

**Meeting Minutes of September 19, 2013
Board of Supervisors**

Chairman Thomas McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of September 19, 2013 to order at 7:40 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, Vice-Chairman William Webb and Supervisor Josef G. Obernier, Sr. in attendance. Also present were Police Chief Walt Werner, Public Works Director Thomas Eells, and Codes Enforcement Officer Dale Barnett.

Acceptance of Minutes from Previous Meetings –

August 15, 2013 and September 5, 2013 – Supervisor Obernier made a motion to accept Meeting Minutes of August 15, 2013, seconded by Vice-Chairman Webb. Board members Webb, Obernier and McCaffrey voted aye. Meeting Minutes of September 5, 2013 tabled until sufficient time to review them.

Public Notification – An Executive Session was held prior to the Township meeting to discuss personnel issues and contracts.

Treasurer’s Report

General Fund	\$ 101,781.27
Fire Appropriations Fund	\$ 75,574.81
K-9 Rudy Fund	\$ 295.46
Open Space Fund	\$ 49,794.75
Solid Waste & Recycling	\$ 222,183.84
Capital Equipment Fund	\$ 52,057.89
Developer Escrow Fund	\$ 342,147.95
State Liquid Fuel Fund	\$ 128,409.22
Revolving Reserve Fund	\$ 25,339.66
Police Pension Fund	\$1,851,465.40
Non-Uniform Pension Fund	\$ 443,719.00
Payroll Fund	\$ 5,137.69
Gen. Purpose Emerg. Fund	\$ 3,001.92

Special Public Presentation

Dave Porter from Herbert E. MacCombie, Jr.’s office is in attendance to give a PowerPoint presentation with regard to the Township’s proposed Act 537 plan. – Dave explained that the purpose of the 537 Plan is for the Municipalities to provide adequate sewage disposal to all residents of the Township, be it public sewer, community sewer or on-lot sewage. Further discussion ensued on how this will all work. Chairman McCaffrey stated there is no requirement in the Township Code for people to connect just because a sewer pipe goes by their home. He cannot support an Ordinance

which will require this connection. Joe Boldaz asked if a Township Sewer Management program was looked into. Chairman McCaffrey stated that he does agree that Sewer Management is a good project, but feels that if WBT is going to be responsible for management, and all expenses that go along with this, that WBT should also be allowed to choose whether the system was appropriate for the area it was going into.

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

Reports of Departments

Chief Werner gave the August 2013 Police Department report noting there were a total of 94 arrests for the month, personnel worked 909.5 hours, 529 complaints were addressed, and a total of 5,249 miles were patrolled.

Vice-Chairman Webb informed Chief Werner that the Police Department did a great job with traffic control for the viewing and funeral of a local business owner.

Public Works Director Tom Eells gave the August 2013 monthly report of the Public Works Department. A total of 813 hours was worked by personnel, 2,196 miles were traversed in Township trucks, 162 hours were spent on Township equipment, and 369 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 August 2013 monthly report for the Code Office. 19 Building Permits were issued for the month with permit base fees collected of \$5,009.80; 2 U&O permit issued with a fee of \$225.00 collected, 8 U&O permits issued cursory, 18 Contractors Licenses issued totaling \$810.00. A total of 30 inspections were completed (in-house/on-site). Total fees collected \$6,044.80.

Fire Inspector Dale Barnett gave the August 2013 monthly report. A total of 25 campfire permits and 2 farming cleanup permits were issued.

Chief John Edwards gave the August 2013 fire report for East Brandywine Fire Company. He noted a total of 6 fire calls and 18 EMS calls were responded to in WBT, 3.01 service hours; 55 miles were traversed in WBT, 130.9 gallons of fuel were consumed.

Chief Edwards also noted the following:

October 6th through the 12th is fire prevention week. There are three (3) elementary schools in WBT; Pope John Paul, Friendship and Reeceville. EBT Fire Company will be at those schools during fire prevention week.

