

Meeting Minutes of December 6, 2007 Board of Supervisors

Vice-Chairman Lindborg called the Board of Supervisors Meeting of December 6, 2007 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 Manager Rambo noted Vice-Chairman Carl S. Lindborg and Supervisor Josef G. Obernier, Sr. in attendance. Chairman Thomas J. McCaffrey arrived at 7:35 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Walter Werner [Chief of Police], Dale Barnett [Codes/Zoning Officer] and Thomas Eells [Director of Public Works].

Acceptance of Minutes from Previous Meetings

November 1, 2007 and November 15, 2007. The BoS tabled the Minutes.

Correspondence/Communications *Information to act upon*

John Snook of the Brandywine Conservancy has provided the Township with amendments to the Open Space Design Option for review and input prior to their advertising for adoption consideration. Manager Rambo is waiting for comments from Supervisors' McCaffrey and Lindborg. The Engineer is currently reviewing the amendments.

The Chester County SPCA has forwarded the Township their proposed 2008 Stray Boarding and Animal Protective Services Contracts for consideration. Manager Rambo noted they are requesting a \$4,500 contribution, in 2007 the amount was \$3,180 being it started in March. The total amount for 2007 would have been \$3,820. The Township did not use the SPCA in 2006; in 2005 the amount was \$4,689. Manager Rambo recommended that the Township approved the SPCA's proposed contract. This year to date the Township has paid out \$4,300 that includes the contract price plus housing of strays.

At this time it was noted that Chairman McCaffrey arrived at the meeting. Supervisor Obernier asked if the SPCA has followed through with reporting to the police department in 2007. Chief Werner will get a report from the SPCA to find out if there were any cruelty cases in the Township, at this point the SPCA have not contacted Chief Werner to let him know that there were any. Supervisor Obernier stated the whole point is if the SPCA is going to do an investigation in West Brandywine Township, they are supposed communicate with the Township's Police Department to make it safer for everyone involved.

Chairman McCaffrey noted that if the SPCA is doing an investigation on abuse to an animal and "rattles someone's chain" a policeman could go out the next day because of a neighbor's complaint and be greeted with a shotgun. It seems fair that whenever an enforcement agency works within the Township that they should notify the WBT Police Department. Vice-Chairman Lindborg concurred. Vice-Chairman Lindborg motioned to table the SPCA agreement. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye.

The TMAACC is seeking support from the Township for the submission of an application to the Federal Transit Administration (FTA) for funding for the Coatesville Link bus. Manager Rambo explained they are requesting the Township's support for their grant submission to the federal government so they can continue running the Coatesville Link bus that services the YMCA and Freedom Village. Vice-Chairman Lindborg motioned for the Manager to send a letter of support. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Public Comments (individuals requesting to be on agenda)

Ms. Marie S. Williams of 483 Hibernia Road was in attendance to talk to the Board with regard to the proposed Mosteller Subdivision and the affect that it may have on her and her neighbors wells and sewer systems. Ms. Williams noted that the Township should require the developer put money in escrow for seven years in case something should happen to their wells or test wells before any of the development takes place. Ms. Williams stated she didn't know how many homes were going to be built, rumor has between three and six on thirteen acres. Vice-Chairman Lindborg felt that this is more like a continuation of neighborhood use, they are not doing a tremendous commercial or industrial withdraw of water. Ms. Williams wants it to be on record that she has never had a problem with her water in the past twenty-five years. Chairman McCaffrey asked Ms. Williams for her list of requests.

Ms. Williams would like to have money put in escrow for seven years to make sure that her well and her neighbors' wells remain problem free. She would also like the wells to be tested to make sure that they are not contaminated prior to any development taking place. Chairman McCaffrey didn't think the Township would have any authority to carry out her requests. Supervisor Obernier suggested that Ms. Williams have her well tested prior to development to provide a baseline. Vice-Chairman Lindborg also explained that the Township doesn't regulate septic systems, the Chester County Health Department designs them and permits them. Manager Rambo stated that Mosteller has not submitted any formal plans to the Township for review by the Township Engineer.

At this time in the meeting, Chairman McCaffrey moved to address the Meeting Minutes.

Correspondence/Communications *Information to Note*

The Township is in receipt of correspondence from the Chester County Assessment office with regard to the Township's 2008 Statement of Valuations. Manager Rambo noted that the assessment went up four percent over last year's rates.

DEP has forwarded the Township information with regard to the renewal of its Act 90 Waste Transportation Safety Program forms. Manager Rambo noted that the Public Works Director is addressing DEP's application.

The Reeceville Elementary School PTA has sent the Township a letter of thanks for the use of the Township facility as a drop off point to collect books for their used book sale. There were no comments.

