

Meeting Minutes of April 2, 2009
Board of Supervisors

Chairman Obernier called the Board of Supervisors meeting of April 2, 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. and Carl S. Lindborg in attendance. Supervisor Thomas J. McCaffrey Jr. arrived at 7:39. Township Manager Ronald A. Rambo, Jr. was also present.

Acceptance of Minutes from Previous Meetings

March 5, 2009 and March 19, 2009. The minutes were addressed when Supervisor McCaffrey arrived. Chairman Obernier stated he read both minutes and submitted his edits. Vice-Chairman McCaffrey motioned to accept the minutes. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Public Comments (individuals requesting to be on agenda)

There were no Public Comments.

Correspondence/Communications *Information to act upon*

The Township is in receipt of the PAWC Act 537 Plan for review and consideration. Manager Rambo noted the Township Engineer and himself are reviewing the plan and recommended that the BoS table its acceptance until the review has been completed. Supervisor Lindborg motioned to table the acceptance of the PAWC Act 537 plan. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The Township is in receipt of the County of Chester GIS Consortium Tier II Agreement for consideration. Manager Rambo recommended that this item be tabled until he has heard from the various boards, committees, and commissions who are reviewing this to see if they have any projects to pursue. Supervisor Lindborg motioned to table this item. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The Township is in receipt of the Pennsylvania Fish and Boat Commission Lease Agreement for the Icedale Lake Access for consideration and signing. Manager Rambo stated that John Good, Esquire has reviewed this and found it in order. The Open Space Review Board (OSRB) at their last meeting recommended to the BoS that the Supervisor's move forward and sign the lease. Supervisor Lindborg motioned to sign the lease agreement for the Icedale Lake Access. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The Township is in receipt of a letter of extension from John Panizza for the Brandywine Meadows Preliminary Subdivision and Land Development Plan until Friday, July 17, 2009. The Township received a letter from Township Engineer MacCombie stating that the request is warranted. Manager Rambo recommended the BoS accept the extension. Supervisor Lindborg motioned to accept the extension. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

The Board of Supervisors is in receipt of a volunteer form from Ms. Tara Miller to serve on the Township's Historic Commission. The BoS would like the opportunity to meet with Ms. Miller.

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. Manager Rambo stated the Township is waiting for the final version.

John Good, Esquire has forwarded a copy of his comments to Marc B. Kaplin, Esquire with regard to the proposed development and escrow agreements for the Bentley Communities Projects (Swinehart and Culbertson Village). This also deals with the escrows that will go to the Municipal Authority for the establishment of funds to construct the sewer lines. The Township Engineer is currently reviewing the information. John Good has minor questions for Mr. Kaplin to address. Manager Rambo also has questions for Mr. Kaplin.

The Western Chester County Chamber of Commerce has forwarded the Township a letter of thanks for its participation in the City of Coatesville clean-up. There were no comments.

DEP has forwarded the Township a notice of the upcoming meeting scheduled for May 13, 2009 at 10:00 a.m., at the Caernarvon Township municipal building, to discuss the expansion request of the Lanchester Landfill. Manager Rambo explained the landfill is looking to expand 14.3 acres as well as expand over top of the existing landfill that consists of 41.6 acres for a total of 55.9 acres. This will extend the life of the site for an additional ten years. Manager Rambo will attend the meeting.

The Township is in receipt of correspondence from PECO with regard to an upcoming seminar scheduled for May 21, 2009 to discuss the energy deregulation and pricing. This will explain what will happen when deregulation takes affect as well as the anticipated costs that the residents will see in the future. The deregulation is scheduled for 2010.

The Archdiocese of Philadelphia, Office of Catholic Cemeteries, has provided the Township an update on the reconstruction of the springhouse on the All Souls Cemetery property. Manager Rambo stated the construction is underway. Supervisor Lindborg asked if the Township was holding up their opening. Manager Rambo answered no.

At this time it was noted that Vice-Chairman McCaffrey arrived at the meeting.

The Township is in receipt of documents from DEP with regard to the updated MS4 Permit and the states proposed Model Stormwater Management Ordinance. The BoS has a copy of this in their book for review. This is under review by the Township's Engineer and the Manager.

DEP has selected West Brandywine Township's 2007 904 Recycling Program Performance Grant application for a full audit. Manager Rambo explained the Township has to provide them with weight slips for all the recyclables.

Old Business

The Manager is in the process of reviewing the “draft” ordinance prepared by the Codes Officer with regard to the establishment of a rental inspection requirement and the resale U & O. Manager Rambo stated he is preparing a memo with questions to give to the Codes Officer. Chairman Obernier requested a copy of the draft ordinance.

The Township Manager will be meeting with Sandy Martin of McCormick Taylor to discuss the Icedale Road bridges. This meeting is a result of the lowering of the weight limits on the bridges.

The Township Manager has met with special counsel and is providing them the information received by the Township with regard to the proposed continuation of the Township’s K-9 unit. Manager Rambo noted council is reviewing the information that Mr. Grossman gave to the Township as well as the concerns that the Manager brought up after meeting with Mr. Grossman.

