

**Meeting Minutes of December 17, 2009**  
**Board of Supervisors**

Chairman Obernier called the Board of Supervisors meeting of December 17, 2009 to order at 7:30 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by Township Manager Ronald A. Rambo, Jr. noted Supervisor's Josef G. Obernier Sr. and Supervisor Carl S. Lindborg in attendance. Thomas J. McCaffrey, Jr. arrived at 7:32 p.m.

**Acceptance of Minutes from Previous Meetings**

The minutes of December 3, 2009 have not been completed and will be presented at the next BoS meeting.

**Treasurer's Report**

Manager Rambo presented the Treasurer's Report, balance as of the end of November.

Capital Reserve Fund	\$498,368.90	Operating Reserve Fund	\$191.39
Construction Sweep Fund	\$11,573.85	Police Pension Fund	\$1,371,846.39
Developer Escrow Fund	\$483,963.12	Solid Waste & Recycling Fund	\$2,186.89
General Fund	\$32,547.62	State Liquid Fuel Fund	\$95,380.64
Non-Uniform Pension Fund	\$288,933.56	K-9 Rudy Fund	\$1,299.73

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

No one requested to be on the agenda. Chairman Obernier noted the BoS held an executive session a week ago to discuss personnel issues.

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

*The Township is in receipt of the Opinion & Orders for the Janiec Conditional Use Hearings for consideration and signing.* This item was discussed after Vice-Chairman McCaffrey arrived in the meeting. Manager Rambo explained that he and John Good reviewed and edited the order and forwarded it to Kristen Camp, Esquire who has modified it according to their requests. The BoS is in receipt of the latest rendition. Supervisor McCaffrey had concerns regarding his review of the order. Steve Janiec was in attendance to answer any questions. Discussion ensued regarding John Good's letter, sign placement and size, parking, its name, sign lighting, and buffering. Steve Janiec gave the Township an extension of time in which to render an Opinion and Order to allow Steve Janiec to discuss with his legal council the modification to the current order as discussed with the BoS this evening for the Horseshoe Village East Project.

The next item discussed was the barn amenity. Manager Rambo explained they have incorporated into the Opinion and Order, John Good's comments that no portion of the barn may be used as a convenience

store or grocery store, but may be used to sell produce or bakery products. Modifications to the Order were discussed. Mr. Janiec will grant an extension of time so that he can have the following changes, anywhere that it refers to Board, that it states Board of Supervisors, West Brandywine Township so it is explicit and also the minor change referring to the dwelling. Manager Rambo noted that Mr. Janiec is going to write two letters of extension to render a decision regarding the Opinion and Order until the January 4<sup>th</sup> BoS meeting. Steve Janiec verbally gave the extension to the BoS and will submit a written copy of the extension the following morning.

**Correspondence/Communications** *Information to note*

*The Township is in receipt of the Chester County Act 101 Annual Recycling Report for completion and submission to the Chester County Solid Waste Authority. Manager Rambo noted this report is due by the end of January.*

It was noted that Thomas McCaffrey arrived in the meeting. Chairman Obernier moved to go back and discuss Janiec at this time.

*The Township is in receipt of correspondence from Karen S. Marshall, Heritage Preservation Coordinator with regard to the Culbertson Village Development. Manager Rambo noted this pertains to a phone call received from the Township’s Historical Commission concerning the Culbertson Village Development taking place on the Gordon property. The Manager read the letter out loud. Hugh Redditt suggested the Planning Commission, Municipal Authority, and Historical Commission all get together to talk about this matter. Discussion continued. The BoS were in agreement for a letter to be sent to Bentley denoting there is a question regarding the historical significance of some of their buildings and until the Township has full determination that nothing is to be done and to also have the Class 1 resource determination letter that has been made by the Pennsylvania Historic Commission accompany the letter. The BoS wanted to make it clear that Class 1 resources will be protected, there will be no permits issued until a full review has taken place.*

*The Township is in receipt of upcoming training information with regard to the current Pennsylvania Laws for Recycling, Public Policy, and the future of recycling and requirements. Manager Rambo will attend training seminars in February.*

*The Township is in receipt of the “draft” Zoning Ordinance Update of West Nantmeal Township for review and input. Manager Rambo noted that under the planning code it requires abutting municipalities to submit comments. A copy has been provided to the Planning Commission and the BoS. The book is available for review at the Township.*

Chairman Obernier suggested that the scanned documents be titled prior to emailing them.

