

Meeting Minutes of February 5, 2009
Board of Supervisors

Chairman Obernier called the Board of Supervisors meeting of February 5, 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

January 5, 2009 and January 15, 2009. Chairman Obernier noted he read and is okay with both the minutes. Vice-Chairman McCaffrey motioned to approve the minutes. Supervisor Lindborg seconded the motion. All BoS members voted aye.

Public Comments (individuals requesting to be on agenda)

No one has requested to be on the agenda.

Correspondence/Communications *Information to act upon*

The Township is in receipt of a letter of extension until Tuesday, March 31, 2009 from Brown Vincent of Bentley Communities with regard to the Beaver Creek Apartments Project of which will cease to exist upon the property's transfer to the WBTMA. Manager Rambo noted this would take place upon receipt of the bond funds that are scheduled for March 6th. Manager Rambo recommended that the BoS accept the extension. Supervisor Lindborg made that motion. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

The Township is in receipt of correspondence from Evans Mill Environmental and James W. MacCombie, P.E, with regard to the Harlan/Eck Subdivision Planning Module Planning of which would consist of 3 sand mounds and 6 A/B Systems. Manager Rambo explained A/B is a new type of system. Jim MacCombie has reviewed it and found it satisfactory if the BoS wants to move the project forward. Vice-Chairman McCaffrey noted it is a peat system, which is somewhat experimental; the BoS has no prerogative to reject or accept it based on the sewage system because it is controlled by the Chester County Health Department. With that being said, Vice-Chairman McCaffrey motioned to accept it. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

The West Caln Sportsmen's Club is requesting the use of the Police Department Training room for firearms safety training lectures. Manager Rambo recommended that the BoS permit the Sportsmen's Club, this would also give the officers the ability to utilize the outdoor range at West Caln's Sportsmen's Club. The Township will require a certificate of insurance. Vice-Chairman McCaffrey motioned and

Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, 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. Manager Rambo stated the Township is awaiting an updated draft from Ms. Fuller that will be forwarded onto the BoS upon receipt.

The Township is in receipt of correspondence from Deborah A. Woodall of John Tupitza's office confirming the date of Wednesday, March 25, 2009 at 7:30 p.m. as the next scheduled hearing for the Castaldi Family Conditional Use Application. There were no comments.

The Coatesville Rotary has sent the Township a letter advising that its grant application for the snack/storage shed was not funded. Manager Rambo stated they didn't have enough funds on the first round to consider the application of the Township. The Township will reapply in June.

Senator Rafferty has forwarded the Township information with regard to the DCED H2O Grants for stormwater projects, etc. Manager Rambo noted that the Authority would be submitting an H2O grant by February 13, 2009. They have requested that Senator Rafferty and Representative Schroeder support the application.

Todd Ziegler, Chief of Wagontown Fire Department, has provided the Township with a list of his 2009 Line Officers. Manager Rambo read the list of line officers out loud.

The County Department of Emergency Services has forwarded the Township general correspondence with regard to the establishment of a Multi-Agency Chester County Arson Task Force. Manager Rambo read the correspondence out loud.

Joan Thompson of the Daily Local asked if that means that WBT can't answer any questions regarding Township stuff. Manager Rambo answered that they are asking that all public information releases need to be conducted through the county task force public information officer (PIO); there has been a uniform command established. Vice-Chairman McCaffrey requested that Manager Rambo ask the county why one person has to say the information; it can't just be public information.

Old Business

Dale Barnett, Codes Officer, has provided the Manager a "draft" ordinance to review with regard to the establishment of a rental inspection requirement and the resale U & O. Manager Rambo has not had the opportunity to review the information yet.

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 will contact the appraiser to see when the appraisal will be received.

The Manager awaits input from the Open Space Review Board with regard to the Pat Chase appraisal provided to them. The Open Space Review Board is waiting for the updated appraisal before they can comment.

Old Business from the Floor and Old Business from the Board

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

Ordinances and Resolutions

There were no Ordinances or Resolutions. Chairman Obernier stated there was a joint Municipal Authority and BoS meeting at 6:30 p.m. tonight, at that time the BoS adopted Ordinance No. 2009-01.

