

Meeting Minutes of August 1, 2013
Board of Supervisors

Vice-Chairman Webb called the West Brandywine Township (WBT) Board of Supervisors meeting of August 1, 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, Vice-Chairman William Webb and Supervisor Josef G. Obernier, Sr. in attendance. Chairman Thomas J. McCaffrey arrived at 7:45 p.m. Also present were Dale Barnett, Codes Enforcement Officer and Sergeant Jeff Kimes.

Acceptance of Minutes from Previous Meetings

July 18, 2013 – Supervisor Obernier requested that acceptance of minutes be held off until Chairman McCaffrey arrived.

Public Notification - The Board of Supervisors held an executive session on July 29, 2013 to discuss personnel matters and also met with department heads on July 31, 2013 for an open discussion.

Treasurer's Report (N/A)

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

1. *Beth Malikowski of Freedom Valley Circle requested to be on the Agenda to voice concern with regard to a Hills Over Pratts Dam property at 139 Freedom Valley Circle that is to be turned into "Freedom Ridge Recovery Lodge" by the owner as a Drug and Alcohol rehab facility under a Federal Grant. – Beth presented a list of questions for the Board.*
 - a. Is there any way to confirm this program meets Federal requirements. Supervisor Obernier informed her that the Government does not inform the Township of financial details for these types of programs, but if the Township had that information he would give her whatever information they received. He also suggested she inquire as well.
 - b. Has the Lodge been inspected and approved according to WBT Codes? Codes Officer Dale Barnett stated that he has not made any inspection. All that has occurred so far is the question of codes from a Zoning standpoint by the owner of the property. Is this something permitted by Zoning? Dale informed Beth that

after discussion and clarification with the Township Solicitor, the Township does not have the ability to zone against this type of program. Supervisor Obernier further explained that with this particular type of activity, the Township is prevented from stopping it due to Federal laws. Dale stated a Boarding House and an approved Home are two different things. Although Federal Law will not allow the Township to make a zoning change, the Township will make sure that all permits and regulations are secured. Craig Hodge questioned following Solicitors advice and the current Ordinance. Supervisor Obernier informed Mr. Hodge that pursuing any change will open up the Township to litigation, expense of litigation, and the possibility of being counter-sued.

- c. Is the Township aware of an upcoming Open House scheduled for Thursday, August 8th and does the Township have to be notified of any future Open Houses? Both Supervisor Obernier and Codes Officer Dale Barnett both stated they were not aware of any Open House. Beth then asked if any type of inspection is required prior to this Open House. Does the Owner have the right to hold an Open House with this type of property? Dale informed the Board that he spoke with the Owner of the property and at this time they have no clientele whatsoever at this point.
- d. Is there any type of final approval or inspection required for this property prior to its opening? Dale Barnett explained that depending on if the individuals are transient/non-transient. If it is a non-transient group home, it will be required to have a sprinkler system and a fire alarm system. At this time it is still considered a single-family dwelling. The homeowner has been informed of this and is considering this and whether or not to incur the cost to move forward. Chairman McCaffrey stated that the septic system has to be designed based upon the number of bedrooms. No additional fire codes or regulations required other than noted above. Health Department will not make any inspections unless there is some sort of violation.
- e. Clarification requested on the acreage. Is there any additional property that the Lodge will be allowed to utilize, i.e. Community Parks? Supervisor Obernier stated the residents have the same Civil Rights as everyone else.
- f. Dale Barnett will verify with the owner that there is currently no one living in the home.
- g. Are there other homes under the Federal Fair Housing Act drug and alcohol homes? Dale Barnett stated that there is one other home that is for handicapped individuals. Chairman McCaffrey reiterated that group homes are permitted and it is a violation of Civil Rights to try and segregate people based on their abilities or past history.

