

**Meeting Minutes of June 4, 2009**  
**Board of Supervisors**

Vice-Chairman McCaffrey called the Board of Supervisors meeting of June 4, 2009 to order at 7:34 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 Thomas J. McCaffrey Jr. and Carl S. Lindborg in attendance. Supervisor Josef G. Obernier, Sr. was not in attendance because he had surgery, but is available by telephone if needed to break a tie vote. Township Manager Ronald A. Rambo, Jr. and Chief Walter Werner were also present.

**Acceptance of Minutes from Previous Meetings**

May 7, 2009 and May 21, 2009. Vice-Chairman McCaffrey motioned to table the minutes. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye.

**Public Comments (individuals requesting to be on agenda)**

*Bill Krempa is in attendance to discuss the reallocation of funds in the Police Pension Plan to Niemann Capital Management.* The BoS is in receipt of the summary. Mr. Krempa gave a synopsis of the two suggestions made by the pension committee. Manager Rambo noted based upon the presentation that was given, the pension committee board is recommending that the BoS move forward and invest in Niemann, there is the ability to get out if within a three-day period. The committee consisted of Chief Werner, Dombleski, Rambo, and Eells. Vice-Chairman McCaffrey asked about the performance of the non-uniform people and Mr. Krempa gave a brief summary of the non-uniform pension. Vice-Chairman McCaffrey motioned to move forward with this so that Mr. Krempa can provide the Township with the necessary documents for signing and processing. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye.

*Dave Porter of Rettew is in attendance to talk about the proposed method of sewage treatment for the .6-acre Rachel Wachs property on Manor Road.* The property is located on the eastern side of Manor Road north of the intersection of Route 82 and Route 340. Mr. Porter explained the proposed system is like having a septic system with a sand mound except everything is contained. Manager Rambo would like to get the Board's opinion so they can move forward with designing a system and preparing official modules for submission to the Township and get it approved by the engineer for grading. There are three of the proposed method in existence and they all submit monthly reports. Supervisor Lindborg would like to have a letter from the Township engineer stating his opinion on the proposed sewage treatment. Vice-Chairman McCaffrey voiced concern about non-potable water in the surrounding area and feels that sewage treatment in that location will be problematic. Manager Rambo will forward the information from Rettew onto Jim MacCombie for his review and comment.

**Correspondence/Communications** *Information to act upon*

*The Township is in receipt of correspondence from Kristin Camp, Esquire with regard to the Janiec historic property. Manager Rambo stated the BoS requested that the Manager obtain additional use recommendations for the historic property rather than rezoning it. Ms. Camp has provided that information, a copy was given to the BoS for their review so that they can discuss this at the next BoS meeting.*

*The Township Engineer, James W. MacCombie, P.E., has forwarded the Board a Stormwater Management Facilities Operations & Maintenance Agreement for adoption consideration. Manager Rambo explained this is a standard agreement that is being required as a result of MS4 and recommended that the BoS adopt it for use as it becomes necessary. The Engineer is also recommending that the BoS adopt the policy. The BoS will review the information for discussion at the next meeting.*

*The Township is in receipt of a “draft” Ordinance for review and consideration with regard to the participation in the Western Chester County Regional Planning Committee. Manager Rambo recommended that the BoS review the information for consideration.*

**Correspondence/Communications Information to Note**

*The Township is in receipt of the signed Round 21 grant award from the County Commissioners in the amount of \$400,000.00 toward the purchase of the Henderson Conservation Easements and will be submitting payment request. Vice-Chairman McCaffrey explained the Open Space purchase for the benefit of those present. Manager Rambo noted the Township received a \$5,000 contribution back from the Henderson’s for the open space funds today.*

*Kim Merritt, Municipal Grants Coordinator for the County Open Space Preservation Department is requesting an update on the status of the Township’s Round XIX and XXI grant awards. Manager Rambo explained the Township notified the City of Coatesville that they would not be moving forward with the purchase of the Conti property based on not receiving state funding. They have a resolution for adoption consideration later in the meeting so that the county is aware the Township is not going to proceed in accepting their grant award of \$250,000. The Township will notify the county that it will be submitting a reimbursement request for \$400,000.*

*The Pennsylvania Fish & Boat Commission has returned a fully executed Lease Agreement for the Icedale Lake Area to the Township. Manager Rambo noted the Open Space Review Board requested the BoS move forward and lease the Icedale Lake area to establish some walking trails and nature areas. The Township received a \$5,000 grant from PECO last year to do work in that area.*

*Allan J. Jarvis, Esquire has provided the Township a copy of correspondence with regard to Valley Township’s continued use of the West Brandywine Township UCC Board. Valley Township has opted out of the Regional UCC Board and wishes to continue the utilization of WBT UCC Board.*

