

Meeting Minutes of March 5, 2009 Board of Supervisors

Chairman Obernier called the Board of Supervisors meeting of March 5, 2009 to order at 7:38 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Manager Rambo noted Supervisor's Josef G. Obernier, Sr. and Thomas J. McCaffrey in attendance. Supervisor Carl S. Lindborg was on vacation. Township Manager Ronald A. Rambo, Jr. was also present.

Acceptance of Minutes from Previous Meetings

February 5, 2009 and February 19, 2009. Vice-Chairman McCaffrey motioned to accept the meeting minutes. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Public Comments (individuals requesting to be on agenda)

Lori Petrie has various questions to ask the Board. Ms. Petrie asked about reimbursement for mileage rather than just taking gas from the pump for those that use their personal vehicles for work. Manager Rambo explained he logs his mileage in a book. Fire Marshal Paul Gainor stated he uses two tanks of gas a month. The mileage permitted by the federal government is 55.5 cents a mile. Vice-Chairman McCaffrey stated it is less expensive to offer gas rather than paying per mile but is open to the suggestion of switching it back. Vice-Chairman McCaffrey suggested that they keep a mileage record, at the same time offer the gasoline instead of paying mileage.

Mr. Gainor stated that he would rather have the mileage paid to him rather than getting fuel at the pump. Vice-Chairman McCaffrey explained they would discuss this when Supervisor Lindborg comes back, maybe they would ask that Mr. Gainor use a vehicle. Mr. Gainor stated then the Township Manager should be using a township vehicle. Vice-Chairman McCaffrey stated that the Township Manager is Supervisor McCaffrey's business, not Mr. Gainor's. Vice-Chairman McCaffrey stated it is his prerogative to ask for whatever it is. If Mr. Gainor finds an impingement on his income, then Mr. Gainor has a right to not do the job. Mr. Gainor declared that he couldn't do the job right; all communications have been taken from him. Emergency Management can't get a hold of him in an emergency because his cell phone was taken away. Mr. Gainor stated he only gets a minuscule amount, about \$2,000 for it anyway and has always done this service as a good will gesture to the Township. Mr. Gainor stated he looks like an ass when the fireboard can't get in touch with him when there is arson in the Township. It took a neighbor to let him know there was a fire up the road. Mr. Gainor was asked if he has a cell phone...refused to give a clear answer and stated he would not let his number be used by the Fire Board anyway. He stated calls must come on a Township provided phone and not to his phone. All Public Works employees have a cell phone. Mr. Gainor has no communication to back up his safety when he goes out alone. Either pay the mileage or leave Mr. Gainor have gas. Chairman Obernier stated Mr.

Gainor made a good point; the fireboard should be able to get in touch with Mr. Gainor and asked to add another cell phone to the plan.