On September 14th they were dispatched to a motorcycle accident which occurred on Pennswick Drive. Upon arriving he noted there were six kids who had witnessed the accident, and without panicking went door to door in order to seek help. Chief Edwards asked them where they learned to be so calm during an emergency and they told him “school” and that every year fire fighters come and talk about how to respond in an emergency. Supervisor Obernier informed Chief Edwards that he had spoken with members of the Board and the local newspaper and everyone stated they wanted to do something of significance for those six kids. They would like to present a plaque to the oldest child, who orchestrated the response and a certificate to the others who helped.

The BoS would like to have those children to attend the BoS meeting on October 17th, along with their parents, for a photo shoot and presentation. Chief Edwards to get all the names of the children to Linda Formica.

Peg Stauffer asked why all the children did not receive a plaque. Supervisor Obernier explained that Alexa was the one who got all the others going. Vice-Chairman Webb asked Peg if she would like to help out by donating towards the plaques. Peg stated she would. Chairman McCaffrey asked that they look at the entire situation and what actually took place and know all the details of it prior to making any final decision on what is done, but something appropriate will be presented to all the kids.

Deputy Chief Chip Patton, Wagontown Fire Company, gave the August 2013 fire report. He noted a total of 6 calls were responded to in WBT, 96 service hours, 128 gallons of fuel were consumed.

Joe Kennedy of Westwood Ambulance Company gave the August 2013 Ambulance Report. He noted there were 57 calls for WBT, 22 of those were at Freedom Village.

Emergency Management Coordinator Doug Smith discussed the following:

- The Emergency Management Team and Chief Werner continue to work closely with Pope John Paul Regional Elementary School for an emergency response plan. A meeting was held on August 26, 2013 to do a walk-through operations plan with all the teachers. On October 4, 2013 there will be a table top drill with the teachers and administrative office utilizing the plan.
- The Emergency Management Team and Public Works Director Tom Eells met in an executive session with Honey Brook BoS for updates on the Icedale bridge issue. Doug also met with the Superintendent of Coatesville Area School District to discuss school bus issues and what will happen when the road floods if children are still at school.
- There will be a meeting on Monday, September 30, 2013 at 7:00PM at the Township building to update West Brandywine Township and Honey Brook residents on the Icedale Bridge.

Supervisor Obernier asked Tom Eells for an update on the bridge. Tom stated that Jelkes Fabrication offered to donate steel beams needed for the bridge. Numerous meetings were held to discuss the various options. The beams were ordered. At this time, Road Department Personnel are working on the support of the bridge in preparation of the beams. Mike Keller asked if there was any time table available yet for this work. Tom explained that his goal is to have the bridge in by Christmas. Mike also asked if the existing structure was going to be repaired. Tom explained that new beams would be placed under the bridge. At the end of the process, it will be spec to the way it was before, with a projected weight limit of 10 tons. Steve Jackatt asked if this repair was for one bridge or both. He was informed this repair was for one bridge. Tom elaborated to the residents that they are doing a repair to the bridge to allow people in and out of the road. The Township will then be put on a list of funding to be able to improve those structures. Mike Keller asked why Jelkes is doing this, and will there be any type of recognition for Jelkes. Tom explained that Jelkes Fabrication is doing very well right now and felt the need to reach out to the community to help. The Board members discussed and agreed to put a plaque on the bridge recognizing Jelkes Fabrication.

