

**Meeting Minutes of May 7, 2009**  
**Board of Supervisors**

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

**Acceptance of Minutes from Previous Meetings**

April 2, 2009 and April 16, 2009: Vice-Chairman McCaffrey motioned to approve the minutes and 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 County of Chester GIS Consortium Tier II Agreement for consideration.* Emails have gone out to various departments and there has been no response. Manager Rambo recommended that this agreement be removed from the agenda until there is an interest to enter into an agreement. Supervisor Lindborg motioned to remove this item from the agenda. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

*The Township is in receipt of correspondence from the Ashberry Lane Homeowners Association regarding traffic within their subdivision and the request for a traffic study.* Mo Finn of Ashberry Lane noted he is the president of the Ashberry Lane Homeowners Association. Ashberry currently has fifty plus kids and no sidewalk so the only place children can play is in the street. There have been many near accidents. The Association is in attendance to request speed humps in their development. Manager Rambo explained speed humps would be considered traffic-calming device. Once a study is done, they could be considered. Brad Ceulers also of Ashberry Lane noted an incident that happened a few weeks ago and stated there are no children at play signs or caution signs entering into the development and also requested the Township put speed humps and children at play signs in. Chairman Obernier stated that Mr. Finn came in a year ago regarding the same complaint and requested the police sit there. Mr. Ceulers stated they do sit there, but that is not enough; there should be a four-way stop sign. Supervisor Lindborg explained that if you put a four-way stop sign there to control speed then you could become part of a law suit there should anything ever happen because it is just not a legitimate purpose. Manager Rambo explained that the Township could put speed humps in if it is done in the fashion of a traffic-calming scenario. Julia Sherwin of Ashberry asked about reducing the speed limit. The BoS explained that reducing the speed limit wouldn't help. Manager Rambo noted the Township could look for a sign

that is approved by the state. Discussion continued. Vice-Chairman McCaffrey stated he likes the humps better than the signs because you could put attention atomic testing, and people would just ignore the signs and zoom on through and suggested that the Ashberry residents decide where the humps might best be placed.

*The Township is in receipt of correspondence from Kristin Camp, Esquire granting an extension of time in which to schedule the Conditional Use Hearing for her client, Steve Janiec.* Manager Rambo recommended that the BoS accept the extension. They will notify the Township when they would like the hearing to continue. They also have another project going on with the old barn that was revamped and they may want to add another hearing regarding the use of the barn so they are both held together. Supervisor Lindborg motioned to accept the extension. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

*The Township is in receipt of correspondence from Valley Township with regard to contracting with the Township for Plumbing Inspections by Dale Barnett, Codes Officer/Building Inspector.* Manager Rambo stated, as in the past, the Township has an agreement with Valley to assist; they would like the Township to provide plumbing inspections. Vice-Chairman McCaffrey motioned to approve contracting plumbing inspections with Valley. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

*The Township is in receipt of an invitation from the Western Chester County Chamber of Commerce to participate in a Regional Economic Development Study.* An initial meeting is planned Wednesday, May 27, 2009 at 7 p.m. at the Lukens Executive Building. They are asking for a representative from each municipality within CASD to participate. They are doing an economic study to see what assets there are, what constraints there may be from municipality to municipality. Supervisor Lindborg motioned for the Township to participate. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye. Manager Rambo will attend.

#### **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 noted everything has been finalized. The participation fee would be \$600 per year. The Township currently has a complete board on hand and there are minimal requests for hearings. Supervisor Lindborg's preference is to have our local residents sit on the Board of Appeals. The Township has a very competent group of people. Vice-Chairman McCaffrey had a slightly different point of view, the stuff they review isn't community based since they made the building code statewide; they are reviewing the building code that everyone has. What they are permitting are engineered changes to the building code. It took two years to get a full building appeals board; we may have difficulty filling the position if someone leaves. Supervisor Lindborg stated his understanding is if the rulings are not somewhat subjective then why have the board; it is an appeal to our zoning officer's opinion. Frank Keagan asked how the UCC Board of Appeals is structured. Further dialog continued then Supervisor Lindborg motioned that the Township not participate in the regional UCC Board of Appeals. Vice-Chairman McCaffrey seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

*PennDot has provided the Township with an update on the repairs to the Route 82 bridge closure.* Manager Rambo noted the bridge has a six-month time period for repairs. PennDot is in the process of awarding a contract. The repairs will cost about \$600,000. Barry Parsons asked for clarification, if it was six months to award the contract. Manager Rambo answered no; six months from start to finish. Ed Barr asked if they are repairing or replacing the bridge. Manager Rambo answered repairing the bridge.