New Business

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

Manager Rambo has met with Mr. Bryant's legal council advising him of what is required prior to releasing the escrow. Supervisor Lindborg motioned to table the request. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Recommendations of Township Open Space Review Board.

Manager Rambo the recommendation was for the BoS to move forward with an appraisal on a 16.2 Beaver Creek property to establish the fair market value. The Township will be obtaining this property from Bentley Communities as part of the sewer negotiations. Vice-Chairman McCaffrey motioned to obtain an appraisal. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Recommendations of Township Planning Commission. Manager Rambo noted the Planning Commission recommended that the BoS accept the Beaver Creek letter of extension.

Kimmel/Lorah will begin the audit of the Township's 2008 financial records on Tuesday, February 17, 2009. There were no comments.

New Business from the Floor.

There was no New Business from the Floor. Laurie Petri stated she requested a copy of the 2009 Township personnel payroll information and asked if she received the complete list of everyone that is compensated through the Township. Manager Rambo explained yes and went on to note that the Township and Authority are separate and distinct entities and that the Municipal Authority compensates the Authority Board, Manager, Secretary and Treasurer. There was additional discussion regarding overtime, longevity, and BoS compensation.

Karl Ciamaichelo of 44 Landover Drive asked for an update on the City of Coatesville's Conti property. Manager Rambo noted the Township received a county grant to assist toward the purchase, the Township has been rejected twice by the state. The Township has sent a letter to the City that it would no longer pursue the property because we can't get assistance from the state. Mr. Ciamaichelo asked if the Township was aware of an incident regarding an officer pepper spraying someone. Manager Rambo stated that is a personnel matter that is not discussed except in executive session and with legal council.

At this time, Chairman Obernier noted that Tom Eells, Director of Public Works was in the audience and dialog regarding snow removal took place.

New Business from the Board

Supervisor Lindborg suggested Manager Rambo schedule a meeting with the office personnel, codes department and public works departments to explain the economic situation.

Vice-Chairman McCaffrey asked the procedure for real estate tax refunds. Manager Rambo explained that you approach the tax collector initially and then information is provided to the Township for

reimbursement. The Board noted that the Tax Collector is paid based on the actual amount that was collected.

The BoS requested Manager Rambo read a statement. Manager Rambo read the following statement out loud.

As requested, the following statement has been prepared for reading.

West Brandywine Township is experiencing the unfortunate affects of the downturn in the economy, which has resulted in projected shortfalls in the 2009 budget.

As the Board has previously informed the public at its organizational meeting on January 5, 2009, the Township was compelled to reduce costs by, regrettably, reducing the hours and benefits of a number of Township staff. The Township will likely be required to continue cutting costs throughout 2009.

The Township has met and discussed potential cost saving measures with the police officer's association, but no agreement was reached. The present police budget constitutes 41% of the Township budget, which is 4% higher than last year's budget.

If the Board determines that a reduction in the size of the police force is an economic necessity, the Township should promptly inquire with the Pennsylvania State Police concerning the prospect of providing adequate police services within West Brandywine Township during times when Township police services might be suspended.

*Ronald A. Rambo, Jr.
Township Manager*

Mr. Grossmen asked the Manager to repeat the last part of the statement. Manager repeated "...If the BoS determines that a reduction in the size of the police force is of economic necessity, the Township should promptly inquire with the PA State Police concerning the prospect of providing adequate police services within WBT during times when Township police services might be suspended."

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

Laurie Petri asked if there is anything else in the budget that could be cut. Vice-Chairman McCaffrey explained that it is the percentage part of the budget for the Police Department that is a problem. The Township has studies from the state with facts and figures that were prescribed to the Township. The maximum for a community like ours should be paying, as a percentage of its budget, for police protection should be 35 – 37 %. The police budget is currently up to 41%. There has been an increased cost associated with pensions and things like that. The other is that there has been a tremendous downturn in what is coming in.