Anthony Rogevich of 760 Reeceville Road is in attendance to talk to the Board with regard to sending a letter to the County to allow the recording of his three-lot subdivision from the early 1970's. Mr. Rogevich stated in 1970 they purchased a three-lot subdivision from George Byers. They built their house on the one lot; there are two additional building lots. Mr. Rogevich would like to build a house on the lot next to them; he met with Mr. Barnett who stated that everything looked good to move forward with the building procedure. The house plans are ready and the soil erosion test has been done. Mr. Rogevich asked Mr. Barnett what is next. Mr. Barnett notified them that their original plot plan was not recorded with the courthouse. In 1973 it wasn't necessary to record the subdivision with the county. Mr. Rogevich stated the county would sign off on the plan if they could get a letter from the Township. Manager Rambo explained they want the BoS to waive the requirement that requires the plan to be recorded within ninety days of signing by the supervisors. Chairman Obernier noted he understands that the three acres are building acres of 40,000 square feet and asked if Mr. Rogevich has the original set of plans that were signed and sealed in 1973. Chairman Obernier would like a quick review by the Township solicitor that he has no objections to the BoS doing this. Vice-Chairman McCaffrey stated that whatever modern requirements are for setbacks, septic systems, etc. have to be met and he was okay to send it to the solicitor. Manager Rambo recommended that should John Good find that the simple letter from the Township would suffice for the recording that the Manager be permitted to write the letter on behalf of the BoS and give it to Mr. Rogevich so he can have his plans properly recorded. Vice-Chairman McCaffrey made that motion conditioned upon hearing what John Good says first. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Colin Judge of 98 North Hawthorne Road is in attendance to talk with the Board with regard to the establishment of a Neighborhood Watch Program. Colin Judge explained that on the Internet he saw about a neighborhood watch program on a local level that you start by contacting the local police. Mr. Judge phoned Chief Werner and talked about the current policing programs and that there isn't anything like that currently in place and that Mr. Judge should talk to the BoS about the program. Chairman Obernier stated that he spoke to Chief Werner and Manager Rambo. Manager Rambo stated that Chief Werner is waiting for direction from the BoS as far as pursuing further discussion with Mr. Judge. There are two different programs that Mr. Judge mentioned, one is eyes and ears, where you see, listen, and call. The other is where you actually patrol. Mr. Judge stated they are not doing the patrol program; they basically want to get people together and have an officer come to talk to them. Manager Rambo noted if the BoS were okay with this, he would have Chief Werner touch base with Mr. Judge. Chairman Obernier motioned to have the Chief look into this further to get whatever answers he needs and to interact with Mr. Judge. Vice-Chairman McCaffrey added that they retain what is found out as a template for the next neighborhood that comes in and seconded the motion. Board Members Obernier and McCaffrey voted aye.

Jeff Grossman of 223 Beaver Creek Road stated that at previous meetings it stated that Corporal Williams was willing to train one of the puppies on his own time. Chairman Obernier clarified that Corporal was willing to take the puppy to the training facility on his own time. Mr. Grossman noted that the lack of state funding going to the county and finding out after having a conversation with District Attorney Carroll that there is no money available from the county for reimbursing for K-9 for at least the next six to nine months. Mr. Grossman and Denise Fowler have started a K-9 Rudy legacy fund for donations that will pay for vet bills, food, and training expenses. There has been \$1,075 already collected in the four days since this was set up. This is a non-interest bearing account, this was discussed with the DA, who thought it was a fantastic idea because it is public supported. Mr. Grossman explained the details and asked if they could advertise this on the Township's website and newsletter. Chairman

Obernier wanted to clarify what Mr. Grossman is asking of the BoS; to advertise this fund that is at Citadel. Mr. Grossman answered yes, the account is in K-9 Rudy Legacy fund, the account number is 56-58-52. Vice-Chairman McCaffrey felt this is a good idea; the dogs are not old enough to enter the training program for at least a year. Vice-Chairman McCaffrey noted there may be money left from the K-9 Rudy fund, to take money that was for the Rudy Fund and use it for something that is not for Rudy, you would have to go through the amendment process.

Karl Ciamaichelo of Landover Drive asked what is left in the Rudy fund and what is going to be done with that money. Mr. Ciamaichelo thinks having a dog is great, but didn't think it was appropriate to advertise with the taxpayers money on the website or newsletter to ask the taxpayers for more donations to support this, when the police department is already getting 41%, which is about 4% higher than the state average for a township. He is costing more money than Vice-Chairman McCaffrey had previously said; he drives a special vehicle and the fire chief doesn't even have a cell phone. The K-9 Rudy Fund should be dissolved legally for now and not for some other dog to train. Chairman Obernier asked Mr. Ciamaichelo what he would want to happen to the money in the original fund. Mr. Ciamaichelo asked if it were possible to give it back to the people that donated it or whatever the legal ramifications are to dissolving it. Mr. Ciamaichelo stated in his opinion, everybody loves dogs, and as much as he loves dogs, he didn't believe that the Township needs a dog and didn't feel that one dime should be spent on a new K-9, liability insurance on a K-9, training of a K-9, or the health of a K-9, not to mention the SUV. Chairman Obernier clarified that Mr. Gainor is the Fire Marshal and Emergency Management Coordinator of the Township, not the Fire Chief. Mr. Ciamaichelo stated, more power to him, he should have a phone. Chairman Obernier agreed. Chairman Obernier wanted to make clear that what Mr. Grossman was saying is that this second fund has a different purpose, that purpose is to provide medical, food, and the vet bills for the next dog coming along. Those expenses are the type of expenses that Mr. Ciamaichelo objects to having the first fund money going to. Mr. Ciamaichelo stated it is not that he objects, legally he didn't know what should be done with the money, but didn't think it should be used unless everybody approves that is what they want. Mr. Ciamaichelo personally doesn't care if the money is used for a future dog. In these times he didn't believe that one-penny should be spent for a K-9 unit for this township; we are about to lose the police department as it is.

