

Board of Supervisors Meeting Minutes
April 17, 2014

Chairman Webb called the West Brandywine Township (WBT) Board of Supervisors meeting of April 17, 2014 to order at 7:44 p.m. and led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Secretary/Treasurer Linda Formica noted Chairman William Webb, Vice-Chairman Doug Smith and Supervisor Josef G. Obernier, Sr. in attendance. Also present were Police Chief Walter Werner, Code Enforcement Officer Dale Barnett and Public Works Director Thomas Eells.

Acceptance of Minutes from Previous Meetings – *April 3, 2014* – Supervisor Obernier made a motion to accept the Meeting Minutes from April 3, 2014, seconded by Vice-Chairman Smith. Board members Obernier, Smith and Webb voted aye.

Public Notification

1. *The Board held a teleconference with Thomas Eells last week to discuss how the Township would hand 24-hour operation of the recycling facility for brush.* – No comments.
2. *An Executive Session was held on April 17, 2014 prior to the Board meeting to discuss legal and personnel matters.* – No comments.

Treasurer’s Report

General Fund	\$ - 42,105.53
Fire Appropriations Fund	\$ 18,328.11
Open Space Fund	\$ 45,386.58
Solid Waste & Recycling	\$ 388,213.16
Developer Escrow Fund	\$ 281,938.93
State Liquid Fuel Fund	\$ 166,908.84
Revolving Reserve Fund	\$ 92,132.46
Police Pension Fund	\$2,061,765.67
Non-Uniform Pension Fund	\$ 302,298.50
Payroll Fund	\$ 8,649.14

Special Public Presentation

Plaque presentation for gold Sponsorship to Brandywine Manor House. – Chairman Webb, on behalf of West Brandywine Township, presented a plaque in appreciation to Dr. and Mrs. Gordon Eck for their “Gold” Sponsorship and dedication to the Township.

It was also noted that the Township's Solicitor, Siana, Bellwoar & McAndrew, LLP, would be contributing \$1,000.00 to the Park and Recreation Committee.

Public Comments (residents or representatives of taxpayers of the Township requesting to be on the agenda)

1. Jack Conti requested to be on the Agenda regarding his concerns on the Budget, specifically the Solicitors expense. Vice-Chairman Smith put together a presentation showing the numbers budgeted were far lower than what they should have been. Further discussion ensued. The presentation will be placed on the Township web site.

Department Reports & Reports of Organizations, Boards and Commissions

Chief Walt Werner gave the March 2014 Police Department report noting there were a total of 100 arrests for the month, personnel worked 1,068 hours, 584 complaints were addressed, and a total of 5,586 miles were patrolled.

Public Works Director Tom Eells gave the March 2014 monthly report of the Public Works Department. A total of 725 hours was worked by personnel, 136 hours were spent on Township equipment. Maintenance of the building and grounds, vehicles, equipment and roadways was performed during the month.

Codes Officer Dale Barnett gave the March 2014 monthly report for the Codes Office. 14 Building Permits were issued for the month with permit base fees collected of \$6,779.00. Occupancy fees collected totally \$125, 1 U&O permits issued with a fee of \$0 collected, 5 U&O permits issued cursory, 11 Contractors Licenses issued totaling \$495. A total of 23 inspections were completed (in-house/on-site). Total fees collected \$7,399.00

Fire Inspector Dale Barnett gave the March 2014 monthly report. A total of 48 campfire permits and 5 farming cleanup permits were issued.

Chief John Edwards gave the March 2014 fire report for East Brandywine Fire Company. He noted a total of 23 fire calls were responded to in WBT; 58.5 gallons of fuel were consumed.

Chief Edwards thanked Public Works Director Tom Eells, Police Chief Walt Werner and Sergeant Jeff Kimes for their assistance with a truck hay bale fire that happened at Route 322 and Route 82.

Chief Todd Ziegler of Wagontown Fire Company gave the March 2014 fire report. He noted a total of 6 calls were responded to in WBT, 87.5 gallons of fuel were consumed.