*The Chester County Water Resources Authority has provided the Township with an update regarding the potential County-Wide PA Act 167 Plan. Manager Rambo explained this deals with MS4 and a unified plan to DEP.*

*The Township is in receipt of a copy of correspondence sent to PennDot by East Brandywine Township with regard to Horseshoe Pike traffic congestion. Manager Rambo stated that with the closing of East Reeceville Road and the construction of the bridge in the area of Zynn Road, additional traffic has been put onto Horseshoe Pike causing backups. PennDot has notified the Township that they will be issuing a permit to modify the timing of the light to help alleviate a traffic backup.*

*The Township is in receipt of correspondence from the Chester County Act 32 Study Group with regard to the establishment of the Chester County Tax Collection Committee. Vice-Chairman McCaffrey explained this isn't a new tax, the county decided to collect the income taxes countywide. Manager Rambo stated the BoS has to pass a resolution by September appointing two individuals one being a delegate and the other being an alternate to vote on behalf of the Township at an upcoming meeting in November. The delegate is to be a member of the elected body as well as another designee.*

*The Township is in receipt of a contribution in the amount of \$1,032.37 toward the continued training of a Township K-9 Unit from the K-9 Rudy Legacy Fund. Manager Rambo explained that Jeff Grossman with some assistance has established a fund and are starting to pay for some training and dog food for the new dog Rudy puppy Donner.*

### **Old Business**

*The Codes Officer is in the process of re-drafting the proposed Ordinance for rental inspection requirements and the resale U & O. Manager Rambo has not received this back from Dale.*

*Bob Fleming and Allan A. Myers have provided the Township with a schedule to complete the roadways, basins, and landscaping at the Valley View Project that is necessary for dedication. Manager Rambo stated the Township established a deadline of May 31<sup>st</sup>. Allan Myers work will commence the week of June 14<sup>th</sup> for the basins, the road repairs will be July 6<sup>th</sup>, and the landscaper is also scheduled to come in during that period. The schedule was forwarded on to the homeowner's association president. Each contractor has contacted the developers lending institute to make sure the funds are there.*

### **Old Business from the Floor**

There was no Old Business from the Floor or from the Board.

### **Ordinances and Resolutions**

Resolution #04-2009; McLaughlin/Eck subdivision (restate the passage to coincide with ad notice). Manager Rambo stated the BoS adopted this at the last meeting, however, it was during the time that it was under review and it needs to be readopted this evening so that it can be officially submitted to DEP. A resolution cannot be adopted when receiving input from its advertisement. Vice-Chairman McCaffrey motioned to pass Resolution #04-2009. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye.

Resolution #05-2009; non-pursuing of the County Round XIX grant award for the Conti property. Vice-Chairman McCaffrey provided a background for the benefit of those present. Supervisor Lindborg motioned to approve Resolution #05-2009. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye.

### **New Business**

*The Township to advertise Ordinance NO. 2009-02 pertaining to the Insurance Registration Certificates for Contractors for a June 18, 2009 adoption consideration. There were no comments.*

*Recommendations of the Township Open Space Review Board (OSRB). Manager Rambo noted the OSRB made the following recommendations to the BoS at their May 28<sup>th</sup> meeting. To provide the cost of \$22,100.00 for the Marie property and to also authorize Manager Rambo to seek an appraisal for the Lindborg property as combined 4 parcels. These recommendations were tabled until a future meeting.*

*Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission made the following recommendations to the BoS at their May 28<sup>th</sup> meeting. To recommend*

to the BoS that the applicant comply with the perimeter buffer requirements as outlined in Section 107D of the Township Zoning Ordinance for all property lines except for the western property line, the Northern property line, and the property line adjacent to Hibernia Road, north for the existing tributary, in consideration for the applicant agreeing to plant a 50' wide stream buffer going from Hibernia Road approximately 200' to the west until it meets the existing tree line. Manager Rambo stated if the BoS is in concurrence with this recommendation, the applicant will move forward and show this on their plan. Supervisor Lindborg motioned to approve the recommendation. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye.

*Newsletter articles are due on Linda Formica's desk for the upcoming summer edition of the newsletter. There were no comments.*

*The Township to consider submitting proposed Ordinance NO. 2009-03, amendments to the Township's Stormwater Management Section of the Subdivision and Land Development Ordinance, to the County for review so that it meets current MS4 requirements. Manager Rambo requested the BoS review the information and submit comments back to him. Vice-Chairman McCaffrey stated this is one of those unfunded mandates.*

#### **New Business from the Floor.**

There was no New Business from the Floor.

#### **New Business from the Board.**

Manager Rambo noted at the previous meeting the BoS motioned to furlough effective June 13, 2009 two full time officers and eight part time officers and requested the Manager send out those notices. Since that time the BoS has a second motion to make. Vice-Chairman McCaffrey stated on behalf of the police department's members, the BoS is trying to extend this until June 30, 2009 to see if they can come to a resolution.

