

**Meeting Minutes of May 16, 2013**  
**Board of Supervisors**

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of May 16, 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 Secretary/Treasurer Linda Formica noted Supervisor's Thomas J. McCaffrey and Josef G. Obernier, Sr. in attendance. Vice-Chairman William E. Webb arrived at 7:32 p.m. Also present were Thomas Eells, Public Works Director, Dale Barnett, Code Enforcement Officer, Sgt. Jeff Kimes.

**Acceptance of Minutes from Previous Meetings**

*March 7, 2013 (Distributed) and April 18, 2013 (Distributed). The March 21, 2013, April 4, 2013, and May 2, 2013 minutes are not finished.* Supervisor Obernier motioned to approve minutes of March 7, 2013 and April 18, 2013, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.

**Public Notification** – Chairman McCaffrey submitted to the BoS a letter of resignation from Township Manager Ronald A. Rambo, Jr. Chairman McCaffrey motioned to accept Mr. Rambo's letter of resignation pending review from legal authority of the Township, seconded by Supervisor Obernier. Board members McCaffrey, Obernier and Webb voted aye. The following residents spoke to the issue: Joan Grant, Dr. Pristernik, Rhonda Mowdy, and Elizabeth Zanowiak. After a lengthy discussion, Chairman McCaffrey requested to proceed with the meeting and answer any additional questions later in the meeting.

**Treasurer's Report**

**Special Public Presentation** – None

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

*Catherine Courreges requested to be on the agenda with regard to Ron Rambo and his pay and to suggest that a limit be set for the term of the Board of Supervisors.* – Chairman McCaffrey stated that he has no authority over the Municipal Authority in regard to Ronald Rambo. Chairman McCaffrey and Vice-Chairman Webb explained that the term of the Board of Supervisors for Second Class Township Code is regulated by the State and would have to be amended for any changes to take place.

Township resident Greg Stillwell questioned the need for permits for solicitation in the Township. Sgt. Jeff Kimes explained to Mr. Stillwell that if you are involved in any type of commercial solicitation, the Township requires you to have a permit registered in order to check for credentials of the individuals going door to door.

Township resident Kathy Rainy stated she recently found out that Corporal Williams no longer had a K-9 and wanted to know why. She thinks very highly of Corporal Williams and strongly wishes to have a K-9 back on the force. Chairman McCaffrey stated that there were different conditions and more constraints on money and costs than in the past. Supervisor Obernier clearly explained that the first dog, K-9 Rudy, was a great police dog. Unfortunately the offspring of Rudy did not work out and at the request of the Police Chief; the K-9 was removed. Chairman McCaffrey suggested to Kathy she contact Corporal Williams for details of the events that led up to the removal of the K-9. Chairman McCaffrey stated that at this time there is no money available for another dog. Any savings that would be available from not paying the salary for the Township Manager will go towards paying legal fees.

### **Reports of Departments, Organizations, Boards and Commissions**

Police Sgt. Jeff Kimes gave the April 2013 Police Department report noting there were a total of 187 arrests, 567 total complaints, personnel worked 1,137.5 hours, and patrolled a total of 6,983 miles.

Public Works Director Tom Eells gave the April 2013 Public Works report noting a total of 687 hours was worked by personnel, 1,754 miles were traversed in Township trucks, 60 hours were spent on Township equipment, and 468 gallons of fuel were consumed. Maintenance of the building, grounds, vehicles, equipment and roadways were performed during the month.

Codes Officer Dale Barnett gave the April 2013 monthly report for the Codes Office. A total of 20 permits were issued with a total of \$5,310.00 collected in fees. Occupancy fees collected totaled \$100.00, two U&O permits issued, 19 U&O permits issued cursory, 15 Contractor licenses issued with a total of \$675.00 fees collected, 12 in house/site meetings. Total fees collected \$6,085.00. In addition, Dale renewed his certification required every three years by the State of Pennsylvania.

Fire Inspector Dale Barnett gave the April 2013 monthly report. A total of 26 Burn Permits were issued.

Fire Chief John Edwards, East Brandywine Fire Company, gave their April 2013 report. He noted a total of 6 fire/rescue calls dispatched in WBT and 16 EMS calls. They traversed a total of 86 miles and used 103 gallons of fuel. Chief Edwards also noted that East Brandywine Fire Company lost one of their active members in a motorcycle accident.

Bob Yearsley, Assistant Chief of Wagontown Fire Company gave their April 2013 report. He noted a total of 34 calls were responded to in WBT and 160.5 gallons of fuel were used.

No representative from Martins Corner was present for report.

