

**Meeting Minutes of June 18, 2009
Board of Supervisors**

Chairman Obernier called the Board of Supervisors meeting of June 18, 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 Manager Rambo noted Chairman Josef G. Obernier Sr., Vice-Chairman Thomas J. McCaffrey, and Carl S. Lindborg in attendance. Township Manager Ronald A. Rambo, Jr. was also present. Chairman Obernier then turned the meeting over to Vice-Chairman McCaffrey.

Carl Chimacello of 44 Landover Drive stated he would be videotaping the meeting.

Acceptance of Minutes from Previous Meetings

May 7, 2009, May 21, 2009 and June 4, 2009. Chairman Obernier noted he gave his comments for May 7th. Supervisor Lindborg motioned to accept May 7th, Vice-Chairman McCaffrey seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye. Supervisor Lindborg motioned to table the minutes of May 21st and June 4th, Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Treasurer's Report

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

Capital Reserve Fund	\$812,736.05	Operating Reserve Fund	\$190.91
Construction Sweep Fund	\$15,411.58	Police Pension Fund	\$1,195,427.91
Developer Escrow Fund	\$424,503.09	Solid Waste & Recycling Fund	\$105,119.33
General Fund	\$111,115.91	State Liquid Fuel Fund	\$215,029.35
Non-Uniform Pension Fund	\$256,389.15	K-9 Rudy Fund	\$1,296.45

Public Comments (individuals requesting to be on agenda)

Holley Gates requested to talk with the Board about what can be done about the excessive speeding that is occurring on Icedale road. Ms. Gates was not in attendance.

Correspondence/Communications *Information to act upon*

The Township Engineer, James W. MacCombie, P.E., has forwarded the Board a Stormwater Management Facilities Operations & Maintenance Agreement for adoption consideration. Supervisor Lindborg motioned to adopt the Stormwater Management Facilities Operations & Maintenance Agreement. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

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 existing draft ordinance be tabled. The BoS will be receiving a final draft within the next week for review. Supervisor Lindborg motioned to table the draft ordinance based on the Manager’s recommendation. Chairman Obernier seconded that motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

The Township is in receipt of a June 5, 2009 letter from LRHA requesting 4 waivers from the Township’s Subdivision and Land Development Ordinance on behalf of the Mosteller Subdivision Plan. Manager Rambo recommended that the BoS table the waiver request because the Township has not received the engineer’s letter yet. Supervisor Lindborg motioned to table the waiver request based on the Manager’s recommendation. Chairman Obernier seconded that motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Kristin Camp, Esquire has forwarded the Township proposed additional uses for Historic Resources. Steve Janiec is in attendance to answer any questions the BoS might have. Mr. Janiec noted the antique business has not been doing well and he is looking for other business opportunities to market the property in the current economy. Manager Rambo explained they are proposing is similar to what is permitted in the major home occupation within the Route 322 corridor within the historic resource. Vice-Chairman McCaffrey was concerned about the parking area becoming a storage area on the property e.g. a welder with a lot of pipes. Mr. Janiec felt there is a difference between outside storage and an outside display, noting if a welder were there, that would be outside storage, for a nursery that would be an outside display. Vice-Chairman McCaffrey stated he has no problem with the proposed uses or with the outside use of the property if there are limitations set on outside storage. Manager Rambo will look into putting limitations on outside uses and storage and forward it to the County Planning Commission and the Township’s Planning Commission for their input for consideration in advertising it. Chairman Obernier suggested that hours of operation also be considered. Manager Rambo explained that would fall under conditional use. Vice-Chairman McCaffrey motioned for the Manager to forward the information onto the County Planning Commission and Township Planning Commission for review. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from Rettew with regard to the Rachel Wachs Project as it pertains to the previous sewer presentation. Manager Rambo noted information has been forwarded to the BoS and the engineer for his review. The Township is awaiting the engineer’s input.

The Archdiocese of Philadelphia has forwarded correspondence to the Township with regard to the completion of the springhouse restoration project. Manager Rambo noted the Archdiocese requested the Township review the completion of the springhouse. Hugh Redditt and Manager Rambo did a site visit and noted the springhouse was done according to the plans and looks nice. John Cassels clarified a statement he made prematurely that the springhouse wasn’t built according to plan; the springhouse was built according to plan. Hugh Redditt wishes to do a small report and a letter to the Archdiocese thanking them for the restoration of the springhouse and suggest they open it for visitation.

The Chester County Conservation District has forwarded the Township its new fee schedule for Agricultural Planning Services. Manager Rambo explained these are new rates for the review of agricultural uses.

John Good has provided the Township with a review of the Deed of Dedication for Hunters Drive. Manager Rambo stated the Township has been waiting years for this. John Good found it satisfactory and is leaving it up to the Township whether we need a maintenance bond. The Manager will prepare a resolution for adoption after he receives comments from the engineer.