Manager Rambo explained that a lot deals with the pension plans. The non-uniform people have a defined contribution; whatever is lost does not have to be made up. For the police, it is a defined benefit plan, what is lost has to be made up. A meeting was held with the pension representatives, who have informed the Manager that the Township could owe over \$200,000 next year toward the uniformed pension. This year, the Township owes \$150,000. There were years when the Township was between \$30,000 - \$60,000, some years were zero. The Township is required to make up something that doesn't perform correctly.

Laurie Petrie asked what happens with the pension if they have to let the police go. Chairman Obernier stated the pension has to be paid up no matter what. Vice-Chairman McCaffrey stated they don't want to dissolve the police department, there may be times when the BoS has to cut some things back, when revenues grow back, they will be restored. Discussion continued regarding suggested cutbacks. Manager Rambo explained that things were presented to the police department and it was recommended that the Township give the police department everything in the contract. That is what the Township did. Supervisor Lindborg stated the situation is dire, there are people getting laid off everywhere. There are no jobs; the Township is trying its best with the resources it has to keep the good people that are employed here, keeping the health coverage and other benefits.

Karl Ciamaichelo asked what the cost would be to have the state police patrol our Township. Manager Rambo answered the Township wouldn't pay for the state police. Mr. Ciamaichelo asked Manager Rambo to elaborate on what he said earlier in the meeting about having 12 hour shifts instead of 8-hour shifts, and having officers doing other tasks. Manager Rambo explained that there are special details that include safety checks on vehicles that traverse the Township. Vice-Chairman McCaffrey noted we pay to maintain our streets that can support certain weight; some people bring oversized and overweight vehicles through and all of us have to pay to repair our roads.

Laurie Petrie asked if people would be willing to pay part of their medical benefits. There was a brief discussion regarding benefits. Supervisor Lindborg reiterated that he would like to have an open conversation with non-uniform people to allow an open discussion. Chairman Obernier stated the Township has a commitment to provide police services 24 hours a day, 7 days a week but doesn't know how the Township is going to be able to do it. Supervisor Lindborg concurred, that is what everyone wants but doesn't know if the Township can afford it.

Joe Boldaz of 17 Brandywine Drive asked for an explanation of "suspending police service." Vice-Chairman McCaffrey explained that it would be more like picking a shift where there would be least consequence and try to substitute the state police into that shift to save money temporarily. Mr. Boldaz suggested that people chip in \$100 for the next year, noting he would feel more comfortable having WBT police patrol rather than the state police. Supervisor Lindborg stated a lot of people couldn't afford to do that. The Township is trying its best to stretch its resources. The nature of the police department, it is not their fault, but they are the most expensive. West Bradford, Wallace, and Honey Brook Township have 100% state police. Vice-Chairman McCaffrey said, not to mention the cost of wage increase, just the cost of the uniform pension is approaching \$200,000. The entire amount the Township receives for the entire real estate tax is \$445,000; almost half of what the Township collects it will have to pay out this year just for the increase in the pension fund costs. Vice-Chairman McCaffrey was against increasing real estate tax while everyone is getting put out of work or experiencing reduced income in a stressed economy. The Township is trying to live within its means.

Ted Waltz of Little Washington stated that the state police are being stretched so far. If someone is breaking in your house, you don't want to wait an hour for a trooper to show up. There was discussion regarding response time, Mr. Waltz suggested the WBT raise taxes back in November, next year the Township is going to be in worse shape. The BoS stated that the residents haven't heard what the increase is going to be for the school district yet.

Joe Boldaz asked if there was any discussion with neighboring townships to share services. The BoS explained that they have had talks with numerous townships over the past several years. Manager Rambo stated they have talked with Honey Brook, West Caln, and have considered approaching Sadsbury. West Caln Manager told them that they would have trash pick up before they will have full time police. Discussion continued.

Karl Ciamaichelo asked for clarification regarding the Township tax. Manager Rambo explained that is the Township real estate tax and that 41% of the general fund budget goes toward the police department that is discretionary money. Money also comes in from the state for liquid fuels and other pass through money for the fire departments. The 1.125% is earned income tax, 0.5% goes to the school district, 0.5% is money that goes into the general fund, 0.125% is the open space tax. 1.081% is the real estate millage rate.