Reports of Organizations, Boards and Commissions N/A

1. Historic Commission – No comments.
2. Parks and Recreation – No comments.
3. Planning Commission – Steve Jackatt informed the BoS that over the last 3 or 4 months there has been no applicants on the Agenda. Last meeting they did have Sheila Fleming from the Brandywine Conservancy to discuss goals and objectives of the Greenway project. The goals include transportation, conservation and recreation, flood control, cultural esthetics and education. Copies of this plan were presented to the BoS. Chairman McCaffrey asked Linda Formica to post a copy of this on the Township website.
4. Open Space Review Board – Bob Schini stated that the Review Board had a very short meeting last month. Very little is going on in the Township. They discussed in general some of the ways they might use the property around Icedale, but no new business. Vice-Chairman Webb asked Bob if WBT has the capabilities to approach the City of Coatesville and talk about the 69 acres that they were trying to sell. Chairman McCaffrey stated that the Township did at one time try to purchase that property but were unable to do so. Discussion ensued among the BoS, Steve Jackatt and Mike Richie.
5. Municipal Authority – Supervisor Obernier discussed the following:
 - a. The MA has decided to do its own bookkeeping, process its own payments, sending out of bills, etc. MA will be switching to DNB First, who will be accepting all payments. The Authority has decided to do all this in-house and will continue to use the Road Department. The Authority will no longer be giving any more funds to the Township. This loss, from now until the end of the year, will be \$21,750.00. Next year that loss will be \$63,900.00.

Chairman McCaffrey asked what was being done as a Township for \$63,900.00. Supervisor Obernier stated that a portion of that money was for accounting, doing payroll, creating bills and sending them out, taking in the collections at the Township, providing whatever accounting information the MA needed. The Township was paying some money for the road department to do lawn cutting around the different pump stations, which will continue. The administrative part of the Township will be the one that takes the loss. A portion of the money was the rental of the Township meeting room.

Doug Smith stated that a prior MA meeting, the Authority agreed to pay \$6,000.00 for a food cart, and in doing so not be charged rent. This could be a loss to the Township of about \$25,000.00 worth of income by doing this and the MA felt it would be more like \$50,000.00. When asked why the Township would do this, the response was it would be good business to keep up the relationship with the MA. Doug asked if this was all something already agreed upon, that the Township would not be charging the MA, or is it something different. Supervisor Obernier stated that this is all part of the same thing. The MA was not thinking of discontinuing the bookkeeping, etc. They were going to continue doing all this until at least the end of the year, but the last two bills that went out were incorrect. Many residents were upset about their bills and contacted the Township and also came to the meeting.

MA directed the Manager to begin doing the bookkeeping and have all bills paid directly to DNB First.

Doug Smith also commented on the activities the front office is responsible for by helping out the MA and handing it over to Ron Rambo. At the last meeting, there was a discussion about increasing the amount of salary or budget for paying the MA board members, which means Ron's salary will go up as well. Chairman McCaffrey and Supervisor Obernier informed Doug that nobody on the BoS brought up, suggested or implied anything. It was given to the Manager and he is going to do it. No further comments.

Carrie Pike, Financial Administrator for WBT, directed her comment to Supervisor Obernier. Carrie addressed the comment he made about the MA meeting where people came to the meeting upset because the bills went out incorrectly. Carrie informed the board that statement is incorrect. Kimberwick bills went out, they were fine. People are angry over the increase in the rates. Friendship Village did go out incorrectly; the 2nd quarter was calculated incorrectly in the system. Freedom System software rounded up the bills between \$5 and \$10 per bill. Carrie stated she did not want to send out the bills because it was wrong, however the MA Manager, Ron Rambo, emailed the secretary/treasurer every single day, 4 – 6 times a day asking 'are the bills out'. Meanwhile, the Municipal Authority is \$120,000.00 in the negative amount in the Friendship Village Municipal Authority's checking account. Carrie sent the bills out and with the thought of the \$5 - \$10 being corrected. The bills were not incorrect because of something she did, and she takes offense to the way it was insinuated to everyone. Supervisor Obernier invited Carrie to attend the next MA meeting and speak to the board directly. Supervisor Obernier said he didn't make the bills, he is just repeating what was said to him and is just bringing the news to the BoS meeting what happened at the previous MA meeting. Carrie asked that it be noted in the minutes that the bills were not wrong because of her. She was doing what she was told to do. Chairman McCaffrey stated that the MA is trying to find ways to save money and not to punish anyone.