Ted Waltz asked the amount in the K-9 Rudy fund. Manager Rambo answered \$770.23. Something similar to what Brandywine Regional did could be done with their funds, they lost their dog and they donated their funds to WBT to Rudy. Mr. Waltz suggested that they get K-9 health insurance.

Paul Gainor suggested the money be used to make a memorial for Rudy. Manager Rambo stated they are looking at a marker that costs \$350 to \$400; there will be less than \$300 left in the account.

Mr. Grossman stated they are looking a possibly looking into donating a bench, monument, and shrubbery.

Mr. Ciamaichelo felt that the remaining money should go toward Rudy, people gave that money to Rudy, they love Rudy, that money shouldn't be allotted for something else. Whatever money is left should be used to maintain the burial area for Rudy because it will cost the Township money. Mr. Ciamaichelo stated that Vice-Chairman McCaffrey had done a cost analysis for having a K-9 unit was very minimal to the Township that Corporal Williams had donated a lot of his time for training the dog. Vice-Chairman McCaffrey stated he said a large portion, not minimal. Mr. Ciamaichelo stated if people rally enough to get and pay for a K-9 unit, that is great, more power to the Township. Vice-Chairman McCaffrey noted what surprised him about this is it gave the police department a face, Rudy was a representative, he was taken to schools, there were a lot of other things they did with the dog besides

hunt for people. There was a surprise to find out what it represented to the people that are paying for the bill. The people that are paying the bill have a voice in what they are going to pay for.

Correspondence/Communications *Information to act upon*

The Township is in receipt of a Memorandum of Understanding from the CASD with regard to the Township providing law enforcement services as part of the District's Safe Schools Plan for consideration and signing. Chairman Obernier noted he first spoke with Chief Werner to see if he was receiving incident reports. Chief Werner said he is happy with the whole arrangement and is in support of the BoS signing the memorandum. Manager Rambo recommended that the BoS vote to allow the Chief of Police to sign on behalf of the Township. Vice-Chairman McCaffrey motioned to sign the agreement with the CASD. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

LRHA (Lake, Roeder, Hillard and Associates has forwarded the Township a ninety-day letter of extension for the Mosteller 4-lot minor subdivision until July 20, 2009. Manager Rambo stated they are currently in the process of addressing the engineer's comments. The Planning Commission has recommended that the BoS accept the extension. Vice-Chairman McCaffrey motioned to grant the 90-day extension. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from Stacey Fuller, Esquire with regard to the draft Intermunicipal Agreement for participation in the regional UCC Board of Appeals. Manager Rambo stated he is awaiting additional information. Participants are meeting this Monday. Chairman Obernier stated that he has been reading through some correspondence, the attorney's bill is between \$7,000 and \$8,000, they are expecting more, and he is trying to understand what the heck is being created. They thought it was just a simple board that would hear UCC appeals and this turns out to be something far different. Manager Rambo explained the creation of a multi-municipal ordinance that is supposed to be shared by everybody that wants to participate. The bill is up to \$14,000 to \$15,000. They have asked the attorney to look at it and reduce it. At the last meeting the fees that were to be \$500 and \$100 per year are up to \$750 and \$750. The executive board that is overseeing it until the official one is adopted by ordinance has advised council that is too much money. Chairman Obernier asked what this grand commissioned board is doing. It is just supposed to be the ability to share people between townships that have UCC appeals. Manager Rambo stated at the present time, nobody has adopted anything yet. It is still getting the final ordinance out; this is for the creation of the ordinance. Vice-Chairman McCaffrey asked is there a way the attorney can justify the cost of writing an ordinance for this much money. Manager Rambo stated it has been requested that Ms. Fuller do that.