Supervisor Lindborg summarized that the amount of discretionary spending is earned income tax that generates about \$975,000, real estate tax, local services tax, and also money that gets generated by property transfers at ½ of 1%, the school district gets ½ of 1%. Manager Rambo stated the total funds that is expected this year is \$2,889,750 of that \$95,000 is fire services, \$85,000 for pensions, \$61,000 for the fireman's relive funds. Liquid Fuels is a separate budget. If you look at the three categories that come into the general fund you have roughly \$250,000 - \$260,00 that are earmarked for specific items. You are left with \$2, 600,000 to spend. The police budget is \$1.13 million. Discussion ensued regarding the fuel contract, fire appropriations tax, volunteer fire companies, and CASD taxes.

Jeff Grossman asked if the Authority's bond issue would cost the Township anything. Manager Rambo answered no, the Municipal Authority has paid for everything. Vice-Chairman McCaffrey explained the developer has signed papers and will pay as if he built even if he doesn't build them. The Authority has \$1,000,000 in the bank from him, everything is covered as best that you can guarantee it.

Jeff Grossman suggested prior to anything being done with the police, to check with other municipalities that have switched over to state police coverage to find out what the state's response time is. Manager Rambo stated not until such time that he is directed to do so.

Supervisor Lindborg motioned on this 5th day of February 2009, WBT BoS direct the Manager to take appropriate measures to evaluate the potential need to reduce the size of the Township's police force which shall include financial analysis as well as consultation with the Township's special council, appropriate members of the PA State Police, and other appropriate consultants and officials of local municipalities that utilize the services of the PA State Police. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye. The BoS expressed that this is strictly for gathering information.

Karl Ciamaichelo asked about the K-9 unit. Chairman Obernier explained that Rudy has been sick again and there have been numerous transfusions. For the actual cost of the K-9, Gary Williams did the training on his own time and it wasn't paid for. If there is any cost to having the K-9 unit, it seems like such a tiny amount of money. Vice-Chairman McCaffrey stated that Rudy seemed to have a big impact on this community; he has performed a service that the community likes. Personally he would like to see this program continue. The big expense is the labor of the officer; Gary donated a lot of his time. It would be remiss to not try and keep him. Manager Rambo stated there was over \$11,000 given to the Rudy fund.

Laurie Petrie asked if the BoS would entertain the idea of surrounding townships merge with our police department. Vice-Chairman McCaffrey made a second motion regarding this inquiry, to see if there is any interest in contiguous townships interested in mergers. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, Obernier and voted aye.

Manager Rambo asked if Ms. Petrie could fill him in with what is going on at East Brandywine's police department. Mr. Grossman and Ms. Petrie briefly explained the situation has to do with personnel issues. Discussion ensued.

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. 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. There were no comments.

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

Interest rate for the week (4.83%). There were no comments.

Review and Payment of the bills.

The general fund bills total \$183,822, solid waste bills total \$3,978.23, and liquid fuels fund bills total \$18,521. Manager Rambo recommended that the bills be approved contingent upon the receipt of tax monies that have just started coming in. Supervisor Lindborg motioned to pay the bills. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye. Chairman Obernier wanted to be clear, although the bills have been approved for payment, there is no cash to pay them. There are two veterinary bills to be paid out of the K-9 Rudy fund. One is for \$3,577.41 and the second one is for \$320. Vice-Chairman McCaffrey motioned to pay those two bills. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Ted Waltz of Little Washington requested that a copy of the bills be placed for public review. Manager Rambo stated he would request that in writing from the proper person.

Karl Ciamaichelo asked if the Township pays insurance on the K-9 officer. Manager Rambo answered no, the Township only pays liability.

Upcoming Meetings/Events

- 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.
- Open Space Review Board meeting, Thursday, February 26, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, February 26, 2009 at 7:30 p.m.

Karl Ciamaichelo asked if the police attend the BoS meeting to present their report. Manager Rambo explained that he presents all of the department reports at the second BoS meeting of the month.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:10 pm. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

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