Representative Curt Schroder has forwarded the Township a copy of correspondence sent to PennDot with regard to the condition of Reeceville Road between Caln Meeting House and East Reeceville Road. The Municipal Authority will be upgrading its sewer line in that area within the next year and will be making the necessary repairs to the road condition. Representative Schroder suggested that the Manager send a letter to the individual that has contacted him. Manager Rambo will have the Municipal Authority do that.

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

Police Report presented by Manager Rambo. There were no comments.

Total Hours	1,188	Miles Patrolled	7,901
Total Complaints	492	Accidents	7
Warrants	4	Fatalities	0
Domestic	9	Criminal Arrests	72
Non-Traffic Arrests	9	Traffic Arrests	91

Public Works Department Report: Presented by Thomas Eells who also noted work completed for the month. There were no comments.

Total man-hours	811	Miles traversed	2,118
Total Equipment hours	68	Total fuel gallons	972.5

Buildings/Codes Department Report: Submitted by Dale Barnett and presented by Manager Rambo.

Building Permits issued	43	Permit base fees collected	\$5,936
Occupancy fees collected	\$100	U&O permits issued	2
U&O permits issued cursory	14	Contractor Licenses (CL) issued	13
CL Fees collected	\$975	WBT Inspections completed	28
Failed Inspections (FI)	3	Failed Inspections Fees collected	\$50
		Total fees collected	\$7,442

Fire Marshal Report presented by Paul Gainor. Paul Gainor also noted a violation regarding an apartment that has blocked exits located on the corner of Highspire and Route 322.

Permit inspections done	36	Campfire/Recreational Permits	31
Specialty Bonfire Permits	1	Agricultural Permits	1
Permits not given	3	Special permits given	0
Special permits not given	0	Other type inspections done	3
Code violations/Complaints	3		

East Brandywine Fire Company Report submitted by Mike Conlan.

Fire

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

Medical Assist

Number of calls dispatched into WBT	13	Initial dispatch into WBT	10
Second dispatch into WBT	-	Number of calls scratched	3

Martin's Corner Fire Company Reported presented by Manager Rambo.

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

Wagontown Fire Company Presented by Todd Ziegler.

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

Reports of Organizations, Boards and Commissions

Hugh Redditt was in attendance to give the report from the Historical Commission. Mr. Redditt noted the Archdiocese springhouse project is complete and also that stone markers have to be placed where a barn was torn down on Manor Road. Mr. Redditt wanted to remind Swinehart Realty and Culbertson to mark off the historic buildings so they don't accidentally get knocked down. Vice-Chairman McCaffrey asked how Mr. Redditt felt about the restoration of the cemetery property. Mr. Redditt stated they did a great job; the Historical Commission took pictures of it throughout the project. The pictures will be on display in the building across the street when they finish getting the building ready.

Michelle Benkovich was in attendance to give the report of the Parks and Recreation Board. Ms. Benkovich noted the movie night was cancelled because of inclement weather and also noted the upcoming events.

Chuck Dobson gave the report of the Planning Commission. Mr. Dobson noted the five applicants before them at this time: Brandywine Meadows, Brandywine Manor, Cycle Max, Pulte Homes, and Mosteller. Chairman Obernier asked about a right of way that was central to the two parcels for Cycle Max and asked if they ever discovered who has the right of way. Mr. Dobson noted they are in the process of finding that out.

John Cassels gave the report of the Open Space Review Board (OSRB). Mr. Cassels asked about grant money and noted bridge and road improvements are needed for the Icedale property and asked if this is something that has to be planned for. Manager Rambo stated the bridge improvements are being looked into because of the costs associated with it; this has been put onto the bridge plan for state funding. Mr. Cassels outlined the Chase, Baldwin, Eck, Marie and Lindborg properties in his report. Mr. Cassels noted the OSRB recommended to the BoS to provide the cost of \$22,100 needed to secure the Marie property and also noted the OSRB recommended to the BoS that they authorize the Township Manager to seek an appraisal for the Lindborg property combined as one tract. Manager Rambo stated that Pat

Chase does not desire to pursue anything at the current time. The Baldwin's are still reviewing the information that was provided to them.

John Cassels explained for the Marie property that she has donated the value of \$225,000 for open space and the Township would only pay \$22,100. Vice-Chairman McCaffrey motioned to expend \$22,100 matching funds for the Marie property. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Vice-Chairman McCaffrey motioned to have an appraisal performed on the Lindborg property. Chairman Obernier seconded the motion. Board Members McCaffrey and Obernier voted aye. Supervisor Lindborg abstained.

