

Meeting Minutes of December 5, 2013
Board of Supervisors

Vice-Chairman William Webb called the West Brandywine Township (WBT) Board of Supervisors meeting of December 5, 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 Linda Formica noted Vice-Chairman Webb and Supervisor Josef G. Obernier in attendance. Chairman Thomas McCaffrey arrived at 7:36 p.m. Also present were Public Works Director Thomas Eells, Codes Enforcement Officer Dale Barnett and Officer Russell Moore.

Acceptance of Minutes from Previous Meetings – November 21, 2013

Meeting Minutes of November 21, 2013 – Tabled until the next BoS meeting.

Public Notification – N/A

Treasurer's Report N/A

Special Public Presentation – N/A

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

1. *Josef G. Obernier, Sr. requested to be on the agenda.* – Supervisor Obernier distributed and read out loud a series of emails that dealt with the budget. Further discussion ensued regarding the budget and the transition of Doug Smith becoming the new Supervisor.
2. Dr. Pristernik asked what the current debt is and where has the money that has been saved over the past year been applied. Linda Formica informed Dr. Pristernik that there is no extra or excess of money. Chairman McCaffrey requested that Linda Formica provide what the Long Term Debt is at the next BoS meeting.
3. Joe Boldaz voiced his concerns of the way the Township is being run and stated he is no longer proud to be a West Brandywine Township resident.
4. Frank Keegan asked that the bridge sign in front of his house can be changed due there being a swastika sign on it. Public Works Director Tom Eells stated that PennD.O.T. will come out and replace the sign.

Reports of Organizations, Boards and Commissions - N/A

Correspondence/Communications (information to note and act upon)

1. Information to Act Upon

- a. *The Board of Supervisors is in receipt of a letter of resignation from Corporal Gary Williams of the West Brandywine Township Police Department.* – Chairman McCaffrey made a motion to except the letter of resignation, seconded by Vice-Chairman Webb. Board members McCaffrey, Webb, and Obernier voted aye.
- b. *The Board of Supervisors is in receipt of Corporal Gary Williams Retirement Agreement and General Release from special counsel for signing.* – Vice-Chairman Webb made a motion to sign the Retirement and General Release, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
- c. *The Township is in receipt of the 2013 Animal Protective Services Contract from the Chester County SPCA.* – Vice-Chairman Webb made a motion to accept the 2013 Animal Protective Services Contract, minimal contract amount of \$500.00, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
- d. *The BoS to sign and seal copies of the October 17, 2013 minutes to be given to the “Good Citizens” children.* – Supervisor Obernier made a motion to sign and seal the October 17, 2013 Meeting Minutes for the “Good Citizens” children, seconded by Vice-Chairman Webb. Board members Obernier, Webb and McCaffrey voted aye.
- e. *The Township is in receipt of correspondence from MacCombie with regard to the Act 537 recommending that the BoS move forward with advertising the Draft Act 537 Plan for the required 30-day public comment period.* – Per request of Supervisor Obernier, the BoS agreed to allow him to loan his copy of the Act 537 Plan to Joseph Boldaz to review. Vice-Chairman Webb made a motion to advertise the Act 537 Plan, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.
- f. *The Township is in receipt of two quotes with regard to for a new digital phone system. (Galco at \$9,815 + options & Phone America at \$11,652 + options) –* Tabled to allow for additional review.

2. Information to Note

- a. *The Township Staff Christmas Luncheon date to be discussed.* – Luncheon will be held on Thursday, December 19th.

- b. *The Public Works Director has looked into the curbing issue that Mike Florian of Brandywine Drive spoke about during the October 17th Board meeting. – Public Works Director Tom Eells looked into the curbing issue but did not see a lot of water runoff. Suggested some ways to help the issue but does not recommend a row of black top. The best solution is to replace the curb but due to the budget, this is not an option at this time. Discussion ensued on other areas of the Township where curbing is bad and what can be done at what cost. Tom Eells stated that whatever is done must be done per Code and will be the responsibility of the homeowner. Joe Boldaz stated the curbs on Brandywine Drive are bad. Supervisor Obernier suggested sending a survey to residents of Brandywine Woods and ask if they are interested in paying for their own curbing as a group and have West Brandywine Township manage a contract for doing all the curbing for the subdivision.*
- c. *The Township is in receipt of correspondence from Brandywine Creek Greenway with regard to an article that was published in the County Lines magazine. – No further comments.*
- d. *The Township is in receipt of the Tentative 2014 Chester County Household Hazardous Waste & E-Waste Event Schedule. – Will be placed on the Township website.*
- e. *The Township is in receipt of the Statement of Valuations for the year ending October 31, 2013 – Real Estate (\$419,334,592) Public Utilities (\$1,478,390). – No further comments.*
- f. *The Township is in receipt of the finding from Kimmel, Lorah & Associates, LLP, CPA for the Independent Accountant's Report for the agreed upon procedures for the medical reimbursement and debit card expense reimbursement reports. – Chairman McCaffrey summarized the findings and suggestions on documentations. Chairman McCaffrey also suggested that the BoS review and approved reimbursements. Lori Petri discussed the audit done years ago and reiterated that all receipts should be original invoices and not hand written and go by what the Auditors say. Dr. Pristernik asked if there was a HIPPA Compliance Officer at the Township. Chairman McCaffrey said it is the opinion of their solicitor that the Township is not under HIPPA Regulations. Further discussion ensued.*