*The County has forwarded the Township correspondence with regard to the Emergency Responder Credentialing System that is being undertaken by the Department of Emergency Services. Manager Rambo explained the County is gathering information to keep a list of those that are trained in various aspects of emergency responders.*

*The Township is in receipt of various pieces of correspondence with regard to the MS4 permitting from PaDEP. Manager Rambo noted DEP has provided the Township with a list of additional information that has to be placed on the annual report. DEP has granted a sixty-day extension to provide comments regarding the new application for stormwater. Frank Keagan asked if this includes retention basins. Manager Rambo stated it includes retention basins that discharge into a state waterway that are owned by the municipality or private homeowners associations. Discharge will have to be tested to make sure it is a certain temperature when it comes out so that it doesn't affect aquatic life.*

*The Township Engineer, James W. MacCombie, P.E. has provided the Township with his review letter of the PAWC ACT 537 Plan as it pertains to the Township. Manager Rambo noted they have the ACT 537 Plan resolution to consider its adoption later in the meeting. MacCombie has found no objection to the resolution. Vice-Chairman McCaffrey wanted to make sure that the governing body was not signing a document that approved the way that PAWC were viewing our Municipal Authority relations with them. Manager Rambo stated the Municipal Authority has reviewed this and MacCombie has written this letter on behalf of both entities. When the new contracts were reviewed for future flows, all the issues brought forth by the Authority were addressed properly in the agreements. There was no further discussion.*

### **Old Business**

*The Manager continues his review of 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 has provided Dale Barnett with some samples of draft ordinances as well as adopted ordinances from other municipalities to try and create a different blend. Manager Rambo requested that BoS review this information and provide their input.*

*The Township Engineer and Manager have completed their review of the PAWC ACT 537 Plan as it pertains to the Township ACT 537 Plan. Manager Rambo noted he provided URS his input regarding some incorrect information that has now been addressed.*

*The Township Engineer and Manager have met with Bob Fleming and his contractor with regard to his Valley View Project and its completion of public improvements. Manager Rambo noted Bob Fleming has Allen Myers under contract. The Manager met with Mr. Fleming a week ago to walk the entire subdivision and look at the basins. One thing that they have to check into is that the soil conservation service has now requested that the designed wet basins be turned into wetland basins. Manager Rambo requested the soil conservation come out and meet with them. If they are requiring a change, it is going to slow down the completion of the basins. Paving of the road can be done within two or three days. The planting of trees can be done as soon as Scott Sandone is available. Mr. Fleming is checking with PennDot to see if they can bring the equipment through Cedar Knoll Road rather than off of the new road in case they get held up with the reconfiguration of the basins. Dialog continued. Rena DeLorenzo of Mendenhall Drive asked how the basins got approved to begin with and the reason the county wants to change it. Manager Rambo answered the county approved it; the reason the county wants to change it is because they changed policies. Manager Rambo has requested a meeting with the county to see why they want to go this route rather than what is approved, designed, and constructed. This could cost the homeowners in the end if it becomes a wetland basin and it has to be maintained in that fashion; it would be a little more maintenance. Vice-Chairman McCaffrey stated you really couldn't say that it would be a real added expense. The Township is held by its decision, can't modify anything for a developer two*

years later under state law, and asked how the county has prerogative to modify what it said at the last minute. Bob DeLorenzo asked if Mr. Fleming was present at the meeting. Manager Rambo answered yes, Fleming, Township Inspector Barnett, Manager Rambo, and three individuals from Alan Myers were all present. Mr. DeLoorenzo asked when landscaping will begin. Manager Rambo answered they are waiting for Scott Sandone to get there with plant material. Alan Myers is contracted for paving, restoration of swales, and repairs to the basins. The paving is coming in at roughly \$45 compared to \$90, still more than what was on the contract but not nearly what it was, within 25% higher rather than 50% to 75% higher. Mr. DeLorenzo requested that the homeowners be notified when landscaping will take place. Manager Rambo will let the developer know to contact the homeowners association when work will commence.

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

None

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

None

### **Ordinances and Resolutions**

*Resolution #02-2009: resolution to allow to the access of the PennDot Systems electronically for grants, filing of Liquid Fuel Reports, etc.* The state is requiring municipalities to pass a resolution so that they can officially enter into the state's electronic access license agreement to get forms, file reports, and apply for future grants with PennDot electronically. Vice-Chairman McCaffrey motioned to approve Resolution #02-2009. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

*Resolution #03-2009: adoption of the PAWC ACT 537 Plan.* Manager Rambo noted that MacCombie has provided the Township his report, reviewed the resolution found it satisfactory and has no problem with the BoS passing the resolution. So far to date, Valley, Caln, the City of Coatesville, and West Caln have passed their resolutions. That is four of the ten that are currently either bulk users of PAWC or PAWC has direct control over their area. Vice-Chairman McCaffrey stated that based on the engineers evaluation both in the eyes of the Township and Municipal Authority motioned to approve Resolution #03-2009. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

### **New Business**

*Approval of release request # 1 for the James P. Bryant common driveway construction escrow.* Manager Rambo noted he met with Mr. Bryant and has requested that he reestablish the survey points so that the locations of the driveway can be repined so it can be determined that they are in the proper location prior of the approval of the release. Manager Rambo recommended that the release request be tabled. Vice-Chairman McCaffrey motioned to table the release request. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

*PRINT is in the process of preparing a municipal map for distribution to the residents of the Township.* Manager Rambo explained that PRINT is an organization that prepares maps through soliciting outside funds from businesses and organizations at no cost to the resident's. A map is mailed to each resident.