**Reports of Departments:** *Month of November unless otherwise noted.*

**Police Report** presented by Manager Rambo.

Total Hours	852.6	Miles Patrolled	4877	Total Complaints	484
Accidents	5	Warrants	0	Fatalities	0
Domestic	8	Criminal Arrests	18	Non-Traffic Arrests	1
Traffic Arrests	133				

**Public Works Department Report:** Thomas Eells noted work completed for the month. There were no comments.

Total man-hours	726.5	Miles traversed	2,431
Total Equipment hours	20	Total fuel gallons	919

**Buildings/Codes Department Report:** Submitted by Dale Barnett and presented by Manager Rambo. Manager Rambo noted that Mr. Barnett would be providing code inspections for Valley Township for a two-month period while their inspector is out on medical leave.

Ed Barr asked if Valley Township would be paying for Mr. Barnett’s services. Manager Rambo answered yes. Vice-Chairman McCaffrey further explained this helps the Township out because right now the codes department is slow, that way the Township doesn’t have to think about getting rid of somebody, right now the department isn’t earning as much as he is getting paid, this allows the Township to keep him there without a lot of stress.

Building Permits issued	15	Permit base fees collected	\$1,910
Occupancy fees collected	0	U&O permits issued	2
U&O permits issued cursory	23	Contractor Licenses (CL) issued	4
CL Fees collected	\$160	WBT Inspections completed	28
Failed Inspections (FI)	2	Failed Inspections Fees collected	\$0
		Total fees collected	<b>\$2,488.22</b>

**Fire Marshal Report** presented by Paul Gainor.

Permit inspections done	19	Campfire/Recreational Permits	17
Specialty Bonfire Permits	0	Agricultural Permits	
Permits not given	2	Special permits given for blasting	0
Special permits not given		Other type inspections done	0
Code violations/Complaints	4		

**East Brandywine Fire Company** Report presented by Mike Conlan.

**Fire**

Number of calls dispatched into WBT	4	Initial dispatch into WBT	4
Second dispatch into WBT	0	Number of calls scratched	0

**Medical Assist**

Number of calls dispatched into WBT	19	Initial dispatch into WBT	17
Second dispatch into WBT	-	Number of calls scratched	2

**Martin’s Corner Fire Company** Reported presented by Manager Rambo.

Number of calls dispatched into WBT	1	Initial dispatch into WBT	
Second dispatch into WBT	-	Number of calls scratched	-

**Wagontown Fire Company** Presented by Todd Ziegler. Manager Rambo explained that the Township contributes to the three fire companies based on the Township’s fire appropriations tax collected. The

Township is required that prior to disbursement, the Township has to have an audited account of how funds are used or a monthly report. The Township has not received this from Wagontown or Martin's Corner, so there is no check issued tonight for either of these companies.

Chairman Obernier questioned Mr. Ziegler about the amount of money they get for the cell tower. Mr. Ziegler answered about \$2,000; the property is leased to them.

**Fire**

Number of calls dispatched into WBT	2	Initial dispatch into WBT	2
Second dispatch into WBT		Number of calls scratched	0

**Medical Assist**

Number of calls dispatched into WBT	0	Initial dispatch into WBT	-
Second dispatch into WBT	-	Number of calls scratched	-

**Reports of Organizations, Boards and Commissions**

Michelle Benkovich gave the report of the Parks and Recreation Board noting movie night on January 17<sup>th</sup>. There was no one present from either the Planning Commission or the Open Space Review Board.

Carl Lindborg gave the report of the Municipal Authority noting that work on the sewer line would commence after the first of the new year. Municipal Authority Manager Rambo also gave a brief summary of their discussion to date with Pulte representatives who have presented easement documents for the Municipal Authority to review and consider, as well as sewer agreements that the Municipal Authority approved contingent upon John Good and Jim MacCombie's comments being addressed. The Municipal Authority is awaiting the cost to go through Pulte's property, rather than going through public roads and established subdivisions.

Barry Parsons asked about depth of the pipe and Manager Rambo answered.

Bill Goins of the Municipal Authority suggested that Carl Lindborg remain on the Municipal Authority with everything that is going on. Manager Rambo stated that will be determined at the Township's BoS meeting on January 4<sup>th</sup>.

**Old Business**

*The Manager has heard from West Caln Township in that the Board of Supervisors wish to meet after the first of the year to discuss ambulance service.* Manager Rambo noted his understanding is that Martin's Corner will not be utilizing Uwchlan Ambulance Corp for personnel anymore. The Township has not been approached for any money yet. The Supervisor's of West Caln are not aware that they are going to be approached, they want to make sure that everyone is on board with what is going on, that adequate ambulance service will be available to the Township.