The Hibernia United Methodist Church has sent the Township a letter of thanks for serving as a collection point for the "2007 Operation Christmas Stocking" for service personnel. There were no comments.

Adjournment from Township Meeting: 7:57 p.m. and the Public Hearing Opened at 7:57 p.m.

Ordinance No. 07-06, Local Services Tax presentation (formerly known as the Emergency and Municipal Services Tax). Chairman McCaffrey explained that this is for people that are employed within the Township. Manager Rambo noted that Ordinance No. 07-06 was duly advertised on November 7th, 14th, and 21st. A copy of the full text was available at the Township for public review. This is a result of ACT 7 of 2007 being passed where it changed the current Emergency and Municipal Services Tax to be called the Local Services Tax. It establishes different guidelines than the current tax. New guidelines state that you must earn \$12,000 before you are eligible for the \$52.00 tax. A rate of \$1 per week will be deducted. Submission back to the Township will occur quarterly by Berkhiemer Associates. There are waivers for those who served in the armed services. The school district will receive \$5 of the \$52. This was originally established in 2005, it is being amended according to the requirements of Act 7 that was established by the State.

Ms. Williams asked if you have to work in WBT to pay the tax. Manager Rambo answered yes, if you work two different places, the one that would collect the tax is the one where you earn the most. Vice-Chairman Lindborg motioned to adjourn the meeting. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye.

Adjournment from Public Hearing 8:02 p.m.

Re-Opening of Township Meeting 8:03 p.m.

Old Business

The Manager continues his draft “easement agreement” preparation based on County requirements for funding for presentation to the Henderson’s with regard to the purchase of a conservation easement. Manager Rambo noted that once the Township is notified as to whether or not we have been awarded a County grant, the Manager would approach the Henderson’s with the proposed easement language for their review.

Final discussions on the Police Policy and Personnel Manual and the Non-Uniform Personnel Policy Manual prior to their adoption consideration. Chairman McCaffrey suggested that the BoS meet with the Manager to go over the Manuals prior to their adoption. The BoS concurred. Manager Rambo will set up a meeting within the next two weeks.

Final discussions on Ordinance No. 07-06, The Local Services Tax (formerly known as the Emergency and Municipal Services Tax). There were no comments.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

There was no Old Business from the Board.

Ordinances and Resolutions

Ordinance No. 07-06; Local Services Tax adoption. Vice-Chairman Lindborg stated based on the Manager’s recommendation and the discussion, motioned to adopt Ordinance No. 07-06. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye.

Resolution #20-07; adoption of the Police Policy and Personnel Manual amendments. Vice-Chairman Lindborg motioned to table Resolution #20-07 until after the BoS meets to discuss the policies.

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

New Business

Approval of release request #6 for the All Souls Cemetery Project in the amount of \$407,031.95. Manager Rambo noted both the Engineer and Manager have reviewed the request and found it in order and recommended that the BoS approve the release request. Vice-Chairman Lindborg motioned to approve the request. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye.

Release request #5 for the Public Works Facility in the amount of \$70,335.27. Manager Rambo noted the request has been found satisfactory and recommended that it be approved for payment. Vice-Chairman Lindborg approved the release request based on the Manager's recommendation and Engineer's review. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Recommendations of the Township Planning Commission. Manager Rambo noted the recommendations of the Planning Commission. The Planning Commission recommended that the BoS give conditioned approval for the Gudal pending approval of everything listed on MacCombie's November 2nd letter. Manager Rambo recommended that the BoS grant conditioned final approval to the Gudal subdivision. The conditions are that they establish the necessary public improvements to perform the road construction and widening of Pratts Dam, they obtain all outside agency permits from DEP, the Chester County Health Department, and conservation services. With conditioned approval they will be able to start getting bank approval. Vice-Chairman Lindborg noted that based on the recommendation of the Township Planning Commission and Manager, motioned for conditional approval, with the conditions outlined above. The BoS won't sign off on the plan until those conditions are met. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Manager Rambo then noted that the Planning Commission recommended approval to the BoS for Jelke's Fabrication subject to addressing the four items on MacCombie's October 31, 2007 letter. Manager Rambo recommended conditioned approval upon establishment of escrows and obtaining all outside agency permits. They have already addressed all the items in MacCombie's letter. Vice-Chairman Lindborg noted that based on the Township Manager and Planning Commission's recommendations motioned to grant conditioned approval with the conditions noted above. Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Signing of the Girl Scout Plans located in Wallace/West Brandywine Townships. Manager Rambo noted that plans were brought in a while ago. Manager Rambo requested that the Township see the easements that were purchased by Natural Land Trust of which the purchased easements were emailed to the Township. The surveyor has to stop in to sign and seal the plans. Manager Rambo was concerned because Wallace has not signed off on the plans yet and would like to get a letter from Wallace Township stating that they have granted final approval.

