

Board of Supervisors Meeting Minutes
June 19, 2014

Chairman William Webb called the West Brandywine Township (WBT) Board of Supervisors meeting of June 19, 2014 to order at 7:37 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 Interim Township Manager Dale Barnett and Lieutenant Jeffrey Kimes.

Acceptance of Minutes from Previous Meetings – June 5, 2014

Motion by: Vice-Chairman Smith Seconded by: Chairman Webb
In favor: Ch. Webb, VC Smith Abstained: Supervisor Obernier

Supervisor Obernier abstained because he believes there was an incorrect vote on his part.

Special Recognition – N/A

Public Notification – N/A

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

1. *James Reif from the Chester County Boy Scouts with regard to honoring Eagle Scouts within the Township's borders.* – Mr. Reif thanked the Board for allowing the Scouts to hold their Court of Honors at the Township. Discussion ensued on an Eagle Scout Project, mounting a Plaque within the building with all names of Township scouts achieving the rank of Eagle Scout.
2. *Dr. Pristernik to read an informational statement.* – Dr. Pristernik read out loud a letter requesting the BoS relieve Ron Rambo of his duties and requested that this letter be made a part of the meeting minutes. Discussion ensued among the Board, Dr. Pristernik, Lori Petrie Formica, and Brian Formica.

Treasurer's Report

General Fund	\$ 371,964.98
Fire Appropriations Fund	\$ 70,471.00
Open Space Fund	\$ 62,895.91
Solid Waste & Recycling	\$ 272,961.55
Escrow Fund	\$ 303,077.08
State Liquid Fuel Fund	\$ 121,508.38
Revolving Reserve Fund	\$ 93,504.59
Police Pension Fund	\$ 2,065,605.36
Non-Uniform Pension Fund	\$ 386,083.55
Payroll Fund	\$ 5,164.69

Department Reports & Reports of Organizations, Boards and Commissions

Lieutenant Kimes gave the May 2014 Police Department report noting there were a total of 252 arrests for the month, personnel worked 1,211 hours, 603 complaints were addressed, and a total of 6,191 miles were patrolled.

Dale Barnett, on behalf of Public Works Director Tom Eells gave the April 2014 monthly report. 678.5 man hours worked, total hours on equipment 231, total fuel consumed 970.9 gallons. – Allan Smith asked if the Icedale Bridge repair is completed and asked about the brush pick up resuming. Note: May 2014 report to be given at next meeting.

Codes Officer Dale Barnett gave the May 2014 monthly report for the Codes Office. 15 Building Permits were issued for the month with permit base fees collected of \$6,436.00; Occupancy fees collected totaled \$125.00; 13 Contractors Licenses issued totaling \$585.00. A total of 24 inspections were completed (in-house/on-site). Total fees collected \$7,146.00

Fire Inspector Dale Barnett gave the May 2014 monthly report. A total of 41 campfire permits and 3 farming cleanup permits were issued.

Chief John Edwards gave the May 2014 fire report for East Brandywine Fire Company. He noted the total fire calls were responded to in WBT and gallons of fuel consumed.

July 19th East Brandywine Fire Company will be having their annual Chicken B-B-Q.

Deputy Chief Bob Yearsley gave the May 2014 fire report for Wagontown Fire Company. He noted a total of 7 calls were responded to in WBT, 172 gallons of fuel were consumed.

Chief John Sly gave the May 2014 Ambulance Report for Westwood Fire Company. He noted there were 41 calls for WBT of those calls 10 were for Freedom Village. The annual Fund Raiser for their ambulance services was sent out.

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

- Training for active shooting or similar situation was held at Pope John Paul II along with Chester County Emergency Services and Sheriff's Department. Freedom Village will be

the reunification site for the students and staff members. A full-blown drill will occur on October 11, 2014. Further information to follow.

- Vice-Chairman Smith was asked by Sister Ann from PJPII to speak in front of the entire Archdiocese of Philadelphia in September concerning emergency operation plans for schools.