Chief Ziegler presented a Unit Citation plaque to WBT for their outstanding assistance and team work displayed during the recent ice and snow storms in February and March of 2014.

Joe Deckman of Westwood Fire Company gave the March 2014 Ambulance Report. He noted there were 41 calls for WBT, 295 gallons of fuel were consumed.

Emergency Management Coordinator Doug Smith gave the March 2014 EMC Report –

- There were two (2) hot washes (a review of emergency situations to see what could have been done better or needs to be changed). After all information is finalized, the findings will be placed on the Township web site.

Historic Commission – Jeff Grossman gave the March 2014 HC Report –

- The HC is in the process of seeking public donations for the Historic Essay contest which will be held in the fall.
- There will **not** be an August 2014 meeting.
- The Historic Commission is still in need of two (2) members
- Jeff asked for suggestions from the Board in on how to get pictures of before and after when a historic property is restored. HC seeking authorization from BoS to send out a reminder to the property owners to get pictures.
 - Jack Conti asked if they are obligated to provide pictures. Jeff clarified that they were just ‘promised’.

Parks and Recreation – N/C

Planning Commission – John Cassels gave the March 2014 PC Report –

- At the last PC meeting on March 27th, under Old Business, the Brandywine YMCA was briefly discussed. As there was no one present and the PC is awaiting final review from the Engineer, this item was tabled.
- The PC was provided with some general information on the sports academy but it was very general with only information on their web site.
- PC seeking clarification on land development time clocks. The application for Final Land Development Plan for Brandywine Meadows provided by the Codes Department was deemed incomplete at the time of submission; therefore the time clock has not started. Township Solicitor stated the time clock begins when the application is completed.

Open Space Review Board – John Cassels gave the March 2014 OSRB Report – There was no new business, only general discussions.

Municipal Authority – Supervisor Obernier gave the March 2014 MA Report – The Authority is waiting for a rental agreement from the Township. Chairman Webb made a motion to authorize Township Solicitor to send an Addendum to the MA Rental Agreement, seconded by Vice-Chairman Smith. Board members Webb, Smith and Obernier voted aye. Further discussion ensued regarding the sewer hookup among the Board, Greg Stillwell, Jack Conti and Eric Brown.

Agricultural Security Area Committee – N/C

Ad Hoc Review Committee – N/C

Correspondence/Communications (information to note and act upon)

1. Information to Act Upon

- a. *The Township is in receipt of plans and documents for Bakers Ridge for signing.*
- Approve the preliminary/final land development plans of First Resource Bank for Baker’s Ridge Subdivision, subject to the conditions more fully set forth in the Motion presented.
 Motion by: Chairman Webb Seconded by: Vice Chairman Smith
 In favor: All Opposed: None
 - Approve and authorize the execution of the final revised plans dated July 26, 2012, last revised March 17, 2014, entitled “Baker’s Ridge”.
 Motion by: Chairman Webb Seconded by: Supervisor Obernier
 In favor: All Opposed: None
 - Approve and authorize the execution of the Development Agreement, Financial Security Agreement and Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement with First Resource Bank in the forms submitted.
 Motion by: Chairman Webb Seconded by: Vice Chairman Smith
 In favor: All Opposed: None
- b. *The Township is in receipt of a resignation letter from Jeff Grossman advising that he no longer wants to serve on the Ad Hoc Review Committee.*
 Motion by: Vice-Chairman Smith Seconded by: Supervisor Obernier
 In favor: All Opposed: None
- c. *Swinehart Subdivision - Longview Swinehart, L.P.*
- Move to defer the requirement that the developer post financial security, conditioned upon the developer’s acceptance and satisfaction of the conditions set forth in the “Deferral of Financial Security Requirement and PennD.O.T Right of Way Stormwater Management Facilities and Operations and Maintenance Agreement” and subject to the Agreement being recorded in the Office of the Recorder of Deeds of Chester County at the cost of the developer.
 Motion by: Chairman Webb Seconded by: Vice Chairman Smith
 In favor: All Opposed: None
 - The Township is in receipt of a request from Longview to waive the requirement that Longview continues to maintain financial security for their projects until such time that they are ready to move forward with construction.
 Motion by: Chairman Webb Seconded by: Vice Chairman Smith
 In favor: All Opposed: None
 - Move to authorize D. L. Howell & Associates to apply for a Highway Occupancy Permit with the Pennsylvania Department of Transportation and, further, authorize the Chair of the Board of Supervisors to execute Permit Application No. 4774 in the form presented, subject to the execution and recordation of the “Deferral of Financial Security Requirement and PennD.O.T Right of Way Stormwater Management Facilities and Operations and Maintenance Agreement” by Longview Swinehart, LP.
 Motion by: Chairman Webb Seconded by: Supervisor Obernier
 In favor: All Opposed: None

