

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

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of July 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 Secretary/Treasurer Formica noted Chairman Thomas J. McCaffrey, Vice-Chairman William Webb and Supervisor Josef G. Obernier, Sr. in attendance. Also present were Walter Werner, Chief of Police, Thomas Eells, Public Works Director and Dale Barnett, Codes Enforcement Officer.

**Acceptance of Minutes from Previous Meetings**

*May 2, 2013, May 16, 2013, June 6, 2013* - Supervisor Obernier made a motion to approve the meeting minutes of May 2, 2013, May 16, 2013, June 6, 2013, and June 20, 2013, seconded by Vice-Chairman Webb. Board Members Obernier, Webb and McCaffrey voted aye.

**Public Notification** - An executive session was held prior to the Township meeting to meet with the Township Auditors.

**Treasurer's Report -**

General Fund	\$818.13
Fire Appropriations Fund	\$72,777.68
K-9 Rudy Fund	\$295.46
Open Space Fund	\$92,339.36
Solid Waste & Recycling	\$249,899.71
Capital Equipment Fund	\$53,727.74
Developer Escrow Fund	\$342,147.95
State Liquid Fuel Fund	\$131,612.62
Revolving Reserve Fund	\$215,766.57
Police Pension Fund	\$1,851,465.40
Non-Uniform Pension Fund	\$443,719.00
Payroll Fund	\$199.96
Gen. Purpose Emerg. Fund	\$3,001.70

**Special Public Presentations** - none

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

1. *Dr. Pristernik requested to be on the agenda with regard to the Municipal Authority and how it is decided who is eligible to become a member.* – Chairman McCaffrey explained that the MA is an independent entity but the Board members are appointed by the BoS. Each sewer district has a representative from their neighborhood with one at-large member. Dr. Pristernik requested that this By-Law be put into writing. Chairman McCaffrey stated this probably is in writing but was not readily available at this time. Dr. Pristernik then questioned the relationship between the MA and the Township. Chairman McCaffrey again stated that the MA and the Township are separate entities and that the Township does not have the ability to interact with it or to tell it what to do. If the MA and the Township were not separate, all the benefits that the Township receives by having the MA separate from the Township could not be done. The symbiosis exists by agreement between the two Boards, not a singular decision made by the BoS, which is regulated by the State. Supervisor Obernier stated that the Bonding Company required the Township to co-sign the original Bond. Chairman McCaffrey stated there is virtually no way there will ever be a need for the Township to come through on that. If needed, the MA would be able to raise a large amount of money on their own. By the Township co-signing, residents benefit from this by receiving a lower rate because the Bonds created are seen as more secure. If the By-Laws cannot be located, the BoS will ask the MA to put it in writing. Jeff Grossman stated that by co-signing the Bond, the Township puts everyone in the Township in the same liability as the sewer district and suggested the BoS consider putting someone that has no obligation in the sewer district on the Authority to represent the Township. McCaffrey stated that there are two already; one Supervisor from the Board is on the MA as a member and one person on the MA is at-at-large member of the Community.
2. *Lori Petri Formica requested to be on the agenda with regard to Township business.* – Lori Petri Formica wanted to follow up with Jeff Grossman in regards to the MA being independent from the Township. In addition, who would be responsible for maintenance and mowing the grass in the MA areas? Vice-Chairman Webb informed Lori that the Township's Public Works Department takes care of it. Chairman McCaffrey stated that Township personnel were paid to mow grass in their area and make simple repairs to some of the piping. Lori then asked who collects the sewer money. Supervisor Obernier explained that sewer bills are sent out and collected by Township personnel and the MA pays the Township for this service.

3. *Elizabeth Zanowiak requested to be on the agenda to discuss Pratts Dam Road.* – Elizabeth asked about Pratts Dam Road being closed due to not having any funds to take care of it, voicing her concern that there are some areas that may fall into the Brandywine. Vice-Chairman Webb asked Public Works Director Tom Eells if the road department could meet on a Saturday or Sunday morning to ride around the Township and look at the roads. Tom stated that he would be available any time. He also stated that the problem with Pratts Dam Road is that back when the road was built there was no foundation put down which is creating the problem now. Catherine Courreges asked if the Township will be proactive in repairing the road or wait until it falls into the Brandywine. Catherine requested that an updated status be discussed at the next Township meeting. Tom Eells stated he would contact the Township Engineer on what needs to be done.