- h. Will the Township know where the residents come from? Chairman McCaffrey stated that investigation of these people would be a violation of their rights, and that generally the Township does not get a dossier of people moving into a house. Supervisor Obernier stated that the only thing he is aware of is that renter names must be submitted to the Township for tax purposes only. No backgrounds are looked into.
- i. From a Codes perspective, if a number of bedrooms increase from 4 to whatever, would this require some sort of approval from the Township? Dale Barnett stated yes, if notified. Chairman McCaffrey agreed but stated that the Township has no authority on checking how the rooms are utilized. Beth pointed out that the brochure on the Lodge states 8. Chairman McCaffrey stated that if the house is permitted for 4 bedrooms and it's advertised as having 8, the Health Department would be asked to intervene as far as the septic system.
- j. Will there be drugs stored on the property for rehab purposes? Dale stated that this would have to be addressed by the property owner. Chairman McCaffrey stated that there are inspections reports that must be provided, and you can ask as to how those drugs, if any, are secured on the property.
- k. From a Police perspective, can residents inform the police if the residents are not held on the property? Greg Stillwell asked if he will now have to put "No Trespassing" signs up to keep people off his property. Can he call the police if they trespass? Supervisor Obernier stated that if anyone is on his property without permission, you can call the police. Sergeant Kimes recommended that you do have your property posted. Afterwards if someone does trespass, a charge can be filed.
- l. Steve Jackatt asked if the Township wants to take on the liability of the Lodge residents walking on Township property. Supervisor Obernier stated they could put up "No Trespassing" signs but will not send the police out to patrol the area every hour. If anyone sees trespassers, call the police.
- m. Other than drug and alcohol rehab, can any others be allowed to live at this property, i.e.: burglary, assault, etc. Supervisor Obernier informed them that the Township does not receive this type of notification. Sergeant Kimes stated that there are several classifications of the Megan Law, from extremely violent to 'minimal'. Not every offender is required to provide public notification. When the police department does receive notification, it is clearly stated whether or not it is for public notification.
- n. Can the residents of the Lodge be there for more than 90 days? Vanessa Barron stated that she understands a lot of the questions and concerns cannot be answered at this time but wants the BoS to understand their concerns on safety issues.

Supervisor Obernier stated that whatever happens at this location, it will be fully inspected according to regulations.

- o. As a new business, is the homeowner required to meet any of ADA regulations. Dale Barnett stated that this property is still considered a single-family home and therefore is not required.
- p. A Right-to-Know request for additional information will be submitted to the Township.

Further discussion ensued among the BoS, Dale Barnett, Donald Lutz, Bob Schini, Camille Opferman, Bret & Janette Rhoades, Cathy Johnson, Andy Moscaelli, Greg Stillwell, Christine Robidoux, Peter McDonough, Erica Sincavage, Matthew McCrudden. Chairman McCaffrey stated that the Township will support the residents if there is anything illegal or offensive, but under the law, the property is considered a residence, leaving the Township unable to enforce any regulations.

- 2. *Carrie Pike, WBT Finance Administrator requests to be on the Agenda for clarification regarding financial software issues.* – Chairman McCaffrey stated that although he does get confused at times on debit vs. credit on the postings, he has no concerns of misrepresentation. He worries that the software the Township has seems at times to be inadequate. Carrie informed the BoS that the books are balanced each month, cash is exactly as the statements read from the bank. Supervisor Obernier said that during discussion with auditor, it was recommended the software be changed. Linda Formica is looking into to see what program would work best for the Township.

Reports of Departments – N/A

Reports of Organizations, Boards and Commissions – N/A

Correspondence/Communications

- 1. Information to Act Upon
 - a. *Signing of escrow release #17 for the Hideaway Farms for \$88,237.43.* – Based on recommendation from Dale Barnett, Vice-Chairman Webb made a motion that the Township not release Escrow Release #17 for Hide-Away Farms for \$88,237.43, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
 - b. *Consider hiring Galen Conover part-time to the Public Works Department.* – Linda Formica stated that she received the recommendation from Public Works Director Tom Eells to hire Galen Conover. Supervisor Obernier made a motion to hire Galen Conover for part-time position with the Public Works Department, seconded by Chairman McCaffrey. Board members Obernier, McCaffrey voted aye. Vice-Chairman Webb abstained. Chairman McCaffrey then made a motion to rescind

motion to start over, seconded by Supervisor Obernier. Board members McCaffrey and Obernier voted aye.

Supervisor Obernier made a motion to hire Galen Conover part-time for the Public Works Department, subject to him passing the typical drug screening, background check and physical. Seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Vice-Chairman Webb abstained.

