

Meeting Minutes of December 19, 2013
Board of Supervisors

Chairman Thomas McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of December 19, 2013 to order at 7:34 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 Chairman Thomas McCaffrey, Vice-Chairman William Webb and Supervisor Josef G. Obernier, Sr. in attendance. Also present were Chief of Police Walter Werner, Public Works Director Thomas Eells, and Codes Enforcement Officer Dale Barnett.

Acceptance of Minutes from Previous Meeting – *November 21, 2013, December 5, 2013, and December 16, 2013* – Vice-Chairman Webb made a motion to approve the Meeting Minutes of November 21, 2013, December 5, 2013 and December 16, 2013, seconded by Chairman McCaffrey. Board members Webb, McCaffrey and Obernier, voted aye.

Recognition of Supervisor and Police Officer

1. Thomas J. McCaffrey, Jr.
2. Corporal Gary Williams

The Board presented a plaque to Corporal Williams recognizing Corporal Williams for his years of service with West Brandywine Township. In addition, Chairman McCaffrey read out loud a letter from the Senate of Pennsylvania acknowledging Corporal Williams and his accomplishments.

Vice-Chairman Webb, on behalf of the Township, presented to Chairman McCaffrey a plaque recognizing 21 years of dedication and service to West Brandywine Township. Carl Lindborg, John Cassels and Jack Conti also expressed their thanks and appreciation.

Judge Michael Cabry spoke highly of Corporal Williams and thanked him for his services. In addition, Judge Cabry thanked Chairman McCaffrey for all his services as well.

Special Public Notification - *The Board of Supervisors held an executive session on December 16, 2013 prior to the Budget meeting that was scheduled at 7:30 p.m. – No comments.*

Treasurer's Report

General Fund	\$	15,913.94
Fire Appropriations Fund	\$	3,255.63
K-9 Rudy Fund	\$	295.46
Open Space Fund	\$	53,459.88
Solid Waste & Recycling	\$	50,237.05
Capital Equipment Fund	\$	58,584.69
Developer Escrow Fund	\$	336,853.59
Municipal Escrow Fund	\$	1,449.82
State Liquid Fuel Fund	\$	43,569.49
Revolving Reserve Fund	\$	33,724.73
Police Pension Fund	\$	1,909,543.36
Non-Uniform Pension Fund	\$	259,167.98
Payroll Fund	\$	6,018.56
Gen. Purpose Emerg. Fund	\$	3,002.86

Chairman McCaffrey stated that the over abundance of accounts and categories really should be cut back.

Special Public Presentation – None

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

1. *Colin Judge requested to be on the agenda to recognize Tom McCaffrey.* – Colin thanked Chairman McCaffrey for all his hours of service and presented him with a basket.
2. *The Planning Commission requested to be on the agenda to recognize Board Members.*
3. *Jack Conti has requested to be on the agenda to recognize Board Members.*

WBT planning Commission thanked Carl Lindborg, Thomas McCaffrey and Josef Obernier for more than 22 years of dedicated service to the Community.

Reports of Departments

Chief Walt Werner gave the November 2013 Police Department report noting there were a total of 197 arrests for the month, personnel worked 1,187.5 hours, 667 complaints were addressed, and a total of 6,141 miles were patrolled.

Public Works Director Tom Eells gave the November 2013 monthly report of the Public Works Department. A total of 706 hours was worked by personnel, 2,861 miles were traversed in Township trucks, 82 hours were spent on Township equipment, and 633 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 November 2013 monthly report for the Codes Office. 9 Building Permits were issued for the month with permit base fees collected of \$2,385.00 0 U&O permit issued with a fee of \$0 collected, 7 U&O permits issued cursory, 5 Contractors Licenses issued totaling \$225.00. A total of 26 inspections were completed (in-house/on-site). Total fees collected \$2,610.00.

Fire Inspector Dale Barnett gave the November 2013 monthly report. A total of 25 campfire permits and 0 farming cleanup permits were issued.

Assistant Chief Bob Yearsley of Wagontown Fire Company gave the November 2013 fire report. He noted a total of 2 calls were responded to in WBT, 2.35 service hours, 16 miles were traversed in WBT, and 64.3 gallons of fuel were consumed.

Chief John Sly of Westwood Fire Company gave the November 2013 Ambulance Report. He noted there were 48 calls for WBT, 26 of those were at Freedom Village (54.2 %).

