

**Meeting Minutes of April 18, 2013
Board of Supervisors**

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of April 18, 2013 to order at 7:30 p.m. and led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Assistant Secretary noted Supervisor's Thomas J. McCaffrey, William E. Webb, and Josef G. Obernier, Sr. in attendance.

Acceptance of Minutes from Previous Meetings

February 7, 2013 (distributed for review), February 21, 2013, March 7, 2013, March 21, 2013 (Not yet available). Vice-Chairman Webb motioned to accept the February 7, 2013 meeting minutes and table February 21, March 7, and March 21. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Public Notification -None

Treasurer's Report

General Fund	\$210,146.07	State Liquid Fuel Fund	\$2,974.87
Fire Appropriations Fund	\$45,699.45	Revolving Reserve Fund	\$28,319.68
K-9 Rudy Fund	\$295.46	Police Pension Fund	\$1,712,441.24
Open Space Fund	\$68,582.60	Non-Uniform Pension Fund	\$376,218.34
Solid Waste & Recycling	\$279,158.03	Payroll Fund	\$19,357.46
Developer Escrow Fund	\$386,410.32	Gen. Purpose Emergency Fund	\$2,991.31
Capital Equipment Fund	\$48452.46		

Special Public Presentations - none

Public Comments (*residents/ representatives of taxpayers of the Township requesting to be on agenda*). – None.

Vice-Chairman Webb motioned to change the order in tonight's agenda to address Public Comments (those who have not requested to be on the agenda) after the completion of the Reports of Departments, Organization, Boards, and Commissions. The motion was seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

Reports of Departments, Organizations, Boards and Commissions

Chief Werner gave the March Police Department report noting there were a total of 173 arrests for the month, personnel worked 1,009.5 hours, 603 complaints were addressed, and a total of 6,291 miles were patrolled.

Dale Barnett gave the report for the first quarter of 2013 for the Code Office. A total of 36 building permits were issued, 57 inspections were performed, and a total of \$11,453 was collected in fees.

Public Works Director Tom Eells was on vacation. Vice-Chairman Webb gave the March monthly report of the Public Works Department. A total of 727.5 hours were worked by personnel, 2,045 miles were traversed in Township trucks, 112 hours were spent on Township equipment, and 216.2 gallons of fuel were consumed.

Jack Conti gave the report of the Planning Commission. The Bakers Ridge clock runs out on April 19th, a letter of extension that will extend the time until June 21st was received. The PC motioned that the BoS accept the letter of extension and table the plan. The Castaldi Plan; a letter from the Township Engineer noted the outstanding issues can be addressed during final preparation. The PC has concern regarding the way the trails are going to be managed. Since there are two separate managers, trails will run through private homeowners properties, other trails will be managed by the Home Owners Association (HOA), and some trails will run through open Space. The PC is not sure if the Township will own these trails or if the trails will come under the HOA. The PC sees these trails as a real problem to manage, but the PC is recommending the BoS approve the preliminary plan.

No one was in attendance from the Historical Commission or the Parks and Recreation to give their report.

John Cassels noted there are no recommendations from the Open Space Review Committee.

Municipal Authority Chairman Obernier gave the report of the Municipal Authority noted the Authority has one vacancy. Bill Goins sat on the Authority since its inception in 1996, with the change in financial laws through the Obama administration, with Bill being an officer of the bank; he is not permitted to sit on an Authority. Tom Williams who lives in the Woodbrooke sewer district has an interest to sit on the Authority Board.

Chief John Edwards, East Brandywine Fire Company gave the March fire report. He noted a total of 24 calls were responded to in WBT. Chief Edwards noted an accident on Lauren Lane and East Reeceville; two people were trapped in the vehicle, the extrication time was under 13 minutes. Dave Lamley commented about a farm accident and noted how impressed he is with the emergency personnel that responded.

Bob Yearsley, Assistant Chief of Wagontown Fire Company gave their March fire report. He noted a total of 1 call was responded to in WBT.

Chief John Sly of Westwood Fire Company gave the March Ambulance Report. He noted there were 57 calls for WBT. Chief Sly noted that Westwood is donating a fully stocked medical bag with oxygen to West Brandywine Township's Police Department.

Chairman McCaffrey gave the report of Martin's Corner Fire Company. He noted there were 0 calls for WBT for the month of March.

