

## **Meeting Minutes of February 2, 2012 Board of Supervisors**

Chairman Obernier turned the meeting over to Vice-Chairman McCaffrey because he was not feeling well. Vice-Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of February 2, 2012 to order at 7:30 pm. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Josef G. Obernier, Sr., Thomas J. McCaffrey, Jr, and William E. Webb in attendance. Also present was Ronald A. Rambo, Jr., Township Manager.

### **Acceptance of Minutes from Previous Meetings**

The January 19, 2012 minutes were presented for adoption. Supervisor Webb motioned to approve the meeting minutes, seconded by Chairman Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

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

**Public Comments** (*residents or representatives of taxpayers of the Township requesting to be on agenda*).  
*Gordon Eck is in attendance to talk to the Board of Supervisors with regard to the barn restoration and his land development plan. Dr. Eck spoke to the issue requesting that he be permitted to run the building permit and land development plan simultaneously. Manager Rambo stated that he, the Township Engineer, and Code Officer were all okay with this. Discussion ensued. Vice-Chairman McCaffrey has no problem with Dr. Eck starting his project without the land development plan, but the land development plan would take precedence over what Dr. Eck has put in, should there be a conflict. Supervisor Webb requested that Dr. Eck provide the Township with a letter that if something happen with the land development plan that is not going to work with what he has done, that he holds the Township harmless The BoS were all in agreement for Dr. Eck to move forward as long as he provides a letter to the Township.*

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

*The Township is in receipt of a revised Order for the Eck property to consider and sign. Manager Rambo read the revised Order out loud that modifies the July 2, 2002 and June 15, 2006 Orders. Vice-Chairman McCaffrey motioned to sign the revised Eck Order. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.*

*Doug Smith, Deputy Emergency Management Coordinator, has forwarded the Board of Supervisors a letter of interest to serve as the Township's Emergency Management Coordinator. Vice-Chairman McCaffrey motioned to appoint Doug Smith as the Township's Emergency Management Coordinator, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.*

*The CCATO has forwarded the Township a request for Resolution's and interested individuals that would like to be voting delegates at the upcoming PSATS Conference. The Manager requested any resolutions that the Board would like to present to the County be forwarded to him and also requested if any Board member is interested in being a voting delegate to let the Manager know. The CCATO conference will be held on Thursday, March 8, 2012.*

**Correspondence/Communications Information to note**

*The Township is in receipt of correspondence from American Water with regard to their 2012 Environmental Grant Program. Manager Rambo noted this information has been forwarded to the Open Space Review Board.*

*The Township is in receipt of the updated Gordon R. and Nancy L. Eck Conservation Easement documents for review. Manager Rambo noted that John Good, Esquire has found the requested changes to the documents in order.*

*The Department of the Auditor General has forwarded the Township the Form AG 385 for completion as it pertains to the Municipal Pension System State Aid Program. Manager Rambo will forward the completed form to the Auditor General.*

*The County Planning Commission has forwarded the Township an inventory of municipal owned recreational parks and open space for review and updating. Manager Rambo stated this list will be reviewed.*

*The Chester County Solid Waste Authority has forwarded the Township information on the current Processing and Marketing Contract rates. Manager Rambo stated the P&M contract rates have gone down from \$43 to \$8.50 per ton. There is now a zero limit so there won't be a negative charge.*

*The Township is in receipt of a copy of the EPA Urban Waters Small Grant submitted by the Township Engineer for funding assistance to help the Township with its MS4 requirements. Manager Rambo stated the Township Engineer submitted a grant, if awarded it will assist the Township in its MS4 monitoring. Vice-Chairman McCaffrey explained the MS4 requirements are another unfunded mandate that is assigned to the local community from the State requiring that something has to be done.*

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

*The Public Works Director continues the gathering of information on the cost to repair or reconstruct the Icedale Road bridges. Manager Rambo stated he has a meeting at the engineer's office with representatives from BEBO Bridge to discuss opportunities for bridge placement.*

*The Manager and Zoning Officer continue their review of the Zoning Ordinance as it pertains to areas that permit the operation of roadside stands. Vice-Chairman McCaffrey requested this review be expedited so that people that sell produce have a way to do so.*

*The Board of Supervisors is in receipt of the proposed amendments to the Township's lighting section of the Subdivision and Land Development Ordinance. Manager Rambo awaits final comments.*

*The Township has forwarded a Contractual Agreement for Fire Protection Services to the fire companies providing fire service to the Township. Manager Rambo stated he has not heard back from any of the fire companies.*

**Old Business from the Floor**

There was no Old Business from the Floor.