- c. *The Board to consider changing the Township's hours from Monday through Friday, 7:00 a.m. – 4:30 p.m. to Monday through Thursday, 7 a.m. – 5 p.m. on a trial basis for the rest of the summer as a cost saving measure.* – Vice-Chairman stated that the Township felt it could save money by powering everything down Friday, Saturday, and Sunday instead of having everything running 5 days a week. Vice-Chairman Webb made a motion to change the hours to Monday through Thursday, from 7 a.m. to 5:30 p.m. on a trial basis, through October 1, 2013 seconded by Supervisor Obernier, as long as the building was open from 7 a.m. to 5 p.m. and a half-hour lunch was taken. Ed Pristernick questioned if this also included the Road Department. Vice-Chairman Webb stated this would include all personnel except for the Police Department. Board members Webb and Obernier voted aye. Chairman McCaffrey voted nay.
- d. *The Township is in receipt of correspondence from Thomas J. Anderson & Associates regarding the Police Pension Plan and Non Uniform Pension Plan of 2013 Act 205 Actuarial Valuation Report for signing.* – Vice-Chairman Webb made a motion to allow Linda Formica to sign on behalf of the BoS, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

1. Information to Note

- a. *The Township has paid the Emmaus 96 bond in the amount of \$190,696.37 (\$185,000 principal and \$5,696.37 interest).* – No comments.
- b. *The Township is in receipt of a letter from John E. Good, Esq. dated July 22, 2013 regarding procedures for “demolition by neglect.”* – No comments. A copy was given to Planning Commission.
- c. *The Township is in receipt of the proposal from Kimmel, Lorah & Associates, LLP dated July 24, 2013 to provide a review of the Township's expense reports that were submitted by Township personnel.* – Ed Pristernick asked for specific dates. Vice-Chairman Webb informed him was 2010, 2011, and 2012. Mr. Pristernick asked why it was not 2005, 2006, and 2007. Vice-Chairman Webb stated it was suggested the three years reviewed. If anything was found, they could go back further.
- d. *The Township is in receipt of correspondence from MacCombie's office dated July 16, 2013 with regard to the new countywide Act 167 Stormwater Management Plan and*

Model Ordinance that the Township is required to adopt by January 2, 2014 under the provision of the MS4 Permit program. – No comments.

- e. The Township is in receipt of a copy of a resignation letter from Charles Hossack, Sr. dated July 29, 2013. – To be discussed under New Business.*
- f. The Township is in receipt of a Final Determination from the Pennsylvania Office of Open Records dated July 23, 2013 regarding Bruce Laverty vs. West Brandywine Township that states that the appeal has been dismissed. – No comments.*
- g. The Township is in receipt of correspondence from Senator Andrew E. Dinniman dated July 30, 2013 inviting the BoS to join him on Thursday, August 8, 2013 for an information session and subsequent public hearing on PAWC's request to change its water and wastewater rates. – No comments.*
- h. The Township is in receipt of a letter dated August 1, 2013 from Robert W. Schini, Jr. expressing his interest to serve on the Municipal Authority should a vacancy occur on the Authority Board. – No comments.*
- i. The Township is in receipt of correspondence from Ronald A. Rambo, Jr. dated August 1, 2013 regarding Icedale Road Bridge. – Supervisor Obernier suggested this correspondence be read when the Icedale Bridge residents return. Elizabeth Zanowiak asked if Mr. Rambo was being paid as a consultant for this. Supervisor Obernier stated he is being paid for 2 hours. Chairman McCaffrey asked that further discussion be held off until later in meeting.*

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 updates*
- 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 updates have been done. Supervisor Obernier asked Linda Formica to get more information from Ron Rambo.*

Old Business from the Floor – None

Old Business from the Board – Per “Information to Note” Charles Hossack has sent in a letter of resignation from the MA. Ed Pristernick and Bob Schini both have submitted a letter of interest to fill the vacancy. On Monday, August 19th the BoS will meet with Ed at 6:45 p.m. and Bob at 7:00 p.m. prior to making a decision on appointing the next member of

the MA. Chairman McCaffrey asked Linda Formica to put this into a confirmatory email to all parties.

New Business from the Floor –

1. Elizabeth Zanowiak voiced the following concerns:
 - The heating and air conditioning system of the meeting room.
 - Suggested to the BoS have the Township's communication system upgraded and place speakers around the room so that the audience can hear the BoS more clearly. Vice-Chairman Webb made a motion to allow Staff members to investigate the cost of adding additional speakers around the room.
 - Increasing a neighborhood watch.
 - Any regulations for swimming pools in the Township? Dale Barnett stated that all pools must be protected.
 - Drain pipes draining into her yard. Dale stated he inspected the drainage area and found no problems. Chairman McCaffrey suggested she take pictures of the problem the next time it occurs and present to the Township.

