

**Meeting Minutes of February 16, 2012**  
**Board of Supervisors**

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of February 16, 2012 to order at 7:30 pm 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, Jr., and William Webb were in attendance. Also present were Ronald A. Rambo, Jr., Township Manager, Thomas Eells, Public Works Director, Dale Barnett, Codes Officer and Sergeant Jeff Kimes.

**Swearing in of Full-time Officer**

*Part-time Officer Russell Moore to be sworn in as a full-time Officer of the West Brandywine Township Police Department.* After swearing in Officer Moore as a full-time officer, Chairman Obernier and the other Board members congratulated him, pictures were taken, and the audience applauded.

**Acceptance of Minutes from Previous Meetings**

Vice-Chairman McCaffrey motioned to accept the February 2, 2012 meeting minutes, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

**Treasurer's Report**

*Manager Rambo presented the Treasurer's Report, balance as of the end of January.*

General Fund	\$22,039.82	State Liquid Fuel Fund	\$21,337.28
Fire Appropriations Fund	\$275.64	Revolving Reserve Fund	\$22,716.63
K-9 Rudy Fund	\$295.36	Police Pension Fund	\$1,642,356.96
Open Space Fund	\$495,373.62	Non-Uniform Pension Fund	\$330,339.70
Solid Waste & Recycling	\$35,686.51	Payroll Fund	\$1,046.82
Capital Reserve Fund	\$15,026.60	Construction Sweep Fund	\$1,181.39
Developer Escrow Fund	\$480,449.45		

Chairman Obernier noted that prior to the start of tonight's meeting, a gentleman from the newspaper noted that he was recording the meeting. Please be aware that every public meeting is being recorded by the Township tape recorder. Chairman Obernier requested that the Manager order a plastic sign stating that all public meetings are recorded. Vice-Chairman McCaffrey objected, stating there is a difference between recording a meeting for something that is reproduced and used elsewhere, the sole reason the Township meeting is recorded is so the minutes can be transcribed and then the tape is destroyed. Discussion ensued. Supervisor Webb expressed he was okay with having a sign put up. With that, Chairman Obernier motioned for Manager Rambo to prepare a sign for posting in the public meeting room. Supervisor Webb seconded the motion. Board members Obernier and Webb voted aye. Vice-Chairman McCaffrey voted nay.

**Special Public Presentations**

*John Levan, Board President of the Coatesville Area Public Library, is in attendance to introduce Denise Pulgino Stout, the new Director of the Coatesville Area Public Library to the Board.* John Levan was not in attendance.

**Public Comments** (*residents or representatives of taxpayers of the Township requesting to be on agenda*). There were no Public Comments.

**Correspondence/Communications Information to act upon**

*The Township is in receipt of correspondence from the Western Chester County Chamber of Commerce with regard to discussions scheduled for Wednesday, February 29, 2012 at 7:00 p.m. at the Caln Township building as it pertains to the establishment of a COG (Council of Governments). Chairman Obernier and Supervisor Webb will attend.*

*The CCATO has forwarded the Township the Spring Conference registration for Thursday, March 8, 2012. Chairman Obernier stated he will not attend. Vice-Chairman McCaffrey and Supervisor Webb will let the Manager know if they will attend.*

*Keith Davis of Edna's Lane has forwarded the Township a letter of interest to serve as a Deputy Emergency Management Coordinator. Chairman Obernier noted that prior to this evening's meeting, the BoS met in executive session and Chairman Obernier and Supervisor Webb had an opportunity to meet with Mr. Davis. Vice-Chairman McCaffrey motioned to appoint Keith Davis, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.*

*Signing of the Gordon R. and Nancy L. Eck Conservation Easement documents for settlement on Friday, February 17, 2012. Manager Rambo recommended that the BoS sign the necessary documents. Vice-Chairman McCaffrey noted the conservation easement for the Eck property has been ongoing for a long time. The community is trying to preserve open areas and one of the less expensive ways of maintaining the Township's atmosphere is to keep farming areas by purchasing development rights and easements. With that said, Vice-Chairman McCaffrey recommended the signing of the Gordon Eck Easement documents for settlement on Friday, February 17, 2012. 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 Stan Stubbe with regard to the Brandywine YMCA. There were no comments.*

*John E. Good, Esquire has found proposed Ordinance No. 2012-01 to be in order. Manager Rambo noted this ordinance pertains to the Township having a means to recoup the fee that is being established to cover the cost of a prisoner or detainee. There is a proposed cost of \$187.50 per prisoner per 8 hours at the City of Coatesville lockup. The BoS was okay with the Manager to move forward with advertising the proposed ordinance.*

