

**Meeting Minutes of October 21, 2010  
Board of Supervisors**

Chairman McCaffrey called the West Brandywine Township (WBT) Board of Supervisors meeting of October 21, 2010 to order at 7:30 pm 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, Carl S. Lindborg and Supervisor Josef G. Obernier Sr. in attendance. Township Manager Ronald A. Rambo, Jr. was also present.

**Acceptance of Minutes from Previous Meetings**

*September 2, 2010, September 16, 2010 and October 7, 2010.* Supervisor Obernier stated he has reviewed the minutes, submitted his comments, and is okay with the minutes. Vice Chairman Lindborg motioned to approve the minutes based on Supervisor Obernier's recommendation. Supervisor Obernier seconded the motion. Board members Lindborg, Obernier, and McCaffrey voted aye.

**Treasurer's Report**

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

General Fund	\$217,582.19	State Liquid Fuel Fund	\$22,363.30
K-9 Rudy Fund	\$1,306.40	Operating Reserve Fund	\$29,473.40
Solid Waste & Recycling Fund	\$11,741.48	Police Pension Fund	\$1,399,952.02
Capital Reserve Fund	\$605,344.63	Non-Uniform Pension Fund	\$304,231.88
Developer Escrow Fund	\$385,417.29	Payroll Fund	6,613.67

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

*Chris Bamber of PFM is in attendance to present to the Board documents pertaining to the refinancing of the Township's debt for their consideration.* Manager Rambo explained that only two Supervisors were present at the prior presentation by Scott Shearer and it was requested that a representative from PFM attend tonight's meeting to finalize their presentation so that the entire BoS has the ability to adopt the necessary ordinance and move forward with the refinancing of the current township's debt. Mr. Bamber gave a brief summary of the refinancing and answered the Board's questions. There were no comments from the floor.

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

*The Township is in receipt of information with regard to the upcoming CCATO Fall Convention slated for Thursday, November 4, 2010.* Manager Rambo noted that Supervisors McCaffrey and Lindborg are attending the CCATO Fall Convention and recommended the first November BoS meeting be changed to Wednesday, November 3<sup>rd</sup>. The BoS were okay to change the meeting date.

*Theo Claypoole of 134 Gabel Road has forwarded the Township an email with regard to serving on a Township Board or Commission.* Chairman McCaffrey motioned to appoint Theo Claypoole of Gable Road to the Historical Commission, seconded by Vice Chairman Lindborg. Board members McCaffrey, Lindborg, and Obernier voted aye.

The Township is in receipt of correspondence from Susan Holt requesting the placement of a sign denoting the location of a driveway on Reeceville Road. Manager Rambo noted the Public Works Director is reviewing the request.

**Correspondence/Communications Information to note**

The Township is in receipt of correspondence from PADEP with regard to the award of an Act 101 Recycling Program Performance Grant in the amount of \$12,128.00 for the year 2008. The Township should receive this within a twelve week period.

John E. Good, Esquire has reviewed proposed Ordinances No. 2010-04 and has found it to be in order. Manager Rambo stated this deals with the refinancing that will be addressed later in the meeting.

Thomas J Anderson & Associates, Inc. has forwarded the Township information with regard to drafted procedures to consider in order to be Act 44 Compliant. The Manager will prepare a resolution to adopt so there will be proper procedures in place when the State comes in to audit the various pension plans.

The Township is in receipt of various pieces of correspondence from the County, PADCNR and PECO with regard to upcoming grant application periods. Manager Rambo explained there are three different grant applications that the Township will review and consider over the next few months.

The Chester County Tax Claim Bureau has provided the Township a copy of Resolution 48-10 entitled "Resolution Fixing the Return Date on which Tax Collectors Must Make a Return to the Chester County Tax Claim Bureau." Manager Rambo stated the Township has received a letter from the tax collector requesting a change in the lien date of 2011 real estate taxes and fire service tax bill to December 15<sup>th</sup>. The County changed their date from January 15<sup>th</sup> to January 5<sup>th</sup>. Manager Rambo will create a resolution.

Mrs. Lisa G. Doan-Harley of the CASD is requesting information from the Township for the use in a third grade project. Manager Rambo explained the school children are compiling information from area neighborhoods to become part of their booklet.