Anthony Holowsko was in attendance from Rotelle Development to update the BoS on where they stand. Mr. Holowsko explained this is a 155-acre lot that covers both Wallace and West Brandywine Township. They did a small subdivision on the Wallace side utilizing 15 acres of space and they passed an easement for the remaining 140 acres. There are three areas in the conservation easement, woodlands, meadow, and building envelope. Because it is a large tract, they created a walking trail easement that circles the property; whoever puts the trail in would have to maintain it. Manager Rambo noted his understanding was should there be a trail within the eased area within WBT or some entity of the

Township; they would have to create and maintain the trail. Mr. Holowsko stated it doesn't necessary have to be an entity within WBT. The BoS were in agreement that they would sign the plans at the next BoS meeting. Supervisor Obernier asked Mr. Holowsko if any construction is permitted in the WBT area. Mr. Holowsko answered the only use is agricultural, there are existing buildings that are not residential, they are used to satisfy agriculture.

Discuss the proposed 2008 general fund budgets that have been advertised. Chairman McCaffrey asked if there were any questions from the floor. Jim Bryan a resident of WBT asked for clarification regarding the increase in property and liability insurance from 2003 from 2007. Chairman McCaffrey feels that there was a lot of damage across the country from hurricanes, etc., and that the insurance companies are recouping some of their losses.

Manager Rambo further explained that after talking with the insurance company, there have been increases nationwide, everyone is affected, even municipalities, as a result of the hurricane damage. As for liability insurance, it covers the police department, public works department, the supervisors, code officer, and manager, covers them for issues. The Township participates in a pool (PIRMA) throughout the state. PIRMA solicits the best prices for its pool members.

Jim Bryan inquired about the increase in the police pension plan. Manager Rambo explained that the increase has to do with how the plans were utilized back in the early 2000's when everyone was having difficulties. The Township has to do actuarial studies every two years. Plans were not doing as well as people thought they would do and it is catching up to us now. This is the MMO; the state does an evaluation based on salaries, performances of how the money is invested and each year the state tells the Township what they will put in.

Supervisor Obernier pointed out that WBT tax rate has been the lowest and even with a tax increase WBT is just above Valley's. Chairman McCaffrey stated that the BoS hates the idea of having a tax increase. WBT hasn't had a tax increase for decades. All the facilities that exist have been well planned and budgeted; the money is already here for them. What they could not predict were the hurricanes in the Gulf of Mexico, the increase in insurance rates, or the increase in oil prices. The oil products that are used to pave the roads have gone up astronomically. The BoS has jostled things around and continue to put small amounts of money aside so that when the police cars wear out, the Township doesn't have to get a loan so that the BoS is not raising everyone's taxes to pay the loan. That is what is going to be sacrificed if the Township doesn't raise the taxes. The BoS is trying to take a small bite so that they can put some of the money back into the reserve, which is going to buy the items that are eventually going to wear out.

Cathy Bryan, a Township resident asked about the earned income tax. Manager Rambo explained that the Township is at the legal maximum amount allowed. The Township is allowed 1% and the school district is allowed .5% of that. Chairman McCaffrey felt that it would be fairer if the school district went to an earned income tax (EIT). If the state were to change the law so that the Township could have a higher EIT Chairman McCaffrey would be against that too without some kind of change in the real estate tax because the school district would take advantage of that and they would have an even greater bite out of everybody. The Township tax is a few hundred dollars; the thousands of dollars in taxes are coming from the school district first and the county secondary.

Manager Rambo stated that if a house were assessed at \$200,000 you would pay .85 per week. When the equipment wears out and you have to replace it, nobody is going to pay a huge bill by having a small piece of change come out now. The Township is also looking at the fact that more people are moving into our community. With the combination the BoS is hoping they don't have to do anything else for

years to come. Vice-Chairman Lindborg feels that there is a real value for the money that the residents pay in taxes to the Township; it is a value that can be seen with the 24/7 police department, the road department that provides maintenance of the roads, and park maintenance.

Pat Edwards stated that retired people would prefer to pay more to the Township where you personally involved, it is the school tax gets retired people. Vice-Chairman Lindborg noted that the BoS is very aware of the tremendous burden that the school taxes have on a lot of the people on a fixed income.

Chairman McCaffrey felt that the way that the state has orchestrated taxes, nobody minds giving a piece of something new to the government for the privilege of being an American. If you invest your money in your home and in your community to make the place better to raise children in, you are penalized for that. If you just play with your money, buy a car and fancy clothes, you pay nothing on the car or clothes next year. If you put money into your house, your house is worth more and the government reassesses it and takes more money from you. It shows the legislatures complete lack of a backbone, in the last twenty years they have not dealt with it. There is no sense of responsibility.