*John E. Good, Esquire has provided the Township correspondence on a recent ruling as it pertains to the Right-to-Know Law. Manager Rambo explained the BoS is in receipt of letters that state that private emails between two board members, even on personal computers, can be requested under the Right to Know Law. Vice-Chairman McCaffrey asked how one knows that private email exists and stated he would refuse to download all of his private emails. Manager Rambo stated a person would have to fill out a right to know request. Chairman Obernier stated that his email service is on his business computers, the computers needed more memory because things were running slow. In lieu of spending several hundred on more RAM, last month 12 years of emails were erased regarding West Brandywine Township as well as other emails. Chairman Obernier stated he is looking into a system or plan that would avoid having to erase past emails so that all requests and right to knows would come out of Township equipment.*

Manager Rambo stated he is going to look into adopting a policy regarding the use of Facebook.

*Charles L. Higgins & Sons, Inc. has provided the Township its inspection report for the signalized intersections it recently inspected. Tom Eells noted that he and Manager Rambo met with PennDot and representatives of Higgins. The repairs were minor; PennDot is okay with the report so there are no issues.*

*PADEP has forwarded its MS4 Year 8 review of the Township's MS4 Operations Program. Manager Rambo stated the Engineer and himself are in the process of addressing DEP's comments. DEP would like the Township to link to several websites that have MS4 information. Vice-Chairman McCaffrey suggested we send a letter to DEP stating that we will gladly give them a link to our website and they can link everybody together on their own*

web server. This MS4 stuff is nothing that the Township asked to do; this is a mandate that they have added more bells and whistles as time went along because they do not have to pay for a single thing. Manager Rambo explained it doesn't work that way, the Township has been collecting monies from new individuals and developers for MS4. The Township is following EPA guidelines. Chairman Obernier suggested a letter be sent to DEP to post forms on their website so it would take less time and mailing costs. Manager Rambo stated they already have forms on their website. Every permit has an attachment explaining MS4 requirements. Vice-Chairman McCaffrey would like to see the associated costs of MS4 tabulated on the required MS4 web page so that people realize what the Township has to spent their money on; that is not the Township's idea.

**Reports of Departments:** *Month of January unless otherwise noted.*

Sue Bower questioned if this was only for WBT and only for the month of January. Sergeant Kimes answered yes.

**Police Report:** Presented by Sergeant Kimes.

Criminal Arrests	2	Alarms	5	Vehicle Crashes	6
Criminal Charges	19	Animal Calls	6	Vehicle Stops	44
Non Traffic	2	Assist Fire/EMS	18	All Other	93
Criminal Non Traffic	0	Assist other PD	6		
Traffic	53	Burglaries/Thefts	5	<b>Total Complaints</b>	<b>344</b>
Criminal Traffic	0	Fatals/DOA/Suicide	0		
Parking	12	Domestic/Disturbance	12	<b>Total hrs worked</b>	<b>833</b>
Warrants	2	DUI	0	Overtime hrs	27.5
Warnings	13	Harassment/DC	4		
<b>Total Arrests</b>	<b>71</b>	Premise Check	135		
		Susp. Cond/Vehs	10	<b>Total Miles Driven</b>	<b>4817</b>

**Public Works Department Report:** Presented by Tom Eells, Public Works Director. Mr. Eells also noted work completed during the month. Chairman Obernier asked about the repairs to the generator. The BoS requested that Tom send a note to Elizabeth Zanowiak stating that the repairs have been made to the generator regarding the exhaust issue.

Total man-hours	835.5	Miles traversed	3,204
Total Equipment hours	49	Total fuel gallons	1,168.9

**Buildings/Codes/Fire Inspector Department Report:** Presented by Dale Barnett.

**Building & Codes**

Building Permits issued	8	CL Fees collected	\$1,310
Permit base fees collected	\$2,870	Inspections completed	46
Occupancy fees collected	\$200	Failed Inspections (FI)	5
U&O permits issued	4	Failed Inspections Fees collected	0
U&O permits issued cursory	19	<b>Total fees collected</b>	<b>\$4,380.00</b>
Contractor Licenses (CL) issued	30		

**Fire Report:**

<b>Campfire/Recreational Permits</b>	11	<b>Permits Denied</b>	1
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**Wagontown Fire Company:** Submitted by Chief Ziegler and presented by Bob Yearsley.