*Final discussions of the proposed 2010 budgets.* Manager Rambo noted the budget was duly advertised. The three funds include general, solid waste, and liquid fuel fund with no proposed tax increase. There is a solid waste and recycling fee increase proposed that would go from \$260 to \$286 for the year. The Township is now being charged a \$30 processing fee for recyclables and the tipping fee is going from \$55 to \$58 per ton. The recycling processing fee will be another bill for around \$15,500 per year. Further discussion included purchasing recycling toters and possibly getting a grant. Vice-Chairman McCaffrey noted in a previous meeting it was requested by the BoS that an explanation be given for any miscellaneous item exceeding \$1,000.

Chairman Obernier expressed concern that the budget is too tight if things continue to go down next year. He was also concerned about the liquid fuels funds going toward public works salaries, that you couldn't buy asphalt, etc. Supervisor Lindborg stated it is his desire to utilize the Township's Police Officers, know one knows where the economy is going. They don't know if the projection for 2010 is going to be realistic, the BoS monitors them on a monthly basis. The liquid fuel funds are required to go to the public works department to perform road repairs, maintenance, etc..

Vice-Chairman McCaffrey suggested if income goes down, that all the departments should take an equal percentage of cuts. If it comes to it, the only thing the Township could do is decrease manpower. If income improves in 2010 he would like to see a large chunk of that go toward the capital reserve fund.

Chairman Obernier would like to agree that the percentages in the funds be kept the same even if money coming in increases. Both Vice-Chairman McCaffrey and Supervisor Lindborg feel that the economy will get better for 2010 and Chairman Obernier felt that things would be worse.

Ed Barr of Brandywine Drive asked about the liquid fuel fund and also asked why building costs were assigned to individuals. Barry Parsons of Castle Lane asked about the tax rate. Manager Rambo and Vice-Chairman McCaffrey answered briefly.

Vice-Chairman McCaffrey reiterated that he would like the miscellaneous items that are \$1,000 or more to be accompanied by an explanation. Manager Rambo will assign this to someone or get each department to let him know what they have under miscellaneous.

*The Codes Officer and Manager are in the process of reviewing the current fees for permits, reviews, etc. Manager Rambo stated they are continuing to call around to see what other municipalities charge.*

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

Frank Keegan of Old Spring Road commented that he would like to see the same person remain on the Municipal Authority for 2010.

### **Old Business from the Board**

There was no Old Business from the Board.

### **Ordinances and Resolutions**

*Resolution #17-2009; adoption of 2010 budgets.* Vice-Chairman McCaffrey motioned to adopt Resolution #17-2009. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

*Resolution #18-2009; establishment rate of real estate tax for 2010.* Vice-Chairman McCaffrey motioned to adopt Resolution #18-2009, which results in no increase in real estate taxes, reestablishes the existing tax rate for 2010. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye. Chairman Obernier abstained because his wife is the tax collector.

*Resolution #19-2009; establishment rate of fire service appropriations tax for 2010.* Vice-Chairman McCaffrey motioned to adopt Resolution #19-2009; establishes the fire service appropriations tax for 2010 at the same rate as last year. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye. Chairman Obernier abstained because his wife is the tax collector.

*Resolution #20-2009; establishment of rate of the Trash and Recycling Fee for 2010.* Vice-Chairman McCaffrey motioned to adopt Resolution #20-2009, establishing a rate of the trash and recycling fee for 2010 at \$286 per year, an increase of \$26 over last year due to tipping fees and increased recycling fees.

Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

### **New Business**

*Establishment of the Phase I public escrows for the Bentley Projects.* The Township anticipates having everything taken care of shortly. Supervisor Lindborg motioned to table the escrow establishment. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

*Release request #4 for the planting of shrubbery at the Valley View Subdivision in the amount of \$18,375.00.* Manager Rambo noted this is the final request; the Township is currently in the process of surveying and setting monuments along the road and getting documents prepared so that the road can be dedicated. Chairman Obernier motioned to approve release request #4 in the amount of \$18,375 based on the Manager and Engineer's recommendation. Supervisor Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye.

The president of Valley View Homeowners Association noted his concerns with Valley View and would contact the Manager to discuss issues that have been brought before him. Discussion ensued.