Reports of Organizations, Boards and Commissions

1. Historic Commission – Not present.
2. Parks and Recreation – Not present. Chairman Webb personally thanked Terri Kelly, Karen Sload, and Linda Formica for their participation with the Car Show.
3. Planning Commission – Jack Conti gave the May 2014 report.
 - a. Concern was brought to the PC in regards to the entrance/exit of the Brandywine YMCA.
 - b. PC met with Township Solicitor to discuss the land development process and procedures.
4. Open Space Review Board – N/A
5. Municipal Authority – Supervisor Obernier gave the May 2014 report.
 - a. The MA is moving ahead with installing water meters on lots that have on-site wells. The purpose of the meter is to determine how many gallons are used so that payments can be calculated for the Authority for the use of sewage. Allen Smith asked what maintenance the homeowner has. Supervisor Obernier suggested he attend the next MA meeting.
 - b. Discussion ensued with Dr. Pristernik, Joe Morris and Frank Keegan on the General Obligation Bond. After lengthy discussion, Supervisor Obernier suggested they attend the next MA meeting to discuss.
6. Agricultural Security Area Committee – N/A
7. Ad Hoc Review Committee – N/A

Correspondence/Communications (information to note and act upon)

1. Information to Act Upon
 - a. *The Township is in receipt of a proposal from McCormick Taylor to provide for the development of a Comprehensive Plan for Roadway Maintenance. – Tabled.*
 - b. *Motion: Appoint Yerkes and Associates [as alternate zoning officer/building inspector/code officer] in accordance with the terms set forth in the fee schedule presented.*

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

- c. *Motion: Recommend hiring Melissa Werner temporary 40 hrs per week with time off benefits and no health care.* – Discussion ensued among the Board, Frank Keegan, Jack Conti and Ed Pristernik.

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

- d. *Recommend hire of part time Public Works employee.* – Tabled until next meeting.
- e. *Chairman to sign Fleet Services contact update form.* – Removing Ron Rambo from Sonoco credit cards.

Motion by: Vice-Chairman Smith Seconded by: Supervisor Obernier
In favor: All Opposed: None

- f. *Discussion to authorize Eric Brown, Esq. to proceed with disbanding the municipal authority.*

Motion by: Chairman Webb Seconded by: Vice-Chairman Smith

Vice-Chairman Smith amended the motion to have Eric Brown, Esq. draft an Ordinance to disband the Municipal Authority and bringing it in house. Chairman Webb accepted the amendment. Supervisor Obernier questioned the impact on the residents. Further discussion ensued among the Board, Dr. Pristernik, Joe Boldaz, Allen Smith, Bohdan Szerenga, Sue Bowar, Chuck Hossack, Frank Keegan, and Jack Conti.

In favor: Ch. Webb, VC Smith Opposed: Supervisor Obernier

2. Information to Note
- a. *Year 11 MS4 Annual Report that was prepared by MacCombie's office has been submitted.* – No comments.
- b. *The Township is in receipt of correspondence from the Pennsylvania Office of the Governor forwarded to West Brandywine by Becky Corbin regarding available funding for energy development authority grants and loans.* – No comments
- c. *The 2013 ARLE grant that was not awarded to us was sent to McCormick Taylor for review and enhancing for the 2014 ARLE grant submission.* – No comments.

Public Hearings (Ordinances as advertised) – N/A

Old Business – N/A

Old Business from the Floor

1. Jack Conti questioned the newsletter, suggesting more ads and more often.

Old Business from Board

1. Discussion ensued on the Jelkes Icedale Bridge plaque sign. Supervisor Obernier made a motion for Dale Barnett to move forward on getting a sign made, seconded by Vice-Chairman Smith. Board members Obernier, Smith and Webb voted aye.

New Business

1. *Recommendations of the Township's Planning Commission (1st mtg of month only)* – N/A
2. *Western Chester County COG update (1st mtg of month only)* – N/A
3. *The Board to set up a meeting to discuss the Act 537 plan.* – Will meet with Dave Porter from MacCombie's office on July 17th at 5:00 p.m.
4. *Sheila Fleming is requesting to attend a BoS meeting or Planning Commission meeting to report on the proposed projects in our Draft Strategic Action Plan of the Brandywine Creek Greenway in order to obtain feedback and comments from the Township.* – Chairman Webb suggested Sheila attend the Planning Commission meeting first.

New Business from the Floor

1. Allen Smith asked why he did not receive the Agenda until 5:04 p.m. in his email. Supervisor Obernier explained that there were items added late to the Agenda.