**Fire**

Number of calls dispatched into WBT	2	Initial dispatch into WBT	2
Second dispatch into WBT		Number of calls scratched	0

**Medical Assist**

Number of calls dispatched into WBT	-	Initial dispatch into WBT	-
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Second dispatch into WBT - Number of calls scratched -

**Westwood Ambulance:** Presented by Fire Chief Mike McWilliams. Vice-Chairman McCaffrey asked if there is some sort of financial stability now that they have been operating for a while. Mike McWilliams briefly explained that things look like they are going well.

**Ambulance - Types of calls dispatched into WBT**

Medical	23	Fall	3
Vehicle Accident	1	Freedom Village Calls	15
Overdose	1	Total # of Calls	32
Fire Standby	1	Average Response Time	10 minutes
		(dispatch to on scene)	

Manager Rambo noted that East Brandywine Fire Company and Martin’s Corner Fire Company did not submit a January report.

**Reports of Organizations, Boards and Commissions**

Theo Claypoole gave the report of the Historical Commission. Discussion ensued.

Parks and Recreation Board representatives were not in attendance. Manager Rambo gave the report of the Parks and Recreation Board.

There was nobody present from the Planning Commission; Manager Rambo noted that everything that was on the Planning Commission agenda was tabled at their last meeting.

Manager Rambo noted the Open Space Review Board is recommending pursuing the Eck Conservation Easement once all the paperwork is in.

Supervisor Webb gave the report of the Municipal Authority. Discussion ensued regarding damage that was done to a snow plow and who the responsible party was to pay for it. Chairman Obernier suggested the Authority send the bill to Joao and Bradley.

**Old Business**

*The Public Works Director continues the gathering of information on the cost to repair or reconstruct the Icedale Road bridges. There were no comments.*

*The Manager and Zoning Officer continue their review of the Zoning Ordinance as it pertains to areas that permit the operation of roadside stands. Manager Rambo briefly explained that all issues will need to be looked at such as ingress and egress, etc. Discussion ensued. Manager Rambo and Dale Barnett will continue to look into this issue.*

*The Board of Supervisors is in receipt of the proposed amendments to the Township’s lighting section of the Subdivision and Land Development Ordinance. There were no comments.*

*The Township has forwarded a Contractual Agreement for Fire Protection Services to the fire companies providing fire service to the Township. Bob Yearsly stated the Fire Companies are getting together to discuss the agreement.*

**Old Business from the Floor**

Mike McWilliams asked about the deadline for newsletter submissions.

**Old Business from the Board**

Chairman Obernier noted that two meetings ago he requested the Manager to look into alternatives for Pension Plan Funds. Manager Rambo stated he provided Chairman Obernier with some of the requested information and then delineated the information. Chairman Obernier stated that the financial company that currently has the

pension fund money needs to demonstrate that they are conforming to the pertinent section of the Second Class Township Code.

### **New Business**

*The Board of Supervisors to discuss the enforcement of various ordinances and/or codes currently on the books.* Manager Rambo explained in the past, the Township enforced these ordinances and then the majority of the BoS did not wish to continue enforcing this. Supervisor Webb requested the Board look into enforcing resale and rental ordinances that are already on the books. Webb provided the BoS with a sample resale/rental ordinance from Valley Township. Vice-Chairman McCaffrey stated he would go back to Ronald Reagan saying that government is supposed to do for people what they can't do for themselves and otherwise stay the hell out of the rest of your life. Buying and selling something is between a buyer and seller. People should be able to buy things as is without inspections, it is their prerogative. McCaffrey doesn't like the liability aspect to the community having to make sure these things are covered. Webb expressed that these are general safety issues and noted that before he started as a code official at Valley Township, a house was lost due to a furnace fire, there was no emergency cut off switch. They are charged as Board members to look out for the public safety and welfare. McCaffrey stated if they would like to have this entire resale/rental inspection thing removed, he would be happy to vote on that. Rambo stated they attempted to get the rental ordinance in but that was never done, as required by the adopted national maintenance code along with the building code, plumbing code, and fire code that the Township is required to do for the State. McCaffrey commented that he could see different things for a rental inspection because the person does not own the property; they are the victim of who ever is renting it. Dale Barnett, Code Officer would like to see at minimum, the rental portion of this take place. Further dialog continued. Supervisor Webb motioned for Dale Barnett and Manager Rambo to look into adjusting the Township's ordinance to bring something to the BoS for their review and finalization and set an appropriate fee for resale/rental inspection should the BoS decide to approve it. Manager Rambo stated the Township already had the fee set. Chairman Obernier seconded the motion. Board members Webb and Obernier voted aye. Vice-Chairman McCaffrey voted nay.

