared by E. B. Walsh & Associates, Inc. on behalf of Harlan Corporation. Mr. Eberwein noted this 17-lot subdivision consists of 16 new lots. One thirteen-acre lot will be obtained by Mr. Gudal. All the other lots are 1-½ acres with on-lot sewer and on-lot water. Mr. Eberwein gave a brief synopsis of his sketch plan. Vice-Chairman McCaffrey was concerned about preserving woodland areas along the stream corridor. Mr. Eberwein stated they could put controls on those lots. Supervisor Lindborg favored the larger lot size and noted that a lot of the developments today are very intense with small lots. Chairman Obernier suggested they change the lot lines 90 degrees on two parcels so that the trees are toward the back of the lot. Mr. Eberwein noted he could have the sketch plan reflect that change by next Thursday, when they go before the Planning Commission.

James E. Scott, lot line change and add-on, plan prepared by Berger & Hayes (Lake, Roeder, Hillard & Associates) on behalf of Jim Scott. Jim Scott gave a brief summary of his sketch plan. Mr. Scott would like to sell a portion of the property. Manager Rambo suggested that they create it so that whomever they sell it to can use it as they wish. Chairman Obernier suggested that they ask Berger & Hayes what he, Jim Scott can't do with the parcel. Manager Rambo noted that Jim Scott will be on the Planning Commission agenda next week and requested that Mr. Scott bring in seven revised sketch plans without the add-on.

New Business from the Board

Vice-Chairman McCaffrey noted that it is Emergency Preparedness Week and suggested that it would be a good time to contact PECO. Manager Rambo noted that he had contacted Greg Carey from PECO. Vice-Chairman McCaffrey stated as a Township Official he would like a way to contact PECO outside the homeowner's route and also let the Township know what they are going to do or not going to do in case of an emergency. Manager Rambo noted that the Township has contact numbers. Chairman Obernier asked if the Township has the ability to see an electrical outage map over the Internet. Manager Rambo answered no, the Township can call Mr. Carey who will let the Township know the general areas that are out. Vice-Chairman McCaffrey would like something in writing from PECO as to what they are going to do in case of an emergency. Manager Rambo explained that PECO continually sent updated information via fax; the information was copied and put in the BoS mailboxes. Chairman Obernier would like to have something available to the Township to let the Township plan more effectively, rather than sending the Police and Public Works Department to drive around the Township to find out where the power is out. Chief Werner suggested that they do the reverse 911 available through emergency services. Discussion ensued. Manager Rambo will meet with Greg Carey from PECO.

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

Joan Thompson asked if East Brandywine Township has a closed loop system regarding the traffic lights on Route 322 and Little Washington. Manager Rambo answered no. The BoS suggested that East Brandywine pay for half of the upgrade being that EBT maintains and operates those lights in conjunction with WBT. Manager Rambo will look into it.

Jim Conner felt that the price for the battery backup was extreme.

Open Issues Before the Township

Ordinance amendments with regard to the IBC (International Building Code). Chairman Obernier suggested that Dale Barnett ask for an assistant because he is helping developers and falling behind on Township work. Manager Rambo explained that the developer requested that they count the trees in the

first few lots because that developer didn't want to submit grading plans. After that, the developer will be submitting grading plans. The Township will be charging the developer for Mr. Barnett to do the lots that they agreed would be done without a grading plan. Chairman Obernier suggested that MacCombie provide someone to do that and let the developer pay MacCombie so that Mr. Barnett can get to the work that he needs to do. Manager Rambo noted the IBC 2006 is now being released.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. Supervisor Lindborg will review the Access Management Ordinance and provide his input. Supervisor McCaffrey has no comment.

The Township continues to seek volunteers to serve on the Buildings Appeals Board, the Parks and Recreation Board and the Historic Commission. There were no comments.

The Township Engineer and Manager continue in the efforts in preparing updates to the Township's ACT 537 Plan for presentation to the Board. There were no comments.

General Obligation Note (Adjustable Rate Loan for the Facility/Park Construction)
Interest rate for the week was 3.89 %. There were no comments.

Review and Payment of the bills

Bills from the General Fund (\$38,254.65), State Fund (\$5,593.47) and Solid Waste Fund (\$20,554.70). 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, September 28, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, October 5, 2006 at 7:30 p.m.
- Historic Commission, Monday, October 9, 2006 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, October 10, 2006 at 7:30 p.m.
- Open Space Planning Committee meeting, Thursday, October 12, 2006 at 7:00 p.m.
- Municipal Authority, Thursday, October 12, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, October 19, 2006 at 7:30 p.m.

Adjournment

With no other business to discuss, Chairman Obernier motioned to adjourn the meeting at 10:05 p.m. Supervisor Lindborg seconded the motion. Board Members Obernier, Lindborg and McCaffrey voted aye in favor to adjourn.

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