

**Meeting Minutes of January 15, 2009
Board of Supervisors**

Chairman Obernier called the Board of Supervisors meeting of January 15, 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 Supervisor's Josef G. Obernier, Sr., Thomas J. McCaffrey, and Carl S. Lindborg in attendance. Township Manager Ronald A. Rambo, Jr. was also present.

Acceptance of Minutes from Previous Meetings

December 4, 2008, December 18, 2008, December 29, 2008, and January 5, 2009r. Supervisor Lindborg motioned to accept all of the minutes. Chairman Obernier stated he read the minutes and submitted his edits and 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 December.

Capital Reserve Fund	\$574,894.50	Operating Reserve Fund	\$190.19
Construction Sweep Fund	\$26,899.81	Police Pension Fund	\$1,129,321.07
Developer Escrow Fund	\$469,424.37	Solid Waste & Recycling Fund	\$4,296.16
General Fund	\$4,843.81	State Liquid Fuel Fund	\$136,994.57
Non-Uniform Pension Fund	\$228,428.54	K-9 Rudy Fund	\$6,874.33

Lori Petri requested copies of the minutes be provided to the audience for comment prior to the Board's approval. Vice-Chairman McCaffrey stated the solicitor has instructed him that the minutes of the meeting are the recollection of the meeting for the Board and not a verbatim transcript. It isn't the same as a hearing or a trial where all of what is said is taken down and presented. Supervisor Lindborg stated his understanding is that once they are approved by the BoS they can be distributed.

Chairman Obernier stated he asked the attorney that question. The attorney said that the BoS approve's the minute's and then put them out to the public. If someone objects to the minutes at the next public meeting that person would state that. If the BoS agrees, the minutes will be amended to show the changes.

Ms. Petri stated that at most townships and meetings the minutes are usually presented to the audience for their review. This happens at East Caln and East Brandywine Township. Vice-Chairman McCaffrey explained there is nothing that anybody has ever hidden in any minutes or any meeting that has been run here. The thing that is troubling is that this is at a time when everybody is supposed to be cutting back

and doing things with less people. The minutes are sometimes emailed to Vice-Chairman McCaffrey within a day of the meeting and there is no time to review them. If you attend the meeting, you heard what took place; it is a matter of time, money, and people. Manager Rambo concurred with Chairman Obernier, the way that Manager Rambo was taught in classes offered by the state, the minutes are reviewed and approved by the BoS and then made available to the public. If the public has a question on the minutes, they have the opportunity to raise a question at the next meeting. The BoS can then request that the minutes be amended, in that night's minutes the change will be noted. Ms. Petri stated she believes that the second-class township code will allow for the minutes be presented how the municipality wants them. Manager Rambo stated he chooses the way that the solicitor tells him to choose, some choose to have them available for people to comment, some choose not to. Vice-Chairman McCaffrey stated he didn't have a problem, if the BoS reviews them and they are not approved, to put the unapproved ones out for review, it is going to be longer and longer. The longer they are sitting around for everyone to look at, the longer it will be before they are on the website. Someone is going to be disappointed and upset about it no matter what anyone does. Dialog continued.

Jeff Grossman stated that people record the meetings on their own at the school board meetings with the knowledge of the people. Vice-Chairman McCaffrey stated if anyone wants to record a meeting, they should announce that fact before the meeting starts; he didn't have any problem with that. The whole purpose of having open meetings are to make the meetings accessible, friendly, and open to every person that comes. It may be very inhibiting to have someone with a video camera or tape recorder because people clam up and it destroys the whole purpose of an open meeting.