### **Reports of Departments**

Chief Werner gave the June 2013 Police Department report noting there were a total of 160 arrests for the month, personnel worked 1,043.5 hours, 605 complaints were addressed, and a total of 6,422 miles were patrolled.

Public Works Director Tom Eells gave the June 2013 monthly report of the Public Works Department. A total of 564 hours was worked by personnel, 1,833 miles were traversed in Township trucks, 57.1 hours were spent on Township equipment, and 395 gallons of fuel were consumed. Maintenance of the building and grounds, vehicles, equipment and roadways was performed during the month.

Codes Officer Dale Barnett gave the June 2013 monthly report for the Codes Office. 20 Building Permits were issued for the month with permit base fees collected of \$7,320.00; 2 U&O permit issued with a fee of \$350.00 collected, 7 U&O permits issued cursory, 20 Contractors Licenses issued totaling \$900.00. A total of 26 inspections were completed (in-house/on-site). Total fees collected \$8,570.00

Fire Inspector Dale Barnett gave the June 2013 monthly report. A total of 24 campfire permits were issued and 1 farm maintenance permit issued.

Chief John Edwards, East Brandywine Fire Company, gave the June 2013 fire report. He noted a total of 5 fire calls and 24 EMS calls were responded to in WBT.

Chief Todd Ziegler, Wagontown Fire Company, gave the June 2013 fire report. He noted a total of one call responded to in WBT

With the elimination of Martins Corner Fire Department, Vice-Chairman Webb asked if Chief's Edwards and Ziegler have gotten together to discuss response times. Chief Ziegler stated that things are running well as is. Chief Edwards agreed. There is a good working relationship between the two departments.

Chief John Sly of Westwood Fire Company gave the June 2013 Ambulance Report. He noted there were 50 calls for WBT, 25 of those were at Freedom Village.

*Emergency Management to present an update to Board and residents on Icedale Road Emergency Response Plan.* – Doug Smith, Emergency Management Coordinator for WBT explained that due to safety issues, the bridge at Icedale Road is closed until further notice. In addition, on the other side of Icedale Road at Birdell Road there is a flooding issue. Eighty-six residents between West Brandywine Township and Honey Brook Township effected. A meeting was held on July 15, 2013 to discuss the mutual concern of this closure and its impact on emergency response and operations to the Icedale Road area. From this meeting the following plan of action was put into place.

- A public joint informational meeting for those residents who live in the impacted area of Icedale Road will be held on Tuesday, July 30, 2013 at 7:00PM at the Township building. Many representatives from the Emergency Response Team will be in attendance.
- An Emergency Response Plan has been put into effect for emergency medical service response during the times of Birdell Road flooding.
- An Emergency Response class for police and fire response is in the process and should be completed soon.
- A presentation is being prepared to provide residents with informational weather and fire preparedness, and communication notification.
- Additional information is being explored and a more in depth discussion will take place at the July 30<sup>th</sup> meeting.

Discussion ensued among the BoS, Doug Smith, Police Chief Walt Werner, Public Works Director Tom Eells, Jack Conti, Eva Bechler, James McLaughlin, Don Smallwood, Jerry Weigel, Juli Kaupas, Michael Keller, Catherine , Elizabeth Zanowiak and Barbara Smallwood. The residents requested that the BoS provide costs and what needs to be done to repair the bridge at the July 30<sup>th</sup> meeting. Vice-Chairman Webb suggested to Doug Smith he also invite Becky Corbin and Senator Rafferty, representatives for West Brandywine Township to the July 30<sup>th</sup> meeting. Chairman McCaffrey also requested Linda Formica get a list of legislative members along with their addresses for the township residents so they may contact them directly with questions and concerns. Vice-Chairman Webb requested Tom Eells to contact the Army Corp of Engineers about obtaining a temporary bridge. Doug Smith informed the BoS that this request with the Corp has been made.

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

1. *Historic Commission* – Barry Parsons stated there are two historic properties in the Township that are being neglected by the owners; a) Bakers Ridge Development, Reason Home Farm House. The grass is so high you cannot see the house, overgrown weeds, no security lighting. b) Route 322 and 82 intersection on the

northeast side. People are living in squalor conditions. Believes that the owner should be responsible for the upkeep and that there should not be people living there at all. Catherine Courreges asked the Township at what point do the Police get involved. Vice-Chairman stated that the police would not be involved with squalor, that Dale Barnett would get involved. Jack Conti stated that squalor is not against the law. Jeff Grossman is going to forward a letter to Dale Barnett with concerns. Further discussion ensued. Chairman McCaffrey requested Linda Formica to contact John Good, Esq. about Demolition by Neglect procedures.

