

**Meeting Minutes of May 2, 2013
Board of Supervisors**

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of May 2, 2013 to order at 7:31 p.m. and led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Secretary/Treasurer Formica noted Supervisor's Thomas J. McCaffrey, William E. Webb, and Josef G. Obernier, Sr. in attendance. Also present were the Public Works Director Thomas Eells and Code Enforcement Officer Dale Barnett.

Acceptance of Minutes from Previous Meetings

February 21, 2013 (Distributed for review), March 7, 2013, March 21, 2013, April 4, 2013, April 18, 2013 (Not distributed). Vice-Chairman Webb motioned to approve February 21, 2013 meeting minutes, seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

Public Notification

An executive session was held after the April 18th BoS meeting for personnel issues.

Treasurer's Report - N/A

Special Public Presentations - none

Public Comments (*residents/ representatives of taxpayers of the Township requesting to be on agenda*).

Lori Petri Formica was in attendance to ask questions regarding the amount of money Ron Rambo is making as a consultant. Chairman McCaffrey answered the reason the Board is allowing Ron to be a consultant is on the basis there are topics, subjects, and ordinances that are ongoing that Ron had a handle on that no one else does. Ron Rambo will get \$65 per hour and will also get benefits since Ron hasn't been released from the Township. If you are on leave with pay then you would get benefits and salary. If you are released, get fired, or resign then you will lose the benefits. Chairman McCaffrey stated he feels that is how it would work but is not sure. Dialog continued regarding the status of Ron Rambo from the following: Catherine Courreges, Ed Pristernik, Robert DiJoseph, Kim DiJoseph, Rhonda Mowdy, Steve Jakatt, Planning Commission member, Dr. Pristernik, Joyce Kline, Doug Smith.

Catherine would like a spreadsheet listing bonds, outstanding ordinances, boards that Ron is on, and a project plan.

Larry Weaver, Public Works Department submitted his resignation to the BoS.

Reports of Departments, Organizations, Boards and Commissions – N/A

Correspondence/Communications (Information to act upon)

The Board to appoint Dale Barnett as the Right to Know Officer. Vice-Chairman Webb motioned to appoint Dale Barnett as the Right to Know Officer, seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

Discuss appointment of Dale Barnett for Subdivision/Land Development Officer. Chairman McCaffrey motioned to appoint Dale Barnett Subdivision/Land Development Officer. Vice-Chairman Webb seconded the motion. Board members McCaffrey, Webb, and Obernier voted aye.

Discuss appointment of Planning Commission Secretary. Supervisor Obernier motioned to appoint John Cassels as Planning Commission Secretary, seconded by Chairman McCaffrey. Board members Obernier, McCaffrey, and Webb voted aye.

Discuss hiring Melissa Werner permanently for part-time employment as administrative assistant to Dale Barnett two days per week or as needed. Vice-Chairman Webb motioned to hire Melissa Werner, Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye. The salary will be set at \$12 per hour.

The Board to discuss the appointment of a person from the administration department to sit on the Pension Review Committee Board. Supervisor Obernier motioned to make Dale Barnett the administration department representative on the Pension Review Committee Board. Vice-Chairman Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye.

The Board to remove Carrie Pike as Assistant Treasurer and remove Terri Kelly as Assistant Secretary. The Board reconfirmed that Linda Formica was appointed as Secretary/Treasurer. There was no longer a need for Assistant Treasurer or Assistant Secretary. Chairman McCaffrey motioned for the Board to remove Carrie Pike as Assistant Treasurer and to also remove Terri Kelly as Assistant Secretary. Supervisor Obernier seconded the motion. Board Members McCaffrey, Obernier, and Webb voted aye.

The Board to discuss the removal of Ronald A. Rambo, Jr. as the signer for the Police Pension and Non Uniform Pension plans. Supervisor Obernier motioned to remove Ronald A Rambo, Jr. as the signer for Police Pension and Non Uniform Pension Plans. Vice-Chairman Webb seconded the motion. Board members Obernier, Webb, and McCaffrey voted aye.

The Board to appoint two members from the Pension Review Committee or the Board of Supervisors as signers. Vice-Chairman Webb motioned to appoint Jeff Kimes as a signer for the Uniform Pension and appoint Tom Eells as a signer for the Non Uniform Pension Plan. Supervisor Obernier seconded the motion. Board members, Webb, Obernier and McCaffrey voted aye.

The Board to consider the appointment of C. Thomas Williams, a resident of Woodbrooke, to the West Brandywine Township Sewer Authority. Supervisor Obernier noted that Bill Goins is an officer of the bank and because of new regulations from President Obama; Bill is not permitted to sit on a municipal authority. C. Thomas Williams was recommended by Jim MacCombie. Supervisor Obernier motioned to appoint C. Thomas Williams, seconded by Vice-Chairman Webb. Board members Obernier, Webb, and McCaffrey voted aye.