Correspondence/Communications *Information to act upon*

The Township is in receipt of a letter of extension until Friday, July 17, 2009 from Louis J. Colagreco, Jr., Esquire on behalf of Pulte Homes for their Final Subdivision and Land Development Plans of Phase I of Del Webb at Applecross Project. The Township is in receipt of a letter from MacCombie stating that this should be adequate time to address his review comments and that of other governmental agencies. Manager Rambo recommended the BoS accept the letter of extension. Supervisor Lindborg motioned to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Vice-Chairman McCaffrey asked if the evaluating engineer will ever find that a person has had enough time, at some point an applicant should refile the plan. Jim MacCombie, Township Engineer, stated in this particular case the applicant is trying to acquire ground, trying to work with the Municipal Authority and put up dollars to have a project go through to connect to a public sewer system. The applicant is also trying to address comments from the Chester County Conservation District with regard to the infiltration program; it will be remiss on the part of the Township if they wouldn't grant the extension. There are specific cases where the applicant is doing nothing to move the plan forward, then Mr. MacCombie would agree, there would be circumstances that they would write a letter reflecting that the BoS should not grant an extension of time. Mr. MacCombie explained that it is extremely difficult to get plans approved for the Chester County Conservation District. It used to take a month, now it almost takes a year for most applications. This makes it very time consuming and very difficult for the applicant. There would be specific cases where they would recommend that the BoS not be inclined to grant the extension.

The Township is in receipt of a ninety-day letter of extension from D.L. Howell, Civil Engineering & Land Planning on behalf of Clifford J. Murray for his Preliminary Plans for the Cyclemax Self Storage Project (clock will run until Monday, April 20, 2009). Manager Rambo stated the Township is in receipt of a letter from MacCombie stating that the extension is warranted, the applicant is currently addressing

the engineers comments. Upon the Manager's recommendation, Vice-Chairman McCaffrey motioned to accept the extension letter. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

The Township is in receipt of a letter of interest to serve on either the Parks and Recreation Board or Historic Commission from Wesley Kimmel of 11 Landover Road and also in receipt of a letter of interest from Janet Krieger of 18 Audrey Lynn Drive to serve on Parks and Recreation Board. The BoS met with both persons prior to tonight's meeting. Upon the Manager's recommendation, Supervisor Lindborg motioned to appoint both Wesley Kimmel and Janet Krieger to the Parks and Recreation Board. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Kimmel, Lorah & Associates, LLP have provided the Township its contract for the performance of the 2008 yearly audit. Manager Rambo noted \$9,900 was budgeted for the audit; the proposed cost is \$8,800. Last year the cost was \$8,500. Vice-Chairman McCaffrey motioned to accept Kimmel, Lorah & Associates proposal. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

The Township is in receipt of a letter of extension until May 19, 2009 from K & W Engineers on behalf of the CASD for their North Brandywine Middle School Additions and Renovations Final Land Development Plans. Manager Rambo stated they are currently finalizing outside agency comments from the Soil Conservation District, and the authority is also waiting for them to grant the easement for the location of the sewer pump station. Upon the Manager's recommendation, Supervisor Lindborg motioned to accept the letter of extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Chairman Obernier noted that Scott Piersol, Manager of East Brandywine, just arrived at the meeting and asked him if East Brandywine puts the minutes out for public review prior to the Board's approval. Mr. Piersol answered if someone asked for a copy of the draft minutes they give it to them.

The Township is in receipt of an extension from James S. Tupitza, Esquire on behalf of the Castaldi Family for their Conditional Use Application before the Township. Manager Rambo noted there was a hearing scheduled and everyone showed up except the applicant. It was the direction of the BoS to have John Good contact him and advise him if the Township were to get a letter within one week, the letter would be accepted to reschedule a hearing. Manager Rambo will contact the applicant to schedule the hearing in March.

