

**Meeting Minutes of September 5, 2013**  
**Board of Supervisors**

Chairman Thomas McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of September 5, 2013 to order at 7:39 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 McCaffrey and Supervisor Josef G. Obernier, Sr. in attendance. Vice-Chairman William Webb was not in attendance. Also present were Dale Barnett, Codes Enforcement Officer, Thomas Eells, Public Works Director.

**Acceptance of Minutes from Previous Meetings –**

*August 15, 2013* – Chairman McCaffrey requested that acceptance of meeting minutes be tabled until Vice-Chairman Webb could also approve them. Supervisor Obernier stated he had reviewed the minutes and had no changes to be made.

**Recognition of Volunteers -**

*Charles H. Hossack (Municipal Authority)* – West Brandywine Township Board of Supervisors and West Brandywine Township Municipal Authority presented an engraved clock to Charles along with a sincere thank you for 13 years of service, commitment and volunteer services to the residents of the Township.

West Brandywine Township Board of Supervisors noted Vice-Chairman Webb will present a Plaque to Garrett Wagner, Troop #51, for accomplishing the level of Eagle Scout.

**Public Notification** N/A

**Treasurer's Report** N/A

**Special Public Presentation**

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

**Reports of Departments -** N/A

**Reports of Organizations, Boards and Commissions** N/A

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

1. Information to Act Upon

- a. *The Board to appoint a new member to the Municipal Authority.* – Chairman McCaffrey requested that this be tabled until Vice-Chairman Webb returns to allow his comments and suggestions.
- b. *Signing of escrow release #17 for the Hideaway Farms for \$88,237.43.* – Based on recommendation from Dale Barnett, Supervisor Obernier made a motion that the Township tables the signing of Escrow Release #17 for Hide-Away Farms for \$88,237.43, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.
- c. *Signing of the letter for the Township's 2012 DCED Report.* – Chairman McCaffrey and Supervisor Obernier signed the report.
- d. *Consider signing the Request for Execution of Drainage Easement in connection with the application for the highway occupancy permit for Swinehart Subdivision.* – Based on the recommendation from the Township Engineer and the knowledge of Public Works Department, Supervisor Obernier made a motion to sign the Request for Execution of Drainage Easement, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.
- e. *The Township is in receipt of the Winter Traffic Services Agreement for signing in the amount of \$20,169.82.* – Chairman McCaffrey made a motion to sign the Winter Traffic Services Agreement, seconded by Supervisor Obernier. Board members McCaffrey and Obernier voted aye.
- f. *Consider signing the lease for Office Space from the Municipal Authority.* – Rhonda Mowday asked where this space would be and asked the need for a Lease. Supervisor Obernier read some of the Lease out loud, stating that the Authority will clean up the area, provide its own supplies, all at no charge to the Township. The Township agrees to provide adequate heat, electricity, water, AC, trash and recycling. The Authority will provide its own phone and internet service, and pay half of the electric utilities presented to them by the Township. In addition, the Authority will clean the office space it utilizes. This agreement will go for one (1) year at a time with the ability to cancel when wanted. Either party must give 120 day notice, in writing, if they intend to terminate the Agreement. Said Agreement to commence on or about September 16, 2013.

The discovery of mold at the old building was discussed, including a verbal quote of \$350.00 to do mold testing which will be covered by the Township since the building is owned by the Township.

Further discussion ensued regarding the role and need of the MA, more specifically why Ron Rambo is still an employee and why does the BoS not have authority to dismiss Mr. Rambo. Chairman McCaffrey again stated how the BoS does not have the right to make any decisions, it all must come from the MA board. Supervisor Obernier stated that Ron Rambo has made an effort to not get people worked up and does not understand where a lot of the discussions are coming from. Ron no longer works for the Township and that should be the end of it. However he does still work for the MA as a separate entity.

Rhonda Mowday asked how does a member get on to the MA Board and how does a member get removed from the MA Board. Chairman McCaffrey explained that the MA Board is appointed by the Township BoS for a period of time. To be removed from the Authority, it would take the majority of the Board members to vote on this.

Supervisor Obernier made a motion to sign the lease for Office Space from the Municipal Authority, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.

- g. Discuss the Professional Services Agreement that was previously approved between West Brandywine Township and Ronald A. Rambo, Jr. – Based on the recommendation from the Township Attorney, Supervisor Obernier made a motion to rescind the original contract, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.*

Rhonda Mowday requested a report be prepared for the next BoS meeting showing the amount of money Ron has been paid by the Township, since he resigned, for services rendered, and what specifically he worked on.