Public Hearings (Ordinances as advertise) – Ordinance No. 2013-07 – Act 167: Stormwater Management Ordinance (An additional hearing will take place at the December 19th BoS meeting)

Chairman McCaffrey officially closed the Township meeting at 8:50 p.m. and opened a Public Hearing for Ordinance No. 2013-07. The advertisement was placed and has been available at the Township for viewing. This Ordinance is about requirements put upon the Township by the State and Federal Government to cover how water is to be controlled.

- Steve Jakatt discussed one of the stipulations of the Ordinance, if you are putting in an impervious surface, i.e.: swimming pool or a deck, you have to make room for whatever stormwater will be washing off of it. Residents will have to escrow money for this stipulation, which can be expensive. Mr. Jakatt objects to this and believes this is wrong.
- Rick Guest asked if anyone was aware of anything else that will impact the individual homeowner.
- Dale Barnett, Codes Officer, explained there are different compliance measures for this as well. Threshold for exemption is 1,000 S.F. Dale also stated that this should be a standalone Ordinance as opposed to being in a Zoning Ordinance or a Subdivision and Land Development.
- Steve Jakatt stated that BMP's are referenced (Best Management Practices) and will this be have to be included in the motion from the Planning Commission as well at the Act 167. Dale informed him that this changes depends on the threshold of the project being considered. Not every project will require this.
- Elizabeth Zanowiak asked if this originated with the State and if the EPA has any input into this. Dale informed Elizabeth that there are a lot of model ordinances and the engineers are preparing this for all municipalities and are using the model that is the best for their area.
- Frank Keegan asked if this is such a major thing, why they are not worried about retention basins, etc. Chairman McCaffrey stated that they are being included in other plans and at some point down the road people who are in developments that have some of those basins may be force to update or change them based on the new standards coming out.
- John Cassels stated that Act 167 is Pennsylvania Legislation. MS4 takes care of old basins, etc. This Ordinance is a new mandate from the State to deal with homeowner development more than larger developers.

Vice-Chairman Webb made a motion to close the Hearing and reopen the Township meeting at 9:07 p.m., seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Old Business

1. *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. – Still not compliant with request. Chairman McCaffrey requested that this item be removed from the Agenda until something is received from the Engineer rather than reading over again.*

Old Business from the Floor

1. Elizabeth Zanowiak asked if it was possible to put a reduced weight on Pratts Dam Road until it was repaired. Public Works Director Tom Eells stated that it is not the weight of the vehicles but the size of them. Further discussion ensued.

Old Business from Board – None

New Business from the Floor – None

New Business

1. *The Board to discuss the Township's Business hours.* – Supervisor Obernier requested this be put on the Agenda so that the residents knew “summer hours” were being addressed. Vice-Chairman Webb informed the Board that there was some savings by doing the summer hours. Chairman McCaffrey stated that there would be savings by eliminating hours all together, i.e. going to four 8-hour days. Vice-Chairman Webb said to keep the hours as is. Supervisor Obernier suggested have one person work on Friday on a rotating basis, 8 hours, to answer the phones, etc., and takes a different day off. Dr. Pristernik suggested a survey be put into the newsletter asking which day people may prefer the building be closed. Karen Sload asked if the Township ever considered going to a 38-week and upgrade the phone system to allow for people to call in and leave messages directly. Doug Smith suggested looking into a Chester County intern, especially from West Chester University, at a low cost.
2. *The Township to discuss Appointing Dale Barnett as the Municipal Recycling Enforcement Officer. (Resolution #16-2013)* – Supervisor Obernier asked that the work “Enforcement” be removed to be just Municipal Recycling Officer. Chairman McCaffrey is not happy with this entire concept and believes the Township may be overstepping things. Supervisor Obernier agrees but pointed out that there are people who do not use containers, they put bags out and animals tear open the bags. He would like people to conform with regulations using containers. Chairman McCaffrey stated there is no regulation that specifies container but it may be something to be considered to be amended. Rick Guest pointed out that he sees the same suspects always have more than what is allotted, so send a ‘friendly reminder’ of what is allowed. Linda Formica informed the Board that this came about from residents calling into the Township complaining that they recycle and the neighbor never recycles anything and put a large amount of trash out. Elizabeth Zanolwiak asked what Dale’s responsibilities would be. Linda stated that if a complaint came in to the Township, he would go out and inspect and give a warning, maybe educate the individual who may not know how to recycle properly. Joe Boldaz does not believe the Township should be involved with enforcing this. After further discussion, Vice-Chairman Webb made a motion to appoint Dale Barnett as the Municipal Recycling Officer, Resolution #16-2013. Supervisor Obernier stated the Board should talk more about this. Vice-Chairman Webb respectfully removed his motion. After additional discussion, this topic was tabled for a future time.