The Township is in receipt of a ninety-day extension from LRHA on behalf of their client Herbert J. & Helen M. Mosteller for their 4 lot subdivision (clock will run until Monday, April 20, 2009). Manager Rambo noted the Township is in receipt of a letter from MacCombie stating the extension request is warranted. Supervisor Lindborg motioned to accept the extension, based on the Township engineer's letter and the Manager's recommendation. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Correspondence/Communications *Information to note*

The Township is in receipt of correspondence from Stacey Fuller with regard to the draft Inter-municipal Agreement for participation in the regional UCC Board of Appeals as well as the bylaws of which are addressing comments of the Supervisors and those of other municipalities. Chairman Obernier requested the BoS meet with the Manger to discuss this. Manager Rambo has penciled in comments for

the UCC Board of Appeals, one was regarding insurance. Scott Piersol stated that issue is still up in the air. Chairman Obernier stated WBT has an appeals board that is covered under the Township's insurance and the Township is not paying any extra for it. Now there is another board made up of some of our members and they want another policy. Manager Rambo explained it would be another rider on our policy at no cost or a very diminutive amount. Chairman Obernier stated that a diminutive amount is more than we are paying now.

The Township is in receipt of correspondence from Robert Whomsley, Director of the Catholic Cemeteries Office of the Archdiocese of Philadelphia, acknowledging that someone will be in attendance at the February 9, 2009 Historic Commission meeting to discuss the springhouse rehabilitation project. Manager Rambo will also attend.

Honey Brook Township has provided the Township a copy of its proposed Official Map and Ordinance for the reservation of roads, trails, etc. for review and comment. Manager Rambo explained this is Honey Brook's official map they are adopting regarding current zoning changes, creating an area around Supplee Road for a future park, open space, future school site, trails and interconnects. It abuts the Township line and is located near the Turkey Hill and Little Anthony's on Route 322.

John E. Good, Esquire has provided the Township with a review of the proposed Grant of Land Preservation Easement on tax parcel 29-4-6, consisting of approximately ten acres, owned by Chester County Site Contractors. Manager Rambo explained this was required as part of the Conditional Use Order that one parcel is given a conservation easement against development. John Good has reviewed the paperwork and has comments that need to be addressed. The conservation easement includes a trail, picnic area, and the ability to run sewer or water line if ever needed.

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

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

Total Hours	1108	Miles Patrolled	7696	Domestic	3
Total Complaints	452	Accidents	9	Criminal Arrests	9
Warrants	0	Fatalities	0	Non-Traffic Arrests	14
Traffic Arrests	62				

Public Works Department Report: Submitted by Thomas Eells and presented by Manager Rambo and also noted the work completed for the month. There were no comments.

Total man-hours	827	Miles traversed	3,448
Total Equipment hours	49	Total fuel gallons	1,132.5

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

Building Permits issued	25	Permit base fees collected	4,689
Occupancy fees collected	\$100	U&O permits issued	0
U&O permits issued cursory	3	Contractor Licenses (CL) issued	103
CL Fees collected	7,725	Valley Township Fees	\$592.56
Valley Mechanical Inspections	22	WBT Inspections completed	13
Failed Inspections (FI)	1	Failed Inspections Fees collected	0

		Total fees collected	\$13,106.56
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Fire Marshall Report submitted by Paul Gainor and presented by Manager Rambo. There were no comments.

Permit inspections done	10	Campfire/Recreational Permits	9
Specialty Bonfire Permits	0	Agricultural Permits	0
Permits not given	1	Special permits given	0
Special permits not given	0	Other type inspections done	1
Code violations/Complaints	1		

East Brandywine Fire Company Report presented by Scott Piersol. Michael Conlan has been elected Fire Chief. Vice-Chairman McCaffrey asked the location of the EMS incidents. Mr. Piersol answered Freedom Village, Indian Run Village, YMCA, and Maplewood Mobile Home Park. Dialog continued.

Fire			
Number of calls dispatched into WBT	10	Initial dispatch into WBT	10
Second dispatch into WBT		Number of calls scratched	-
Medical Assist			
Number of calls dispatched into WBT	20	Initial dispatch into WBT	18
Second dispatch into WBT		Number of calls scratched	2
Total number of incidents for the year	775		

Wagontown Fire Company Report submitted by Jeff Benach. Mr. Benach stated that Todd Ziegler will be Chief this year.