d. *The Township is in receipt of a letter dated March 31st from the Municipal Authority with regard to the \$350 monthly payment for mowing/plowing and is requesting the Board acknowledge whether past arrangements will continue.* – Discussion ensued among the Board, Tom Eells, Karen Sload, Jack Conti, and Ed Pristernik. Frank Keegan suggested having a separate public meeting to discuss it. Chairman Webb requested Linda Formica contact MA Manager for dates available to have a joint meeting between the Board of Supervisors and Municipal Authority. Supervisor Obernier suggested the next MA meeting, which is May 8th at 7:30 at the Municipal Authority Building.

e. *The Board to discuss and motion to accept the waiver requests for the Boldaz property.*

Motion by: Chairman Webb Seconded by: Vice Chairman Smith
In favor: W&S Opposed: Supervisor Obernier

After further discussion, Chairman Webb made a motion to rescind original motion, seconded by Vice-Chairman Smith. Board members Webb, Smith and Obernier voted aye.

Following a discussion regarding the Letter of Engagement with McCormick Taylor and waiver requests, Chairman Webb made a motion to have Township Solicitor provide documentation for 2nd meeting in May on the Boldaz waivers, seconded by Vice-Chairman Smith. Board members Webb and Smith voted aye. Supervisor Obernier abstained.

f. *Culbertson Realty Subdivision*

- Move to defer the requirement that the developer post financial security, conditioned upon the developer’s acceptance and satisfaction of the conditions set forth in the “Deferral of Financial Security Requirement Agreement” and subject to the Agreement being recorded in the Office of the Recorder of Deeds of Chester County at the cost of the developer

Motion by: Chairman Webb Seconded by: Vice Chairman Smith
In favor: All Opposed: None

2. Information to Note

- The Township is in receipt of a Citation awarded to WBT from Wagontown Volunteer Fire Company for outstanding assistance and teamwork for the 2014 ice and snow storms.* – No comments
- The Township is in receipt of information from Marcella Goldberg from DEP with regard to a complaint follow-up for the 175 Swinehart Road farm.* – No comments.
- The Township submitted a TAP Grant Application along with support letters from Representative Corbin, Senator Rafferty, City of Coatesville, Caln, Valley, West Caln, and PennD.O.T District 6-0 for the Pratts Dam Stabilization Project.* – No comments.
- The Township is in receipt of Plan Review #2 for the Brandywine YMCA Expansion from MacCombie dated April 11, 2014.* – No comments.

- e. *The Township is in receipt of the DLN advertisement with regard to Ordinance No 2014-01 (Jamie Lane – parking, stopping, and speeding) – No comments.*

Public Hearings (Ordinances as advertised) – N/A

Old Business

1. *Discuss the draft resolution for the Citizen Finance Advisory Committee. – After a brief discussion, this item was tabled until the next meeting.*

At this time Chairman Webb made a motion to recess at 9:37 p.m. for five minutes, seconded by Vice-Chairman Smith. Board members Webb, Smith and Obernier voted aye.