2. *Parks & Recreation* – None
3. *Planning Commission* – Jack Conti stated that due to vacations, nothing to discuss.
4. *Open Space Review Board* – None
5. *Municipal Authority* – Supervisor Obernier stated the MA submitted a bid to Garden Spot Fire Department for the food trailer. Bid was in the amount of \$6,000.00. Waiting on Garden Spot to have their public meeting in order to accept or reject the Bid.

Tom Eells mentioned problems with pump stations, but that issue has been resolved.

MA is in the process of setting up QuickBooks to do their own internal accounts. Ron Rambo looking for an alternative to generating and collecting bills.

6. *Agricultural Security Area Committee* – None
7. *Ad Hoc Review Committee* – Catherine Courreges stated that there were Ordinances reviewed but no outcome from the meeting.

## **Correspondence/Communications**

1. Information to Act Upon
  - a. *Review and discuss the acceptance of the lowest audit bid, which was from St. Clair CPA's in the amount of \$14,000 that was sought through PennBid and was tabled at the June 20, 2013 Board meeting.* – Vice-Chairman Webb made a motion to disregard St. Clair CPA, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
  - b. *Robert Stevenson of Kimmel, Lorah & Associates, LLP, CPA suggested that the BoS hire a representative of Kimmel, Lorah and Associates on a weekly basis to review the credit card statement, medical reimbursements, petty cash*

*reimbursements, and gas statements.* - Vice-Chairman Webb made a motion to accept Robert Stevenson proposal with a revolving CAP of \$2,000.00, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Ed Pristernick questioned the BoS how far back this review will go. BoS informed him it is to be determined based on their findings. Mr. Pristernick requested that the \$2,000.00 be used to look back at 2005-2008.

- c. *Discuss appointing two individuals (Marlon DiDavide and Paul Fickes) as part time Public Works employees.* Tom Eells informed the BoS that Paul Fickes declined this offer but will still need to hire two part-time workers. – Vice-Chairman Webb made a motion to accept Marlon DiDavide as a part-time Public Works with the stipulation of passing physical and drug testing, and allowing an additional part-time employee to be hired, seconded by Chairman McCaffrey. Board members Webb, McCaffrey and Obernier voted aye.
- d. *The Township is in receipt of correspondence dated June 29, 2013 from Scoutmaster Rodney W. Wagner from Troop 51 requesting that the BoS recognize Garrett Wagner for attaining the rank of Eagle Scout and to also attend the Eagle Court of Honor ceremony on Sunday, September 22, 2013.* – Vice-Chairman Webb will attend the ceremony. Supervisor Obernier made a motion to present Garrett Wagner with a plaque honoring this achievement, seconded by Vice-Chairman Webb. Board Members Obernier, Webb and McCaffrey voted aye.

## 2. Information to Note

- a. *The Township is in receipt of a letter dated June 26, 2013 from McCormick Taylor regarding the Icedale Road Bridge* – No further comments.
- b. *Tom Eells has submitted two grant applications to obtain funding through Advanced Red Light Enforcement (ARLE) for upgrading existing traffic signals.* – No comments.
- c. *The Township is in receipt of correspondence from PADEP with regard to the Act 101 recycling performance grant, notifying the Township has been approved for \$7,789 for recycling 740.8 tons of materials.* – No comments.
- d. *The Township is in receipt of an email from David Biloan from MacCombie Engineering stated the annual MS4 Report has been submitted on behalf of the Township to DEP as required.* – No comments.

- e. *Hurricane Hill Farm has sent a letter dated June 17, 2013 to notify the Board that they are no longer planning on having a haunted hayride this fall. – No comments.*
- f. *The Township is in receipt of a letter dated June 26, 2013 from the Chester County Planning Commission with regard to Round 2 of the 2013 Vision Partnership Program grant application program. – No comments.*
- g. *The Township will make the principal payment on the 1996 Emmaus/PLGIT Bond in the amount of \$185,000 on July 31<sup>st</sup>. – No comments.*
- h. *The Township is in receipt of an appreciation letter from Jack Law III, Director of Public Works of Downingtown Borough, expressing gratitude to West Brandywine for sending the Public Works Crew to assist with their chipping and cleanup efforts after the June 24, 2013 storm. – No comments.*
- i. *The Township is in receipt of a letter dated June 5, 2013 from PADot with regard to Local Bridge Owner Responsibilities during Flood Events for Scour Critical Bridges. – No comments.*
- j. *The Township is in receipt of the final reimbursement (\$41,256.25) for Round 21 Acquisition Grant for Henderson Conservation Easement. – No comments.*
- k. *The Township is in receipt of correspondence from PADEP dated July 12, 2013 regarding the Implementation of the County-wide Stormwater Management Plan for Chester County. – No comments.*