The Township is in receipt of the Declaration of Easements, Restrictions and Covenants for "Brandywine Manor" for review. Manager Rambo noted this has been forwarded to John Good for his review.

DEP has forwarded the Township its sign off on the reimbursement request for the leaf turner grant. Manager Rambo noted the Township should receive final payment for that within the next 120 days.

The Township is in receipt of a letter of gratitude from the City of Coatesville for the Township's participation in the February 4, 2009 Clean-Up Day. Manager Rambo stated the manager, assistant manager, and every council member signed the letter.

Old Business

The Manager is in the process of reviewing the “draft” ordinance prepared by the Codes Officer with regard to the establishment of a rental inspection requirement and the resale U & O. Manager Rambo is still reviewing the information.

The Township has received the appraisal on the Baldwin Family parcels with regard to the Township’s purchase of development rights and/or the pursuing of conservation easements on their farms and has forwarded it to the Open Space Review Board for review. Manager Rambo stated he is awaiting their input regarding whether they will recommend for the BoS to pursue this.

The Manager is awaiting input from the Open Space Review Board with regard to the Pat Chase appraisal provided to them. Manager Rambo hopes to have this in hand by the next meeting.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

Vice-Chairman McCaffrey noted he had one issue regarding minutes of the meeting. Vice-Chairman McCaffrey stated he emailed this to Chairman Obernier and Supervisor Lindborg as well and has not heard a response. In Vice-Chairman McCaffrey’s opinion after doing research; if the Township has minutes taken on the tape recorder and then they are transcribed by the next meeting, those transcribed minutes or an approved set of minutes should be available to the public, however, if the Township is pressed for time and the person transcribing the minutes has not done so by the next meeting, there is nothing that should be available to the public until they are transcribed. As far as the content of the minutes, the date, time, place of the meeting should be included. The names and members of the BoS and Township official are included. The substance of any official action taken by the BoS and record of individual members for role call should be included. The names of all citizens that appear officially before the BoS should be on there as well as the subject of their testimony. However, the subject of their testimony could be as simple as a one line item that says, “Mr. Smith appeared to discuss zoning.” It does not have to outline to the satisfaction of Mr. Smith or other members of the audience to exact details that Mr. Smith spoke. Those things do not have to be there, they are at the discretion of the BoS. Supervisor McCaffrey reiterated that this is his own opinion and feels that they take good minutes and try and make them available. The options that he sees to us, is we don’t have manpower to take them in the detail that we would like to have them. Is to make them available according to schedule and shorten them to the point where they don’t give a whole lot of detail to everybody’s composition. We want to stay within the law; we also have to meet the constraints of our budget. And the people’s ability to transcribe and do everything else that is necessary for the office. There have been a number of questions in the past about it and felt it was his responsibility to at least say what is the Board’s legal responsibility.

Chairman Obernier noted he and Supervisor Lindborg both responded by email to Vice-Chairman McCaffrey. Chairman Obernier stated the long and short of it is after talking with the first attorney that he mentioned previously, he was of the same opinion still. Chairman Obernier stated he also spoke with John Good, who had a different opinion noting that there are draft-meeting minutes sitting out for the public this evening. Chairman Obernier made it clear all along that he didn’t have an issue with doing this. Chairman Obernier stated that Supervisor Lindborg also agreed with this as he had noted in an email to Vice-Chairman McCaffrey. The draft meeting minutes are going to be copied for the public and available at the BoS meetings.