Supervisor Obernier discussed the \$12,000.00 budget for ambulance service and asked that the audience speak up and convince the Board that this is the right thing for the Township to do. Chief Sly clarified that this is a long-range plan request and that if he doesn't get this right away, they will not go out of business. Discussion ensued among the Board, Chief Sly and Chief Werner. Peg Stauffer suggested doing a fund raiser. Vice-Chairman Webb stated that if they eliminated Supervisor Benefits they could afford to fund the ambulance. Mike Canale pointed out that money is not given to the fire departments or police department. Codes Officer Dale Barnett also stated that there was no money allocated to fix bridges, roadways or some of the Township building issues, there is no extra room in the budget for the ambulance.

Emergency Management: N/A

Reports of Organizations, Boards and Commissions

1. *Historic Commission* – Jeff Grossman thanked Chairman McCaffrey for his services. He informed the Board there are two (2) open positions and asked Linda Formica to add this to the Township website. An email will be sent to Linda Formica with updates on what the HC is working on.
2. *Parks and Recreation* – N/A
3. *Planning Commission* – John Cassels stated that under Old Business in November they were reviewing Act 167. No additional comments at this time. Still under review. Under New Business a representative from Township Engineer spoke about the Act 537 Plan. PC made a recommendation to the BoS to consider advertising the Act 537 for public review.

4. *Open Space Review Board* – Bob Schini informed the Board that there are few things going on right now. Chief Werner asked Mr. Schini if the open space takes care of Icedale Lake area. Mr. Schini stated that they secured a Lease with PA Fish & Boat Commission for \$1 to use the entire area as open space.

Jack Conti stated that they received a letter from the State saying they could use that money for other purposes besides acquiring open space. Mr. Conti said this is not how it was sold to the public that it was to only acquire land. Further discussion ensued on how to handle this.

Supervisor Obernier informed the Board that he attended the COG meeting and a representative from Coatesville was talking about selling three properties, with the Conti tract being one. They would like to work together with Municipality, splitting the revenue 50/50, possibly using it as an equestrian tract.

5. *Municipal Authority* – Supervisor Obernier informed the Board that the MA has a new phone number, new address and email address. The bills are going out. Bob Schini presented a letter of interest to the MA. Bill McAdoo spoke on behalf of MA, stating that it was a pleasure working with Chairman McCaffrey and that he had served the residents well.

Discussion ensued about the pay raise of the MA as they are reappointed. Elizabeth Zanowiak asked how the Board can suggest the MA be given a raise if they have nothing to do with the MA. Chairman McCaffrey explained that although the MA operates totally independent of the Township, the MA was created by the Township. The members are appointed by the Township and their income is set by the Township. The power of the MA is dependent upon the Act 537 Plan, which is available to be reviewed.

Discussion ensued on whether or not to giving a raise to the Board when the Township is in debt. Lori Petri asked what the debt of the MA is, which is \$960,000.00.

Supervisor Obernier made a motion to change the pay of the MA to \$150.00 per meeting, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Vice-Chairman Webb voted no.

6. *Agricultural Security Area Committee* – No comments.
7. *Ad Hoc Review Committee* – No comments.

Correspondence/Communications (information to note and act upon)

1. Information to Act Upon

- a. *The Township is in receipt of a letter of determination from the unemployment office for Ronald Rambo with an appeal date of December 24, 2013 to appeal the decision.* – Vice-Chairman Webb made a motion to appeal Ronald Rambo’s unemployment, seconded by Chairman McCaffrey. Board members Webb, McCaffrey and Obernier voted aye.
- b. *The Township is in receipt of information with regard to the PSATS Conference scheduled for April 13-16, 2014.* – Vice-Chairman Webb suggested that the following individuals be signed up to attend:
 - *William Webb*
 - *Doug Smith*
 - *Josef Obernier*
 - *Linda Formica*
 - *Thomas Eells*
 - *Dale Barnett*

Linda, Dale and Tom will drive back and forth. Supervisor Obernier stated he does not want a room that he too will drive back and forth. Chairman McCaffrey suggested Doug Smith stay for the entire PSATS Conference, with a room provided. Vice-Chairman Webb will also be staying for the entire conference, also with a room provided. Two rooms will be reserved.

- c. *The Township is in receipt of documents from the Municipal Authority pertaining to the Civil Action against Pulte Homes of PA for signing by the Chairman.* – Vice-Chairman Webb made a motion to authorize the Chairman to sign the Civil Action against Pulte Homes, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Paul Sell asked if any type of rent is being charged for Overlook Farm. Chairman McCaffrey stated the Township cannot charge rent for something they do not own and currently does not own it yet. Mr. Sell voiced his concerns of waste being dumped on the property. After further discussion, Chairman McCaffrey asked Linda Formica to contact PA DEP asking how much waste is allowed to be dumped.