*Signing of the PennDot agreement to allow electronic access to their forms and programs.* This item has already been addressed.

*Consider the re-drafting of the existing Contractors License Ordinance to rename it the Contractors Insurance Certification Ordinance.* Manager Rambo noted effective July 1, 2009 as a result of ACT 100; municipalities will no longer be able to charge for a contractor's license. In doing this they hope to prevent scams where people have ripped-off older residents and others. This supersedes the Township's license. The Township can no longer call it a license but can call it a contractor insurance certification. Currently the Township charges \$75; the state is only charging \$50 for a two-year registration. The Township will look at the costs associated with the issuance of these and may come up with a cost of \$30 or \$35 per year.

*The Manager will be attending an upcoming seminar on ACT 32 dealing with local income tax collection reform.* Manager Rambo stated ACT 32 has been passed by the state and will take effect officially in 2011 where they are going to establish a countywide collector for EIT or a district wide by school district. It is hoped that this streamlined collection service will make it easier for businesses to submit their taxes.

*Recommendations of Township Open Space Review Board.* Manager Rambo stated the review board has recommended that the Township proceed in the purchase of the old Bentley 16.9 acres, located near the Forks of the Brandywine, from the Authority for the preservation of open space. Supervisor Lindborg motioned to move forward with the purchase. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

*Recommendations of Township Planning Commission.* Manager Rambo noted the Planning Commission looked at the revised application for the conditional use hearing for the Janiec property located on Horseshoe Pike. The Planning Commission agreed they were in favor of the latest proposal by Janiec for their 8,000 square foot commercial facility as opposed to the previous proposal. They like the thought of one building being broken up into different façade fashions rather than two separate buildings. It is not a strip mall; it is tastefully designed facility that has different façade treatments and a better blend with the area, rather than a flat building. Vice-Chairman McCaffrey was concerned that it has more square footage than the two separate buildings had. Manager Rambo stated it takes up less impervious surface requirements.

Lisa Abrams asked about the Janiec plan, traffic and policing the area, Discussion ensued regarding the traffic study, realigning Swinehart Road, policing the area, and signalization.

Paul Sell of Cochran Drive asked if the plan was changed several times from apartments to townhouses. Manager Rambo answered that is a different proposal. Vice-Chairman McCaffrey stated there hasn't been anything that has changed that would require advertising. The BoS explained that the apartments are gone, that type of housing has to be allowed in the Township. It was approved but through negotiations and a long process the Township was able to purchase that ground.

Paul Sell asked about the sewer construction on Swinehart Road and who is paying the bill for the sewer line. Manager Rambo explained the developer (Bentley) is participating and the Authority is also doing work in recouping money from the developer. Everything that is being constructed has been designed for future that can be dug up to be tapped into. The sewer construction will do away with the Kimberwick spray irrigation system that the Authority owns; this will become a second community park. Dialog continued regarding sewer. Mr. Sell would like to see a copy of the sewer plan.

Peggy Greenwood of Mainlin Drive asked the anticipated date for the completion of the Janiec project. Manager Rambo stated the project is under preliminary review; it could be 2 to 3 years from now.

Paul Sell asked if the location of the Janiec project. Chairman Obernier stated it is across the street from Walters Trucking. The intersection is going to have signalization. Vice-Chairman McCaffrey explained that is a nice area; driving by there it looks nice. The Township is required to facilitate development; you have to provide all types of development within a community. If you don't have it provided for in your ordinance, they can literally pick a spot and build there because you haven't named a spot for that type of development.

Paul Sell asked about fifty-five plus communities noting there is a loss of revenue from earned income tax in these communities. Chairman Obernier and Supervisor Lindborg explained that the earned income tax is 1 1/8%, the 1/8% is for the open space fund that was voted on and 1/2 goes to the school district. Supervisor Lindborg stated there is property tax on fifty-five plus communities. There are not a lot of services required; they maintain their own roads and pay school taxes but are not sending children into the school.

Frank Keegan asked if the fifty-five plus communities require additional services e.g. police, fire, EMS. Supervisor Lindborg stated his understanding is that police services are very minimal. Mr. Keegan was concerned that these communities cost more for services. Vice-Chairman McCaffrey stated they are paying real estate tax to the Township that goes to the fire company and to EMS. The fifty-five plus community that is already here, the fire company has never gone in there. Supervisor Lindborg agreed that standard housing would require a lot more services in addition to having an impact in the schools.

Mr. Keegan explained that he works as a police officer for West Whiteland and remembers many nights going to fifty-five plus communities having to go three or four times a night and assumed that WBT is the same way. Vice-Chairman McCaffrey explained that he felt that retirement communities cost the least. If Mr. Keegan is trying to say that they are all going to have heart attacks and cause the Township to send someone there to rescue them, there is a possibility that a few people there will, but there are people everywhere within the Township that have the same kind of medical proclivities that are going to need assistance. In general they save the Township money and provide a little stability to the tax base.

Paul Sell asked for a comparison of what he pays for his single family home verses a little cubicle in Freedom Village. Chairman Obernier stated they go up to \$500,000. Discussion ensued regarding Pulte's purchase of the Kaye property. The overlook farm could have been turned into a housing development, the Township took the development rights by putting the retirement community close to where they already have a retirement community, where the hospital it located, the bypass, etc. The development rights for them to be closer together were taken and used to purchase overlook farm and a few other parcels that Mr. Kaye turned over to the developer will remain as open areas within the community. Once Pulte's first phase of his fifty-five plus community is developed, Pulte will be turning that over to the Township fee simple. The agreement has been made.

Paul Sell expressed concern about the stuff the farmer is dumping and that he is digging during the night. Manager Rambo explained that he puts chicken by products, which are permitted. Vice-Chairman McCaffrey asked that someone from the codes department, who seem to have free time, to go over there and inspect what has been dug up and is being buried there.

Lori Petrie requested that the Police Chief attend the BoS meeting to answer resident's questions regarding the fifty-five plus community. Being a salary employee, could he attend one meeting a month? Vice-Chairman McCaffrey stated if someone has a question for him, write it down and we can get an answer back from him for the next BoS meeting.

Chairman Obernier noted it was late and moved onto the next item on the agenda and stated they would go back to address public comments after they go through the agenda.

**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. 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 3.93%. There were no comments.

**Review and Payment of the bills.**

Manager Rambo noted the general fund bills total. Vice-Chairman McCaffrey stated he reviewed the bills, found them in order and motioned to pay the bills. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

**Upcoming Meetings/Events**

- Historic Commission meeting, Monday, May 11, 2009 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, May 12, 2009 at 7:00 p.m.
- Municipal Authority meeting, Thursday, May 14, 2009 at 7:30 p.m.
- Castaldi Conditional Use Hearing, Wednesday, May 20, 2009 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, May 21, 2009 at 7:30 p.m.
- Open Space Review Board meeting, Thursday, May 28, 2009 at 6:45 p.m.
- Planning Commission meeting, Thursday, May 28, 2009 at 7:30 p.m.

At this time Chairman Obernier moved to address public comments. Vice-Chairman McCaffrey requested an update on the budget. Manager Rambo stated the end of the year numbers are estimated to be a shortfall of \$211,496 based on the first quarter figures and if they continue in the same fashion. Manager Rambo noted the different revenue sources and the amount they are down. Pension is a separate issue, this year the Township's pension contribution that is in the budget is \$144,000, as they go into 2010, the Township has already been advised that the Township's contribution could be as high as \$240,000 by the Township's actuary which is \$100,000 additional funds on top of the \$144,000 this year. Vice-Chairman McCaffrey asked Manager Rambo if this pension issue is connected with all the people that work for the Township, the municipal contribution of \$211,496. Manager Rambo answered it would be toward the uniform police pension plan. For non-uniform, the Township contributes roughly

5% of their salary. The municipality will pay what is budgeted through grant funds for the non-uniform from the state. It is pass through money. The police pass through money for the will be about \$60,000. Manager Rambo continued to explain how the amount of money is determined by the state for non-uniform and uniform.

Supervisor Lindborg further explained that there is a difference between Minimum Municipal Obligation, which is established by the actuary. If the non-uniform pension plan doesn't perform as well as anticipated, it does not have to be made up. For the uniform pension plan the losses have to be made up. That is where the problem is. Vice-Chairman McCaffrey stated the losses are not funded by a pass through from the state.

Barry Parsons of Castle Lane asked why the Township has to make up the difference of \$200,000. Manager Rambo explained that the police pension plan is a defined pension plan by law. Mr. Parsons stated if it is by law, then why doesn't the state by law give the Township to put back into the plan. The BoS answered it doesn't, it is an unfunded mandate, the law that has to be followed. Barry Parsons said that it is time for voters to call our state representatives and state senators because that has to change, what is going to happen is that we won't have a township.

Vice-Chairman McCaffrey stated that the Township has a seven man police department and their pension plan has dropped almost a million dollars, can you imagine what has happened to the CASD, all those teachers are under the same type of pension plan, how many millions of dollars they are out that are going to be made up by tax payers.

Ed Barr noted that his wife is a teacher at West Chester University and no one is making up the difference for her investments. Chairman Obernier explained that the CASD and West Chester University are two different animals. Supervisor Lindborg added this is not something the BoS wants to do; it is a state law. It is also not the police department's fault. It is nobody's fault it just happens to be the law that the BoS has to abide by. Things changed so drastically in the markets from a year ago, the BoS is faced with acting on the situation.

Vice-Chairman McCaffrey explained that he doesn't feel it is appropriate to make up the difference on the backs of people that are also suffering losses in their pension, losses of jobs, there is a hardship throughout this community. The easiest thing to do right now would be to raise taxes. Vice-Chairman McCaffrey explained his impression of negotiations with the police union, one of the factures that are going on. The BoS went to the non-uniform people that work at the Township and asked for concessions from them that would help keep the budget down. Non-uniform are not getting pay raises, they cut back in a lot of other areas. Some people have been reduced to part-time and some have lost only a few hours. You don't want trained individuals to be laid off because no buildings are going up. You don't want to lay off people in the codes department because when building starts we would have to search for them again. We want to keep these valuable people, when things turn around they will still be working here and will still be a team. When the BoS approached the police department, they didn't get a meaningful concession from the police department. Every offer that came from them had one of two things in it, they would postpone a payment this year but they wanted it in full next year. Number two they wanted a guarantee that nobody would ever be laid off. Look at the deficit in just the pension plan, if you postpone the money until next year, there will not be more money next year to pay for something that we used last year. Vice-Chairman McCaffrey also can't guarantee any layoffs. How could you do that and be a responsible official. As far as negotiations, there was nothing viable that the BoS could go with. The BoS asked the manager to look into some of the alternatives. There has been nothing from the police department; they are getting a raise this year. It was suggested to the BoS to eliminate cell phones by one of their own people, so they got rid of the cell phones. Then the BoS got a notice that they were

going to be taken to court under a job action for not negotiating the elimination of the cell phones. The BoS has made suggestions that have not been acted on.

Lisa Abrams asked who was overseeing the defined benefit plan, stating there were certain things that could have been done to shorten their losses. The police department deserves the raise. Ms. Abrams also noted that she did a lot of research on the state police and stated the state police are not hiring anymore state police, they are shorthanded as it is in all the zones they are in. Ms. Abrams asked if the Township looked into other resources to find money for the police department. Ms. Abrams voiced disapproval that Vice-Chairman McCaffrey and Supervisor Lindborg were not at the meeting that was held for the state police informational meeting. Vice-Chairman McCaffrey explained that he purposely wasn't at the meeting because it was to be a meeting between and the state police to gain information. It wasn't to be a three-way argument. Supervisor Lindborg stated he wasn't in attendance because he wanted there to be interaction between the residents and the state police representative. Supervisor Lindborg stated he attended a meeting in Wallace that was excellent, it was between the state police representative and the township residents. They could ask questions and get answers without getting sidetracked between the Board, state police and residents. That is why Supervisor Lindborg wasn't in attendance very purposely; it wasn't because it is not important.

Bill Webb commented about what Vice-Chairman McCaffrey stated, that the police have not made any concessions and asked what concessions the BoS has made, the BoS is still taking their \$64,000 in health care. Vice-Chairman McCaffrey answered yes, he has health insurance through the Township he is divorced and his children are in collage. Vice-Chairman McCaffrey asked if Mr. Webb gave back his health insurance. Mr. Webb answered that he works for Valley Township. Vice-Chairman McCaffrey stated he has an association with WBT too. Mr. Webb stated he did a survey of all the Township's that border WBT. Wallace, East Brandywine, West Caln, Caln and Valley of those the only ones that take health care is West Brandywine. That would make up \$64,000 of the shortfall. Discussion ensued regarding the need for health care, paying for health care, and keeping health care for the part time employees. Vice-Chairman McCaffrey commented that Mr. Webb was making a very selective judgment.

Mr. Webb stated that Vice-Chairman McCaffrey noted that non-uniform didn't take raises and asked about the tax collector, understanding that the tax collector's salary is set but in these tough economic times the tax collector is going from \$22,813 last year to \$26,497 this year. Vice-Chairman McCaffrey explained the tax collector gets a percentage of what she collects and is an independently elected person. Mr. Webb stated that the BoS had an opportunity to adjust the tax collector's salary to adjust the tax collector's salary before she was reelected. Vice-Chairman McCaffrey explained that the compensation that she has gotten has been constant for tax collectors for a long time, it didn't seem like it would be appropriate.

Mr. Webb stated that the BoS is asking for everyone else to give concessions but the BoS is not willing to. Chairman Obernier pointed out that the gigantic salary of the BoS is \$2,500 per year and it is silly to compare \$2,500 a year to \$80,000 a year. Chairman Obernier understands that Mr. Webb is very pro police and doesn't have an issue with that and welcomes comments from people that will truly suggest how to save money. Chairman Obernier asked to be reasonable and sensible in making suggestions instead of trying to attack.

Supervisor Lindborg expressed that he is pro police, supporting the police the entire time he has been here and was instrumental in going to 24 hours and continues to be pro police. The problem today is the dire economic conditions that most people are facing; the BoS is in a corner, that is the issue. Vice-Chairman McCaffrey stated the BoS has approved budgets, taking the police department from 31% of

the Township's budget to over 51% now. The BoS has tried to go along with everything it could. There comes a time when where everyone who is working has to have some sort of small cutback in what they are doing. Vice-Chairman McCaffrey asked Mr. Webb is he attended PSATS. Mr. Webb answered yes he is an employee. Vice-Chairman McCaffrey chose to not go so that money wouldn't be taken out of the budget. Discussion continued.

Supervisor Lindborg stated when the BoS negotiated the police contract; nobody had any clue what would happen, that the stock market would be half the value now. What the BoS is asking for is that the police work with the BoS for this difficult period of time so they can all get through it together, at the end of the day the community stays together. Chairman Obernier stated he personally didn't go to PSAT's either this year because he didn't feel right about spending the money. The BoS is trying on a personal level as well as they can, no matter what they do, somebody will always stand in front of the BoS stating that they should work for free, shouldn't take anything, etc. Show the BoS where they can reasonably and legitimately cut expenses and the BoS will do it. Vice-Chairman McCaffrey stated that it is gut wrenching that if the BoS ever has to go to a layoff or furlough, the people that are affected are people that they hired and work with; nobody wants to do anything like this. If you have a bargaining unit, they make the rules; you have to play by the rules that are made. Everything else has been cutback. The BoS has to find a way to reduce costs across the board; it is not fair to take away from everyone else so that one small group is unaffected totally. Under the circumstances, the only power that there is is manpower. The BoS is not playing a game, this is real serious problem and everybody has to be touched by it so no one person feels the full grunt of it.

Kate Greenwood stated the economic downslide started almost a year ago, what concerns her is where is the BoS anticipation for what their liabilities are going to be for these gentlemen in this Township and what are the Board's plan in the future this should happen again. Supervisor Lindborg explained revenues are down; budgets are based on years past. Four months later you find yourself in a position that no one anticipated. The market crashed people stopped spending money. The BoS is trying to the best it can under the circumstances. Vice-Chairman McCaffrey added that the Manager was directed back in October to start finding things to cut. Last fall, we were already looking at things the BoS had control over and also looked for things in the police department as well. What could they do without losing people, if they could start early for the next fiscal year, it would make sense to do so. It just didn't work out that way. The Boards suggestion came in a negative way for the police department, the BoS had to withdraw everything. The BoS didn't want to seem like they were threatening anybody, that is how their representatives seemed to take it. They have an attorney now so the BoS has to spend money on attorneys. The offers that were made, they would forgo payments in 2009 if they get them back in 2010 or if the BoS will guarantee that there will be no layoffs or furloughs at all, they will sit down and talk about some of the other things. That had to be agreed to first. The BoS has gone as gingerly as possible for months and months and tried to present things, remove people from it, and have attorneys talk to each other. This is the point they are at now, eight months past where they wanted to initiate some kind of minor crosscutting to try and hold things together.

Kate Greenwood asked if the police department is the only group that is targeted. Vice-Chairman McCaffrey explained that the administrative and road department, everybody had taken a hit. The pension money that is coming in for the non-uniform people that is beyond what the state requirement has been diverted from them to the police. The non-uniform pension was hurt just as bad as the police department's was. Lots of money has been saved and put aside, you have to think also that the Township can't collect money that the Township isn't going to spend. When you hire a code officer and his staff, it is under the assumption that he is going to do something. His staff is paid for by building permit fees, when those fees stop, the BoS has to do something, lay the guy off, or cut back their workload or divert them to something else. We are not making the money for his department through what he does, so the

BoS try to cut hours back, give people other things to do, shift things around as much as we can. If that were the only thing that hit us it would be one thing. Nobody is selling a house now; transfer money is not coming in. Everything everywhere has gone down. To be responsible you ask everyone to tighten their belt like you would in your own family.

Kate Greenwood stated suppose you were going to let go of two of the full time police officers and nightshift and asked if the Board's plan is to bring them back in better times. Vice-Chairman McCaffrey and Supervisor Lindborg stated absolutely. Vice-Chairman McCaffrey stated when money comes back in, everything that has been cut out comes back in.

Jeff Chalfant of Westview Drive asked if anyone explored the money from the stimulus package allotted to the nations police departments to hire and train new officers and retain current officers. Has anyone contacted the FOP organization? Manager Rambo stated the Township has two grant applications though the stimulus program; one is to retain two officers. If awarded the grant, it is for three years, it would pay the starting salary of an officer, all of our officers are class A and make roughly \$65,000 starting salary may be \$45,000. The federal stimulus program would pay \$45,000 plus benefits. Basically the Township would be required to make up the difference between starting and their current wage. The Township also has another grant application for another officer. The Township is waiting to hear from them in May or June.

Corporal Daniel Shappell stated he is Vice President of the Police Association. Chairman Obernier asked for clarification, at the meeting with the state police Corporal Shappell stated he was the acting president, the BoS has had their attorney email the police association's attorney asking if he was the acting president and have not gotten a response back about what Corporal Shappell is. Chairman Obernier asked if Corporal is speaking for the union or himself. Corporal Shappell stated he is speaking for the WBT Police Association because Corporal Domblesky is out for back surgery. Corporal Shappell stated first of all, regarding negotiations, they started between Manager Rambo and Corporal Domblesky prior to his surgery. It got to the point where negotiations were an impasse between them. Both parties decided that it would be turned over to the lawyers. Over two and a half months ago the police association gave the Township concessions of over \$71,000 out of their contract. The Township lawyer has not responded back the Police Association regarding those negotiations.

Corporal Shappell stated the next item was regarding the cell phone issue when the phones were turned off. The police were not notified that their phones were going to be turned off. One day without warning the phones were turned off with no prior knowledge to the police officers. The phones are used to contact each officer that is on duty; the officers also use them as part of their family contacts. The officers that were on duty at the time went to use their phones and the phones were turned off.

Corporal Shappell noted the next item was regarding salaries, in several incidences tonight, it was brought up how high the Police Officers salaries are; one comment was \$80,000. Corporal Shappell asked Manager Rambo what his salary is. Manager Rambo answered \$96,000 for the Township; there are two separate entities. The Authority is a separate entity above and beyond the Township. Corporal Shappell asked if Manager Rambo gave a reduction to his own salary. Manager Rambo answered that there is no increase in salary, the same that was requested of the police, and there has been a reduction from 7 ½ to 5% in pension and sick days have been given up.

Corporal Shappell asked why the Township's attorney hasn't responded back with a counter offer. Vice-Chairman McCaffrey stated he has a letter from his attorney, his response was that those concessions that were offered of \$71,000 included that they would be repaid in the next year. Corporal Shappell stated only part of it was, not all of it. Chairman Obernier stated that is not how it read. Vice-Chairman

McCaffrey noted the second item was no furlough agreement, no one in this kind of climate can agree that someone isn't going to lose their job. No body responsible would make that promise. The no furlough part was mandatory before any further negotiation could take place. No further negotiation did take place.

Chairman Obernier noted for clarification the cell phone issue, at one point in a Township meeting there was stuff going on with Manager Rambo and Corporal Domblesky and they wanted to just have the attorneys interact and Chairman Obernier said that whatever they could agree upon, bring it forward and let's at least work on that. Chairman Obernier stated he believed that Corporal Domblesky put doing away with the cell phones in a proposal to the BoS and the BoS acted on that because it came from the police and when the BoS acted on that the BoS was then threatened with a law suit commencing January 6<sup>th</sup>.

Corporal Shappell stated that was part of the negotiation, the BoS didn't tell them...and stated they are still willing to negotiate, there is no question about the economy and the police are willing to give up as much as their contract. Out of the seven officers in their department, three quarters of those officers have been at the working for WBTPD for twenty plus years. The police department has given time and time again over the years as far as negotiations, we cut back a lot of things that other police departments have as a luxury. This isn't the first time where we have crossed as far as where we have had bad times in this Township. The point is that the police are still willing to negotiate.

Corporal Shappell asked Mr. Lindborg what happened when one officer tried to negotiate. Supervisor Lindborg stated he was always willing to sit down and negotiate. With all of the laws that are in place, there is a chance of the BoS doing something incorrectly, it is not because the BoS doesn't want to sit down and negotiate. Supervisor Lindborg called the attorney to let him know that the police want to sit down with him and negotiate; the lawyer said that he would check with their lawyer to make sure that it was okay. The lawyer checked and it was not okay. Chairman Obernier stated he was also approached to sit down and explained that after what happened with Supervisor Lindborg he put in writing that he would be happy to meet with the police but requested a letter in writing that says that it is okay to meet, that letter never came about and they never met for negotiations.

Supervisor Lindborg stated that the offer stands, all the BoS needs is a letter from the attorney saying it is okay. Corporal Shappell stated the point is that the police have tried to negotiate, it has been said time and time again that it is the police and asked why the BoS attorney didn't respond to their last offer of 2 ½ months ago. Supervisor Lindborg said that the lawyer told him that he did respond back. Chairman Obernier stated he appreciated Corporal Shappell coming tonight.

Corporal Shappell stated he wants to make residents aware that the police are still negotiating. Supervisor Lindborg stated to let's make sure, one that the police attorney told Supervisor Lindborg that they are not doing anything unless there is a no furlough no layoff clause. Corporal Shappell stated if they back off of that what is stopping them for two months from now saying that is not enough. We want to protect the officers that have been at the Township for years. Supervisor Lindborg stated he appreciates that but how can the BoS say in good conscience, if the economy goes flat, that they can't lay somebody off if there is absolutely no revenue. The BoS can't do it without knowing the economic conditions down the road. The BoS is not here to want to lay everyone off, these are real human issues, the officers of the police department along with the other employees of this Township are good dedicated professional people that work very hard, have families, responsibilities. The BoS doesn't want to let anyone go, but are in a corner and are short money and asked what the BoS should do. Vice-Chairman McCaffrey stated that the BoS can't even schedule things differently, the shifts can't be changed. Everything the BoS tried to approach as management of a group, the BoS is told that they are

going to be greeted with court action. Corporal Shappell stated that is not true, the BoS have total control of the schedule. During the meeting with the state police, Manager Rambo stated that only part of the schedule that was not being covered was Corporal Domblesky's shift. That is not true; there have been cutbacks on other parts of the schedule. Chairman Obernier noted that Corporal Domblesky has been out 1-½ years; it is his understanding that they don't have to replace Corporal Domblesky on the schedule, to Chairman Obernier's knowledge that is the only thing they haven't done. Corporal Shappell stated that is not true. Vice-Chairman McCaffrey stated he would like to see that verified. Corporal Shappell stated he could show the BoS right after the meeting. Vice-Chairman McCaffrey stated it has gone to the point where the BoS can't do or say anything, if you offer a suggestion as to what to cut back, it was explained to Vice-Chairman McCaffrey that making that suggestion is extortion under the labor laws. The BoS is allowed to listen to suggestions from the police but the only suggestion that the BoS has gotten was to talk to the police there has to be a no layoff clause period, or we can just drop it now. The BoS is not allowed to propose anything because it is extortion, they wait for the police to propose it, and nothing comes. We are at a point now, if some sort of cuts were made way back, then some of these losses would have been made up and there would be no legal expenses on top of that. Chairman Obernier stated they have got huge legal expenses now; it is not what the BoS wanted.

Corporal Shappell requested that the BoS not make any negative comments against the police department and association to the public. Vice-Chairman McCaffrey stated the negative comments he made tonight were considered factual statements that were cleared through the attorney so that he could actually say them. The BoS and Corporal Shappell agreed to contact their lawyers the next day. Supervisor Lindborg stated he has always been pro police and continues to be, what the BoS is facing today is not negative police it is a problem with money. Unfortunately, the negative stuff comes out and that he is sure it comes out from the police also. Corporal Shappell stated they don't do it at a public meeting. Supervisor Lindborg stated he didn't recall ever saying anything negative about the police department but stated that they have to do something real quick. Supervisor Lindborg stated he appreciates Corporal Shappell coming in tonight to talk to the BoS.

Keith Davis asked how long it has been since WBT had a surplus in its general fund. The BoS answered a few years ago. Mr. Davis stated the time to worry about when this was going to hell is not now, when the general fund started going down, the Board being responsible for the Township should have looked at what you could do. Building a 1.3 million garage wasn't the answer. We need to have a little more fiscal responsibility and realize that we are in a jam. How is the BoS going to do this without raising taxes? If the Township is \$250,000 behind now just with the police pension and cut the hours back. Mr. Davis stated at some point you have to raise taxes. Vice-Chairman McCaffrey stated the BoS is trying to make every department stay within its fraction of the existing budget. Mr. Davis asked Vice-Chairman McCaffrey what his plan is to eliminate this situation. Vice-Chairman McCaffrey stated his personal plan, if he has a household to run and loses money and doesn't have as much to run it, which is happening by coincidence he cannot live the same way as he lived before the drop in income so that everything gets cut back where it can be cut back. The police department is in excess of what it should be as a portion of the Township's budget to begin with. The Township was living with that, when this happened, the police department went way above what they should be it is up at 51%; they should be at 35%. The number one desire of the BoS is to have WBT police officers patrol 24 7. It has gotten to the point without some other changes the Township can't afford that. Further discussion ensued.

Paul Sell asked about the Comcast being a negative number. Manager Rambo answered the Township has two franchise agreements on being Comcast and the other Verizon. For Comcast the Township gets paid once a year in February, whereas for Verizon the Township gets paid quarterly. Paul Sell asked about the negotiations for the police contract. Manager Rambo stated that the contract they are currently in went to arbitration. Supervisor Lindborg explained they are not trying to break the contract; the BoS

is trying to negotiate with the police association. Manager Rambo explained that last year was the only year they ever went to arbitration over a police contract because of what the Township was requesting. They settled during arbitration prior to an award. Vice-Chairman McCaffrey asked that the Manager contact the police association's attorney to ask about what Corporal Shappell said tonight.

Vice-Chairman McCaffrey motioned to ask the Manager to communicate with the state police concerning how coverage may be made available to cover one or more township police shifts and that the Township's special council be directed to communicate with the attorney for the police association concerning the commencement of impact bargaining over perspective furloughs if they ever were to take place or should become necessary. Just so the BoS knows all of these facts. Vice-Chairman McCaffrey seconded the motion. Board Members McCaffrey, Lindborg, and Obernier voted aye.

Frank Keegan asked the BoS if they are going to state police, then who would cover the Township's ordinances, e.g. barking dog at 1:00 a.m. Supervisor Lindborg answered the BoS isn't doing away with the police department. The next day when the police come in, they could do a follow-up. Discussion ensued regarding the BoS wanting to keep the police department.

Frank Keegan asked for clarification regarding the non-uniform pension contributions. Manager Rambo gave a brief explanation. Ed Barr also commented. Discussion continued regarding pension.

### **Adjournment**

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 10:55 pm. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

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