John Sly, Asst. Chief of Westwood Ambulance Company gave their April 2013 report. He noted a total of 45 calls for WBT; 16 of the calls were at Freedom Village.

EMS Chief Sly stated they are actively looking for resources to fund additional men and women's bunk rooms and crew rooms for fire fighters to stay in during inclement weather. Approximately \$28,000 is needed to fund this project, with having received \$10,000.00 in grant money. Chief Sly also noted that 9 of their personnel will be recognized at the Chester County EMS Council Award Banquet for saving the lives of 3 cardiac arrest victims over the past 12 months. Two of those members will be recognized for incidents that occurred in WBT, with one of the victims attending the banquet. An additional medical bag was made available for the Police Department. Last topic he discussed was the annual Fund Drive. Other than fuel donation, Westwood relies totally on donations. After lengthy dialog, Supervisor Obernier made motion to give Westwood Ambulance \$2,000.00, with the condition that EMS Chief Sly receives matching funds from at least four other Townships, seconded by Vice-Chairman Webb. Board members Webb and Obernier voted aye. Chairman McCaffrey voted nay.

### **Reports of Organizations, Boards and Commissions**

*Historic Commission* – None

*Parks and Recreation Board* – Linda Formica informed the BoS that the Parks and Rec Board is requesting to purchase a new grill for their events. Chairman McCaffrey stated that they would like to know how big a grill and an estimate of costs.

*Planning Commission* – Secretary John Cassels gave their April 2013 report. Under Old Business, Bakers Ridge property, located at intersection of Hurley and Baker Road, was brought to their attention. A recommendation was made to accept a waiver and approve the Subdivision Plan. There was no New Business and no Conditional Use submissions. Under General Discussion the Brandywine Greenway Addendum was discussed and the Planning Commission made a recommendation to the BoS to approve the resolution. Township resident Joan Grant posed several questions to John Cassels on the property.

*Open Space Review Board* – None

*Municipal Authority* – Supervisor Obernier stated that there is still an opening on the Board for a Woodbrooke resident on the Municipal Authority. Discussion ensued regarding the golf course and the club house. Chairman McCaffrey stated he does not like the idea of the Municipal Authority taking any vested interest in a development, even as empty real-estate.

*Emergency Management* – Emergency Management Coordinator Doug Smith discussed the Township being shut down by Hurricane Sandy in October 2012. The EOC team identified primary areas in need of improvement during that storm. Communication was the top one. EOC had to borrow radios from local police departments and fire departments. Doug stressed the need to become more experienced with the Use and Knowledge Center, a software platform which all of Pennsylvania uses now. Recommendations from this storm: 1) move the dedicated emergency operation center from the main meeting room in the Township building to the ground floor next to the police department. This area is more conducive to EOC operations. Chairman McCaffrey explained that the Township building meeting room was planned for an evacuation center. Doug explained that should an evacuation occur, it is not an ideal location to set up for incident command center. Supervisor Obernier stated that he too felt it would be beneficial to set up the center on the ground floor. 2) Requesting 2 additional radios for the other two EMC members so

that should the need arise; decisions can be made among the team instantly. Supervisor Obernier requested information on the make and model of the type of radio Doug is referring to be submitted to Linda Formica for future budgeting. Township resident Catherine Courageous mentioned the possibility of using Grants for such communications. Chairman McCaffrey suggested keeping the old radios as a form of backup. Doug informed the BoS that he has set up a training schedule over the next six months to ramp up all the EOC members. Doug then thanked the Board, Public Works Director Tom Eells, and Police Chief Walt Werner for all their support over the last few incidents, stating that everyone worked very well together.

*Agricultural Security Area* – Rhonda Mowdy gave a quick update in regard to status of West Brandywine Township’s ASA. A review of records revealed that the ASA was created in 1990 with approximately 850 acres. Most recent communications from the Township to the County was June 2007, adding 8 new parcels representing 142 acres and removing 2 parcels representing 57 acres. According to PA Act 43, enacted in 1981, each Township that creates an ASA, should come up for review every 7 years. Rhonda briefly explained the requirements of this review process. According to Kimberly Gordon, Agricultural Program Assistant stated that the Township has not submitted a review since the creation and recommended that all acreages be verified that the property owners still want to be in the ASA and that that the property is still in agricultural use. Once that is determined to be correct and accurate, a 7-year review process can commence. John Cassels agreed to work with Rhonda with this project.