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

Todd Hartz, an officer with the East Whiteland Police Department, is in attendance on behalf of the FOP along with other members of the FOP to extend their services to try and avert the layoffs. Vice-Chairman McCaffrey gave a brief explanation of what led up to the decision to furlough the officers. Supervisor Lindborg explained they have a unique situation at WBT, where they have the capability of the state police covering certain shifts at no cost to the Township at this point and time. The Township can maintain 24 7 coverage by utilizing the state police, to suggest that you are going to get something less from this highly trained professional state police department is speculation. Supervisor Lindborg further explained the BoS is willing to talk but cannot and will not agree to absolutely no layoffs, anything can happen, if the economy tanks, they would be faced with the necessity of shutting down the Township to keep paying for the full time police department. It wouldn't be responsible on the Board's part to the community. Supervisor Lindborg reiterated the BoS wants to maintain 24 7 coverage by utilizing the state police.

Mr. Hartz stated he is not disrespecting the state police and is in attendance to show support for the WBTPD and assist if anyone needs it. Vice-Chairman McCaffrey reiterated that the BoS doesn't want to see anyone laid off. The simple fact is the Township can't live with the same expenditures, you cut back where you can and try and maintain as much as you can. Further discussion ensued.

Paul Gainor, Emergency Management Coordinator of WBT noted on the emergency management side of this, our police are the first line of defense during the night to contact the proper people. The state police will not be available to do those things, they may or may not come depending on the situation.

Mr. Gainor also asked Chief Werner the number of times WBTPD assist other townships because the state police can't get there. Chief Werner answered there have been times in the past but it is very rare.

Supervisor Lindborg noted there is not a lot activity during the night shift, in the last year the average number of calls during the 11 to 7 shift is 1.1 calls, that is why the BoS is looking to have the state police cover that shift. Vice-Chairman McCaffrey stated the only cutback the BoS is legally capable of making without being faced with lawsuits is staff; that is what the BoS has to move on. You can't allow one department of the Township's services to consume more than its fair share of funding when things get lean. The police used to be 30% of the budget and are now up to 41%.

Lori Petri asked what cuts the Manager and BoS have taken. Manager Rambo answered that he has given up the same as the current non uniform, a salary increase and pension deductions. The Manager explained that he works under the Authority and the Township; two separate entities.

Ms. Petri asked about the BoS getting benefits of \$25,000 per year. Supervisor Lindborg explained that he contributes a tremendous amount of time and effort to the Township, but his part is open for discussion. There have been no discussions; its no layoffs or the police are not talking. It's Supervisor Lindborg's hope that they talk and everything would get worked out. Vice-Chairman McCaffrey noted the medical benefits are legal throughout the state of Pennsylvania. Supervisor's salaries are \$2,000. Vice-Chairman McCaffrey explained that he cut what he could and would have normally participated in the annual convention. Vice-Chairman McCaffrey asked Mr. Webb what he has given up in his community. Mr. Webb stated that has no relevance and asked why Vice-Chairman McCaffrey brings that up. Manager Rambo requested positive not personal discussion.

Corporal Domblesky and Supervisor Lindborg agreed they were going to sit down for discussions. Supervisor Lindborg noted that everyone appreciates the support that the community has shown. Vice-Chairman McCaffrey reiterated that this is not the police department's fault; the fault is that the economy has taken a downfall. The Township has to live within its means.

Ted Waltz suggested using the fire apparatus funds. Vice-Chairman McCaffrey and Supervisor Lindborg explained the Board doesn't have the latitude to take money from one account and put it toward something else. Discussion followed.

Bill Webb noted at a previous meeting Mr. Obernier discussed putting a pole together for public input regarding what the public wanted done with the police. Supervisor Lindborg stated there are over 4,000 registered voters and the people at this meeting are only a handful of voters, the people here for the most part in some way have an interest with what's happening with the police. Supervisor Lindborg was a supervisor when 24-hour service began, promoted it, and continues to be pro police. Vice-Chairman McCaffrey explained there are a limited number of things that can be put on the ballot for referendums.

It was suggested to put a survey in the quarterly newsletter or on the website. Supervisor Lindborg asked how you would track that logistically. Dialog continued regarding the Township maintaining as many services as possible without raising taxes.

Ed Barr of Brandywine Drive commented about what is more important, allocating money for fire equipment or for the police, the developers would not take you to court because priorities change. Vice-Chairman McCaffrey explained all of these things were part of a general overall plan that was done back in the 1990's to do in phases. The two bays over at the maintenance facility are not a fire department, but bays that are available if someone wants to put fire trucks in there. The fire trucks and money for the fire trucks are not here yet. Manager Rambo explained the Township has not received any funds that

have been designated as a result of Conditional Use Hearings. The Township is to receive funds based upon when plans are recorded, signed and escrowed. There are contributions per building permit that can go wherever the Township designates it to go. There is \$600,000 pledged upon signing of plans. Ted Waltz suggested that the Township approach the developer and tell them the Township would like to use the money for the police instead of on fire trucks.