Fire			
Number of calls dispatched into WBT	7	Initial dispatch into WBT	5
Second dispatch into WBT	2	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	-

Martin's Corner Fire Company Report: submitted by Chief Dan Metzler and presented by Manager Rambo. There were no comments.

Number of calls dispatched into WBT	4	Initial dispatch into WBT	-
Second dispatch into WBT	-	Number of calls scratched	-
		Total calls for the year	30

Martin's Corner did not submit an ambulance report.

Public Comments (individuals requesting to be on agenda)

There were no public comments.

Reports of Organizations, Boards and Commissions

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

Municipal Authority Manager Rambo updated the BoS on the status of the Bond the Authority is obtaining to perform the interconnection between the Friendship Village and the Kimberwick Sewer Systems. The Authority is in attendance at tonight's meeting to request the BoS consider backing the Authority for the bond funds and is requesting a joint meeting. The Authority has the paperwork to pledge the ground it is obtaining from Bentley to sell to the Township as it has said throughout the course in obtaining the property to make the apartment complex go away. Chairman Obernier asked Mr. MacCombie for a ballpark figure that 1¼% change in the rate equates to, if they back the financial instrument and the savings in dollars. Mr. MacCombie answered that the 1¼% equates to about \$110,000 annually for 25 years plus other additional costs. MacCombie then gave a detailed synopsis of the bond, discussion followed. Chairman Obernier stated aside from the benefit of reducing the Township's indebtedness by half a million dollars, it is really benefiting the people that are on the system and is happy to support this. Supervisor Lindborg agreed that it is a huge benefit. Vice-Chairman McCaffrey stated it won't impact the debt of the Township and it creates a substantial savings. Manager Rambo recommended that the BoS motion to participate and establish a special meeting between both boards on February 5, 2009 at 6:30 p.m. George Aman, Bond Council and Scott Shierer of PFM would also be present. Vice-Chairman McCaffrey made that motion as noted above. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Old Business

Dale Barnett, Codes Officer, is in the process of preparing an ordinance with regard to the establishment of a rental inspection requirement and the resale U & O. Manager Rambo has requested the information from Mr. Barnett by the end of the month.

The Manager is awaiting the appraisal on the Baldwin Family parcels with regard to the Township's purchase of development rights and/or the pursuing of conservation easements on their farms. Manager Rambo met with the appraiser who apologized for taking so long; he has been working on this since August 11th and should have something to the Township within the next week. Chairman Obernier stated since August, the property values have gone down.

The Manager awaits input from the Open Space Review Board with regard to the Pat Chase appraisal provided to them. Manager Rambo stated the appraiser will review the appraisal to make sure it is current and also modify it to show there is a single lot on Gabel Road to be removed.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

Chairman Obernier requested a 2009 financial summary be provided. Manager Rambo noted the Board has the year-end 2008 in their packets and that in February, they will have 2008/2009 year to date comparison in their packet.

Ordinances and Resolutions

There were no Ordinances or Resolutions.

New Business

Approval of release request # 1 for the James P. Bryant common driveway construction escrow.

Manager Rambo noted he has a request into James Bryant and his solicitor to request that the property lines be staked where the driveway is to be replaced so the engineer can verify their location. Manager

Rambo recommended that the BoS table the request. Supervisor Lindborg motioned to table the request. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The winter edition of the newsletter has been mailed.

The Township Manager and Public Works Director are working on establishing a schedule in which the new call-in service for the Township's tree branch chipping will begin. The Public Works Department will be announcing this in the next newsletter and on the website. This is part of the requirement to get grant funding through DEP. Vice-Chairman McCaffrey stated that someone that has fifteen acres cannot be expected to drag everything to the curb or pay the Township chipping fees, some solution has to be found for agricultural entities. Paul Gainor, Fire Marshal stated that agricultural can still burn on their property.