Public Meeting called to order at 9:46 p.m.

2. *The Board is in receipt of a revised letter dated April 17, 2014 from Josef G. Obernier, Sr. with regard to the findings of the Kimmel, Lorah & Associates Audit of Medical & Business Expense Reimbursements. – Chairman Webb made a motion to attach the letter to the Medical Audit and Business Reimbursement Audit that Kimmel, Lorah and Associates provided, and also provide Kimmel, Lorah and Associates a copy of letter, seconded by Vice-Chairman Smith. Board members Webb and Smith voted aye. Supervisor Obernier abstained.*

Old Business from the Floor

1. Carrie Pike, Financial Administrator, clarified budget items to Supervisor Obernier that he brought up at the previous meeting. Further discussion ensued on clarifying those items between Supervisor Obernier and Carrie.
2. John Cassels voiced his concerns on the brush drop off yard:
 - a. Asked if there is an exit plan for the mulch.
 - b. He noticed people coming from out of the area to dump.
 - c. People just dropping their brush in the middle of the yard
 - d. Not staffed all the time to check on where the brush is coming from.
 - e. Can this be sold out to other businesses, i.e. A-1.

Chairman Webb stated that this is still being worked on and that he reached out to some but found out that many places will charge to take out, even though they will resell it. BoS authorized public works staff to the yard every day.

3. Dr. Edward Pristernik asked for an update on the situation with former Township Manager Ron Rambo. Chairman Webb stated it was still in the system. Vice-Chairman Smith stated that the Township has nothing to do with it at this point, it is between Mr. Rambo and the District Attorney's office.
4. Greg Stillwell asked how long the TAP grant takes to get approval. He was informed a decision will be made in the fall.

Old Business from Board

1. Supervisor Obernier directed his comments to Dr. Edward Pristernik on the budget. Chairman Webb asked if this could be discussed between he and Dr. Pristernik. He then

made a motion to proceed with the meeting, seconded by Vice-Chairman Smith. Board members Webb and Smith voted aye.

New Business

1. *Recommendations of the Township's Planning Commission (1st mtg of month only) - N/A*
2. *The Board to discuss land development time clocks. – Discussed under Planning Commission Report.*
3. *The Board to discuss an addition \$1,000 to \$1,200 professional service fee to come onsite for four days to implement the Abila MIP Fund Accounting System. – Vice-Chairman Smith motioned to pay the additional \$1000-\$1200 professional service fee to allow an onsite visit to implement the Abila MIP Fund Accounting System, seconded by Supervisor Obernier. Board members Smith, Obernier and Webb voted aye.*

New Business from the Floor

1. Elizabeth Zanowiak asked about updating the Township Map, because the current one is dated 2010. Elizabeth made a suggestion and a request that the maps be pulled from the public tables and disposed of. Chairman Webb agreed and asked Linda Formica to contact the company for updating the map.

New Business from the Board

1. During the executive session held earlier, the Board discussed hiring an Interim Township Manager.
 - a. Chairman Webb would like to consider Dale Barnett to be the Township's Interim Manager. He feels that with Dale's 14 years of service with the Township, it has given him the ability to grow as a professional and believes he has stepped up to the plate on more than one occasion and that he not only has the respect of the public but also that of the employees.
 - b. Vice-Chairman Smith stated that having talked to Dale and asking him very pointed questions about leadership abilities as well as his ability to work with the employees. Having talked with Contractors, who were not all from WBT, the overwhelming feeling was they have a great respect for Dale for his honesty, integrity and experience. Vice-Chairman Smith believes Dale would be a good choice for Interim Manager and will feel very comfortable giving him this opportunity.
 - c. Supervisor Obernier agreed that the Township needs somebody. If it must come from within the Township, he agrees Dale would be first in line, but stated the Township would be better served if this position was advertised and see what else is around.