**Old Business from the Board**

Chairman Obernier pointed out that 2 ½ years ago, the YMCA removed the hoods from the parking lot lighting and requested that lights be properly baffled. Manager Rambo will contact the Stan Stubbe.

**New Business**

*The Board of Supervisors to consider adopting the revised 2012 general budget as it pertains to the Police Department. Manager Rambo noted at the last BoS meeting, the Police Section of the 2012 General Fund Budget was reopened for consideration to establish a new full-time position in the Police Department, utilizing existing*

monies from within the approved budget that was adopted December 20, 2011 by the BoS. The proposed revised budget adoption consideration was duly advertised.

The police contract allows the establishment of a second tier position. Any officers hired after January 1, 2011 would come under tier 2. Manager Rambo then explained tier 2. Discussion ensued. Vice-Chairman McCaffrey stated all items were agreed to by the police association.

Vice-Chairman McCaffrey expressed he has reservations about this and doesn't feel that the community is in jeopardy; the police service has been very good. A certain percentage of the overall budget should not be exceeded for police protection; there are other wants and desires for Township services. There should be a limit for total expenses for any one department. Vice-Chairman McCaffrey asked for comments from the audience.

Chairman Obernier noted police investigations are not being done in a timely fashion when conducted by part-time officers. With this new full-time officer investigations will no longer be delayed, but completed in a timely fashion.

Supervisor Webb expressed that creating an additional full-time police officer position will be a benefit to the residents. This will allow for an additional officer on the street at some of the busiest times. Supervisor Webb motioned for BoS adopt the revised 2012 budget as it pertains to the police department that will allow the hiring of an additional full-time officer. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Manager Rambo noted that Chief Werner has had the opportunity to interview two individuals that met the requirements for a full-time position within the police contract. One individual has withdrawn his name based on the salary. The individual that Chief Werner and Sergeant Kimes are recommending is Patrolman Russell Moore. Manager Rambo recommended the BoS offer conditioned hire to Officer Moore based on the fact that he will get a physical as required, give a two week notice to his other part-time employers, since once you become full-time as a police officer you can't work part time anywhere. Once these items are in order, Officer Moore could be officially appointed at the next BoS meeting on February 16, 2012 with his family present. Officer Moore would then start February 19, 2012. Vice-Chairman McCaffrey stated this was discussed during an executive meeting prior to tonight's BoS meeting since it was a personnel issue. The BoS was okay to have the Manager move forward and send a letter to Officer Moore.

*The Board of Supervisors to discuss the enforcement of various ordinances and/or codes currently on the books.* This item will be discussed at the next BoS meeting. Vice-Chairman McCaffrey stated they are looking at code enforcement issues.

*The Manager has provided the Board with a memo as it pertains to amending the Township's Uniform and Non-Uniform Personnel Policy Manuals to address Political Activities during elections.* Vice-Chairman McCaffrey noted the BoS held a closed meeting with legal council to discuss these issues. The BoS was okay for the Manager to put this amendment into adoption format for the next BoS meeting.

*The Township is in receipt of correspondence from the City of Coatesville regarding a rate adjustment for housing prisoners.* Manager Rambo read the correspondence out loud noting that the current cost to lodge a prisoner is \$100 unless you have the flat rate. The new fee will be \$187.50 that will take effect on February 5, 2012 at 600 hours. Manager Rambo has drafted Ordinance 2012-1, forwarded it onto John Good, Esquire for his review, and suggested the Board adopt this Ordinance. Anybody that is detained has to be housed and fed. This Ordinance would allow for these associated costs be put on his citation and collected from that individual when they go to hearing. Vice-Chairman McCaffrey stated that people that are found innocent should not incur this cost and would like this reflected in the ordinance.