Ted Waltz asked if there is a mortgage on the maintenance facility. Manager Rambo answered yes, \$750,000 at \$5,600 a month. The mortgage on the park and township building is \$3.8 million. There was no tax increase.

Ted Waltz suggested the BoS put a referendum on the ballot to raise taxes for police services and let the people decide. Vice-Chairman McCaffrey explained that the elderly people in the Township have approached the BoS requesting the BoS not raise their taxes.

Allen, a resident voiced concern about the length of time it would take the state police to answer a call in the Township. Discussion ensued regarding having WBTPD service the Township.

Bill Cahill was in attendance with the FOP, a twenty-year police veteran, and an EMT, noted that the state police don't cover medical emergencies. There are four cars covering roughly 120 square miles. Vice-Chairman McCaffrey stated the BoS would like to have the level of services as it exists today; funding is not there. Vice-Chairman McCaffrey is not comfortable raising taxes, the majority of people at tonight's meeting have a real support for the police department and would like to see services continue exactly like it is at the expense of anything else that exists at the Township.

A resident from Hurley Road noted a previous statement that the state police are highly qualified and commented the state troopers are all brand new right out of the academy.

A resident from Indian Run suggested the BoS split the daytime township police to cover the night shift. Supervisor Lindborg noted they are trying to reschedule the officers. Vice-Chairman McCaffrey explained part of the blockade with the police department is that they don't want administration to adjust their schedule. There is no prerogative to cut costs with the police department except manpower. Supervisor Lindborg stated the BoS was going to meet with the police department and hopefully get some things worked out.

Mr. Hartz noted the state police are a great organization and they are very well trained individuals and are actually understaffed for what they cover. Mr. Hartz complemented the BoS for extending the furlough for another two weeks. As the Vice-President of the Chapter 11, the local FOP has already offered, along with the president of their state lodge to have the opportunity to sit down and help out the WBTPD as well as the Township. Supervisor Lindborg thanked Mr. Hartz for the offer and also thanked the members in the audience for attending the BoS meeting. Supervisor Lindborg expressed the Board's desire is to try to continue to maintain WBTPD officers and they will work toward that. Vice-Chairman McCaffrey stated that arrangements that were made years ago for buildings and other things within the community couldn't be undone. Vice-Chairman McCaffrey explained that Mr. Rambo wears many hats in this community, not because he loves authority, but because the BoS tries to save money. The executive director of the Municipal Authority has to understand what the Township is trying to do so the Municipal Authority and the Township work well together. The Municipal Authority is a separate entity. Mr. Rambo also runs recycling, coordinates numerous other things, and is responsible for thousands of dollars of grant monies. Mr. Rambo wearing many hats is not a source of financial problems for us; he is a financial benefit without costing as much as four other people.

Supervisor Lindborg noted there is a motion before the BoS to extend the furlough from June 13 to June 30, 2009. The state police will also be notified of the date change as well.

Vice-Chairman McCaffrey moved the WBT BoS authorize the Township Manager to request the Pennsylvania State Police to provide police services commencing June 30, 2009 effective 11 p.m. to 7 a.m. which services shall continue to be provided from that date forward from 11 p.m. to 7 a.m. seven days per week. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye.

Joe Arvay of Apple Drive asked if the BoS had a contingency plan to bring the officers back. Manager Rambo stated the BoS is beginning impact bargaining next Wednesday with the police association and explained the order the officers would be brought back.

### **Open Issues Before the Township**

*The Manager and Township Engineer will be completing the update of the Township's Act 537 Plan by the end of August 2009 for presentation to the Board. There were no comments.*

*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. There were no comments.*

### **General Obligation Note (Adjustable Rate Bond for the Facility/Park Construction)**

Interest rate for the week 3.64%. There were no comments.

### **Review and Payment of the bills.**

Manager Rambo noted the general fund bills total \$129,091.71. Solid Waste bills total \$10,752.84. The State Fund bills total \$446.23. Supervisor Lindborg reviewed the bills and motioned payment. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye.

### **Upcoming Meetings/Events**

- Historic Commission meeting, Monday, June 8, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, June 9, 2009 at 7:00 p.m.
- Municipal Authority meeting, Thursday, June 11, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, June 18, 2009 at 7:30 p.m.
- Open Space Review Board, Thursday, June 25, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, June 25, 2009 at 7:30 p.m.

### **Adjournment**

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:39 pm. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg and McCaffrey voted aye.

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