- h. Signing of the Maintenance Escrow Bond release for Costa Homes in the amount of \$49,025.00. – Chairman McCaffrey requested that this be tabled until the Township Solicitor reviews the Bond.*

## 2. Information to Note

- a. The Township is in receipt of a response from John E. Good dated September 4, 2013 with regard to West Brandywine Township “Tax Collector” questions. – Chairman McCaffrey read the correspondence out loud and stated that the*

individuals who requested this information, who were not in attendance, can go to the Township office and request a copy of the response letter from John Good.

- b. *The Township is in receipt of a response from John E. Good dated August 21, 2013 with regard to Municipal Authority Member Selection.* – Chairman McCaffrey read the letter out loud.
- c. *The Township is in receipt of a response from John E. Good dated August 26, 2013 with regard to the Municipal Authority's proposed draft agreement for the utilization of office space.* – No further comment.

### **Old Business from the Floor –**

1. Elizabeth Zanowiak asked if there was anything new on the audio system for the meeting room. Chairman McCaffrey stated he is against spending any money at this time to replace anything.
2. Greg Stillwell voiced his concern on the issue of the Group Home on Freedom Valley Circle and stated that he was in contact with PA DEP and asked if the Township could create a blanket ordinance stating that any group home must have “X” amount of available sewage flow. BoS informed Mr. Stillwell that the local counties gave up their right for sewage enforcement as individual municipalities to the County and they took over.
3. Jim Hicky also voiced his concern of the Group Home on Freedom Valley Circle. His children walk past the group home to get to their bus stop. He also stated that he believes this home is in operation. Are any of the residents criminals, i.e. sex offenders or listed on Megan’s Law. He asks that some sort of communication is made between the Home and the Township. Chairman McCaffrey asked Linda Formica to contact Chester County Health Department if there are any sewage facilities required to initiate a group home and if so, has the owner at this address submitted any paper work as required. Supervisor Obernier asked Dale Barnett to visit the site.
4. Bob Schini asked if there are specifics required if someone wants to have a group home. Chairman McCaffrey asked Dale Barnett if the Township has anything on file on other group homes in the area. Dale stated that they do not. Bob asked if the Township is aware of any other homes of the same nature (recovery or substance abuse). Dale said no.

Further discussion ensued on concerns and what can or cannot be done at this Group Home. Chairman McCaffrey suggested that maybe the residents approach the owner

and asked to be assured that certain types of individuals not be accepted, for example sexual predators. It was suggested a meeting of various members with the Group Home owner but the owner has not committed to having a meeting. The only other thing to do is to wait for some sort of filing or indication that the owner is trying to operate the facility.

5. Donald Smallwood asked there was any update on the Icedale Bridge. Public Works Director Tom Eells stated he was waiting on a reanalysis on the bridge for option purposes but as of this day, nothing has been received. Chairman McCaffrey said that the Township should be pushing for repairing it as it to the standards that existed, and ask the State for funding to do that and to be allowed to use the Township's Liquid Funds for it. Chairman McCaffrey also suggested to the residents to contact their local representatives on this issue.

Another concern with this bridge is motorcycle and quads running onto the bridge. Rhonda Mowday asked if the Public Works Department could put up some sort of more secure barricade that would stop those people from getting onto the bridge. Chairman McCaffrey stated that those individuals would just drive around whatever blockage was put up.

#### **Old Business from the Board –**

Supervisor Obernier stated that at some point, they should consider changing the salary of the MA. They have had the same salary for ten years, and possibly before the end of the year make an adjustment. Chairman McCaffrey requested that further discussion wait until Vice-Chairman Webb was present to discuss.

#### **New Business –**

1. *Discuss Resolution #12-2013: Annual Mobile Home Park License Fee* – Supervisor Obernier stated that this Resolution has not been changed in quite a number of years. It is suggested that the annual licensing fee for a mobile home park be \$200 plus a per lot charge of \$25.00. Supervisor Obernier asked Police Chief Walt Werner for some sort of statistics on how many police calls are to mobile home parks. Chief Werner provided two different numbers. Mobile Home Park total call volume, not including EMS, fire alarms or assists to fire department, for 2012 was 1,512 calls, with a total percentage for 2012, 12.83%. In 2013, from the beginning of year through August 25, 2013, a total number of calls equaled 921, with a percentage of 11.6%. There has been a significant volume of police calls to the mobile home parks. Elizabeth Zanowiak stated she thought the \$25 was too much per lot. Rhonda Mowday asked what percentage of the population represents the mobile home parks. Dale Barnett

stated it was around 3 – 4 percent. Greg Stillwell feels this proposal is reasonable but since the majority of the people do not live in the mobile home parks, is this a hardship to the people or not? If they don't know they are using 10% of the Township police resources, shouldn't they somehow be represented first. Chairman McCaffrey stated that since the parks are an operating business in the Community, the business itself is being asked to pay this fee, not individual people. Greg asked if the percentage of calls dropped next year, would the fee also decrease. Supervisor Obernier made a motion to adopt Resolution #12-2013: Annual Mobile Home Park License Fee, with a singular change in the way the annual license fee is computed, by having \$200 plus \$25 per lot, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.