New Business from the Board

1. Vice-Chairman Smith spoke with Township Solicitor regarding sending a letter to Judge Mahan on the sentencing of Ron Rambo as far as the impact on the Township. Vice-Chairman Smith made a motion to work on writing a Victim's Letter in a form agreeable to the majority of the Board, seconded by Chairman Webb. Board members Smith and Webb voted aye. Supervisor Obernier voted no.
2. Chairman Webb asked where the Township is at with setting up times to meet with those who are interested in being on the Citizen's Finance Committee. Dale Barnett stated that the Township has received letters of interest. It was requested that they submit a resume along with their letter of interest to the Board for the July 3rd meeting.

Ordinances and Resolutions

1. *Resolution #07-2014: Professional Consultant Fee Schedule -*
Motion by: Supervisor Obernier Seconded by: Vice-Chairman Smith
In favor: All Opposed: None

Public Comments (individuals not on the agenda)

1. Bohdan Szerenga was instructed to direct his permit concerns to the Zoning Appeal Board.

Developer Presentations – N/A

Open Issues before the Township

1. *Ordinance Outdoor lighting status.* – In process. No new information.

2. *Road Repair - Lafayette & Pratts Dam.* – In process. No new information.
3. *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.* – Supervisor Obernier stated the flashing light system is expensive, \$50,000-\$100,000.
4. *The Township is looking into alternatives with regard to using the SPCA.* – To be removed.
5. *Traffic Study SR 82 and E. Reeceville Road and Cedar Knoll Road.* – No new information.

General Obligation Note - N/A

EFT's (Electronic Funds Transfer) to Note – N/A

Review and Payment of Bills

1. General Fund	\$45,699.29
2. Solid Waste Fund	\$44,801.72
3. State Liquid Fuels Fund	\$96,217.22

Motion to pay all bills by: Vice-Chairman Smith Seconded by: Supervisor Obernier
 In favor: All Opposed: None

Upcoming Meetings/Events

1. Open Space Review Board, Thursday, June 26th at 7:00 p.m.
2. Planning Commission, Thursday, June 26th at 7:30 p.m.
3. Ad Hoc Review Committee, Tuesday, July 1st at 6:30 p.m.
4. Board of Supervisors, Thursday, July 3rd at 7:30 p.m.
5. Parks and Recreation Board, Tuesday, July 8th at 7:00 p.m.
6. Historic Commission, Monday, July 14th at 7:30 p.m.
7. Municipal Authority, Thursday, July 10th at 7:30 p.m.

There being no further business before the Board, Supervisor Obernier motioned to adjourn the meeting at 9:49 p.m. Vice-Chairman Smith seconded the motion. Board members Obernier, Smith and Webb voted aye in favor of adjournment.

June 19, 2014 BoS Meeting

Supervisors Webb, Smith and Obernier:

Last Thursday I attended the Municipal Authority Meeting. I was hoping to hear some discussion concerning the Municipal Authority Manager who recently was found guilty of eight charges of forgery and theft by unlawful taking. It puzzled me to hear that a contingency plan was never even discussed in the weeks and months prior to Ron Rambo's court date. Even after the case was adjudicated and Mr. Rambo was found guilty, there did not seem to be a sense of urgency exhibited by the Chairman of the Authority, Supervisor Obernier, to protect the township residents. Actually at the meeting last Thursday there seemed to be a reluctance exhibited by a majority of the Board of the Authority to rid the township of a convicted criminal. The consensus of the board was to ask the solicitor "the question" before they act on Ron's future employment with the Authority. Why? – The MA Board is able to hire and fire at will. When Mr. Boldaz suggested that they go into executive session to discuss the personnel issue they refused. I can only hope they know that the Board of the Municipal Authority operates the Authority, not the solicitor.