Ordinances and Resolutions

There were no Ordinances or Resolutions.

New Business

Approval of release request # 1 for the James P. Bryant common driveway construction escrow.

Manager Rambo noted that Mr. Bryant has not yet had the property surveyed and recommended the BoS table the release request. Vice-Chairman McCaffrey motioned to table the request. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Approval of release request #1 for the Jelke Manufacturing project. Manager Rambo noted the engineer is awaiting pavement information regarding the project. Mr. Jelke had the work done and never called for an inspection. Until such time as he provides necessary information for the engineer to review and approve Manager Rambo recommended that the request be tabled. Vice-Chairman McCaffrey motioned to table the request. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Approval of release request #2 for the Cannon/Lodge minor subdivision project. Manager Rambo recommended that the request be tabled noting that he has not received consent from the engineer yet. Vice-Chairman McCaffrey motioned to table the request. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

An appraisal has been received from John DiRumaldo on behalf of the Authority and Township with regard to the Beaver Creek Apartment Tract on Horseshoe Pike. Manager Rambo stated this was received late this afternoon so he has not had time to review it. The fair market appraisal for the property is \$744,000 for 16.9 acres that is based on it being in the RM district.

Recommendations of the Planning Commission. Manager Rambo stated this was addressed earlier, the Planning Commission recommended to accept the LRHA letter of extension.

New Business from the Floor.

Joan Thompson asked for an update to the status of work being completed in Valley View. Manager Rambo answered he is trying to track down the developer.

New Business from the Board

Manager Rambo stated the BoS requested that he schedule a meeting with the appraiser John DiRomualdo and is awaiting a date from Vice-Chairman McCaffrey.

Public Comments (individuals not requesting to be on the agenda)

There were no Public Comments.

Open Issues Before the Township

The Manager and Township Engineer continue in their efforts of reviewing and updating the Township's Act 537 Plan. Manager Rambo stated there is a meeting on March 12, 2009 with DEP and ten municipality's that have been dealing with them regarding what is going to be required for submission of the plan.

The Township continues to seek volunteers to serve on the Historic Commission. There were no comments.

The Chief and Manager are finalizing the Stopping, Standing and Parking Ordinance and the Oversized/Overweight Vehicles on Township Roads Ordinance for advertisement and adoption. Manager Rambo stated this is being reviewed; each street has to be noted within the ordinance so that it can be posted properly for no parking.

General Obligation Note (Adjustable Rate Bond for the Facility/Park Construction)
Interest rate for the week 4.10%. There were no comments.

Review and Payment of the bills.

Manager Rambo noted there were two bill runs for general fund bills totaling \$2,102.50. The K-9 Rudy fund bills total \$3,911.75. Solid Waste bills total \$151,129.45 of which \$128,098.09 is for repayment of the DNB note that the Township got to purchased the first piece of recycling equipment. The state reimbursed the Township for the equipment through a grant. Vice-Chairman McCaffrey motioned to pay the bills. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye.

Chairman Obernier requested that they talk about the two K-9 funds again. Chairman Obernier reiterated that Mr. Ciamaichelo wants to keep the two funds separate. To keep the first fund that was meant for Rudy to maintain Rudy's burial site. Mr. Grossman stated they are not asking for any of that money, it is a completely separate fund just to drive the training, if they don't get enough money the training stops. Chairman Obernier asked Mr. Grossman who is responsible for the Citadel fund. Mr. Grossman explained it is a non interest-bearing fund; you don't have to report anything.

Vice-Chairman McCaffrey asked what assurance do people have that money that is donated there goes to what is stated and explained why he was asking. Mr. Grossman stated he would be personally responsible, between the bank and himself, they will keep accurate records. They are hoping that checks will be written out to the Rudy Legacy Fund. The bank and Mr. Grossman will have copies of the checks.

