

**Meeting Minutes of April 5, 2012
Board of Supervisors**

Chairman Obernier called the West Brandywine Township (WBT) Board of Supervisors meeting of April 5, 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.

Acceptance of Minutes from Previous Meetings

The March 1, 2012 and March 15, 2012 meeting minutes were presented for approval. Supervisor Webb motioned to approve March 1st and March 15th minutes with the understanding that he was not at the March 15th meeting. Vice-Chairman McCaffrey seconded the motion. Board members Webb, McCaffrey, and Obernier voted aye.

Treasurer's Report (n/a)

Special Public Presentations/Notice

The Board of Supervisors held an Executive Session on Monday, April 2, 2012 at 6:45 p.m. to discuss personnel related issues. There were no comments.

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 a ninety (90) day Letter of Extension from Allan Zimmerman of Commonwealth Engineers, Inc. for the Hammell/O'Donnell Business Park Project. Manager Rambo noted the Township is in receipt of a letter from MacCombie stating that the extension request is warranted as the applicant is continuing with their sewer efforts. Vice-Chairman McCaffrey motioned to accept the letter of extension, seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

The Board of Supervisors is in receipt of a letter from Patricia Pfeiffer inviting them to attend the Troop 51 Eagle Scout Court of Honor Ceremony for William Fredrick Pfeiffer on April 22, 2012. Supervisor Webb would like to attend the Eagle Scout Ceremony.

The Board of Supervisors is in receipt of an invitation to attend the 65th Annual Westwood Fire Company recognition and awards banquet on Friday, April 27, 2012 at the Coatesville Country Club. The BoS will let the Manager know if they will attend.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from Representative Curt Schroder noting that he will be supporting the two pending House Bills pertaining to Prevailing Wage Rates when they come to a final vote. Manager Rambo stated this is regarding the resolution that WBT sent to Representative Schroder requesting his support.

The State has sent notification to the township that it will be receiving its 2012 Liquid Fuel and Turnback Maintenance Allocation via electronic transfer. The Township has received the noted funds.

Kim Merritt of the Chester County Conservation Program has forwarded the Township information on an upcoming PA Land Conservation Conference. There were no comments.

The Chester County Tax Collection Committee has forwarded the Township information as it pertains to the 2011 tax year and the associated savings on collection of EIT monies. Manager Rambo stated the Township saved \$5,979 in 2011 for the collection of taxes. Dialog continued.

The Township has been awarded a payment in the amount of \$4,376.47 under the Public Assistance Program for the August 2011 clean-up efforts as a result of Hurricane Irene. Manager Rambo would like the funds to be split proportionately between the Public Works and Police Capital Reserve Funds. Vice-Chairman McCaffrey motioned for the public assistant program grant money that was awarded for Hurricane Irene go into the Police and Public Works Capital Reserve. The motion was seconded by Supervisor Webb. Board members McCaffrey, Webb, and Obernier voted aye.

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

Public Hearings (Ordinances as advertised) The Public Hearing was opened at 7:32 p.m.

Public Hearing for proposed Ordinance NO. 2012-01: The Recovery of Detention Costs. The Hearing has been duly advertised. Manager Rambo stated he suggested the Township establish a means to recoup costs associated with the housing of prisoners at the City of Coatesville lock-up. The Manager read the following out loud. An ordinance of West Brandywine Township, Chester county, Pennsylvania, providing for the recovery of detention costs of those individuals who are detained and/or arrested by the West Brandywine Township Police Department, for traffic violations, crime codes violations, and placed in lock-ups provided by other municipalities, and for which West Brandywine Township is billed for detention costs and food costs.

This would give the Township the right to request that the judge place the fee on top of the associated costs with the arrest. Currently the City of Coatesville is charging \$187.50 to put them in lock-up overnight. Chairman Obernier asked if administrative fees could be added and Manager Rambo answered no. Vice-Chairman McCaffrey asked if a person would have to pay if they are found innocent. Manager Rambo stated if a person was found innocent, it would be thrown out of court and there are no fees; the Township would still have to reimburse the City. Vice-Chairman McCaffrey stated if a person is arrested and found guilty, they should pay their way but if a person is found innocent, they should not have to pay any costs. Chairman Obernier stated that for Coatesville they are billing for services rendered, it wouldn't be right not to pay them. Chairman Obernier stated what he is hearing from Vice-Chairman McCaffrey is that the residents of the Township will have to pay for this out of their taxes if they are innocent. Supervisor Webb expressed that the police are only going to put people in lock-up that need to be put there. Vice-Chairman McCaffrey stated he is old fashioned; a person is innocent until proven guilty. Karl Ciamachelo of Landover Road agreed with Vice-Chairman McCaffrey one hundred percent; it keeps the police and people in power from overstepping their bounds. Chairman Obernier asked if Ciamachelo was okay to have some of his tax money pay for this. Ciamachelo stated that is what the tax dollar is for anyway, how can you charge an innocent man. Manager Rambo explained most of the time when the police pick somebody up because they have a warrant. This ordinance is to recoup the costs associated with housing of the prisoners. If the DJ elects not to charge because the person was found not guilty, that is up to him. This gives him the ability to put the fee on there. Supervisor Webb stated that ultimately this comes down to is guilty or innocent.