Sue Bower noted the residents that she is familiar with in the Township are more and more for smaller government and this is definitely not smaller government. Chairman Obernier explained that the Township already has these regulations enacted. These regulations don't come from the Township, but from the international building code.

Mike Canale also questioned why the Township wants to enforce the ordinance; he felt that inspections were already being done. Dialog continued.

McCaffrey would like the Manager to write a letter to see how detailed an inspection that the Township is required to do under state law or if there is latitude for the Township to do what they want to do. Rambo stated the Township didn't come up with this, there is federal law handed down to state law which is handed down to local municipalities; this is what you enforce. McCaffrey stated that going along with these things is wrong; he is an elected official and is supposed to have the best interests for the people in this community. If the state passes a mandate, they are over stepping their bounds.

*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.* Manager Rambo stated the BoS were provided with a copy of the policy for review. The Manager recommended the BoS sign the policy since at the last BoS meeting the BoS was okay with the policy. Vice-Chairman McCaffrey stated he is okay with the policy as he reads it today, but would like this to be a living document that is subject to reevaluation if someone finds a problem or an imposition.

*The Board to discuss the ordering of two new 2013 Ford Police Interceptor Utility AWD vehicles.* Chairman Obernier asked if the money for this purchase is already in the adopted budget. Manager Rambo answered yes and asked if it was okay to proceed with the order. The BoS were okay for the Manager to order the vehicles.

*The Township Manager will be meeting with John Tallman of Tower Economics Company, Inc. on Friday, February 17, 2012 with regard to the placement of a tower on the old Kimberwick Facility. Chairman Obernier would like to leave space for a carnival ferris wheel near the road.*

*Spring newsletter articles are due on Linda Formica's desk by Friday, February 17, 2012. There were no comments.*

*The Township will be reviewing its Recycling Ordinance to ensure that it is up to date with regard to materials being recycled and reporting requirements of haulers. There were no comments.*

#### **New Business from the Floor**

There was no New Business from the Floor.

#### **New Business from the Board**

Supervisor Webb stated he promised Freedom Village that if he was elected, he would make himself available to them for a monthly meeting. This meeting with the residents at Freedom Village will be the first Saturday of every month at 10:00 a.m.

Manager Rambo stated he spoke with Exelon about having the community sign on board for substantial savings. Chairman Obernier had suggested this a few years ago. Manager Rambo will look into this program with Exelon.

#### **Ordinances and Resolutions**

*Resolution #04-2012: adoption of the Uniform and Non-Uniform Political Activities Policy. Supervisor Webb motioned to adopt Resolution #04-2012, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.*

#### **Public Comments**

There were no Public Comments.

#### **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. Chairman Obernier requested an approximate idea when this would be done. Manager Rambo explained he had to find enough time to put toward this.*

#### **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 \$100,203.17, Fire Protection Fund bills total \$6,816.25, Open Space Fund bills total \$274,306.00, Solid Waste Fund bills total \$2,251.19, and the Liquid Fuels Fund bills total

\$326.00. Manager Rambo recommended the BoS have three separate votes, vote on all bills initially except for OAC Network Solutions and the reimbursement bill to Supervisor Webb for training. Chairman Obernier motioned to approve those bills, seconded by Supervisor Webb. Board members Obernier, Webb, and McCaffrey voted aye. Supervisor Webb motioned to pay the OAC Network Solutions bill, seconded by Vice-Chairman McCaffrey. Board members Webb and McCaffrey voted aye. Chairman Obernier abstained because he owns OAC. Chairman Obernier motioned to pay the reimbursement for William Webb, seconded by Vice-Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Supervisor Webb abstained because he is William Webb.

The above motions were to pay just the General Fund bills. At this time Vice-Chairman McCaffrey motioned to pay all remaining funds noted. Supervisor Webb seconded the motion. Board members McCaffrey, Webb and Obernier voted aye.

#### **Upcoming Meetings/Events**

- Open Space Review Board, Thursday, February 23, 2012 at 7:00 p.m.
- Planning Commission, Thursday, February 23, 2012 at 7:30 p.m.
- Board of Supervisors, Thursday, March 1, 2012 at 7:30 p.m.
- Municipal Authority, Thursday, March 8, 2012 at 7:30 p.m.
- Historic Commission, Monday, March 13, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, March 14, 2012 at 7:00 p.m.
- Board of Supervisors, Thursday, March 15, 2012 at 7:30 p.m.

#### **Adjournment**

There being no further business before the Board, Supervisor Webb motioned to adjourn the meeting at 9:35 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