*Ad Hoc Ordinance Review Committee* – Rhonda Mowdy read a letter that was submitted to the BoS on behalf of Ad Hoc Ordinance Review Committee. On May 7<sup>th</sup>, six members of the committee met at the Township (attendees included Mike Canal, John Cassels, Jeff Chalfont, Cathy Courageous, Jeff Grossman & Rhonda Mowdy). Primary discussion was the difficulty the committee was having in launching the review process. Main issues were lack of delegated leadership, low turnout of committee members, need of goals and objectives from BoS, and the need from Township departments, i.e. Codes, Planning, Public Works, etc. Ad Hoc Committee requesting from Township a vote of continuation of the committee, find a mission statement, reconfirm membership commitment, assign roles, specifically to Chairperson, who can be responsible for reporting and determine how best to obtain level of review from the Township departments. Rhonda asked that these concerns be reviewed by the BoS and addressed at the next Township meeting.

Chairman McCaffrey stated that he would like to have this committee continued. Requested that all Ad Hoc meet together, or at least get each members email address, and converse that way loosely to, formulate what the committee wants to do and act on it officially on one public meeting, selecting one Chairman for that committee. Chairman McCaffrey stated that one of the objectives he had hoped for were reviews of the limiting regulations for property owners.

Township resident Elizabeth Zanowiak questioned if the emails would be in compliance with the Sunshine Laws. Chairman McCaffrey stated that as long as all decisions are made at public meetings, with discussion available, conversations among the committee is not restricted.

Vice-Chairman Webb made a motion BoS continue to support the Ad Hoc Committee and allow the committee to appoint their own Chairperson, who will then report back to the BoS, seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

John Cassels requested a copy of the original list of committee members to contact. Mike Canal requested that Dale Barnett attend the meetings. Dale Barnett agreed to attend a meeting in the evening, at no additional cost to the Township, in order to help the Committee. Doug Smith suggested that questions be sent to Dale for him to address.

Rhonda Mowdy to try and obtain all email addresses.

**Correspondence/Communications** (information to note and act upon)

*Sealed bids were received via the PennBid website for a bid opening May 10, 2013 for an audit.* – Linda Formica informed the Township received four bids. Supervisor Obernier suggested that the Township go back to the low bidder and pare down what was requested to see if the bid can come in at a lower cost. Chairman McCaffrey would like to go with the lowest bidder but wants to make sure the professionalism and ability are there. Asked Linda Formica to check on references. Supervisor Obernier made a motion to hold the existing bids and requested Linda Formica to interview/interact with low bidder to determine a level of professionalism, other Township references, etc., seconded by Vice-Chairman Webb. Board members Obernier, Webb, and McCaffrey voted aye.

*Consider hiring Adam Clark full time in the Public Works Department.* – Vice-Chairman Webb made a motion to hire Adam Clark full time with the conditions that he obtains his CDL license within 60 days, and passes his physical and drug testing, seconded by Chairman McCaffrey. Board members Webb, McCaffrey, and Obernier voted aye.

*Consider advertising for a part time Public Works employee.* – Vice-Chairman Webb made a motion to advertise on the Township web site to hire a part time Public Works employee, seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

**Information to Note**

*The Township is in receipt of an Excel spreadsheet from Ron Rambo for consulting work done for West Brandywine Township.* – Linda Formica will send report via email to the BoS and Cathy Courageous.

*The Township is in receipt of the 2012 Act 101 Recycling Report from the Chester County Recycling Coordinator.* – No comments.

**Public Hearings** (*Ordinances as advertised*)

*Ordinance No. 2013-03 dealing with the milling and/or overlaying of roadways when repairing or replacing utilities.* The ordinance was designed to force people and companies who are opening up roadways to totally repair them rather than patch. Supervisor Obernier made a motion to adjourn temporarily from Township meeting and open up a special Public Hearing, seconded by Vice-Chairman Webb. Board members Obernier, Webb, and McCaffrey voted aye. Noted time: 9:43 p.m. Chairman McCaffrey explained Ordinance 2013-03. Township resident Deb Hoopes asked what the inspection

process was and Elizabeth Zanowiak asked for clarification. Greg Stillwell supports this Ordinance. After a brief discussion, Chairman McCaffrey made a motion to close the Hearing, seconded by Supervisor Obernier. Board members McCaffrey, Obernier 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. – No comments.*

*The Township is in the process of preparing Ordinance No. 2013-01 as it pertains to the Airport Hazard Area zoning. – Ronald Rambo was asked to complete this project.*

*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. – Ronald Rambo was asked to complete this project.*

*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, June 6, 2013. – No comments.*

### **Old Business from the Floor**

Dr. Pristernik asked if any further discussions on the Township's confidentiality policy on medical issues was discussed. Supervisor Obernier informed Dr. Pristernik that at the advice of counsel this topic cannot be discussed.