- b. The Authority has decided to go to court with Pulte Homes. Pulte Homes has insisted that they are not obligated to make the payments that they signed a contract for. They do not have all the properties any more in order to accomplish the deal. They are looking to get out of making any payments. The MA was counting on that money, both near and far term. Pulte offered a strip of ground on the corner of Gabel Road and Cedar Knoll. Pulte wanted money from the Authority in exchange for the ground. They appraised the ground as if the Authority was a developer. The Authority appraised the ground much lower.

Joe Boldaz asked what the payment was for. Chairman McCaffrey stated that Pulte Homes was going to put in a development and wanted to reserve the sewer capacity for that development. Pulte wanted pipes to be laid and be in place so that connection could be made to the sewer system. PAWC required this all to be paid for in advance. The Municipal Authority extended this courtesy to Pulte. When Pulte was asked about the possibility of a slowdown, Pulte guaranteed that if they did not build on schedule, he would make the same payments as if the scheduled connections anticipated were taking place. Pulte never came through on this and is now saying they do not owe the Municipal Authority this money.

Dr. Pristernick asked what the MA's debt is. Chairman McCaffrey and Supervisor Obernier both stated they did not know. Chairman McCaffrey explained that the Authority is looking for an anticipated payment to come in on a regularly scheduled basis and that payment would slowly increase over time as the construction was completed and more homes were connected to the sewer system. The MA completed all they were to do and then the market went down and Pulte decided they would not build, at which point the agreement would have kicked in regarding the payments. Chairman McCaffrey stated that the Township is not responsible for the payments that Pulte does not make. If the MA were to go bankrupt, the Township could be responsible, but he feels that the MA has a lot of avenue to approach before it would go bankrupt. There are no immediate dire consequences that the Township has been advised of for the MA. It will be a potential short fall for the MA but nothing that will impact the residents of the Township. Dr. Pristernick asked what is being done now to make sure this doesn't happen next year. Chairman McCaffrey said they will have to find more money elsewhere, like income, or cut the existing expenditures. Chairman McCaffrey stated he would vote to cut the expenditures. Dr. Pristernick asked if this would include benefits. Chairman McCaffrey said yes, if it is a part of everything. Every department will have to make due with less money. Chairman McCaffrey explained that the Police Department is going through contract negotiations right now and that they are a very large portion of the overall Township budget. If the Township could get a relaxation in benefits, it would affect the budget for everyone. Dr. Pristernick asked that this include the benefits the Supervisors receive. Doug Smith addressed Supervisor Obernier and Chairman McCaffrey, stating that they own their own business and should be responsible for their own benefits, not the tax payers of WBT.

6. Agricultural Security Area Committee – Rhonda Mowday stated no activity at this time.
7. Ad Hoc Review Committee – Rhonda Mowday stated they are having a significant problem having a quorum at their meetings. They had their meetings, they reviewed ordinances, made comments, etc., but according to John Cassel, if there is no quorum, she cannot produce minutes of the meetings. Rhonda has two months worth of meeting minutes. After discussions with Linda Formica, Rhonda will go back and submit them as a report. There is no voting that is occurring at the meetings at this time. Rhonda was also advised by Linda Formica that two of the people on the committee as voting members were never assigned as such, which will also reduce their quorum. This will be resolved in the upcoming October meeting. Supervisor Obernier asked Rhonda if having their meeting on a different day or time help with attendance. Rhonda will email the members and check.

Correspondence/Communications (information to note and act upon)

1. Information to Act Upon
 - a. *Signing of escrow release #17 for the Hideaway Farms for \$88,237.43.* – Vice-Chairman Webb asked Dale Barnett how the Township was with the request for securing the property. Dale stated that as far as the maintenance of the grass, it has been getting cut. He has not seen the minutes from the Historic Commission as to what their feelings were for various issues they had. A general email was sent to Dale stating the HC is ok with everything, but he is not sure of what 'everything' is. Vice-Chairman Webb made a motion to table this issue until a copy of the minutes from Historical Committee is

reviewed, Chairman McCaffrey stated a second is not required. Board members Webb, McCaffrey and Obernier voted aye.