At this time Chairman McCaffrey requested questions from the audience. Neil Campbell commented regarding the allegations against Ron Rambo, asked the Board why two of the three Board members allow the Manager to stay employed at the Township, and questioned since Ron Rambo is still employed at WBT why he isn't in attendance at tonight's meeting. Chairman McCaffrey expressed that in the United States of America, a person is innocent until proven guilty and it would be improper to act on allegations and explained that actions have been taken to limit further potential mistakes. Supervisor Obernier stated that Mr. Rambo was not in attendance at tonight's meeting because his attorney advised him not to attend tonight's meeting, part of the Supervisors jobs is to limit the exposure of the Township. If the Board deals with Mr. Rambo in some way that would violate Mr. Rambo's rights then the Board would create exposure on behalf of the Township. The Board is trying to handle things so that the Township doesn't later get sued. The Board honors Mr. Rambo's civil rights and is trying to keep the day to day operations moving along. Vice-Chairman Webb explained that the Township's council said that he couldn't discuss the matter because it is a continuing case with the district attorney. Vice-Chairman Webb stated that yes, he did take this to the district attorney's office but since he was advised by legal counsel cannot discuss why Webb took it to the district attorney. Chief Werner answered that it was because the Board does not have the authority to investigate alleged crimes according to the attorney general's office. Dialog continued. The following people commented; Jack Conti, John McClay, Colin Judge, Rhonda Mowday, Lori Petri Formica, and Doug Smith. Rhonda Mowday requested medical reimbursement information.

Chairman McCaffrey stated he would like to wait to see what the findings of the court are, save the money from getting an audit, and not go through \$50,000 worth of expense. Vice-Chairman Webb stated the purpose of his motion to remove Rambo at the last meeting was twofold; 1) to protect the staff and 2) to protect Rambo from

accusations of witness intimidation and to keep him off until further notice. Chairman McCaffrey stated that he has no idea of who is a witness. If the district attorney's office has selected a witness, they have not informed Chairman McCaffrey, it is out of McCaffrey's hands. Chairman McCaffrey stated he is not allowed to investigate it and not supposed to prosecute it and further noted that at this particular junction, without having anybody finding anybody guilty and not having a man his right to due process that any American is allowed to have, McCaffrey can protect the Township from further abuse by what he was told has taken place but doesn't feel he should punish the person for it until the courts are done. Catherine Courreges questioned what it would take to request an unpaid suspension of Mr. Rambo. The following residents continued dialog; Mike Canale, Doug Howe, Ted Waltz, Ed Pristernik, Keith Davis, Frank Mertz, Joan Grant, Debra Hoopes, Scott Razensky, and Melissa Alton. Supervisor Obernier spoke to the issue of the 2005 audit.

After much discussion from the Board and residents on the floor, Vice-Chairman Webb motioned to place Ron Rambo on unpaid leave effective immediately pending the final outcome of the investigation. Chairman McCaffrey stated he won't second the motion until the gentleman is found guilty of a crime. Vice-Chairman Webb motioned to have an executive session since he didn't get a second on his previous motion. Supervisor Obernier seconded the motion to go into an executive session. Board members Webb, Obernier, and McCaffrey voted aye. The Board closed the Township meeting and went into executive session at 9:22 p.m.

Supervisor Obernier motioned to reopen the Township meeting at 9:46 p.m., seconded by Vice-Chairman Webb. Board members Obernier, Webb, and McCaffrey voted aye.

Vice-Chairman Webb motioned to place Mr. Rambo on unpaid leave effective immediately pending the final outcome of the criminal investigation. Chairman McCaffrey amended the motion, since there are issues that are ongoing with subdivisions, insurance, personnel, any ongoing issues, i.e. bond payments, pension, insurance payments, tax payments, that the Manager has been handling single handedly as Secretary/Treasurer/Manager that the BoS retain Mr. Rambo on a consultant capacity to fill in from home if Mr. Rambo will accept. Supervisor Obernier seconded the motion. Board members McCaffrey, Obernier, and Webb voted aye.

Dialog continued regarding what Township access that Mr. Rambo will have through his laptop during this transition period.