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

**Police Report:** Chief Werner gave the police report.

Total Hours	1035.61	Miles Patrolled	5394	Vehicle Crashes	10
Vehicle Stops	139	Burglary Thefts	4	Fatalities	0
Domestics	11	Assist Other Agencies	9	Alarms	20
Susp. Activity	11	Premise Checks	75	All Others	152
Criminal Arrests	7	Non-Traffic Arrests	2	Traffic Arrests	116

**Public Works Department Report:** Tom Eells presented the report and noted work completed for the month.

Total man-hours	1006.5	Miles traversed	1006.5
Total Equipment hours	110	Total fuel gallons	762.5

**Buildings/Codes/Fire Inspector Department Report:** presented by Dale Barnett.

**Building & Codes**

Building Permits issued	50	Permit base fees collected	7,094.40
Occupancy fees collected	\$100	U&O permits issued	2
U&O permits issued cursory	50	Contractor Licenses (CL) issued	10
CL Fees collected	\$400	WBT Inspections completed	40
Failed Inspections (FI)	1	Failed Inspections Fees collected	0

WBT Fees Collected \$7,594.40

Valley Twp Fees Collected 0

**Total fees collected \$7,594.40**

**Fire Report:** Campfire/Recreational Permits 0

*Wagontown Fire Company* Submitted by Chief Todd Ziegler and presented by Captain Yearsley.

**Fire**

Number of calls dispatched into WBT	5	Initial dispatch into WBT	4
Second dispatch into WBT	1	Number of calls scratched	0

**Medical Assist**

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

*East Brandywine Fire Company:* Submitted by Chief Joseph Edwards and presented by Manager Rambo.

**Fire**

Number of calls dispatched into WBT	6	Initial dispatch into WBT	6
Second dispatch into WBT		Number of calls scratched	0

**Medical Assist**

Number of calls dispatched into WBT	14	Initial dispatch into WBT	11
Second dispatch into WBT	-	Number of calls scratched	3

*Martins Corner* Submitted by Chief Dan Metzler and presented by Manager Rambo.

**Fire**

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

**Medical Assist**

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

**Reports of Organizations, Boards and Commissions**

Barry Parsons was in attendance from the Historical Commission noting that they are awaiting a letter from the Township Engineer for the Culbertson Village project. Discussion ensued regarding saving the pond on the Culbertson Village property as well as the meaning of Class I, Class II, and Class III property lists.

There was no one present from Parks and Recreation, Planning Commission, or the Open Space Review Board.

Manager Rambo noted the Planning Commission recommended the extensions for Cycle Max, North Brandywine Middle School, and Pulte Projects while they are being worked on by their engineers. Those project extensions were accepted by the BoS at prior meetings.

Manager Rambo noted the Open Space Review Board received Dr. Eck’s appraisal, which was forwarded to Dr. Eck.

Municipal Authority Manager Rambo gave a brief update of the Authority’s Sewer project. At the last Authority meeting Authority Manager Rambo received permission to inform anyone present at the BoS meeting, if they wish to know what monies are available by the Authority. The Authority currently has two CD’s in the amount of \$993,000 that were contributions and has \$1.4 million left in project funds. The Authority is in line with expenses on the sewer project. It is anticipated to have the Authority’s project completed by the end of the year.

Rambo also noted the various municipalities, Trial Staff of the PUC, as well as the Small Business Bureau has agreed to a proposed rate increase for PAWC. It is before Judge Grainy, the Trial Judge for the PUC, for his review for thirty days. If he approves the proposed rate increase, which was originally was to be 8.2 million per year, it is set at 5.99 million per year. It will be over a six year period that they will be able to increase their rates. The original request of 200% is down to 170% for its service people and 128% for the various bulk capacity users. They won't be able file another rate increase for a six year period. It is a stepped increase, than it levels out and drops back down to the third year rate increase for the sixth year. The Authority is in the process of preparing its budget for next year to see how much its rates have to go up; it is just a portion of the Authority's rate. Supervisor Obernier stated the Authority is a bulk customer and the charge would be lower than Coatesville's rate. Vice Chairman Lindborg commented on the way the pump station aesthetically ties into WBT. There were no further comments.

### **Executive Session**

Manager Rambo noted the BoS held an Executive Session prior to tonight's BoS meeting. Discussion took place on personnel issues dealing with the police contract and other issues currently before them.

### **Adjournment from Township Meeting: time 8:08 p.m.**

### **Opening of Public Hearing: time 8:09 p.m.**

*Public Hearing for Ordinance No. 2010-03 regarding Earned Income Tax.* Manager Rambo explained this Ordinance is required to be reenacted by the BoS to meet Act 32 requirements regarding the collection of earned income tax by a single tax collector within the County. This Ordinance has been duly advertised and has been available at the Township for review. It is an ordinance of the Board of Supervisors, West Brandywine Township, levying a tax on earned income and net profits, requiring tax returns, requiring employers to withhold and remit tax, and related provisions. This has to be adopted so the Township comes into compliance with the new laws established by Act 32.