Municipal Authority Manager Rambo gave the report of the Municipal Authority. The Authority Engineer is in the process of reviewing shop drawings for the sewer project so they can be approved so the contractor can order the required pumpstations. The Authority wants to make sure when on the Keegan property both the authority contractor and the Bentley contractor work hand in hand so they can work expeditiously with the least interference to the Keegan property. Vice-Chairman McCaffrey requested the numerous issues that were settled upon be put in writing so that Mr. Keegan has some resolution and feeling of a guarantee. Manager Rambo explained that is written in the easement, Mr. Keegan has contact information should a problem arise.

Adjournment from Township Meeting 8:18 p.m.

Opening of Public Hearing 8:18 p.m.

Discussion on Ordinance NO. 2009-02, Insurance Registration Certificates for Contractors. Manager Rambo stated with the changes in the law regarding registration of contractors, especially those that perform home improvements, are contractors license requirements that the Township currently has does not address those entities. The Township is establishing across the board to all, an ordinance providing for the registration of contractors, liability \$500,000 per occurrence, \$500,000 for personal injury, \$1,000,000 property damage. Automobile liability - \$1,000,000 combined coverage, workman's compensation and employers' liability \$1,000 for each accident. Basically, a contractor shall mean and include any person or entity engaged in the construction or improvement of a building, structure, and/or land who enters into a contract to perform a specific task or service and charges a fee for said task or service. This ordinance has been reviewed by the Township Solicitor and found to be okay as of June 1, 2009 by John E. Good and has been duly advertised in the Daily Local News on June 8, 2009. A condensed version of the text was advertised, a full copy of the ordinance was available for review at the Daily Local News, Chester County Law Library, and the Township.

Robert Dilorenzo of 16 Mendenhall Drive asked if this pertains to both contractors and builders. Manager Rambo answered any contractor, whether it is a builder or a person that puts in a driveway. Mr. Dilorenzo asked about the \$500,000 amount for general liability. Manager Rambo answered this is per occurrence for general liability. Mr. Dilorenzo asked if most policies are in the \$1,000,000 range. Manager Rambo answered not necessarily, if you are doing a small home improvement job, this is a minimum requirement. There were no further comments. Vice-Chairman McCaffrey moved to close the Public Hearing. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Adjournment from Public Hearing 8:23 p.m.

Re-Opening of Township Meeting 8:24 p.m.

Vice-Chairman McCaffrey re-opened the Township meeting and moved to address Old Business.

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 noted that Dale Barnett has been talking with some other code officers as well as preparing some modifications to his proposed ordinance and will be forwarding them onto the BoS for consideration.

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 is in receipt of the schedule from the contractor and has forwarded it on to the homeowners association. As of this date, Myers has not started but is scheduled to start next week as long as it doesn't rain anymore. Vice-Chairman McCaffrey commented the rain delay is a legitimate cause.

Mr. DiLorenzo asked the status of the landscaper and also commented the weeds around the basin are two foot high, causing an obstruction to pull out. Manager Rambo stated he spoke with both the landscaper and developer, they are supposed to contact each other to get things moving. The other option is that Mr. Fleming obtains a different landscaper. Vice-Chairman McCaffrey would like to get a schedule from them as to when they can see some activity. Manager Rambo will contact the developer about the weeds.

Final discussion on proposed Ordinance NO. 2009-02. Vice-Chairman McCaffrey noted this ordinance is to establish an insurance level for those individuals that are not covered by contractor's licensing for larger projects, this is for home improvements. There were no further comments.

Newsletter articles are due on Linda Formica's desk.

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. 2009-02; establishment of Insurance Registration Certificates for Contractors. Chairman Obernier motioned to adopt Ordinance NO. 2009-02. Supervisor Lindborg seconded the motion. Board Members Obernier, Lindborg, and McCaffrey voted aye.

New Business

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. Vice-Chairman McCaffrey motioned to forward Ordinance NO. 2009-03 to the county for review. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Release of remaining funds for the completion of the springhouse reconstruction located on the Archdiocese of Philadelphia property. The Township is awaiting documentation. At Manager Rambo's recommendation the BoS tabled the release.

Establishment of the Phase I public escrows for the Bentley Projects. Manager Rambo stated the Township has not received all of the documents and recommended the BoS table this until the next meeting. The BoS tabled this item.

The Township is in the process of filing its Year 6 MS4 Annual Report for submission to DEP. Manager Rambo stated this report has been submitted.

New Business from the Floor

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

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

There were no public comments.

Open Issues Before the Township

The Manager and Township Engineer 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. Chairman Obernier noted this item has been on the agenda for the past year and asked if they could move forward on this. Manager Rambo stated they are putting the road names in and make sure it is done properly.

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

Interest rate for the week (3.65%). There were no comments.

Review and Payment of the bills.