2. Ed Pristernick again questioned who sits on the MA Board and how they are placed on it. It is not stated in By-Laws. Where can this information be found? Supervisor Obernier explained that the way it has been done in the past, when an opening occurs, one person from each different sewage area, one person who had no public sewer, and one person from the BoS (excluding Chairman and Vice-Chairman) made up the committee. Ed made the suggestion of amending the By-Laws. Chairman McCaffrey suggested John Good be contacted and ask the mechanism on memorializing what the BoS has taken as common knowledge for over 17 years. Linda Formica to contact John Good.

New Business from the Board – Vice-Chairman Webb made a motion to accept the resignation of Charles Hossack with regret, seconded by Supervisor Obernier with regret. Board members Webb, Obernier and McCaffrey voted aye. Vice-Chairman Webb then made a motion to obtain a clock in appreciation for his services, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Ordinances and Resolutions – *Resolution #11-2013: Establishment of a finance review committee* – Chairman McCaffrey suggested that all members of the BoS be part of this committee instead of the two as listed on the Resolution. All Board members agreed.

Public Comments (individuals not on the agenda) – Greg Stillwell asked who all would be on the Financial Review Committee. Vice-Chairman Webb stated it would also include Walt Werner, Chief of Police, Dale Barnett, Codes, Tom Eells, Public Works Director, and Linda Formica, Secretary/Treasurer. This committee would be involved with the budgeting

to be presented to the BoS. Supervisor Obernier stated he read correspondence from Municipal Code Publishers which showed resolutions and/or ordinances that have not been turned into them. Supervisor Obernier requested Linda Formica locate those ordinances and send them into General Code Publishers. Linda informed the BoS this information has already been sent into General Codes and are now posted on the website.

Developer Presentations - None

Open Issues before the Township

1. *The Township continues their work on updating the Township's Act 537 Plan - No comments.*
2. *The Township is in the process of looking into ways to fix Pratts Dam Road and Lafayette Road. – Greg Stillwell asked for status on the process. Supervisor Obernier stated that inspections with the Road Department are occurring. He also stated he suggested to Tom Eells obtain a cost for drilling and cut into the mountain. This repair would come after the Icedale bridge repair. Further discussion and concerns ensued among the BoS, Elizabeth Zanolwiak, and Ed Pristernick.*
3. *Discuss the status of the Icedale Road Bridge closure. – Detailed discussion held until a later date. Chairman McCaffrey found that in studies done, Pennsylvania is the worst state in the US as far as bridges that are unrepaired. One out of four bridges has some sort of deficiency. Chairman McCaffrey feels all these deficiency's should be addressed by the State.*
4. *The Board to discuss proposing an agreement with the Municipal Authority. – Awaiting on revised agreement from Ron Rambo.*
5. *The Board is exploring options regarding new financial software. – Linda Formica looking into this. Greg Stillwell suggested QuickBooks. Per the Township's Auditor, due to the multiple funds that the Township manages, they do not recommend this software.*

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

- | | |
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| 1. General Fund | \$68,257.12 |
| 2. Fire Appropriations Fund | \$ 1,558.13 |
| 3. Open Space Fund | \$ 187.00 |
| 4. Solid Waste Fund | \$ 726.85 |
| 5. State Liquid Fuels Fund | \$ 4,099.68 |

Vice-Chairman Webb made a motion to pay all bills with the exception of Cedar Grove Environmental and O.A.C., seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Vice-Chairman Webb made a motion to pay Cedar Grove Environmental \$83.00, seconded by Supervisor Obernier. Board members Webb and Obernier voted aye. Chairman McCaffrey abstained.

Vice-Chairman Webb made a motion to pay O.A.C., seconded by Chairman McCaffrey. Board members Webb and McCaffrey voted aye. Supervisor Obernier abstained.

Upcoming Meetings/Events

1. WBT Ad Hoc Review Committee, Tuesday, August 6, 2013 at 7:00 p.m.
2. Municipal Authority, Thursday, August 8, 2013 at 7:30 p.m.
3. Historic Commission, **(No August Meeting)**
4. Parks and Recreation Board, Tuesday, August 13, 2013 at 7:00 p.m.
5. Board of Supervisors, Thursday, August 15, 2013 at 7:30 p.m.
6. Open Space Review Board, Thursday, August 22, 2013 at 7:00 p.m.
7. Planning Commission, Thursday, August 22, 2013 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Webb motioned to adjourn the meeting at 10:39 p.m. Supervisor Obernier seconded the motion. Board Members Webb, Obernier and McCaffrey voted aye.

Linda Formica
Secretary/Treasurer