Sue Bower asked if the WBT Police Department has holding cells. Manager Rambo answered they are not manned. Supervisor Webb asked if it would be feasible to hire staff and offer this service to other municipalities. Vice-Chairman McCaffrey stated from what he has heard WBT doesn't want the responsibility. Vice-Chairman McCaffrey stated he feels that everyone in the audience agrees that an innocent man isn't to be billed by WBT. Manager Rambo explained the cells at WBT are temporary, not for housing for an extended period of time. The law says that the cells must be monitored so that nobody harms themselves. Manager Rambo explained this ordinance is for if the judge finds them guilty, they are able to add this on to the prosecution costs. Vice-Chairman McCaffrey stated there are a number of fees that they have already done this with, this isn't unusual for WBT to recoup this money. Chairman Obernier asked what happens if the person is found innocent. Manager Rambo stated that is up to the local DJ, they have the ability to waive fees if the person is innocent. Bower questioned

what the charge is for. Manager Rambo explained a fee is charged for the period of time they are in there until they can be arraigned. Bowar asked if the cost would be forwarded on to another township if our officers transported a person from another Township. Chairman Obernier stated WBT Police wouldn't be transporting anyone from another Township. Chairman Obernier stated it is okay to review this at a later time, but would like to see what happens over time. Vice-Chairman McCaffrey concurred.

There being no further comments, Chairman Obernier motioned to close the Public Hearing at 7:55 p.m., seconded by Vice-Chairman McCaffrey. Board members Obernier, McCaffrey, and Webb voted aye.

Re-Opening of the Township Meeting at 7:56 p.m.

Old Business

The Township Engineer and Manager have met with representatives of PADEP and the Army Corp of Engineers as it pertains to the replacement of the Icedale Road bridges with precast concrete culvert systems by CONTEC and to discuss what would be involved in replacing said bridges. Manager Rambo stated they are looking into required permits. Funds can be borrowed for this, but not many funds are available that would be granted.

The Manager has had further discussions with the Township Solicitor as it pertains to the Township Zoning Ordinance and the permitting of roadside stands throughout the Township. Manager Rambo stated he forwarded some information to John Good at the request of Vice-Chairman McCaffrey. John Good has advised the Township that there are some things the Township must require, that is the issuance of a highway occupancy permit to enable a safe means of ingress and egress from the site along with adequate parking on the site. It was suggested that it be for a typical stand. Vice-Chairman McCaffrey expressed that to have a simple farmstand in this Township is simply impossible. Chairman Obernier suggested the farmers come to the Township Building to sell their produce and stated that the Township shouldn't spend any more money in pursuing this. Vice-Chairman McCaffrey motioned that he would like to pursue a policy by which there could be agricultural stands on West Brandywine roadways. There was no second, the motion was lost. Sue Bower questioned if the Township's biggest issue would be liability for the traffic if there were an accident. Manager Rambo explained the solicitor has advised that no matter what the Township writes, the Township must make sure that they require a highway occupancy permit and adequate parking, if the Township permits something by zoning; the individual must have a safe means of ingress and egress in and out of the site. Further discussion ensued. Question and comments were made by Sue Bowar, Karl Ciamachelo, and Neil Campbell. Vice-Chairman McCaffrey expressed the atmosphere of a community doesn't go away overnight, it's sacrificed in little pieces, the remaining minority agricultural community is slowly selected against by various nitpicky rules until they can't survive. Further discussion ensued.

The Township has received the amended Contractual Agreements for Fire Protection Services from the local fire companies and it is under review by the Solicitor and Manager. Manager Rambo stated he has reviewed the revised agreement and forwarded a list of questions to legal counsel for the three fire companies. The Township just received a second revised contractual agreement tonight at 5:20 p.m. Chairman Obernier read out loud several items on the contractual agreement that he disagreed with. Chairman Obernier motioned to table this item until the Board has a chance to review the revised contract, seconded by Vice-Chairman McCaffrey. Board members Obernier, McCaffrey, and Webb voted aye.

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

The Township is awaiting information from John Tallman of Tower Economics Company, Inc. with regard to the possible placement of a tower at the old Kimberwick Sewer Treatment Facility. Manager Rambo stated the applicant's staff is currently reviewing height requirements that would be needed for the location.

The Township will be participating in the Second Annual Multi-Municipal Shredding Event on Saturday, April 14, 2012 from 9:00 a.m. to 1:00 p.m. at the Caln Shopping Center. Manager Rambo noted the event is being sponsored by two companies so there will be no out of pocket expenses for any of the participating townships.

Final discussions on proposed Ordinance No. 2012-01. Vice-Chairman McCaffrey would like to reexamine this after some period of time to make sure it fits the Board's purpose.

Old Business from the Floor or from the Board

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

New Business

The Board of Supervisors to discuss the proposed By-Laws for the Workplace Safety Committee prepared by the Manager. Chairman Obernier commented that the By-Laws were lengthy and voiced concern that it doesn't specify what happens if the Board decides to say no on something the Safety Committee requests.