The following people asked questions and commented regarding Mr. Rambo's unpaid leave and the Township having Mr. Rambo as a consultant ; Catherine Courreges, Terry Cunningham, Louann KcKeon, Jay Arly, Patty Barry, Allen Smith, Debra Hoopes, John McClay, Colin Judge, Karen Volmecke, Bob DiJoseph, Jack Conti, Marg Mullen, Dr. Pristernik, Halle Baker, Bob Schini, Neil Campbell.

The Board reiterated the motion made regarding Mr. Rambo. Vice-Chairman Webb motioned to place Mr. Rambo on unpaid leave effective immediately pending the final outcome of the criminal investigation with an amendment to allow the Board to hire Mr. Rambo on a consulting basis for a temporary time period to be determined by the Board of Supervisors to assist the administrative staff on time sensitive materials such as pension payments, bond payments and any other issues that the administrative staff needs information on and all work is to be done from his home. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

Correspondence/Communications *Information to act upon*

The Board of Supervisors is in receipt of correspondence from Krempa Associates for signing with regard to the transfer of funds from a High Yield account to a Fixed Income account as recommended by the Township's Pension Review Committee. Supervisor Obernier motioned to approve the transfer of funds from a high yield account to a fixed income account as recommended by the Township's Pension Review Committee, Vice-Chairman Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye.

The Board of Supervisors to accept the resignation letter of William Goins from the Municipal Authority and an individual from within the Woodbrooke Subdivision to replace Mr. Goins will be sought by the Board. Vice-Chairman Webb motioned to accept the resignation of William Goins and prepare a plaque acknowledging his service to the Municipal Authority Board. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye.

The Board of Supervisors has received an invitation from PA American- Coatesville, to select a member to serve on a Steering Committee to assist with its source water protection plan. Supervisor Obernier motioned to appoint John Cassels, Vice-Chairman Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye.

The Board to discuss the preparation of a proclamation to Ms. Suplee, a resident of Freedom Village whom has turned 100 years old as of April 15, 2013. The Board agreed to send a proclamation to Ms. Suplee.

The Board of Supervisors to approve the amended By-Laws for the WCCCG to include West Caln Township as a member. Supervisor Obernier motioned to approve the amended by-laws for the Western Chester County Council of Government, seconded by Vice-Chairman Webb. Board members Obernier, Webb, and McCaffrey voted aye.

Correspondence/Communications Information to note

The Township is in receipt of correspondence from John E. Good, Esquire as it pertains to the draft escrow agreement for the North Brandywine Middle School Project. Supervisor Obernier stated that the draft escrow agreement was asking for interest from the Township, the Township has never done that for anybody before and recommended the Township not do that. The Board should read John Good's letter and amend or change the escrow agreement.

A Countywide Household Hazardous Waste and Electronics Collection is scheduled for Saturday, April 20th at the Octorara High School Campus. There were no comments.

A meeting to discuss the County "Process & Marketing of Recyclables" is scheduled for Thursday, May 9 at 8:30 p.m. There were no comments.

The Chester County Planning Commission has forwarded a review letter of the final draft of Keeping of Animals zoning amendments to the Township. The Board noted that the complaint form should be amended to note that if the person complaining will be responsible for any fees incurred should the complaint be found groundless.

The FCC has forwarded the Township its new license for the utilization of the new radios that have been placed in Township vehicles and equipment. There were no comments.

The Township is in receipt of the Recorded Deed for the Gaye Humpton property and a letter of thanks has been forwarded to Ms. Humpton for her generous donation to the Township's Open Space Program. Supervisor Obernier noted that Ms. Humpton donated six acres.

Public Hearings (Ordinances as advertised) –None

Old Business

The Township is awaiting the revised documentation to submit to PennDot officials to allow the use of Liquid Fuel Funds for the purchase of the Icedale Road bridge materials for its reconstruction. There were no comments.

Ordinance No. 2012-05, Keeping of Animals amendments, has been advertised for a May 2, 2013 hearing and adoption consideration. There were no comments.

The Township is in the process of preparing Ordinance No. 2013-01 as it pertains to the Airport Hazard Area zoning. Chairman McCaffrey suggested that Mr. Rambo may be able to complete this.

The Township is in the process of preparing an Ordinance to amend sections of the Township's Outdoor Lighting requirements for presentation to the Township's Planning Commission and the County Planning Commission. Mr. Rambo will be working on completing this.