*Public Hearing for Ordinance No. 2010-04 regarding the refinancing of debt as presented earlier by Chris Bamber of PFM.* The Township is in the process of refinancing its current debt. It amounts to \$4.165 million, of that \$553,000 deals with the PNC loan for the public works facility, and \$3.55 million deals with the current municipal complex and park. As the Board is aware, Dexia, who currently backs the Harrisburg Authority bonds, will no longer be backing it next year, requiring the Township to look for refinancing. Manager Rambo recommended the BoS look at doing it now, during budget time, so there are budget numbers to work with. The Manager also suggested they look into the Emmaus Bond Pool, a similar pool to the variable rate, adjusted weekly, borrowing what the Township currently has. The Township will not be extending the life of either loan or borrowing any additional funds. The PNC loan and building loan will be paid off according to the time that remains on it; this is just a refinancing of the current funds. Supervisor Obernier also noted the Township will be experiencing a small savings on the refinanced payments and is requesting those savings be put toward the principal. Chairman McCaffrey explained a separate account is going to be created so if the interest rate were to go up, this would create a buffer. Supervisor Obernier stated as long as the buffer does not grow too large, paying the principal off as we go, as opposed to paying it off a couple months earlier, you would lose the compounding effect of it. Chairman McCaffrey concurred, but noted it also seems sensible to have something set aside to cover interest rate increases. Supervisor Obernier explained he was not disagreeing with Chairman McCaffrey.

Chairman McCaffrey asked if there were any questions concerning the Earned Income Tax. A resident asked if the taxes would be increased. Manager Rambo answered no, it will remain the same at 1.125%; currently it is .5% for general fund use, .125% for open space, and .5% to CASD. Everyone in Chester County has to do this. Chairman McCaffrey stated it used to be that Earned Income Tax was collected by whomever West Brandywine Township chose. Manager Rambo stated

the State has decided that rather than each municipality select their own, based on the number of counties that is how many contracts there will be for Earned Income Tax collectors. The County could have established their own Earned Income Tax collection group, which they didn't. The group has a Board that had met and requested RFP's from various companies, i.e., Central Tax, Berkheimer, and Keystone Collections Group. The group got the best rates from Keystone Collections. They will be collecting Earned Income Tax, Open Space Tax, and Local Services Tax if the Township elects to go with them for Local Services Tax for a rate of 1.35%. Currently the Township has a contract with Berkheimer, paying them 1.75% for Earned Income Tax, 2.25% for LST, and 6% for delinquent Earned Income Tax collection. With Keystone Collections it is 1.35% flat rate for everything. There were no further comments.

Chairman McCaffrey asked if there were any public comments regarding Ordinance 2010-04; Refinancing of Debt and recapped that the current holder of that debt is dissolving and no longer backing it, so the Township had to find another place to refinance its debt. It looks like it will be slightly more expensive than it has been in the past, but still less than a bond issue, because there is an increase in administrative fees for this particular group. There were no further questions or comments.

**Adjournment from the Public Hearing: time 8:20 p.m.**

**Re-Opening of Township Meeting: time 8:31 p.m.**

#### **Old Business**

*The Township Engineer and Manager continue their work on finalizing the Township's amended Act 537 for review and consideration by the Board of Supervisors. There were no comments.*

*The Manager is finalizing a revised Ordinance pertaining to the number of individuals and the make-up of the Open Space Review Board. Manager Rambo anticipates this will be advertised and ready for adoption at the first BoS meeting in December.*

*The Manager is in the process of preparing the Airport Hazard Zoning Overlay District for incorporation into the Township's zoning ordinance as required by PA Act 1984-164. Chairman McCaffrey explained there is a small over flight area for G.O. Carlson Airport in the southwestern corner of the Township. The Township has to create by law, an Airport Hazard Zoning Overlay District.*

*The Board of Supervisors is in receipt of the following policies for consideration of which are being recommended by its benefits insurance carrier; Worker's Compensation, Military Leave of Absence, Uniformed Services Employment and Re-Employment Rights Act, Disability Leave, and Health Reimbursement. The Chairman explained these are recommendations for the BoS to consider by the Township's insurance carrier. The Manager has received comments from Supervisor Obernier but is awaiting comments from the other board members, prior to preparing a resolution to adopt.*

*The Manager has advertised proposed Ordinances 2010-01(rezoning) and 02(signage) for public hearings and consideration on Thursday, November 18, 2010. Supervisor Obernier expressed reservations for proposed Ordinance 2010-02, requesting the attorney come to a BoS meeting to give their input. Chairman McCaffrey expressed reservations for the proposed rezoning Ordinance 2010-01. Manager Rambo noted the property is located at Springton Road and Horseshoe Pike.*

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

Jeff Grossman requested an explanation for the proposed rezoning ordinance. Manager Rambo stated the site would be rezoned to rural mixed use; a combination of offices, residential, convenience store, etc. Chairman McCaffrey expressed concern and stated he requested the applicant present how this would benefit the community. Discussion continued.