- d. *The Township is in receipt of the engagement letter for the year ended December 31, 2013 from Robert Stevenson, CPA of Kimmel, Lorah & Associates, LLP for acceptance.* – Vice-Chairman Webb made a motion to except the Engagement Letter from Robert Stevenson, CPA, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

2. Information to Note

- a. *Siana, Bellwoar & McAndrew, LLP has sent the Township their 2014 Fee Schedule – No comments.*
- b. *McCormick Taylor has sent the Township their 2014 Fee Schedule. – No comments.*
- c. *The Township is in receipt of correspondence from Scott Piersol of East Brandywine Township to Senator Rafferty and Representative Corbin requesting assistance to establish a regional task force to address the Route 322 traffic and the impact of the quality of life for their residents. Vice-Chairman Webb and Supervisor Obernier would be interested in being on this committee. Chairman McCaffrey suggested Carl Lindborg. Supervisor Obernier made a motion to ask and then appoint Carl Lindborg to the 322 Regional Traffic and Impact Task Force, seconded by Vice-Chairman Webb. Board members Obernier, Webb and McCaffrey voted aye.*
- d. *The Township is in receipt of correspondence from Dani-Ella Betz dated December 17, 2013 with regard to Act 167 minor corrections. – Dale Barnett briefly explained what this was in reference to. Chairman McCaffrey suggested waiting for a letter from the Engineer stating all this so that it is all in writing. John Cassels recommended to the Board to sign the Stormwater Management Ordinance. Supervisor Obernier made a motion to accept Act 167 pending written approval from the Engineer, seconded by Vice-Chairman Webb. Board members Obernier, Webb and McCaffrey voted aye.*

Public Hearings (Ordinances as advertised) – Ordinance No. 2013-07 – Act 167: Stormwater Management Ordinance

Chairman McCaffrey officially closed the Township meeting at 9:47 p.m. and opened a Public Hearing for Ordinance No. 2013-07 Act 167 Stormwater Management Ordinance. 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.

John Cassels, on behalf of Planning Commission, recommended the BoS sign Act 167 contingent upon written approval from the Engineer.

Chairman McCaffrey closed the Hearing and reopened the Township meeting at 9:49 p.m.

Old Business

1. *The Township to discuss Appointing Dale Barnett as the Municipal Recycling Enforcement Officer. (Resolution #16-2013) – Dale to fill the vacancy from what Ron Rambo did on behalf of the Solid Waste / Recycling Ordinance. With the Grants that*

the Township has been receiving over the years, it is required by DEP to have some sort of enforcement over any violation of said Ordinance. If the Township sees any violation, the individuals are notified and educated on what is required for recycling. Upon the second violation, a citation will be issued. After further discussion, Chairman McCaffrey made a motion to table this item to allow time to obtain information that better defines the position and responsibilities before it is voted upon, seconded by Vice-Chairman Webb. Board members McCaffrey, Webb and Obernier voted aye.

2. *The Township is in receipt of correspondence from John E. Good dated December 18, 2013 with regard to tax collector compensation.* – Supervisor Obernier stated that in the budget, the number for the Township’s Tax Collector salary is not correct. The correct number came from John Good. Chairman McCaffrey read out loud the letter from John Good. Supervisor Obernier stated that this is Ordinance 1992-01 or 02. Ed Pristernik stated he would contact John Good after January 6, 2014.
3. *Discuss the 2014 proposed budgets that will be considered for adoption this evening.* – Supervisor Obernier stated that the line item for Tax Collector must be corrected. In addition to that, the Police Pension number is incorrect. Supervisor Obernier suggested to leave the budget unchanged and reopen the budget in January 2014. Vice-Chairman Webb also asked that an Addendum be placed in the budget listing salaries. Linda Formica informed Vice-Chairman Webb that information is located in the back of the budget.
4. *The Township is in receipt of a letter from Hurricane Hill Farm LLC dated December 10, 2013 with regard to the Amusement Tax.* – Vice-Chairman Webb stated he had a conversation with Steve Trego a while ago. Mr. Trego is requesting that this fee be waived for this year with the understanding that from this point forward they will be responsible for this tax. Chairman McCaffrey stated that pending on the decision from the attorney, this tax be waived at this point. Vice-Chairman Webb made a motion to waive Hurricane Hill’s 2013 Amusement Tax based on the fact that they were given conflicting information, however it will be strictly enforced from this point forward, that they will be expected to pay the Amusement Tax, seconded by Supervisor Obernier. Board members Webb, Obernier and McCaffrey voted aye.