Chairman Obernier was concerned about something bad happening if the BoS encourages people through the website or newsletter for people to donate money to this. Vice-Chairman McCaffrey also expressed concern that there is no policy for the BoS to support. If you were to lay off a police officer and then fund the next Rudy, some people would have a problem with that. They would need a policy in place first saying that they were looking to put another dog into service, understand the costs involved, and that this is what the community wants.

Mr. Ciamaichelo stated that times are tough right now and suggested doing a cost analysis to know what would cost over the life of the dog to make sure it is sustainable. What needs to be established in order to start the process moving forward? Mr. Grossman stated this fund is going to include food, training, and vet bills.

Vice-Chairman McCaffrey was concerned about collecting money without knowing where everything is going since Rudy has gone. The Township has a car that you can't take a prisoner in because there is a dog in the back seat, there are a number of issues, the community should speak up on what they want their money spent on. Rudy was a tremendous asset for the police department. When you look at where the dog did most of his work, it was usually outside the community. Mr. Ciamaichelo agreed one hundred and ten percent noting these times right now, if the department were to be suspended. Chairman Obernier asked who told him that the police department was going to be suspended. Mr. Ciamaichelo answered it was brought up in the meeting, that they are going to renegotiate with the department, the state average is 35 to 37.5% we are at 41%, it was Mr. Rambo that said that the Township is in talks to

renegotiate or rework to somehow bring that number down percentage wise. Manager Rambo stated that the BoS has requested that he look at the budget.

Vice-Chairman McCaffrey stated he is only speaking for himself, he feels you have to walk on eggshells because they are dealing with a union. Vice-Chairman McCaffrey stated that he does not have an opinion to disband the police department, Chairman Obernier concurred. Mr. Ciamaichelo expressed there is not one person in Township that wants the police department disbanded. We love the police department that is not the issue. It is a matter of economics right now and that is what they are looking at as a Township.

Lori Petrie explained that people are saying that because when the BoS talks about looking at other options and how other townships are using the state police. You sit here and that is what you are hearing. Discussion ensued.

Manager Rambo updated the BoS regarding pension noting he met with a representative of the investment firm. As of two days ago, the police pension was down another 9.6% (\$108,120) and the non-uniform pension was down 11.2% (28,000) since January 1, 2009. That is \$286,000 since last year. Vice-Chairman McCaffrey stated in his opinion it is a very awkward place to be. He can't justify raising taxes, something has to be cut back some where so they have a budget to live by; we are a family and have a budget to live by. They don't want to disband or eliminate any part of the township government. When things come back to life, they have it ready to go again. Right now it is very difficult, something has to be cut from every department. The police department's percentage is already outside of what it should be for the community. Chairman Obernier stated the labor attorney has warned the BoS that they can't tell people anything or it will be used against them, it is not the Board's nature to keep secrets. At this point in time, they tried to take all of the personalities out of the equation and the Township attorney is speaking directly with the police association's attorney. Dialog continued.

Colin Judge asked if the pension plan is defined benefit or defined contribution. Chairman Obernier answered defined benefit. Colin Judge asked if there was anyway that could be changed. Manager Rambo answered not with the police. Dialog continued.

Upcoming Meetings/Events

- Historic Commission meeting, Monday, March 9, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, March 10, 2009 at 7:30 p.m.
- Municipal Authority meeting, Thursday, March 12, 2009 at 7:30 p.m.
- Board of Supervisors meetings, Thursday, March 19, 2009 at 7:30 p.m.
- Castaldi Conditional Use Hearing, Wednesday, March 25, 2009 at 7:30 p.m.
- Open Space Review Board meeting, Thursday, March 26, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, March 26, 2009 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman McCaffrey motioned to adjourn the meeting at 9:13 pm. Chairman Obernier seconded the motion. Board Members McCaffrey, and Obernier voted aye.

Ronald A. Rambo, Jr.
Township Manager/Secretary/Treasurer