- b. *The Township is in receipt of revised plans from George Harlan for signing to remove lot 3A from Brandywine View's HOA.* – George Harlan stated that this request is identical to what was done 2 months ago, with the same buyer. Chairman McCaffrey made a motion to sign the plans to remove Lot 3A from Brandywine View's H.O.A., seconded by Supervisor Obernier. Board members McCaffrey, Obernier and Webb voted aye.
- c. *The Township is in receipt of an escrow release request from Alvaro Costa dated August 29, 2013 requesting the Maintenance Escrow Bond in the amount of \$49,025 be released for the Western side of Hidden Meadows for Sunshine Circle and Steven Way.* – Vice-Chairman Webb asked to table this until the next meeting, as there are issues with this. Supervisor Obernier asked what those issues are. Dale Barnett stated that MacCombie's office has to go out and verify that everything is still adequate. Chairman McCaffrey made a motion to table this request for release of escrow, seconded by Vice-Chairman Webb. Board members McCaffrey, Webb and Obernier voted aye.

Information to Note

- d. *The Township is in receipt of correspondence from MacCombie dated September 10, 2013 with regard to Lot 3A of Brandywine View.* – No further comments.
- e. *The Township is in receipt of correspondence from John E. Good with regard to removing Lot 3A from Brandywine View's HOA.* – No comments.
- f. *The Township is in receipt of the signed agreement from the Municipal Authority, effective September 12, 2013, for the utilization of office space.* – Vice-Chairman Webb asked Supervisor Obernier if it was a unanimous vote of the Authority to except the agreement and if he signed the agreement. Supervisor Obernier stated that he did not vote on the agreement but did sign the agreement because he is Chairman. Vice-Chairman wanted to make sure that Supervisor Obernier did not vote on this, in order to avoid an invalid agreement considering Vice-Chairman Webb does not agree with the rent at this point. Chairman McCaffrey said he thought Vice-Chairman Webb was in agreement with this. Vice-Chairman Webb stated he was in agreement until he heard about the short falls and began talking about what the BoS would cut at the Township because of it. Chairman McCaffrey's opinion is to try and facilitate some sort of healing relationship between the MA and the Township. He would rather the MA be located here rather than renting somewhere else and moving away. Vice-Chairman's biggest concern has been that this has all of a sudden become a problem. Supervisor Obernier asked what Vice-Chairman Webb wants to see and what he wants to have happen. Vice-Chairman stated he didn't want to talk about it any further. Doug Smith stated that if the Township wants healing, get rid of Ron Rambo. Until he is gone, you will not have peace in the Township. Chairman McCaffrey said he is not in the position to dismiss him.

Robert Schini respectfully requested that since this was not a MA meeting, and that it is a Township meeting, that everyone proceeds and follow the Agenda.

- g. *The Township is in receipt of correspondence from PaDOT notifying the Township that the estimated Liquid Fuels (Act 655) allocation for 2014 is \$167,632.77 based on 36.49 miles and 7,394 population. – No comment.*
- h. *The Township is in receipt of correspondence from East Brandywine Fire Company dated September 5, 2013 regarding West Brandywine's contributions. – No comments.*
- i. *The Township is in receipt of correspondence from the Auditor General stating that the Municipal Pension State Aid in the amount of \$69,918.45 is scheduled to be deposited. – No comments.*

Public Hearings (Ordinances as advertise) – No comments.

Old Business from the Floor –

Mike Richie asked about a software program for the tax collector that he heard about and that this could possibly be a cost savings to the Township. Board members were not familiar with this program.

Ed Pristernick made suggestions to help reduce the cost that the Township pays the Tax Collector. Chairman McCaffrey stated the Township has no authority over the Tax Collector but suggested that he put his request in writing to the tax collector.