The Board to discuss installation of a new petro card system. Supervisor Obernier stated the goal of giving each emergency vehicle a card is so that the Township can more closely track the actual fuel that is used. The cost to purchase new cards with a new card system would be \$1,849.00. Tom Eells expressed his concern of handing out numerous cards to one department. Supervisor Obernier suggested he hand out the cards where he can and put new readers on the budget for 2014. Township resident Ed Pristernik requested an explanation of what the cards are and what they are used for. Township resident David Sheaffer asked if the cards are necessary for the fire department. Catherine Courreges volunteered to work with the emergency services and public works to take into account usage and evaluate data. Supervisor Obernier further explained that the fire departments are required to

provide the Township with mileage, number of calls, vehicle type, etc. on a monthly basis. This is to address any concerns of misuse.

Recommendations of the Planning Commission - Baker's Ridge Property- 5 Lot Preliminary /Final Subdivision Plan, located at the intersection of Baker and Hurley Roads, Chester County, PA

- *A motion was made to make a recommendation to the Board of Supervisors to accept the applicant's waiver requests pursuant to Section 167-14 and 167-48B(1). The motion was seconded, and all members present were in favor.*
- *A motion was made to make a recommendation to the Board of Supervisors to approve the Preliminary/Final Plan contingent upon receiving all outstanding permits, agency reviews, and required escrows. The motion was seconded, and all members present were in favor of the motion.*

Discussion ensued among the Board, Chuck Dobson, Steve Jackatt and Cathy Corragous. A motion was made by Vice-Chairman Webb to accept the recommendations of the Planning Commission, seconded by Supervisor Obernier. Board members Webb and Obernier voted aye, Chairman McCaffrey voted nay.

Brandywine Greenway Addendum

- *A motion was made to recommend that the Board of Supervisors to endorse the Brandywine Greenway Addendum, by way of resolution, and include West Brandywine Township in the list of municipalities which supports the mission of the Brandywine Greenway. Furthermore, the Board should consider appointing a liaison, as well as an alternate representative. The motion was seconded, and all members present were in favor.*

Discussion ensued among the Board, John Cassels, Geraldine Sparks, Rhonda Mowdy and Melissa Alton. Residents expressing concern this is "Agenda 21." A motion was made by Chairman McCaffrey to endorse Brandywine Greenway Concept Plan, as long as it does not infringe on property owners rights within West Brandywine Township, seconded by Vice-Chairman Webb. Board members McCaffrey, Webb and Obernier voted aye.

Information to Note

The Township is in receipt of correspondence dated April 22, 2013 from the Chester County Historic Preservation Network announcing the completion of the Historical Resource Atlas for West Brandywine Township that will be presented to WBT at their Annual Volunteer Recognition Celebration on June 19, 2013 at their award ceremony starting at 6:15.- No further comments.

Carrie Pike, Financial Administrator has completed the annual PURTA (Public Utility Realty Taxing Authority) per Act 23 of 2000 – No further comments

Public Hearings (Ordinances as advertised)

Ordinance No. 2012-05: Keeping of Animals - Vice Chairman Webb made a motion at 9:09 p.m. to take a recess from the current meeting and the open the public hearing as advertised for Ordinance 2012-05, seconded by Supervisor Obernier, Board members Webb, Obernier and McCaffrey voted aye. There was no public comment. Vice-Chairman Webb requested that this Hearing be closed and approved. Supervisor Obernier motioned to close the Public Meeting at 9:10 p.m., seconded by Chairman McCaffrey, Board members Obernier, McCaffrey and Webb voted aye.

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. – Chairman McCaffrey to request input from Ron Rambo, as he has been working on this for almost three years.

The Township is in the process of preparing Ordinance NO. 2013-01 as it pertains to the Airport Hazard Area zoning. There were no comments.

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. . – Chairman McCaffrey to request input from Ron Rambo, as he has been working on this, in order to get it completed and submitted to the County.

The Township is looking at preparing an Ordinance dealing with the milling and/or overlaying of roadways when repairing or replacing utilities. – No comments.

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

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. No comments.

Old Business from the Floor

Joe Boldaz requested a copy of Act 537 Plan either electronically or paper format for review/comment. Supervisor Obernier informed him that the Plan is completed; it just needs to be adopted by Township. Chairman McCaffrey requested Linda Formica send Joe a copy via email.

Doug Smith requested that the Hurricane Sandy After Action Report be placed on agenda for discussion.

Catherine Corragous requested that a motion from Board be made for Ronald Rambo to be removed from office. Vice-Chairman Webb reiterated that the Board is following direction of council with regard to the situation, any further comments regarding Ron Rambo cannot be discussed because it is a personnel issue.