Manager Rambo requested that the individual that is recording tonight's meeting, first advise the BoS and stated that he is welcome to do so. Chairman Obernier stated he has recorded the meeting and has not often mentioned it because the sunshine law states that whenever there is a public meeting there is a reasonable expectation of it being recorded. Vice-Chairman McCaffrey explained that he wrote a policy some years ago for recording at a

public meeting that states notice should be given if you want to record public meeting. Chairman Obernier suggested this policy be placed next to the agenda for the public.

*The Township is in receipt of a contract from Exelon Power.* Manager Rambo recommended that the BoS sign the Exelon Power contract for providing power through January 2015. The rate has gone down substantially from last year. The Township is currently paying .09819 per kwh and the new rate will be .08540 per kwh. Supervisor Webb motioned to move forward with the Exelon contract, seconded by Chairman Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

### **New Business from the Floor and from the Board**

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

### **Ordinances and Resolutions**

*Resolution #02-2012: adoption of revised 2012 General Fund Police Department budget.* Supervisor Webb motioned to adopt Resolution #02-2012, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

*Resolution #03-2012: disposing of forfeited personal property.* Manager Rambo explained the Township has received a document from the Clerk of Common Courts regarding forfeited firearms and items of ammunition that have become the property of the Township. They are worth less than \$1,000 so they don't have to be bid out. Vice-Chairman McCaffrey suggested the general public have a chance to purchase these items before the police department takes them somewhere else. Discussion ensued. Vice-Chairman McCaffrey motioned to adopt Resolution #02-2012, disposing of forfeited personal property allowing the Township residents first chance to purchase. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

### **Public Comments**

Mike Canal asked questions regarding the forfeited personal property.

### **Developer Presentations**

There were no Developer Presentations.

### **Open Issues Before the Township**

*The Township Engineer and Manager continue their work on updating the Township's Act Plan.* There were no comments.

*The Township is looking for two volunteers to serve on the Parks and Recreation Board.* There were no comments.

*The Township Manager is working to complete the Airport Hazard Zoning District Overlay.* There were no comments.

*The Township is looking for a volunteer to fill a vacancy on the Historic Commission.* There were no comments.

*The Manager continues his work on the Township's Agricultural Security Area update.* There were no comments.

### **General Obligation Note**

*(Emmaus Bond Pool Adjustable Rate Bond for the Twp. and Public Works Facility/Park Construction: interest rate for the week is 1.35%).*

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

Manager Rambo noted the General Fund bills total \$32,527.60, Solid Waste Fund bills total \$30,661.64, and the Liquid Fuels Fund bills total \$661.52. Manager Rambo requested that all the bills be approved for payment except for the OAC Network Solution bill and to approve the OAC bill separately. Vice-Chairman McCaffrey noted he reviewed the bills and found them in order. Chairman Obernier motioned to pay all of the bills except the OAC bill. Supervisor Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye. Vice-

Chairman McCaffrey motioned to pay the OAC bill, seconded by Supervisor Webb. Board members McCaffrey and Webb voted aye. Chairman Obernier abstained because he owns for OAC.

**Upcoming Meetings/Events**

- Municipal Authority meeting, Thursday, February 9, 2012 at 7:30 p.m.
- Historic Commission meeting, Monday, February 13, 2012 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, February 14, 2012 at 7:00 p.m.
- Board of Supervisors meeting, Thursday, February 16, 2012 at 7:30 p.m.
- Open Space Review Board, Thursday, February 23, 2012 at 7:00 p.m.
- Planning Commission, Thursday, February 23, 2012 at 7:30 p.m.

Ed Pristernik asked for an update as far as putting financial information on line.

Supervisor Webb requested updates regarding the proposed tower as well as the safety committee.

**Adjournment**

There being no further business before the Board, Supervisor Webb motioned to adjourn the meeting at 8:35 p.m. Chairman Obernier seconded the motion. Board Members Webb, Obernier, and McCaffrey voted aye in favor of adjournment.

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