Old Business from the Floor – N/A

Old Business from Board – N/A

New Business – N/A

New Business from the Floor – Elizabeth Zanowiak voiced her concern of the dangerous situation at the corner of East Reeceville and Monacy Road. Chairman McCaffrey asked that the Road Department look into this and give a report at the next meeting.

New Business from the Board – Vice-Chairman Webb publicly thanked Linda Formica for all she has done this year, stating that she has done a great job.

Ordinances and Resolutions –

1. *Resolution #16-2013: Municipal Recycling Enforcement Officer* – Tabled until new information is received defining duties and authority of this person.
2. *Resolution #17-2013: Authorizing Collection of Certain Municipal Taxes by the Chester County Treasurer* – Tabled until the new Tax Collector is in office.
3. *Resolution #18-2013: establishment of Real Estate Tax.* – Supervisor Obernier made a motion to pass Resolution #18-2013, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Vice-Chairman Webb voted no.
4. *Resolution #19-2013: establishment of Fire Appropriations Tax.* - Supervisor Obernier made a motion to pass Resolution #19-2013, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Vice-Chairman Webb voted no.
5. *Resolution #20-2013: establishment of Solid Waste Fee.* - Supervisor Obernier made a motion to pass Resolution #20-2013, seconded by Chairman McCaffrey. Board members Obernier McCaffrey and Webb voted aye.
6. *Resolution #21-2013: adoption of budgets.* Supervisor Obernier made a motion to pass Resolution #21-2013, seconded by Chairman McCaffrey. Board members Obernier and McCaffrey voted aye. Vice-Chairman Webb voted no.
7. *Ordinance No. 2013-07 – Act 167: Stormwater Management Ordinance* – Chairman McCaffrey made a motion to pass Ordinance 2013-07 – Act 167 Ordinance, pending those inclusions of those items recommended by the Township Engineer upon review, seconded by Supervisor Obernier. Board members McCaffrey, Obernier and Webb voted aye.
8. *Public Comments (individuals not on the agenda)* – Ed Pristernik asked if the budget will be reopened because of the Police Pension and Tax Collector. Supervisor Obernier clarified that it would be reopened, but for adjustment in the budget to zero it out.

Developer Presentations – 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 Township is in the process of preparing an Ordinance as it pertains to the Airport Hazard Area zoning. – No further comments*
3. *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.*
4. *The Township continues its efforts to look for funding for a permanent fix for Icedale Road Bridge. – No further comments.*
5. *The Public Works Department continues their work to repair Icedale Road Bridge. – No further comments.*
6. *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.*
7. *The Township is looking into the cost to repair the heating system in the Township Facility. – No further comments.*

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%*) – No further comments.

Review and Payment of Bills

1. General Fund - \$478.14
2. Fire Appropriations Fund
3. Open Space Fund
4. Solid Waste Fund
5. State Liquid Fuels Fund
6. Medical Reimbursement Fund - \$455.00

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

Upcoming Meetings/Events

1. Christmas Eve Holiday, Tuesday, December 24, 2013 (Township closed)
2. Christmas Holiday, Wednesday, December 25, 2013 (Township closed)
3. New Year's Holiday, Wednesday, January 1, 2014 (Township closed)
4. Board of Supervisors organizational meeting, Monday, January 6, 2014 at 7:30 p.m.
5. WBT Ad Hoc Review Committee, January 7, 2014 at 7:30 p.m.
6. Municipal Authority organizational meeting, Thursday, January 9, 2014 at 7:30 p.m.
7. Municipal Authority, first meeting of the year, Thursday, January 9, 2014 at 7:45 p.m.
8. Historic Commission, Monday, January 13, 2014 at 7:30 p.m.
9. Parks and Recreation Board, Tuesday, January 14, 2014 at 7:30 p.m.
10. Board of Supervisors, Thursday, January 16, 2014 at 7:30 p.m.
11. Open Space Review Board, Tuesday, January 23, 2014 at 7:00 p.m.
12. Planning Commission, Tuesday, January 23, 2014 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Webb motioned to adjourn the meeting at 10:34 p.m., seconded by Supervisor Obernier seconded the motion. Board members Webb, Obernier, and McCaffrey voted aye in favor of adjournment.