Rhonda Mowdy suggested that advice from Labor Lawyer be obtained with regard to placing Ronald Rambo on unpaid leave in the event of hiring him back. Vice-Chairman Webb motioned to obtain advice from the Labor Lawyer, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Dr. Pristernik asked what the official policy is for a Township employee charged with crimes of forgery, theft, etc. Are they automatically fired? Supervisor Obernier stated that a Personnel Manual does exist, stating what the policy is, and that the Township is awaiting signatures of employees. Doug Smith commented that in any other business if you are charged with similar charges as Ronald Rambo, you are fired, further stating that the Board has done the opposite. Supervisor Obernier informed Doug Smith that he took measures to keep Mr. Rambo from being able to do Township business. Mary Judge thanked the Board for acting in a fiscally responsible way during this difficult time. Gary Brown agreed with Mary Judge and stated he wants the Board to listen to the lawyers and not to the residents. After a lengthy discussion, Chairman McCaffrey closed this discussion.

Old Business from the Board - None

New Business

New Business from the Floor

Jerry Plourde asked questions regarding the recycling brush area, why the area is blocked, and pick up times and requested the Township place some of the mulch outside the gate to enable residents to get mulch at their convenience. Public Works Director Tom Eells explained that the area is locked because of people throwing out their trash in this area. He also stated that mulch could be put outside the locked area for residents to pick up.

Linda Jones asked if it would be possible for residents to drop off debris at times other than scheduled that would be more convenient for them and also work with Township. Tom Eells stressed the need to keep to a schedule as close as possible in order to maintain work schedule and to keep costs down associated with paying a Township employee to be there beyond normal business hours. Friday mornings 7 – 8 was added to allow for pick up of mulch and drop off debris. Doug Smith asked if the Township was charged a fee with Lanchester Land Fill whenever anything is dumped there. Supervisor Obernier explained it is called the “tipping fee.”

New Business from the Board

Vice-Chairman Webb made a motion to accept the resignation of Larry Weaver, seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

Vice-Chairman Webb made a motion to fill Larry’s position, and promote part-time employee Adam Clark to full time status effective on the last day of Larry Weaver. Chairman McCaffrey stated he would like to discuss further with Tom Eells before making a decision. Tom stated that he needed the full-time position filled and that Adam has been with the Township for three years. Supervisor Obernier asked that this be tabled for two weeks for further discussion.

Chairman McCaffrey handed out copies of information regarding medical records being transmitted. Reason being to install a policy to avoid misuse of funds and to state who is allowed to review medical records. Chairman McCaffrey reviewed some of the requirements and made suggestions on how to handle these issues. Further discussion ensued on what can be discussed at public meetings and will not be discussed.

Ordinances and Resolutions

Ordinance No. 2012-05: Keeping of Animals – Supervisor Obernier made a motion to adopt Ordinance 2012-05 Keeping of Animals, Draft #11, seconded by Vice-Chairman Webb, Board members McCaffrey, Webb and Obernier voted aye.

Resolution #01-2013: Designation of agent for federal assistance for Hurricane Irene for PEMA. – Vice-Chairman Webb made a motion to appoint Linda Formica, seconded by Supervisor Obernier, Board members Webb, Obernier, and McCaffrey voted aye.

Public Comments - None

Developer presentations

George Harlan is in attendance to discuss his agreement of sale for 4.5 acres that the buyer wants to combine under one deed with the neighboring property that is approximately 15 acres. – Chairman McCaffrey does not have an issue with this as long as it is understood that tax break costs for the property will be the same. Chairman McCaffrey also stated he does not have a problem with them being removed as an agricultural entity. Supervisor Obernier would like to discuss further with John Good, Esq. George Harlan stated that information was sent to John Good for review. Supervisor Obernier is okay with this as long as John Good agrees.

Open Issues before the Township

The Township Engineer and Manager continue their work on updating the Township’s Act 537 Plan – No comments.

The Manager continues his work on the Township's Agricultural Security Area update. Rhonda Mowdy informed the Township that a review should be done every seven years and to hold a public meeting to disclose said information. At this time, no evidence is available that a review was done with Township. Chester County Commissioners have asked for a review of 2011 and 2012. Rhonda is awaiting a response back from the County stating what information they are looking for, a seven year review or an annual review, and what the dead line is. Rhonda then briefly explained to the audience what the ASA is and what the goal is. Further discussion will take place at the next meeting.

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

Assistant Secretary Formica noted the General Fund bills total \$15,966.09. Fire Appropriations Fund bills total \$262.95, Solid Waste bills total \$8,677.90, and State Liquid Fuels bills total \$398.50. Vice-Chairman Webb reviewed the bills, found them in order and motioned payment. Supervisor Obernier seconded the motion. Board members McCaffrey, Webb and Obernier voted aye.

Upcoming Meetings/Events

- 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.
- Open Space Review Board, Thursday, May 23, 2013 at 7:00 p.m.
- Planning Commission, Thursday, May 23, 2013 at 7:30 p.m.
- Board of Supervisors, Thursday, June 6, 2013 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Webb motioned to adjourn the meeting at 10:43 p.m. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye in favor of adjournment.

Linda Formica
Secretary/Treasurer