## **Old Business from the Board**

There was no Old Business from the Board.

## **Ordinances and Resolutions**

*Ordinance No. 2010-03; Earned Income Tax.* Supervisor Obernier motioned to adopt Ordinance No. 2010-03; Earned Income Tax. Vice Chairman Lindborg seconded the motion. Board members Obernier, Lindborg, and McCaffrey voted aye.

*Ordinance No. 2010-04; Refinancing of Debt.* Chairman McCaffrey motioned to adopt Ordinance No. 2010-04; Refinancing of the Township's Debt. Vice Chairman Lindborg seconded the motion. Board members McCaffrey, Lindborg, and Obernier voted aye.

*Resolution #09-2010: Local Services Tax.* Manager Rambo explained this requests that Keystone Collection Group also collect the Township's Local Services Tax. Vice Chairman Lindborg motioned to adopt Resolution #09-2010. Supervisor Obernier seconded the motion. Board members Lindborg, Obernier, and McCaffrey voted aye.

## **New Business**

*The Township Manager is preparing the 2011 budget for presentation to the Board of Supervisors.* There were no comments.

*The Manager has the proposed 2011-2013 Police Contract under review by special counsel prior to its presentation to the Police Association.* Manager Rambo noted the executive session pertained to this.

*Discuss the issuance of an RFP for computer services starting January 1, 2011 or the use of the Co-Stars Program.* Supervisor Obernier explained he has the current contract for computer services, would not participate in discussion, and would abstain from any vote. Manager Rambo stated last year the RFP was for a one year period for 2010. It was noted last year that it would be brought back up again to determine if they would do another RFP or pursue individuals that are on the Costars program. Chairman McCaffrey felt it would be more logical to be able to approach people on the Costars program and get a price for specialized services that you can better define when you need the services rather than try to anticipate our needs at the beginning of the year and get a proposal. Vice Chairman Lindborg explained CoStars is a Pennsylvania State program and felt it would be better to pick and choose. Both Chairman McCaffrey and Vice Chairman Lindborg were in agreement to utilize the CoStars program for computer services. Vice Chairman Lindborg motioned to utilize CoStars for computer services, seconded by Chairman McCaffrey. Board members Lindborg and McCaffrey voted aye. Supervisor Obernier abstained.

*The CASD and district municipalities will be meeting with Rose M. Harr of the Keystone Collections Group to go over what will be involved with the switch over of EIT collectors.* The Manager noted the meeting will take place at West Brandywine Township on Wednesday, October 27<sup>th</sup> at noon. Barry Parsons questioned how people will be notified about the changeover. Manager Rambo briefly explained the notification process and noted the fourth quarter of 2010 will be through Keystone.

*Signing of the refinancing documents for the borrowing of \$4,165,000.00.* Chairman McCaffrey explained there is no increase in the amount of debt, it is being put into a lower interest rate payment, and time limits on paying it back are the same. Vice Chairman Lindborg motioned to sign the refinancing documents at the end of the meeting due to the number in complexity of them. Supervisor Obernier seconded the motion. Board members Lindborg, Obernier, and McCaffrey voted aye.

## **New Business from the Floor or Board**

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

**Public Comments**

There were no Public Comments.

**Open Issues Before the Township**

The Township is looking for an individual to serve on the Historic Commission. Chairman McCaffrey noted this position has been filled this evening.

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

*Interest rate for the week is 1.45%.* There were no comments.

**Review and Payment of the Bills**

*The Solid Waste Fund bills total \$1,824.97 and General Fund Bills total \$38,914.44.* Supervisor Obernier reviewed the bills, found them in order, and at the Manager's recommendation motioned payment. Vice Chairman Lindborg also reviewed the bills, found them in order, and seconded the motion. Board members Obernier, Lindborg, and McCaffrey voted aye.

**Upcoming Meetings/Events**

- Open Space Review Board, Thursday, October 28, 2010 at 6:45 p.m.
- Planning Commission, Thursday, October 28, 2010 at 7:30 p.m.
- Board of Supervisors, Thursday, November 3, 2010 at 7:30 p.m.
- Historic Commission, Monday, November 8, 2010 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, November 9, 2010 at 7:00 p.m.
- Municipal Authority, Thursday, November 11, 2010 at 7:30 p.m.
- Board of Supervisors, Thursday, November 18, 2010 at 7:30 p.m.

**Adjournment**

There being no further business before the Board, Vice Chairman Lindborg motioned to adjourn the meeting at 8:45 p.m. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of adjournment.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer