

**Meeting Minutes of August 20, 2009**  
**Board of Supervisors**

Chairman Obernier called the Board of Supervisors meeting of August 20, 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 Township Manager Ronald A. Rambo, Jr. noted Chairman Josef G. Obernier Sr. and Carl S. Lindborg in attendance. Vice-Chairman Thomas J. McCaffrey was absent because of his work.

**Acceptance of Minutes from Previous Meetings**

August 6, 2009. Supervisor Lindborg motioned to approve the minutes, seconded by Chairman Obernier. Board Members Lindborg and Obernier voted aye.

**Treasurer's Report**

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

Capital Reserve Fund	\$608,859.22	Operating Reserve Fund	\$191.01
Construction Sweep Fund	\$13,673.66	Police Pension Fund	\$1,194,104.14
Developer Escrow Fund	\$399,212.15	Solid Waste & Recycling Fund	\$50,436.56
General Fund	\$12,462.07	State Liquid Fuel Fund	\$163,318.76
Non-Uniform Pension Fund	\$257,820.24	K-9 Rudy Fund	\$1,297.13

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

Nobody requested to be on the agenda.

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

*The Township is in receipt of a letter of resignation from Donna Jones, Administrative Assistant to the Codes Officer. Manager Rambo stated that Donna has been offered full time employment with her previous employer. Supervisor Lindborg read the letter out loud and motioned to accept her resignation. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye. Supervisor Lindborg suggested the Township give Donna a plaque noting that she has done an excellent job for the Township. Chairman Obernier concurred.*

*The Board of Supervisors is in receipt of the proposed ACT 537 Official Plan Update, prepared by the Township Engineer for consideration, so that it may be forwarded to DEP. Manager Rambo explained the document has been finalized. Supervisor Lindborg motioned for the Manager to forward the ACT 537 plan update to DEP. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.*

*The Township is in receipt of the 2010 Financial Requirement and Minimum Municipal Obligation for the Uniform and Non-Uniform Pension Plans prepared by Thomas J. Anderson & Associates, Inc.* Manager Rambo noted the police pension plan MMO that has to be put in by the Township is \$111,912.00. This amount is lower than what was previously expected because the plan has been performing better and two officers have retired. The non-uniform MMO for next year is \$26,178.00. Supervisor Lindborg motioned for the Manager to forward this onto the retirement group. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

*The Township is in receipt of the Winter Services Agreement with PennDot for consideration and signing.* Manager Rambo explained this is a five-year contract in the amount of \$18,044.48. As in the past, this pays for the majority of salt that is required to do the roads. Manager Rambo recommended the BoS consider signing when they pass the resolution later in the meeting.

**Correspondence/Communications Information to note**

*The Township is in receipt of correspondence with regard to the proposed Mae Marie conservation easement from Natural Lands Trust.* Manager Rambo received the information but has yet reviewed it. Mae Marie is also in the process of reviewing the information. The BoS can go over comments or concerns at the next BoS meeting.

*CCATO has forwarded the Township additional information with regard to an Act 32 Information and Training Session scheduled for Thursday, September 10, 2009 at 7:00 p.m.* Manager Rambo noted he sent in the information that he and Supervisor Lindborg had been appointed. Manager Rambo will attend the meeting.

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

**Police Report** presented by Manager Rambo.

Total Hours	1,151.6	Miles Patrolled	6,326
Total Complaints	522	Accidents	14
Warrants	6	Fatalities	0
Domestic	14	Criminal Arrests	51
Non-Traffic Arrests	21	Traffic Arrests	116

**Public Works Department Report:** Presented by Manager Rambo noted Public Works have been assisting the Municipal Authority and also stated work completed for the month. The Township will be billing the Authority for the work. There were no comments.

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

Building Permits issued	49	Permit base fees collected	\$10,517.40
Occupancy fees collected	\$200	U&O permits issued	4
U&O permits issued cursory	85	Contractor Licenses (CL) issued	6
CL Fees collected	\$345	WBT Inspections completed	43
Failed Inspections (FI)	2	Failed Inspections Fees collected	0
		Total fees collected	<b>\$11,457.50</b>

**Fire Marshal Report** presented by Paul Gainor.

Permit inspections done	31	Campfire/Recreational Permits	27
Specialty Bonfire Permits	0	Agricultural Permits	2
Permits not given	1	Special permits given for blasting	0
Special permits not given	1	Other type inspections done	1
Code violations/Complaints	2		

**East Brandywine Fire Company** Report submitted by Mike Conlan.

**Fire**

Number of calls dispatched into WBT	8	Initial dispatch into WBT	8
Second dispatch into WBT	0	Number of calls scratched	0

**Medical Assist**

Number of calls dispatched into WBT	23	Initial dispatch into WBT	23
Second dispatch into WBT	-	Number of calls scratched	0

**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	6	Initial dispatch into WBT	6
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**

There was no one in attendance from the Historical Commission. Michelle Benkovich gave the report of the Parks and Recreation Board. Steve Jakatt gave the report of the Planning Commission. John Cassels gave the report of the Open Space Review Board. Steve Jakatt noted the amount of work that John Cassels puts in on the Open Space Review Board. Carl Lindborg gave the report of the Municipal Authority.