Old Business from the Floor

Tom Dilorenzo of 16 Mendenhall Drive asked for an update for the completion of Valley View by the developer. Manager Rambo noted that Bob Fleming contacted the Manager and is looking at hiring Chester County Site Contractors to review everything that needs to be done regarding paving and repairs to the basins. Mr. Fleming is also in discussion with the landscaper. Mr. Dilorenzo noted Mr. Fleming has less than 60 days and asked what ramifications the Township would take if the 60 days were not met. Manager Rambo noted the Township would go through the proper procedures, determine the cost to pursue the legal ramifications and approach Mr. Fleming to see if he will move faster. Vice-Chairman McCaffrey explained there are delicate parts to this; they could be discussed at a later time. The debt for that piece of roadway does not fall on the community at large. If the developer can’t finish it, or there isn’t enough money it doesn’t fall on the community to pay for it, it falls on you and your neighbors, all the residents at Valley View. Mr. Dilorenzo asked if the developer is legally responsible to do that. Vice-Chairman McCaffrey explained the agreement, escrows, etc.

Mrs. Delorenzo of 16 Mendenhall Drive asked if they agreed for smaller plantings to help compensate for the price difference. Manager Rambo answered any savings would be utilized toward the asphalt. That doesn’t necessarily mean that it meets all of the additional funds that will be required for the asphalt project. Discussion ensued.

Dr. Hanna asked for an update regarding a decision about the police department. Chairman Obernier explained that as of yet no decision has been made. Manager Rambo has evaluated the shortfall of money for the first quarter of the year. The BoS is charged with the safety of the public, in one way or another the BoS is going to afford providing some kind of police services. At this time, they don’t know if it will be just WBPd or a combination of WBPd and state police. Chairman Obernier then read a letter dated April 2, 2009 from the BoS out loud (see attached). Chairman Obernier stated this current BoS has been here for eighteen years; they have always been able to sit down and talk things out rather than depend on the attorneys. Last summer for the first time the police association wanted to go into arbitration. Supervisor Lindborg made a point that the BoS has an obligation to the residents for safety as well as an obligation for financial stability within the Township. These are very dire times; none of us have seen a downturn in the economy like this before. Projections that were made a year ago cannot be met. Vice-Chairman McCaffrey stated if the contracts were negotiated today, they would be different than contracts that were negotiated two or more years ago. Discussion continued.

Tom Maher of Reeceville Road asked if the state police coverage is free. The BoS answered yes. Vice-Chairman McCaffrey explained that the police department should not exceed more than 37% of the total

expenditures, the police department provides a tremendous service that the Township needs, but spending more than 1/3 of our total income for that service; they went up to 41%. When you add in the reductions in actual income the police will exceed roughly 50%.

Old Business from the Board

None

Ordinances and Resolutions

Resolution #01-2009: Non-Uniformed Pension Plan update. Manager Rambo stated this is being done as a result in the reduction of hours for individuals that became part-time of the non-uniform staff. Manager Rambo read the resolution out loud. Vice-Chairman McCaffrey motioned to adopt Resolution #01-2009. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Joan Thompson asked if employees contribute to this pension plan. Manager Rambo answered they cannot, this type is a defined contribution done by the Township. The employees can contribute into a 539 Plan.

New Business

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

Approval of release request #1 for the Jelke Manufacturing project.

Approval of release request #2 for the Cannon/Lodge minor subdivision project.

Manager Rambo recommended that the BoS table all three above noted release requests. The Township awaits approval from the Township Engineer. Supervisor Lindborg motioned to table the release requests. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Recommendations of the Township Planning Commission. Manager Rambo noted the Planning Commission (PC) recommended that the BoS accept the letter for Brandywine Meadows; this was discussed earlier in the meeting. The PC also recommended the rejection of the Cycle Max plan unless a letter of extension is received by the April 16, 2009 BoS meeting. Manager Rambo noted their engineer sent a letter of extension today, however, there is not adequate time for the engineer to verify that the extension is warranted. The extension request will be addressed at the next BoS meeting.

John Conti motioned to establish a new hearing for the Conditional Use Application submitted by Stephen Janiec. The project consists of 35 homes and two commercial buildings that are under review. He would like this amended so that he can have one building rather than two with the option of doing both dependent on if he can get clientele. Manager Rambo recommended the BoS pursue establishing a date. Supervisor Lindborg motioned for the Manager to establish a date for a Conditional Use Hearing. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Recommendations of the Township Open Space Review Board. Manager Rambo noted the Recommendations of the Open Space Review Board. The OSRB made the following recommendations. The BoS pursue the acquisition of the easement right on the Chase property in consideration of the appraisal by John DiRomauldo. The BoS pursue the negotiations with the Baldwin's on the easement acquisition based on the John DiRomauldo appraisal dated February 25, 2009. The Township and Authority enter into a contractual agreement for the sale of the Beaver Creek apartment property contingent upon the OSRB and approval of the appraisal. The OSRB has reviewed and approved the

appraisal and recommend that the Township pursue the purchase of that property from the Authority so it becomes dedicated open space. Vice-Chairman McCaffrey motioned for the Township Manager contact these respective individuals and schedule a time to meet with them. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Release request #1 for the re-construction of the springhouse on the All Souls Cemetery property.