After further discussion ensued among the Board, Greg Stillwell, Jack Conti, Carrie Pike, Frank Keegan, Joe Morris and Dale Barnett, Chairman Webb made a motion to appoint Dale Barnett as Interim Township Manager, to fulfill all the duties outlined by the Managers Ordinance and other duties prescribed by the BoS. In appointing him this position, Dale will receive an increase of 10% of his current salary, an annual salary of \$81,875.20, seconded by Vice-Chairman Smith. Board members Webb, Smith and Obernier voted aye.

2. Chairman Webb suggested that the Board decide a time to set up a meeting with staff members, (not mandatory), to discuss the new position. A memo will be sent out there will be a staff meeting on Monday, April 28th at 6:00 p.m. Dinner to be provided. Discussion ensued on working with a local Codes Office, and authorizing Dale to look into 3rd party services.
3. Supervisor Obernier questioned the real estate tax and fire service tax.
 - a. Who is breaking this information down? Is it the County? Is it DNB?
 - b. What is the Township paying DNB for? Is there a lock box fee? Percentage of dollars collected?
 - c. Who is paying for DNB? Is it the elected Tax Collector or Township?
4. Supervisor Obernier asked Linda Formica to post the budget for February and March onto the web site.

Ordinances and Resolutions

1. Ordinance No 2014-01: Regulate Parking, Stopping, and Speeding on Jamie Lane
 Motion by: Vice-Chairman Smith Seconded by: Supervisor Obernier
 In favor: All Opposed: None

Public Comments (individuals not on the agenda) – N/A

Developer Presentations

1. *William J. Rizzo to present plan for the Sports Performance Institute facility.* – Mr. Rizzo had left the meeting.

Open Issues before the Township

1. *Ordinance Outdoor lighting status.* – Dale Barnett working on this.
2. *The Township is looking into ways to repair Lafayette Road and Pratts Dam Road.* – No comments.
3. *The Township continues its efforts to look for funding for a permanent fix for Icedale Road Bridge.* – No comments.
4. *The Public Works Department continues their work to repair Icedale Road Bridge.* – No comments.
5. *The Public Works Director continues his efforts to resolve site distance issues at the intersection of Route 82 and Cedar Knoll/E. Reeceville Road and is looking into a flashing light system.* – No comments.
6. *The Township is looking into alternatives with regard to using the SPCA.* – Linda Formica stated there are a lot of cats coming in from a specific area that the Township is being billed for.
7. *Traffic Study SR 82 and E. Reeceville Road and Cedar Knoll Road.* – No comments.

General Obligation Note (*Emmaus Bond Pool Adjustable Rate Bond for the Twp. and Public Works Facility/Park Construction: interest rate for the month is 1.35%*) – No comments.

Review and Payment of Bills

General Fund	\$24,349.85
Fire Appropriations Fund	\$ 497.43

Solid Waste Fund	\$ 1,457.87
State Liquid Fuels Fund	\$19,650.12

Chairman Webb made a motion to pay all bills, with the exception of the reimbursement for him, seconded by Vice-Chairman Smith. Board members Webb, Smith and Obernier voted aye.

Vice-Chairman Smith made a motion to pay the bill for Chairman Webb (\$119.06), for PSATS reimbursement, seconded by Supervisor Obernier. Board members Smith and Obernier voted aye. Chairman Webb abstained.

Upcoming Meetings/Events

Open Space Review Board, Thursday, April 24th at 7:00 p.m.

Planning Commission, Thursday, April 24th at 7:30 p.m.

Board of Supervisors, Thursday, May 1st at 7:30 p.m.

Ad Hoc Review Committee, Tuesday, May 6th at 6:30 p.m.

Municipal Authority, Thursday, May 8th at 7:30 p.m.

Historic Commission, Monday, May 12th at 7:30 p.m.

Parks and Recreation Board, Tuesday, May 13th at 7:00 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Smith motioned to adjourn the meeting at 11:01 p.m. Supervisor Obernier seconded the motion. Board members Smith, Obernier and Webb voted aye in favor of adjournment.