Catherine Courageous stated she did not see any advertisement for the position of Assistant to the Codes Officer, nor placed on the Agenda for the Township meeting for a motion. Vice-Chairman Webb explained that as a Second Class Township Code does not require positions to be advertised and that the Assistant to Dale has already been hired.

### **Old Business from Board – None**

### **New Business**

*The Public Works Department is seeking volunteers to help with scheduled yard waste drop offs. –Mike Canal spoke to the issue of having a policy in place and Catherine Courageous requested a release of liability waiver form. After a brief discussion, Chairman McCaffrey requested that Linda Formica send a letter to John Good, Esq. asking for his legal opinion on liability concerns when a volunteer is working.*

*Discuss and consider the adoption of the Amended Township's Right-to-Know Policy with regard to Act 3 Of 2008 since Dale Barnett was appointed the new Right-to-Know Officer on May 2, 2013. - Vice-Chairman Webb stated that the only change was removing Ronald Rambo's name from the policy. Dale Barnett stated that the current name is "Right-to-Know Officer".*

Dr. Pristernik commented that on the Right-to-Know page, it has Joe Carroll as District Attorney. Linda Formica stated that she is working on updating the information.

Doug Smith, EMC, asked if the BoS was ok with the emergency team using the downstairs area for their command center, or does he have to get a motion for this request. Chairman McCaffrey stated he has no problem with them using that location.

**New Business from the Floor** – None

**New Business from the Board** – None

### **Ordinances and Resolutions**

*Ordinance No. 2013-03: dealing with the milling and/or overlaying of roadways when repairing or replacing utilities.* – Vice-Chairman Webb made a motion to adopt Ordinance No. 2013-03, seconded by Supervisor Obernier. Board members Webb, Obernier, and McCaffrey voted aye.

*Resolution #02-2013: Support Brandywine Greenway Concept Plan* – Vice-Chairman Webb made a motion to adopt Resolution No. 02-2013, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

*Resolution #03-2013: Dedication & Acceptance of Hide-a-way Farms Phase I Roadways* – Supervisor Obernier made a motion to adopt Resolution No. 03-2013, seconded by Vice-Chairman Webb. Board members Obernier, Webb and McCaffrey voted aye.

*Resolution #04-2013: Sewage Planning Module for Bakers Ridge Subdivision located on Hurley Road.* - Supervisor Obernier made a motion to adopt Resolution No. 04-2013, seconded by Vice-Chairman Webb. Board members Obernier, Webb and McCaffrey voted aye.

### **Public Comments** (*individuals not on the agenda*)

Elizabeth Zanowiak voiced her concern on the conditions of Pratts Dam Road. Public Works Director Tom Eells informed her that Pratts Dam Road is a Township road and at this time there is no funding to reconstruct the road. The road may be closed if deemed unsafe to travel.

**Developer Presentations** – None

### **Open Issues before the Township**

*The Township continues their work on updating the Township's Act 537 Plan, the projected completion date by the Township Engineer is June.* – No comments.

*The Township continues its work on the Township's Agricultural Security Area update.* – No comments.

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

### **Review and Payment of Bills**

Secretary Formica noted the General Fund bills total \$65,608.92, Fire Appropriations Fund bills total \$1,039.53, Solid Waste bills total \$49,305.14, and State Liquid Fuels bills total \$765.50. Vice-Chairman Webb reviewed the bills, found them in order and motioned payment with the exception of OAC. Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye. Vice-Chairman Webb motioned to pay OAC, Chairman McCaffrey seconded the motion. Board members Webb and McCaffrey voted aye. Supervisor Obernier abstained because he is a principal at OAC.

### **Upcoming Meetings/Events**

- Open Space Review Board, Thursday, May 23, 2013 at 7:00 p.m.
- Planning Commission, Thursday, May 23, 2013 at 7:30 p.m.
- WBT Ad Hoc Review Committee, Tuesday, June 4, 2013 at 7:30 p.m.
- Board of Supervisors, Thursday, June 6, 2013 at 7:30 p.m.
- Historic Commission, Monday, June 10, 2013 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, June 11, 2013 at 7:00 p.m.
- Municipal Authority, Thursday, June 13, 2013 at 7:30 p.m.

### **Adjournment**

There being no further business before the Board, Supervisor Obernier motioned to adjourn the meeting at 10:14 pm. Vice-Chairman Webb seconded the motion. Board members Obernier, Webb and McCaffrey voted aye in favor of adjournment.