Manager Rambo recommended that the release request be tabled until the next BoS meeting, he is waiting to hear from the Codes Officer. Manager Rambo will contact the Chairman of the Historical Commission to make sure they are okay with the springhouse project.

Acceptance of sweeping quote for cleaning of subdivision streets. Manager Rambo noted twelve requests were forwarded out. The Township received three quotes. One from Reilly Sweeping for \$4,100, one from R&S Sweeping for \$3,895, and Industrial Grounds Maintenance did not submit a quote. Manager Rambo recommended that the BoS award the job to R&S Sweeping, LLC. Supervisor Lindborg motioned to award the bid to R&S Sweeping, LLC. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

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)

None

Open Issues Before the Township

The Manager and Township Engineer continue in their efforts of reviewing and updating the Township's Act 537 Plan. Manager Rambo noted they are hoping this will be done in concert with the PAWC plan.

The Township continues to seek volunteers to serve on the Historic Commission. There is one individual interested.

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 send this information to Chairman Obernier.

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

Interest rate for the week 3.84%. There were no comments.

Review and Payment of the bills.

Manager Rambo noted the general fund bills total \$114,281.69. Solid Waste bills total \$150,703.07 of which they are paying back the note for the purchase of the leaf turner. The Township received the reimbursement grant from DEP this week. The State Fund bills total \$7,944.60. Vice-Chairman McCaffrey stated he reviewed the bills and asked if the amount was going to be increased for the Liquid Fuels. Manager Rambo stated there was talk of lowering it because of fuel costs. Vice-Chairman McCaffrey motioned to pay the bills. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Chairman Obernier requested the leaf vacuum be placed in the maintenance garage.

Upcoming Meetings/Events

- Annual Easter Egg Hunt, Saturday, April 4, 2009 at 10:00 a.m.
- Municipal Authority meeting, Thursday, April 9, 2009 at 7:30 p.m.
- Historic Commission meeting, Monday, April 13, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, April 14, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, April 16, 2009 at 7:30 p.m.
- Open Space Review Board meeting, Thursday, April 23, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, April 23, 2009 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 8:29 pm. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

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

West Brandywine Township

Board Of Supervisors

Josef G. Obernier, Sr., *Chairperson*

Thomas J. McCaffrey, *Vice-Chairperson*

Carl S. Lindborg, *Member*

Ronald A. Rambo, Jr., *Township Manager*

Secretary-Treasurer

April 2, 2009 Meeting Statement

Prepared by the Board of Supervisors

West Brandywine Township continues to experience the unfortunate effects of the downturn in the economy, which has resulted in projected shortfalls in the 2009 revenue budget.

As stated at the February 5th public meeting, the Township has implemented cost saving measures that are intended to assist the Township in averting the necessity of raising taxes while maintaining an adequate level of public services. In so doing, the Township regrettably reduced the work hours and benefits of a number of non-uniform employees. The Board sympathizes with those employees who have suffered from the effects of the economic downturn and appreciates their understanding and continued service to the Township.

The Board has previously reported that it had met with the Police Association for the purpose of seeking additional cost saving measures, but that an agreement had not been reached.

In recognition of the Association's legal rights to bargain over certain terms and conditions of employment as defined in their contract, the Township has relied upon advice from its Special Counsel who has, with the Board's authorization, communicated with the Association's attorney to ensure fairness and compliance with the law during negotiations over potential concessions that would result in substantial savings.

As part of those discussions, the Association's attorney was informed that the Township would provide additional financial information as it was received in the first quarter of 2009 and that the Board was considering cuts in police operations that could include furloughs.

The Board has recently learned that the Police Association President has issued a letter addressed to non-uniform employees, which has also been disclosed to residents. Unfortunately, the letter contains a number of misstatements and misleading information about the discussions between and among Township officials, the Association and their attorneys. The Board has requested the Township's Special Counsel to draft a response to the Association's counsel.

The Board is compelled to inform the residents that its members, together with the Township Manager, are investigating prudent steps to reduce costs while maintaining adequate levels of public service. This process is not simple, and the Board will not make rash or impulsive decisions that will unnecessarily adversely impact jobs or the public health, safety and welfare of its residents.

The Board of Supervisors remains committed to ensuring that adequate police services are provided to the public while also satisfying its fiduciary obligations to the taxpayers.

As the Township receives additional information required to properly project future revenues and expenditures, the Board will take appropriate action that may include further cuts and possible layoffs. As previously reported, the Board continues to consider whether police services provided by the Pennsylvania State Police might be appropriate for certain times of the day. The Board has learned that the State Police may be willing to conduct an "open house" for residents to raise issues and discuss this prospect. The Board will keep you informed as we gather additional information.