Karl Ciamachelo questioned if and when the trailer across the street gets used. Manager Rambo briefly explained that it gets used several times a year.

Discuss the establishment of a Resolution to discard old documents according to the State's Detention of Records requirements. The Board was okay for Manager Rambo to prepare a Resolution to discard old documents for the next meeting.

The Township has placed the year to date revenue and expense information on its website under the budget category. Manager Rambo noted February 2012 has been posted to the web.

Kimmel/Lorah has completed the 2011 audit of Township funds and filed it electronically with the DCED and has provided hard copies to the Township for its files. Chairman Obernier noted two items that were noted on the audit regarding maintenance of the interfund accounts, balances, and accounts payable. Manager Rambo explained that the Financial Director is now keeping an Excel spreadsheet with the "due to" and "due from" accounts for the maintenance of the interfund accounts and also explained that the balances and accounts payable issue is being remedied.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board

There was no New Business from the Board.

Ordinances and Resolutions

Ordinance No. 2012-01: The Recovery of Detention Costs. Supervisor Webb motioned to approve Ordinance No. 2012-01, seconded by Vice-Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

Resolution #06-2012: establishment of the Township Work Safety Committee By-Laws. Vice-Chairman McCaffrey motioned to approve Resolution #06-2012, to establish a Work Safety Committee with By-Laws. Supervisor Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

Public Comments

Karl Ciamachelo asked if the Township charges for the use of the trailer. Manager Rambo answered no because the other municipalities reciprocate by allowing WBT to use various equipment.

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 537 Plan. Maps are being finalized for presentation to the Board within the next month or two.

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. Manager Rambo stated he is in the process of sending out letters. There is a requirement to have 500 acres; the Township will lose the Golf Zone and Cycle Max.

Updates to the Township's lighting section of its Subdivision and Land Development Ordinance. Chairman Obernier stated he is currently working on this item.

Driveway onto Baker road near Reason Lane. Manager Rambo stated Tom Eells and Dale Barnett are looking into the issue to come up with a way to alleviate the problem.

Investment of Pension Funds according to Section 3204 of the Second Class Township Code. Manager Rambo noted he contacted the Pension's Actuary Advisory and spoke to this issue. Some of the pension money is and is not invested according to 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 \$26,680.50 and Solid Waste Fund bills total \$33,151.55. The Manager requested a separate motion to pay the OAC Network Solutions and Cedar Grove bills from the last meeting. Chairman Obernier motioned to pay all of the bills with the exception of the Cedar Grove and OAC bills, seconded by Supervisor Webb. Board members Obernier, Webb, and McCaffrey voted aye. Chairman Obernier then motioned to pay the Cedar Grove Environmental bill, seconded by Supervisor Webb. Board members Obernier and Webb voted aye. Vice-Chairman McCaffrey abstained because he works at Cedar Grove Environmental. Vice-Chairman McCaffrey then motioned to pay OAC Network Solutions bill, seconded by Supervisor Webb. Board members McCaffrey and Webb voted aye. Chairman Obernier abstained because he works for OAC Network Solutions. Vice-Chairman McCaffrey noted the bill for Cedar Grove is for \$88.

Upcoming Meetings/Events

- Historic Commission, Monday, April 9, 2012 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, April 10, 2012 at 7:00 p.m.
- Municipal Authority, Thursday, April 12, 2012 at 7:30 p.m.
- Multi-Municipal Shredding Event, Saturday, April 14, 2012 from 9:00 a.m. to 1:00 p.m.
- Board of Supervisors, Thursday, April 19, 2012 at 7:30 p.m.
- Open Space Review Board, Thursday, April 26, 2012 at 7:00 p.m.
- Planning Commission, Thursday, April 26, 2012 at 7:30 p.m.

Vice-Chairman McCaffrey noted with the new Board, he has had the feeling that Cedar Groves involvement with the Township has bothered Supervisor Webb and would like this added to the next meeting agenda so that things can be hashed out in public.

Chairman Obernier recommended that the BoS thoroughly read through the Fire Services Contract noting he has issues on every page. Vice-Chairman McCaffrey questioned if it is common to have a detailed Fire Services Contract. Manager Rambo answered they are becoming more common since the change of the second class township code that now requires contributions be made to the fire companies that service the township. Chairman Obernier stated he objects to the term contribution, it is a fee for services, there is a tax specifically set up for this. Vice-Chairman McCaffrey feels this engenders some animosity with the fire companies and would like to see

volunteer organizations survive for many years; this makes everyone uneasy where it used to be a partnership. Supervisor Webb commented the first draft of the contract the fire companies were telling the Township how it is going to be, but the Township has other options. Chairman Obernier concurred.

Adjournment

There being no further business before the Board, Vice-Chairman McCaffrey motioned to adjourn the meeting at 8:59 p.m. Supervisor Webb seconded the motion. Board Members McCaffrey, Webb, and Obernier voted aye in favor of adjournment.

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