Manager Rambo stated the general fund bills total \$41,632.54, solid waste bill total \$23,031.36 and liquid fuels bills total \$124.86. Supervisor Lindborg motioned to pay the bills. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye.

Chairman Obernier suggested the BoS open up a period of time should any officer want to retire from the WBTPD. Currently none are eligible; there are two conditions, length of service and age. There are some officers that are close to that and the buzz is that they would like to take advantage of that. Supervisor Lindborg stated they could consider a one-time window through July 31, 2009 if these officers are interested in taking an early retirement and asked if there are costs associated with this. Manager Rambo stated last Wednesday a meeting with special council and the Police Association was held. During those discussions it was noted that Corporal Shappell and Sergeant Coldren are interested in early retirement. At that meeting it was agreed to contact the actuary to perform an actuarial study to determine how much each officer could receive as well as any impact on the Township. Manager Rambo requested a written letter from the officers that are interested in early retirement for the file to show Tom Anderson that they actually do want to proceed. These letters have not been received yet. Supervisor Lindborg wanted to be clear that the BoS is opening a one-time window for the officers to express to the BoS their desire to do an early retirement and that this is not tied to any predetermined condition.

Karl Ciamaichelo of Landover Drive asked for an update of the June 30, 2009 deadline if the police department is going to be suspended. Manager Rambo answered his understanding is that the police department was never going to be suspended. Supervisor Lindborg wanted to make sure that everyone is aware which is part of the scheduling, the no layoff, no furlough clause is still there. There was further

discussion regarding whether the “no furlough” item was a separate item or linked to and to be combined with the other items listed in a letter that the BoS and Corporal Domblesky were in receipt of.

Manager Rambo requested that Corporal Domblesky put in writing, that there would be no strings attached to the Township working with the schedule as discussed. Corporal Domblesky stated he would try and get this clarified by the end of the week. Supervisor Lindborg stated it is pretty simple it is either yes or no to the no layoff issue in writing.

Vice-Chairman McCaffrey voiced apprehension about what has come back from the attorney’s regarding what the BoS is dealing with that it would be considered bargaining if he ever asked any of the police about anything. You would like to have a discussion between people; the BoS was not bargaining but asking for input. Corporal Domblesky stated the BoS first talked about laying off the two least senior guys, and then talked about early retirement for the two older guys. The BoS stated those guys approached Manager Rambo and asked if the BoS would consider it. Corporal Domblesky stated the only reason that Sergeant Coldren approached Manager Rambo was because like everything else, its whisper down the lane, Sergeant Coldren heard from an employee that early retirement was being offered to Corporal Domblesky and Corporal Shappell. Chairman Obernier noted Supervisor Lindborg has referred to something in a letter Corporal Domblesky was unaware of so he gave Corporal Domblesky the letter to read.

Manager Rambo explained the actuary study is being done; the Township is going to request that the officers want to pursue early retirement with no stipulations and the furlough date has been extended until June 30, 2009. Chairman Obernier wanted to clarify that the retirement option isn’t connected with anything about no furloughs, if they want to retire and the Township can afford it, then that will happen. But if they want to retire and the only way that it can be agreed upon is to also agree to a no layoff, then the BoS couldn’t go any further, because the BoS can’t agree to it.

Mr. Ciamaichelo commented the Township should stick to their guns about the layoff and hopes the police department doesn’t hold the Township over a barrel because it seems like the police has the upper hand and also commented that the police department takes up more percentage of the budget than the state average does. Vice-Chairman McCaffrey stated it doesn’t matter; the state average is made up of all different kinds of communities with different types of taxes. The BoS does not want to raise taxes. Supervisor Lindborg stated the Township has the capability to have the state police at no cost; the Board’s preference would be to not do that. Manager Rambo noted the actuary study is being done and hoped to have it by June 24th; Corporal Domblesky is going to ask Corporal Shappell and Sergeant Coldren to get a letter to the Township stating that they want to pursue retirement. Corporal Domblesky is going to ask the solicitor his thought regarding scheduling giving the BoS that ability without any ties. Once the actuary studies are done, they meet between that date and June 30th. The BoS will gather all the information to call a special meeting for discussions and possible continuation or whatever of furloughs or further discussions, whatever they decide. Supervisor Lindborg stated he appreciates the fact that Corporal Domblesky took the time to come to the BoS meeting tonight to talk. The BoS and Corporal Domblesky noted how frustrating the situation is.

Upcoming Meetings/Events

- 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.
- Board of Supervisors meeting, Thursday, July 2, 2009 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 9, 2009 at 7:30 p.m.
- Historic Commission meeting, Monday, July 13, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 14, 2009 at 7:00 p.m.

- Board of Supervisors meeting, Thursday, July 16, 2009 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:25 p.m. Chairman Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of adjournment.

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