2. *The Township is in receipt of a quote of \$350 for mold testing for each building.* – BoS ok with moving forward on this.
  
3. Jelkes Fabrication Company, has offered to supply materials, manpower and the use of their own equipment to do the repair on Icedale Road, without involving the State. Chairman McCaffrey asked Tom Eells to firm up with Jelkes what the Township will need and what exactly Jelkes will put into this so that a cost can be estimated to the community. Supervisor Obernier made a motion to accept Jelkes Fabrication offer to repair Icedale Road Bridge, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Greg Stillwell stated he felt that Jelkes Fabrication should get something out of this. BoS suggested a plaque on the bridge. Supervisor made a motion to amend his previous motion, to include a plaque on the bridge, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Chairman McCaffrey asked that once the information is sure, this information be forwarded to Linda Formica so that she can post this on the web site.

#### **Ordinances and Resolutions –**

1. *Resolution #12-2013: Annual Mobile Home Park License Fee* – Voted on and approved.

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

**Developer Presentations** – *Chad Speiser of EBYA is in attendance to discuss their interest in an “EBYA Sports Facility Partnership with West Brandywine Township.* – EBYA is looking for possible land that the Township owns that would be accessible to EBYA to build an indoor athletic facility for kids to utilize (only looking to hold sports activities inside the building). EBYA has sufficient money to build a facility (10,000-12,000 S.F.) if they could have a couple acres of land to do so. Supervisor Obernier stated he was at the Planning

Commission meeting when this issue was discussed. He suggested the old sprayer irrigation plant. The building could be put all the way in the back, with using only 2 acres. The Township would maintain the ground but allow them to build on it. With sports activities only taking place inside the building, Supervisor Obernier thought that if it is all the way in the back, it is going to be close to the residential area, concerns of how early they start and how late they run and lights. If EBYA is willing to agree to be 'dark' at 10:00pm there shouldn't be an issue. Supervisor Obernier asked that Chad interact with Dale Barnett and Tom Eells to get a layout of the area and take it back to EBYA. The Township will need to know exactly what EBYA wants to do, so if there is a drawing of some sort and return to present to the BoS. Supervisor Obernier stated that access would have to be through the road that is already there and there could not be any building lights or parking lights on after 10:00pm, other than security lights. Chairman McCaffrey stated he would like to pole the community on their thoughts and look into other areas available before anything further was decided.

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

1. *The Township is in the process of looking into ways to repair Pratts Dam Road and Lafayette Road.* – No comment.
2. *The Township continues its efforts to look for funding for Icedale Road Bridge.* – No comment.
3. *The Board to discuss proposing an agreement with the Municipal Authority.* – No comment.
4. *The Board is exploring options regarding new financial software.* – This issue is still on-going.
5. *The Township is in the process of preparing Ordinance No. 2013-01 as it pertains to the Airport Hazard Area zoning.* – No comment.
6. *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 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 comments.

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

- |                             |             |
|-----------------------------|-------------|
| 1. General Fund             | \$43,239.07 |
| 2. Fire Appropriations Fund | \$ 584.89   |
| 3. Solid Waste Fund         | \$14,678.94 |
| 4. State Liquid Fuels Fund  | \$ 1,440.25 |

Supervisor Obernier made a motion to pay all bills, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye.

### **Upcoming Meetings/Events**

1. Historic Commission, Monday, September 9, 2013 at 7:30 p.m.
2. Parks and Recreation Board, Tuesday, September 10, 2013 at 7:00 p.m.
3. Municipal Authority, Thursday, September 12, 2013 at 7:30 p.m.
4. Board of Supervisors, Thursday, September 19, 2013 at 7:30 p.m.
5. Open Space Review Board, Thursday, September 26, 2013 at 7:00 p.m.
6. Planning Commission, Thursday, September 26, 2013 at 7:30 p.m.
7. WBT Ad Hoc Review Committee, Tuesday, October 1, 2013 at 6:30 p.m.

### **Adjournment**

There being no further business before the Board, Supervisor Obernier motioned to adjourn the meeting at 10:50 p.m. Chairman McCaffrey seconded the motion. Board Members Obernier and McCaffrey voted aye.

Linda Formica  
Secretary/Treasurer