3. *Recommendations of the Planning Commission*

- a. *The Township is in receipt of correspondence from the Planning Commission to recommend to the BoS to authorize the advertising of the Draft Act 537 Plan for the required 30-day public comment period, as per the Township Engineer's recommendation. – No further comments.*
4. *The Township is in receipt of an Agreement for Services to be executed for the collection of property taxes by the County of Chester. – Vice-Chairman Webb informed the Board that by going this route there is a savings to the Township of well over \$20,000.00 if the County Treasurer collects taxes. Vice-Chairman Webb made a motion to sign the Agreement. Further discussion ensued. Supervisor Obernier then read out loud a letter from John Good, Esq. addressed to Linda Formica regarding the Township Tax Collector. Chairman McCaffrey asked that this item be held off until January when everything is official and everybody is in office.*

New Business from the Board

1. Joe Obernier addressed Lori Petri's concerns earlier in the year in regards to nepotism regulations and stated he will bring this topic up again in the new year.
2. Lori Petri asked to see comparisons on the actual/proposed budget.

Ordinances and Resolutions

1. *Resolution #16-2013: Municipal Recycling Enforcement Officer – No further comments. This item tabled.*
2. *Resolution #17-2013: Authorizing Collection of Certain Municipal Taxes by the Chester County Treasurer – No further comments. This item tabled.*

Developer Presentation - N/A

Open Issues before the Township

1. *The Township is in the process of looking into ways to repair Lafayette Road (est. cost \$45,000 + engineering & permit fees) and Pratts Dam Road. – No further comments.*
2. *The Board is exploring options regarding new financial software. – No further comments.*
3. *The Township is in the process of preparing an Ordinance as it pertains to the Airport Hazard Area zoning. – No further comments.*

4. *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 further comments.
5. *The Township continues its efforts to look for funding for a permanent fix for Icedale Road Bridge.* – No further comments.
6. *The Public Works Department continues their work to repair Icedale Road Bridge.* – No further comments.
7. *The Township continues its efforts to resolve site distance issues at the intersection of Route 82 and Cedar Knoll/E. Reeceville Road.* – No further comments.
8. *The Township is looking into the cost to repair the heating system in the Township Facility.* – Frank Keegan asked if the system was still under warranty. Chairman McCaffrey informed him that it was not.

General Obligation Note (*Emmaus Bond Pool Adjustable Rate Bond for the Twp. and Public Works Facility/Park Construction: interest rate for the month is 1.35%*)

Review and Payment of Bills

1. General Fund	\$ 48,389.25
2. Fire Appropriations Fund	\$
3. Open Space Fund	\$
4. Solid Waste Fund	\$ 4,437.54
5. State Liquid Fuels Fund	\$

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

Upcoming Meetings/Events

1. Historic Commission, Monday, December 9, 2013 at 7:30 p.m.
2. Parks and Recreation Board, Tuesday, December 10, 2013 at 7:00 p.m.
3. Municipal Authority, Thursday, December 12, 2013 at 7:30 p.m.
4. Open Space Review Board, Tuesday, December 17, 2013 at 7:00 p.m.
5. Planning Commission, Tuesday, December 17, 2013 at 7:30 p.m.
6. Board of Supervisors, Thursday, December 19, 2013 at 7:30 p.m.
7. Christmas Eve Holiday, Tuesday, December 24, 2013 (***Township closed***)
8. Christmas Holiday, Wednesday, December 25, 2013 (***Township closed***)
9. WBT Reorganization Meeting, Monday, January 6, 2014 at 7:30 p.m.
10. WBT Ad Hoc Review Committee, January 7, 2014 at 6:30 p.m.

Vice-Chairman Webb made a motion to advertise for A Special Budget Meeting to be held Monday, December 16, 2013 at 7:30 p.m., seconded by Chairman McCaffrey. Board members Webb, McCaffrey and Obernier voted aye.

Adjournment

There being no further business before the Board, Vice-Chairman Webb motioned to adjourn the meeting at 10:24 p.m., Chairman McCaffrey seconded the motion. Board Members Webb, McCaffrey and Obernier voted aye.

Linda Formica
Secretary/Treasurer