New Business from the Floor

There was no New Business from the Floor.

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

Ed Scott, Swinehart Road asked why empty motor oil bottles are not recyclable. Manager Rambo explained it would contaminate the load. If a load gets contaminated, then the Township would have to pay to haul it away.

Ted Waltz, of Little Washington Road raised numerous questions with regard to the Codes Officer and the Codes Department and the utilization of an old police car. The Board of Supervisors addressed the questions of Mr. Waltz in a fashion that was deemed appropriate. Mr. Waltz then asked about health and dental insurance noting if someone wants insurance, they should have to pay for it. Manager Rambo explained that the Township changed insurance to a cooperative, because it was less expensive than the amount that Personal Choice was going up. In doing this, the Township should realize a savings. The Manager also noted that when dealing with a bargaining unit, one cannot always charge for insurance and that the Board treated each department of the Township equally in this instance.

Ted Waltz stated he was okay to raise taxes at a BoS meeting a few weeks ago, to keep secretaries and police and then raised questions once again about the Codes Department. Vice Chairman McCaffrey noted that the Township's Code officer is knowledgeable and trained in his duties and that many municipalities have to outsource these things out to several different places to get someone to cover all the different areas that our Codes Officer can do. Vice-Chairman McCaffrey would be short sighted for the cost of an old beat up police car if the Codes Officer went somewhere else.

Supervisor Lindborg stated in addition to that, the Codes Officer along with other personnel have agreed to no wage increase and a decrease to the amount of money contributing into the pension fund. Lori Petri stated she didn't know that. Manager Rambo explained that the non-uniform pension fund was cut from 7-½% to 5%. The non-uniform people also took a hit when the stock market went down; their pension fund dropped 35%. The uniform personnel have a defined benefit program; it has to be made up. Chairman Obernier also noted that the non-uniform gave up raises this year so that they could keep jobs for everybody. Vice-Chairman McCaffrey stated he is doing everything possible to try and keep the services for residents at the same time, not stifle the lives of people that have been working here many years. It's tense and difficult to find that place in the middle.

Ted Waltz asked if the Municipal Authority could be sold. Chairman Obernier explained if they were to sell the Municipal Authority, the Township would get that money, however, the Township would lose the ability to control costs and future rates. Chairman Obernier noted that one member of the BoS is

always the chairperson on the Municipal Authority and noted that what happened in the meeting tonight is that the Municipal Authority requested the Township to back its Bond in order to save money for the residents of the Township that have public sewer.

Mr. Waltz asked if a copy of the bills to be paid could be placed out for the residents to look at. The BoS agreed that would be a good idea.

Jeff Grossman, Beaver Creek Road, asked about the material used for cinders. Manager Rambo noted the Township has elected to buy from the state contract in order to save funds in bidding, etc.

Open Issues Before the Township

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 seek volunteers to serve on the Historic Commission and Parks and Recreation Board. Manager Rambo noted the Parks and Recreation Board is now full.

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. Manager Rambo will work on this as time permits.

General Obligation Note (Adjustable Rate Bond for the Facility/Park Construction)
Interest rate for the week (4.510%).

Review and Payment of the bills.

Manager Rambo stated the general fund bills total \$49,035.44, solid waste bills total \$75,766.76, and liquid fuels bills total \$17,353.42. Supervisor McCaffrey reviewed the bills, found them in order, and motioned for payment. Supervisor Lindborg also reviewed the bills, found them in order, and seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Upcoming Meetings/Events

- Open Space Review Board meeting, Thursday, January 22, 2009 at 7:00 p.m.
- Planning Commission meeting, Thursday, January 22, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, February 5, 2009 at 7:30 p.m.
- Historic Commission meeting, Monday, February 9, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, February 10, 2009 at 7:00 p.m.
- Municipal Authority meeting, Thursday, February 12, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, February 19, 2009 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:12 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