**Public Hearings** (Ordinances as advertised) - None

**Old Business**

1. *The Township is in the process of preparing Ordinance NO. 2013-01 as it pertains to the Airport Hazard Area zoning. – No comments*
2. *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. – No comments*

**Old Business from the Floor** – Ed Pristernick asked how to get information as to how members are elected to the MA. In addition asked where documents are located. Chairman McCaffrey asked Linda Formica to contact MA.

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

### **New Business**

1. *Signing of escrow release #17 for the Hideaway Farms for \$88,237.43.* – Vice-Chairman Webb referenced Barry Parson’s earlier comments and questioned if leverage can be used with this escrow release. Vice-Chairman Webb made a motion to hold off signing this release until the next BoS meeting and sending a letter to Hide-A-Way asking what their intentions are in referencing Demolition by Neglect, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
2. *Signing of escrow release #7 Final for the Jamie Lane Project for \$80,004.12.* – Vice-Chairman Webb made a motion to release escrow #7 for \$80,004.12, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
3. *The Board to discuss proposing an agreement with the Municipal Authority.* – Vice-Chairman requested that this matter of rented space for MA be tabled until August BoS meeting and to contact Township Solicitor John Good for additional information.
4. *Discuss looking at new finance software.* – Supervisor Obernier voiced his concerns over the books not balancing. Chairman McCaffrey suggested sending a letter requesting verification of why they do not balance. Supervisor Obernier suggested auditor inform Township on the appropriate software to have and request an explanation from Carrie Pike, Township Bookkeeper, as to how long the books have not been balanced and why. Linda Formica informed the BoS that the software that the Township is currently using is not an auditor friendly software.
5. *Discuss creating a finance committee.* - Ed Pristernick asked who this would include and would the public be involved. Vice-Chairman Webb suggested it be the Finance Director/Bookkeeper, Township Manager, two Supervisors and Department Heads. Vice-Chairman Webb also suggested a ‘buffer’ between the office staff and BoS. Board members agreed to an Interim Manager, with the main objective being working with our State Legislator to find funding for the bridge, working on the 2014 Budget, and bringing any Staff concerns to the BoS and the BoS concerns to the Staff. Vice-Chairman Webb also would like the department heads to be responsible for their own departments, as they were hired to do. Supervisor Obernier made a motion to appoint John Sly as Interim Township Manager, seconded by Chairman McCaffrey. Vice-Chairman Webb suggested that a job

description be written out for the Interim Manager and that his wage be set at minimum wage. John asked that he be given time to think about this position and that he be able to meet with Township staff.

**New Business from the Floor – None**

**New Business from the Board** – Public Works Director Tom Eells discussed Lafayette Road washing out. The road is currently passable, but stated that something must be done with it. Rough estimate for repair will be around \$80,000.00. Tom requested that a road inspection be made with BoS.

**Ordinances and Resolutions - None**

**Public Comments** (individuals not on the agenda) – None

**Developer Presentations** – None

**Open Issues before the Township**

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

**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 Changes.

**Review and Payment of Bills**

Linda Formica noted the General Fund bills total \$45,348.35; Solid Waste bills total \$40,128.73. Vice-Chairman Webb reviewed the bills, found them in order and motioned payment of the bills, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

**Upcoming Meetings/Events**

1. Open Space Review Board, Thursday, July 25, 2013 at 7:00 p.m.
2. Planning Commission, Thursday, July 25, 2013 at 7:30 p.m.
3. WBT Ad Hoc Review Committee, Tuesday, August 6, 2013 at 7:00 p.m.
4. Municipal Authority, Thursday, August 8, 2013 at 7:30 p.m.
5. Historic Commission, (No August Meeting)

6. Parks and Recreation Board, Tuesday, August 13, 2013 at 7:00 p.m.
7. Board of Supervisors, Thursday, August 15, 2013 at 7:30 p.m.

**Adjournment**

There being no further business before the Board, Vice-Chairman Webb motioned to adjourn the meeting at 10:46 p.m. Supervisor Obernier seconded the motion. Board Members Webb, Obernier and McCaffrey voted aye.

Linda Formica  
Secretary/Treasurer