**Adjournment from Township Meeting** (time: 7:55)

**Opening of Public Hearing** (time: 7:55)

*Ordinance No. 2009-07; amendments to various sections of the Township Zoning Ordinance.* Manager Rambo stated John Good found Ordinance No. 2009-07 acceptable, it has also been duly advertised. The County had one comment that they do something similar to what the Township did for fences; there are samples of fences. If you look at the Township's zoning it does state different types of accessory buildings. The ordinance deals with amending sections regarding accessory buildings and structures, fences, and political signs. It deletes the old definitions of accessory building and fences and provides new ones. It talks about minor residential accessory buildings and structures, fences and where they can be placed, and amends part of the sign ordinance dealing with political signs and their placement in the

street right-of-way. When political signs can be placed out as well as back lighting of signs. Dale Barnett and Manager Rambo will look into what other municipalities are doing with regard to LED signs. The changes were made to clarify issues that were somewhat ambiguous in the codebook.

Steve Jakatt asked if part of this ordinance is regarding the historical overlay. Manager Rambo answered no, that was adopted at the last meeting. The BoS received the comments of the Planning Commission; Manager Rambo called the Chairman of the PC and read a section of the zoning. This addressed the PC Chairman's concerns. The Manager also contacted the solicitor who suggested they go one step further with regard to permitting various uses in historic structures by the number of daily trips it may create. The solicitor is going to forward the suggested language onto the Township. Chairman Obernier noted last months meeting minutes has a paragraph about this in it.

Paul Gainor asked about the right-of-way section in the ordinance. Manager Rambo answered it amends sections 200 –121a to read as follows: no sign shall be erected within the lines of the street right-of-way accept temporary political signs compliant with section 200-121j and 200-124f. It is currently vague in whether they were permitted and how long they could be there. This allows them within the right-of-way during elections. Mr. Gainor asked if this still gives the property owner the right to say don't want the sign on the right-of-way in front of their property. Manager Rambo answered realistically you own to the right-of-way, new subdivisions are twelve foot from the face of the curb. Older homes go to the centerline of the road, so does it give the individual permission, it is only appropriate to ask. Mr. Gainor said that the property owner would have no recourse, the ordinance was better left the way it was if it doesn't give people the right to say that they don't want a sign there. Manager Rambo said right now the way the ordinance is written they could go collect all of the signs within the road right-of-way.

Chairman Obernier asked Mr. Gainor if his question is "can someone come along and put a political sign in front of Mr. Gainor's house for somebody that he doesn't support." Chairman Obernier asked if he had any experience of that happening. Mr. Gainor said that doesn't matter because up until now that couldn't happen. Mr. Gainor voiced disapproval of Ordinance No. 2009-07 because he could put a political sign for anybody he wants in front of anybody's house and they can't say anything as long as it is in the road right-of-way; he wouldn't be allowed to touch it. Steve Jakatt asked about putting a provision in there. Supervisor Lindborg stated he would vote for this and see what happens, all of the ordinances and amendments can be readdressed if they become an issue.

Steve Jakatt stated that Mr. Rambo noted in the newer subdivisions, the setback is twelve feet and in the older subdivisions it goes from the center of the road. Manager Rambo explained if you go up Lafayette Road for instance, some of the older houses the property goes to the center so the right-of-way may be 16 ½ feet from the center, the newer subdivisions are 25 feet from the center; it fluctuates. Whoever is running for election wants to make sure they are correct; they should come in and ask for the right-of-way for every road for where they are placing signs.

**Adjournment from Public Hearing** (time: 8:11)

**Re-Opening of Township Meeting** (time: 8:11)

### **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 stated the rental inspection requirements have been forwarded out. As far as the resale, the Chester County Real Alliance Group has approached Dale Barnett about talking to him prior to any further writing of the ordinance regarding the resale U&O or the initiation of the current resale U&O the Township has. Chairman Obernier requested the Manager remove the rental part under Old Business.

*Final discussions on proposed Ordinance NO. 2009-07; amendments to various sections of the Township Zoning Ordinance.* There were no further comments.

*The Manager continues to prepare bid specs for the collection of the Township's Solid Waste and Recyclables.* Manager Rambo stated he has obtained specs from surrounding municipalities that are utilizing single stream recycling and is also looking into getting quotes for weekly, monthly, quarterly, and bi-yearly pickup for bulk trash.

*DEP has extended the current MS4 Permits an additional year under the authority of The Clean Streams Law.* Manager Rambo stated the Township received notification its permit has been extended for an additional year.

**Note discussions from 08/06/09 executive session on personnel matters.** Manager Rambo noted at the end of the previous BoS meeting there was an executive session to discuss personnel issues. The BoS is in receipt of a summary of savings as a result of their discussion. The following was noted. Two full time police officers took early retirement and the power shift was deleted for the police department. It has been recommended that one additional public works department employee be paid from the liquid fuel funds for the remainder of the year to save general fund dollars. With losing the Codes Administrative Assistant, it is recommended the BoS bring the two full time employees back to 40 hours a week and leave the receptionist at 24 hours per week. The BoS has to decide if they want make any further recommendations.