I see one resolution for the residents of our township. Two weeks ago we all found out that the Municipal Authority is relying on the ability to tax ALL residents if a financial necessity arises. This is because the MA raised funds through a General Obligation Bond (def). With this development it now means both boards are responsible for the successful operation of the Municipal Authority. Both boards now have taxing powers over the entire population of our township. This contradicts Mr. Obernier's constant rhetoric that the Authority is totally separate entity devoid of any financial help from the township. I am asking the Board of Supervisors to demand that the Municipal Authority pay off the General Obligation Bond and secure a Revenue Bond (def)– the financial instrument that should have been used years ago. This would then allow the Municipal Authority to function as a separate entity that does not rely on the taxing powers of West Brandywine Township. The Authority will have to make the transfer of the funding mechanism without causing an undue hardship on the residents of the township – i.e. raising taxes. If there is a Revenue Bond, then the majority of the residents will be protected. If the Municipal Authority is unable to fund the authority through a Revenue Bond and must maintain the General Obligation Bond as the primary funding source, then I am asking the BoS demand that Mr. Rambo be relieved of his duties as a Municipal Authority Manager immediately. The supervisors have a responsibility to protect the residents. They have the knowledge of what Mr. Rambo has done in the past. Ron should not be employed by any township entity. He should not be allowed to work in any township activity or in any entity that this township has created or will create. Now we are told that over \$30,000 is missing, or as Mr. Obernier says, "misplaced", from the Municipal Authority ledgers. Let us all hope that this assessment by Mr. Obernier is the gospel truth. According to Mr. Obernier initially it was a bookkeeper problem, now corrected to a bookkeeping problem due to problem software, and that the problem has existed for years. Joe, as a supervisor who had intimate knowledge of the issues with the software, you refused to correct the problem. I have a question for you. Did you refuse to correct the problem because you would have a way to explain away the discrepancies found throughout the township? Joe, your lack of fiscal acuity and your desire to hold onto your power at any cost or expense to the taxpayer, has cost us dearly. We have a revenue crisis in our township that was caused by your actions and those of previous Board of Supervisors.

Now for the real reason that I am here. A lot of the operating problems we see in our township have come from the inability of the past BoS to properly address the issues that have arisen over the years. Mr. Obernier, you had the ability to protect WBT. You had over 22 years to make things

right. You did not! From the information we were given, you knew Mr. Rambo used township funds inappropriately and in all likelihood illegally in 2005 as well as 2008 yet you did nothing to stop the practice. The third act of fraudulent taking recently came to light when a new board member did not agree with your past practice of giving Ron the ability to repay the funds that he took without any personal repercussions or acknowledgment of any wrong doing. Who knows how many additional times it occurred during the past two decades? When I proffered an opinion in May of 2013 as to why you, Tom and Carl did not remove Ron you flew off the handle. Now we have Mr. Obernier refusing to help the Taxing Authority (West Brandywine Township) find out where the interim tax bills Balance Collectable are located. Joe, you are a member of the Taxing Authority who took a pledge as a supervisor to uphold the laws of the Commonwealth. Yet you refuse to do your job on this issue. There is a substantial amount of money (\$1,113.37) that you refuse to help the township find and collect. Please ask Nancy Obernier, the tax collector who reported this sum to the Taxing Authority, supply the outstanding interim tax bills for the good of the township as is required by law. That is a responsibility you have as a member of the West Brandywine Township Taxing Authority!

Mr. Obernier you were elected supervisor to act in a manner that would protect the residents of our township. Serious financial and personal integrity issues surfaced within our township numerous times during your tenure. Past practices, if it did not help your cause, were ruled null and void. There was an understanding by the three supervisors that each one would serve as the Chairman of the Municipal Authority, only serve a one-year term, and then rotate out of the position. All three supervisors would have an opportunity to chair the organization, with a new chairman seated each year. After your term expired this past year you refused to step down. This was the first time I can remember that a supervisor refused to relinquish this position. You testified in court that you did not read Ron Rambo's criminal complaint. I would have expected that you would have taken the time to understand the charges that were pending against the person who was hired by you to be our township manager. The most glaring misdeed is your refusal to ask Mr. Rambo to step down as either the Township Manager or the Municipal Authority Manager after his arrest last year and again last month when he was found guilty on eight counts of forgery and theft by illegal taking. Ron is now known as a corrupt government official who is still employed by this township.

I will not forgive you for your poor judgment. Your behavior and questionable job performance has disappointed me. I am sure other residents in our township agree with my assessment of your actions. I am now asking you to do something special that will help our township heal. You have been unwilling to ask Ron to step down. Someone must take full responsibility for the failures of our past administration. Joe, I as a taxpayer in West Brandywine Township, I am asking you to resign your position as Township Supervisor, effective immediately. Please do the right thing for all the residents of our Township. This act of selflessness on your part will finally allow the township residents to clean up the mess that you and the previous Board of Supervisors left as your legacy. Finally the township would have the responsible officials we need and the direction we deserve.

Sincerely,


Edward A. Pristernik, DMD