Old Business from the Board –

Supervisor Obernier asked that the BoS appoint a member of the MA. Vice-Chairman Webb made a motion to appoint Robert Schini to the Municipal Authority, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

New Business

1. *The Board to discuss canceling or changing the November 7, 2013 BoS meeting because the PSATS Fall Convention meeting is also on that date. – Vice-Chairman Webb made a motion to cancel the November 7, 2013 BoS meeting, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.*

Doug Smith, under Emergency Management, requested that he also attend the PSATS Convention. Vice-Chairman Webb has no problem with Doug attending. Chairman McCaffrey stated he was not able to invite, but if Doug received an invitation that he would be ok with his attending. Supervisor Obernier stated he would look into this further.

2. *The Board to discuss its donation to Coatesville Library. – This discussion was tabled.*
3. *The Board to discuss payment from Fire Appropriations for Fire Services. – The entire area that Martins Corner covered will now be covered by Wagontown. There was no change in East Brandywine Township's territory. Supervisor Obernier made a motion that the Township redirects the current payment and all future payments that were going to Martins Corner, and for the territory they serviced, now go to Wagontown, as they acquired Martins*

Corner territory, seconded by Vice-Chairman Webb. Board members Obernier, Webb and McCaffrey voted aye.

New Business from the Floor – None

New Business from the Board –

Vice-Chairman stated that due to a comment made at the previous BoS meeting, he asked Linda Formica to pull his attendance record from this year. He missed one meeting in February. Supervisor Obernier stopped him at that point and informed the audience that the comment he made about Bill not being at the meeting because he had a new job, was in no way meant as a criticism or critique. If anyone took that comment to be criticism, he apologizes to the audience and to Vice-Chairman Webb. Vice-Chairman then went on record to state he would be late for the October 3rd meeting due to a Zoning Hearing obligation.

Ordinances and Resolutions – None

Public Comments – Rhonda Mowday voiced her concern of public meeting security. She would like to request that a police representative be present at the meetings. Supervisor Obernier stated that when Chief Werner is present at the meetings, he is carrying a weapon. He would prefer to leave the decision to assign an officer at the meetings up to Chief Werner as he has a better handle on when extra police may be necessary. Supervisor Obernier also stated he would talk further with Chief Werner.

Developer Presentation – None

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.* – Doug Smith informed the Board that one avenue looked at for funding Icedale Road Bridge was with the Chester County Department of Emergency Services. They looked into some grants from monies left over from Hurricane Irene, but this was only available to Boroughs not Townships.
3. *The Board is exploring options regarding new financial software.* – Dr. Pristernick asked if the Township was close to getting this software. Chairman McCaffrey stated that the Township has been looking for over a month. Linda Formica stated that the software is very expensive, ranging around \$40,000 to \$50,000. She would like to look and compare at other companies. Chairman McCaffrey suggested that with the financial short-fall this year, this be postponed.
4. *The Township is in the process of preparing Ordinance No. 2013-01 as it pertains to the Airport Hazard Area zoning.* – No comment.
5. *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.

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

Review and Payment of Bills

1. General Fund	\$40,131.12
2. Fire Appropriations Fund	\$45,649.59
3. Open Space Fund	\$0
4. Solid Waste Fund	\$25,256.85
5. State Liquid Fuels Fund	\$ 4,318.64

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

Upcoming Meetings/Events

1. Open Space Review Board, Thursday, September 26, 2013 at 7:00 p.m.
2. Planning Commission, Thursday, September 26, 2013 at 7:30 p.m.
3. Emergency Management Special Meeting, Monday, September 30, 2013 at 7:00 p.m.
4. WBT Ad Hoc Review Committee, Tuesday, October 1, 2013 at 6:30 p.m.
5. Board of Supervisors, Thursday, October 3, 2013 at 7:30 p.m.
6. Parks and Recreation Board, Tuesday, October 8, 2013 at 7:00 p.m.
7. Municipal Authority, Thursday, October 10, 2013 at 7:30 p.m.
8. Historic Commission, Monday, October 14, 2013 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Webb motioned to adjourn the meeting at 10:21 p.m. Supervisor Obernier seconded the motion. Board Members Webb, Obernier and McCaffrey voted aye.

Linda Formica
Secretary/Treasurer