The Township's participation on the Wagontown Fire Company/Martins Corner Fire Company merger discussions takes place once a month and is going well. Supervisor Obernier expressed he was encouraged after attending their last meeting, both sides seem to be happy with giving up their name and getting a new number.

Discuss the establishment of an additional full time road position as requested by Supervisor Webb. Vice-Chairman Webb stated he read through Mr. Rambo's letter, it doesn't look like it is feasible at this time. The Township is behind in revenues by 5%.

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

New Business

The Township will be participating in the multi-municipal (Caln, East Brandywine, West Bradford, West Brandywine and Valley Townships) shredding and electronics collection event this Saturday, April 20, 2013 at the K-Mart parking lot between 9:00 a.m. and 1:00 p.m. and the Township has the 10:30 a.m. to 11:30 a.m. time slot to assist. There were no comments.

The Township will be participating with Caln Township and West Bradford Township in a multi-municipal paving program and the necessary advertisement for equipment is being prepared for advertising and acceptance by the Board at their public meeting of Thursday, May 16, 2013. Supervisor Obernier recommended this item be turned over to Tom Eells.

Representatives of the Township will be attending the PSATS Annual Educational Conference and Trade Show between April 21, 2013 and April 24, 2013. There were no comments.

The Township is in the process of reviewing and updating the Chester County Planning Commission's biannual update of the Chester County Transportation and Improvements Inventory (TII) for submission by May 1, 2013. The Board recommended that this item be addressed by Tom Eells.

Invoices are being prepared for mailing for repairs and/or parts to those municipalities that either share equipment or signal repairs with West Brandywine Township for the year 2012. Carrie Pike is working on these.

The Township is looking at preparing an Ordinance dealing with the milling and/or overlaying of roadways when repairing or replacing utilities. Chairman McCaffrey commented that he would like to see this completed.

The Board to discuss appointing additional individuals to serve on the Township's Ad Hoc Review Board based on current attendance by those appointed. Add Rhonda Mowday to the Ad Hoc Review Board.

The Township is in the discussions stages with regard to submitting a multi-municipal 902 Grant to PADEP. Chairman McCaffrey suggested the Township obtain help from MacCombie for this.

New Business from the Floor

Doug Smith, Emergency Management Coordinator for West Brandywine Township noted he submitted an after action report for Hurricane Sandy for review and requested the Board's feedback on the report. Chairman McCaffrey requested that this report be posted on the website.

New Business from the Board

There was no New Business from the Board.

Ordinances and Resolutions, Business from the Floor, Public Comments, and Developer Presentations – There were none.

Open Issues before the Township –

The Township Engineer and Manager continue their work on updating the Township's Act 537 Plan. Jim MacCombie is working on this item.

The Manager continues his work on the Township's Agricultural Security Area update. Rhonda stated that Karen Volmecke and Rhonda Mowday are willing to volunteer.

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

The Assistant Secretary/Treasurer noted the General Fund bills total \$47,212.69, Fire Appropriations Fund bills total \$33.09, and Solid Waste bills total \$26,361.25. Vice-Chairman Webb requested there be two votes, the first vote to pay all bills excluding the Cedar Grove bill. Vice-Chairman Webb motioned to pay all bills excluding the Cedar Grove bill, Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye. Vice-Chairman Webb motioned to pay Cedar Gove bill in the amount of \$88, Supervisor Obernier seconded the motion. Board members Webb and Obernier voted aye. Chairman McCaffrey abstained because he is a principal at Cedar Grove Environmental.

Upcoming Meetings/Events

- Open Space Review Board, Thursday, April 25, 2013 at 7:00 p.m.
- Planning Commission, Thursday, April 25, 2013 at 7:30 p.m.
- Board of Supervisors, Thursday, May 2, 2013 at 7:30 p.m.
- WBT Ad Hoc Review Committee, Tuesday, May 7, 2013 at 7:30 p.m.
- Municipal Authority, Thursday, May 9, 2013 at 7:30 p.m.
- Historic Commission, Monday, May 13, 2013 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, May 14, 2013 at 7:00 p.m.
- Board of Supervisors, Thursday, May 16, 2013 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Obernier motioned to adjourn the meeting at 10:44 p.m. Vice-Chairman Webb seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye in favor of adjournment.

Linda Formica
Assistant Secretary/Treasurer