A resident noted that currently the Appropriations Committee in Harrisburg has a school property tax elimination act of 2007. Now is the time to contact our representatives. The resident gave the address for two websites for people to get information and stated that there is a need to get people active.

Chairman McCaffrey felt that WBT BoS was instrumental in preventing a 25% increase in school taxes when it was a forgone conclusion by the school board when it first came up.

David Sullivan noted that he wasn't really for or against the tax increase, but felt that it makes sense to have the tax increase. Mr. Sullivan stated there are fixed number of buildings and machines and new people moving into the Township all of the time and asked why that doesn't cover the costs. Vice-Chairman Lindborg explained that is the reason the BoS was able to forestall a tax increase, it is because the insurances and issues that were discussed, they just can't keep juggling the books anymore. This money that the BoS is looking to raise with this tax increase will go into the reserves to replace equipment that wears out in the future. Manager Rambo stated that the Township establishes a depreciation schedule for every piece of equipment and every vehicle. Money is put aside each year for this, which is invested at the best rate from a local lending institute.

Chairman McCaffrey explained when the three current supervisors first came on board at the Township and looked at the books, the Township was living off of next year's money. Supervisor Obernier noted an example that all the equipment that the Township had back then had loans on them and recalled a road department truck that burned up and were still making payments on it. Mr. Sullivan stated he understood what the Board was saying but was concerned that once taxes go up, they never come down. People on a fixed income can't afford the increase. Mr. Sullivan felt that what the Board was asking for was reasonable.

Chairman McCaffrey said if there was a way to itemize the budget and break the millage up into the different departments, e.g. road department, police department, etc. Then the residents can decide where they would like to cut services, less fire protection, less liability insurance for a child that falls on the playground, or one less policeman so you would have a period of time that is not covered properly. You can't have mounting costs for materials, labor, increased services, etc. The residents come in and ask for increased services, they want parks and trail systems, etc. Chairman McCaffrey stated they could have a balanced budget by eating up all the reserves that have been placed there over the past seven years to replace some of these large items and it will look like everything is balanced, but we will be living beyond what is coming in. Manager Rambo explained that the Township has money in a reserve account

for the new public works building. The Township borrowed the money three years ago at a good rate and has had it in an account that pays a higher interest than what it was borrowed at. Now the money is transferred to the general fund as the payments are due for the new building. Chairman McCaffrey explained there are two reserve accounts. The second reserve account is a capitol reserve budget that is set up for assets and things that will wear out. That is what was wrong when he started as a supervisor, was there was no planning for the future.

Supervisor Obernier commented about the MMO that was discussed earlier, noting when he first became supervisor; the Township couldn't pay the MMO for three years in a row and the state was going to take over the accounts. Those accounts had all the money in them including payroll, so they were going to have to lay off the entire police department. Chairman McCaffrey stated that Supervisor Obernier located back money that was due to the Township from the cable company and the Township was able to bail itself out of that disaster. From then on the BoS decided they needed to have a capital reserve and a low operating budget to try and pay things off. What the Township has now runs smooth; they put money away to pay for items later on that need to be replaced. That is what they are trying to do with the tax increase. Manager Rambo noted the Township has eaten into the reserves throughout the year whenever there have been unforeseen increases.

Manager Rambo explained when doing a budget he calls around to get new quotes and get the best prognosis on how much the insurances are going up and if the insurance companies say 10%, then 10% is budgeted. When the bill comes we find out that it went up 20%. Chairman McCaffrey stated that he was hoping there would be more people in attendance at the BoS meeting to ask questions. There were no further questions so the Chairman moved on.

New Business from the Floor

Pat Edwards asked what All Souls was building. Manager Rambo answered an office building.

New Business from the Board

There was no New Business from the Board.

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

There were no comments.

Open Issues Before the Township

The Township has forwarded its Signal Specifications to Caln Township for review. Manager Rambo noted he is waiting to hear from Mr. McKlintock.

The Manager and Township Engineer continue in their efforts of reviewing and updating the Township's Act 537 Plan. There were no comments.

The Township continues to review information with regard to the State Turnback Program. There were no comments.

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

Interest rate for the week (3.93%). There were no comments.

Review and Payment of the bills.

Manager Rambo noted the Solid Waste Bills totaling \$1,745.26, General Fund bills totaling \$111,103.43, and Highway Funds totaling \$3,382.72. Vice-Chairman Lindborg reviewed the bills, found

them satisfactory, and motioned to pay them. Supervisor Obernier also reviewed the bills and seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye in favor to pay the bills.

Upcoming Meetings/Events

Chairman McCaffrey noted the upcoming meeting and events. There were no comments.

Adjournment

There being no further business before the Board, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:03 p.m. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier and McCaffrey voted aye.

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