*Discuss the RFP's received for computer services.* The RFP's were sent to six different computer firms. Miles Technologies, Inc. (\$3,200 per month), OAC Network Solutions (\$125 per hour, no travel time 24/7), Softmart (provided no quote), Omega Systems (\$95 per hour between 8-5, time and a half during other hours and \$35 travel time), SSD Technology Inc (\$120 per hour, travel time if 1 hour each time), CustomComputer.com (\$1,600 per month, received late and not accepted). Manager Rambo reviewed the last two years invoices of our current provider and noted there wasn't work done after normal business hours. Based on what the Township has paid, Omega comes in slightly less even though they bill in a different fashion. Supervisor Lindborg asked the difference between OAC and Omega if you called them for one hour. Manager Rambo answered Omega would charge \$35 for travel time and \$95 for the time, OAC would charge \$125. If they came for 1-½ hours, OAC would charge \$186 because they bill in 15-minute increments. Omega Systems would charge \$225. Supervisor Lindborg suggested they get additional and more detailed information for references along with the amount of money that they spent. Ed Barr asked what the Township spends on yearly on computer services. Manager Rambo answered \$4,000 - \$5,000.

Vice-Chairman McCaffrey explained this borders on professional services, where you can't calculate in the expertise of the individual; sometimes you pay more for someone. Supervisor Lindborg reiterated that he would like to get more information about both companies. Vice-Chairman McCaffrey stated a person would have to service the Township for three hours before Omega Systems starts to be less expensive otherwise it is less expensive to have OAC. Then again if you have them come in for 3.25 hours, then OAC would be cheaper than Omega Systems because they charge for a full hour.

Manager Rambo explained the Township needs to upgrade its computers, so there will be more onsite computer service needed. At the current time our operating system no longer supports Geoplan and our financial software.

Vice-Chairman McCaffrey feels that the majority of calls will be for a few hours, not an eight-hour day. The savings that you would see with Omega Systems won't happen until you are above three hours. Vice-Chairman McCaffrey didn't see how much information you would get by calling references because everybody's references would be good.

Ed Barr asked why they don't call different Townships in the area. Manager Rambo answered that is how they got part of the list. Manager Rambo's recommendation based on what he foresees within the next year, is that the Township will have a greater need for onsite work which is cheaper with OAC, would be to stay with the current provider. If the BoS just wants to do this for a year, than next year the Township could do bids again. Supervisor Lindborg noted that based on the Manager's recommendation he would be okay with using OAC for the year 2010 and suggested they take another look at this at the end of next year. Vice-Chairman McCaffrey's recommendation is he didn't want the office to be shut down for work and would like to see work be done after hours. Omega Systems charges time and a half for support outside of normal business hours, OAC charges \$125 an hour 24/7. Vice-Chairman McCaffrey motioned to stay with OAC Network Solutions for the next year noting that the Township could also call somebody else. Supervisor Lindborg seconded the motion. Board Members McCaffrey and Lindborg voted aye. Chairman Obernier abstained being he is the owner of OAC Network Solutions and it would be a conflict of interest. Vice-Chairman McCaffrey suggested that better specs be made for the next quote for easier price comparisons.

### **New Business from the Floor, New Business from the Board, and Public Comments**

There was no New Business from the Floor, no New Business from the Board and no Public Comments.

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

The Township continues to seek volunteers to serve on the Historic Commission

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

Interest rate for the week is 3.54%. There were no comments.

### **Review and Payment of the Bills**

The general fund bills total \$54,579.82, solid waste bills total \$10,142.80, and liquid fuels bills total \$100. Supervisor Lindborg noted he reviewed the bills, found them in order, and motioned payment. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

### **Upcoming Meetings/Events**

- Open Space Review Board, Tuesday, December 22, 2009 at 6:45 p.m.
- Planning Commission, Tuesday, December 22, 2009 at 7:30 p.m.
- Board of Supervisors organizational meeting, Monday, January 4, 2010 at 7:30 p.m., followed by the first meeting of the new year.
- Elected Board of Auditors meeting, Tuesday, January 5, 2010 at 7:30 p.m.
- Historic Commission meeting, Monday, January 11, 2010 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, January 11, 2010 at 7:00 p.m.
- Municipal Authority organizational meeting, Thursday, January 14, 2010 at 7:30 p.m., followed by the first meeting of the new year.
- Board of Supervisors meeting, Thursday, January 21, 2010 at 7:30 p.m.
- Open Space Review Board, Thursday, January 28, 2010 at 6:45 p.m.
- Planning Commission, Thursday, January 28, 2010 at 7:30 p.m.

### **Adjournment**

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 10:14 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye in favor of adjournment.

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