Supervisor Lindborg noted that costs continue to rise, some of these additional changes they discussed helps out, but doesn't know if this is the end of it. Chairman Obernier stated one thing noted in the meeting, it they have agreed to revisit this after seeing the third quarter numbers. Supervisor Lindborg stated another issue besides the Administrative Assistant to Codes leaving is that they lay off an additional part time secretary. This is difficult because they have family, but the Township has to pay the bills. Chairman Obernier concurred. Chairman Obernier motioned to implement Manager Rambo's suggestions that he has detailed through September 30, 2009. Supervisor Lindborg seconded the motion.

Manager Rambo stated if you go by seniority the police secretary has the least. Chairman Obernier motioned to lay off the police secretary, seconded by Supervisor Lindborg. Board Members Lindborg and Obernier voted aye.

John Cassels asked if it was too late for the Codes Assistant. Manager Rambo explained that she was asked to come back full time by her previous employer and noted her position would not be filled.

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

John McClay asked for updates regarding several issues and also inquired about mosquito spraying. Chairman Obernier suggested that Mr. McClay speak directly to the police. Manager Rambo updated Mr. McClay regarding a zoning issue. Discussion continued.

### **Old Business from the Board**

Manager Rambo gave an update regarding the Valley View issue and stated the Township is holding the funds to pay the contractors.

Manager Rambo thanked Jeff Grossman of Beaver Creek Road who established the K9 Rudy Legacy Fund for continued support in paying bills associated with the training of the new dog.

## **Ordinances and Resolutions**

*Ordinance NO. 2009-07; amendments to various sections of the Township Zoning Ordinance.* Chairman Obernier commented to the Fire Marshal that nobody running for office is looking to anger a potential voter so the likelihood of a candidate placing a sign in front of his house is zero. Paul Gainor commented that if it is the Township right-of-way, why doesn't the Township cut the grass. Supervisor Lindborg stated the amendments are always fluid, can be readdressed at any time, and motioned to adopt Ordinance No. 2009-07. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

*Resolution #10-2009; reallocation of the 2009 Liquid Fuel Budget Funds.* Manager Rambo noted the line item numbers and the amount of \$46,592 being transferred for the year. Supervisor Lindborg stated due to the economic conditions the Township is facing, motioned to pass Resolution #10-2009. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

*Resolution #11-2009; erasing of minute tapes upon acceptance of meeting minutes.* Manager Rambo noted the solicitor suggested the BoS establish a point when tapes would be destroyed. Then Rambo read Resolution #11-2009 out loud. Supervisor Lindborg motioned to accept Resolution #11-2009. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

*Resolution #12-2009; participation in the Winter Traffic Services Agreement with PennDot.* Manager Rambo explained this resolution is to participate in the PennDot Winter Traffic Services Agreement for the next five years. Supervisor Lindborg motioned to adopt Resolution #12-2009. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

## **New Business**

*Establishment of the Phase I public escrows for the Bentley Projects.* Manager Rambo recommended the BoS table this item until the Township receives the necessary documents. Their financial institute is reappraising all of their properties to ensure the amount. Chairman Obernier noted that Pulte merged with another company, after the merge they are the largest developer in the United States and asked if the Township has any contracts concerning Pulte. Manager Rambo answered no.

*The Manager has forwarded proposed Ordinance NO. 2009-06 to the CCPC and Township PC for review.* Manager Rambo noted this deals with stormwater management.

*Final release request from James G. Lodge for his Hurley Road/Baker Road Project.* Manager Rambo recommended this item be tabled until the Township receives the necessary documents from the engineer. Supervisor Lindborg motioned to table the request. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye.

## **New Business from the Floor**

There was no New Business from the Floor.

## **New Business from the Board**

There was no New Business 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.* Manager Rambo noted this item will be removed because it has been presented to the BoS.

*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 for advertisement and adoption.* Chairman Obernier suggested the Chief work on this item.

**General Obligation Note** (Adjustable Rate Bond for the Facility/Park Construction)  
Interest rate for the week is 3.72%. There were no comments.

**Review and Payment of the bills.**

Manager Rambo stated the general fund bills total \$57,384.16, solid waste bill total \$32,167.96, and liquid fuels bills total \$3,223.15. Supervisor Lindborg found the bills in order and motioned payment. Chairman Obernier stated he also found the bills in order and seconded the motion. Board Members Lindborg and Obernier voted aye.

**Upcoming Meetings/Events**

- Open Space Review Board meeting, Thursday, August 27, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, August 27, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, September 3, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, September 8, 2009 at 7:00 p.m.
- Municipal Authority meeting, Thursday, September 10, 2009 at 7:30 p.m.
- Historic Commission meeting, Monday, September 14, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, September 17, 2009 at 7:30 p.m.

**Adjournment**

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 8:55 p.m. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye in favor of adjournment.

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