

Meeting Minutes of June 17, 2004
Board of Supervisors

Vice-Chairman Lindborg called the Board of Supervisors Meeting of June 17, 2004 to order at 7:32 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Vice-Chairman Carl S. Lindborg and Supervisor Josef G. Obernier, Sr. in attendance. Chairman Thomas J. McCaffrey arrived at 8:02 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr.; Township Manager, and Capt. Walter M. Werner; Chief.

Acceptance of Minutes from Precious Meetings

The first order of business to address was the Acceptance of Minutes from May 20, 2004 and June 3, 2004. The minutes were tabled.

Treasurer's Report

Manager Rambo presented the Treasurer's Report for the month ending May. There were no comments made.

General Fund.....	\$66,826.38
Solid Waste and Recycling Fund.....	\$141,163.01
Capital Reserve Fund.....	\$1,015,790.60
Construction Sweep Fund	\$1,413.37
Developer Escrow Fund.....	\$352,892.48
State Liquid Fuel Fund.....	\$134,785.78
Operating Reserve Fund	\$60,036.38
Police Pension Fund.....	\$951,278.23
Non-Uniform Pension Fund.....	\$185,230.36

Public Comments (those individuals requesting to be on the agenda)

There were no individuals requesting to be on the agenda.

Correspondence/Communications *Information to Act Upon*

Ron Scott of 116 Gabel Road has forwarded a résumé to the Board with regard to serving on the Township's Building Appeals Board. After having interviewed Ron Scott, Supervisor Obernier

made a motion to appoint Ron Scott to serve on the Township's Building Appeals Board. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

Hugh Redditt has forwarded a résumé to the Board with regard to serving on the Township's Historic Commission. After having interviewed Hugh Redditt, Supervisor Obernier made a motion to appoint Hugh Redditt to serve on the Township's Historic Commission. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Board of Supervisors is in receipt of the "Decision and Order" for the Janiec Conditional Use Hearing with regard to the reuse of the historic structures located at 1639 Horseshoe Pike. Also, Steve Janiec has provided the Township with a letter of extension until July 2, 2004 in which to render a "Decision and Order" on his Conditional Use Application. Manager Rambo recommended the BoS table the Decision and Order until the Supervisors have had sufficient time to read it, as well as accept their letter of extension. Steve Janiec noted that he will not be in attendance at the July 1, 2004 BoS meeting. Supervisor Obernier made a motion to accept Steve Janiec's letter of extension until July 2, 2004 and table the signing of the Decision and Order until July 1, 2004. Vice-Chairman Lindborg seconded the motion. Board Members Obernier and Lindborg voted aye.

The Township is in receipt of an amended Zoning Permit prepared by John E. Good, Esquire with regard to the City of Coatesville Golf Training Facility. Manager Rambo recommended that the BoS review it. The Township had met with John Good to discuss what they would to see in the amended permit. The Manager and John Good also met with Marc Jonas who then presented to the City of Coatesville what the Township will require as part of the amended Zoning Permit. After talking with Mr. Jonas the City of Coatesville accepted what was presented to them. The Manager then gave a brief summery of the amended Zoning Permit and noted that all the points and conditions that the Supervisors brought up have all been agreed to. Supervisor Obernier asked which plan are they agreeing to that the City of Coatesville submitted. Manager Rambo stated the one that was submitted for land development, deleting the chip and putt and the lighting standards in the middle of the driving range.

Supervisor Obernier had questions regarding a well water draw down chart and Steve Jakatt then explained the chart that was done with a data logger.

Correspondence/Communications Information to Note

The Township is in receipt of the Community Survey Results compiled by the Brandywine Conservancy's that will be utilized in preparing the Comprehensive Plan Update. Manager Rambo recommended the Board review and report any discrepancies they find. Supervisor Obernier noted that Tara Tracy of the Brandywine Conservancy would be submitting a redrafted copy. Vice-Chairman Lindborg felt there is a breakdown of communications when reaching the residents.

The Township is in receipt of registration paperwork with regard to the NATaT Convention scheduled for September 8-10 in Washington, DC. Chairman McCaffrey and Manager Rambo will be attending.

The Township is in receipt of the Tax Collector audit for the period of January 16, 2003 to January 15, 2004. Manager Rambo noted that audit showed that everything was found to be in order.

The Chester County Solid Waste Authority has forwarded the Township correspondence with regard to the future plans at the Lanchester Landfill. Manager Rambo noted there will be adequate space for the next decade with the expansion. Manager Rambo will prepare the documents for a five-year contract for the next bidding process. Manager Rambo explained that there is a five-dollar per ton tax on the tipping fee, if this were found illegal, and being that the Authority is not responsible for the payment of taxes that are being put on at the landfills, they would be deleting five dollars per ton that is already there. This would save money for the residents. If they win then Manager Rambo will recommend that they turn the collection of the solid waste fees over to the Municipal Authority, so that we can do away with the taxes that are collectively being put on to this. Supervisor Obernier noted an editorial in the newspaper in which the editor stated that this should motivate municipalities to pay more because the people won't pay anymore, but Supervisor Obernier stated that the people are the ones paying extra taxes for it, not the municipalities.

The Brandywine Conservancy has forwarded the Township an invitation to attend a seminar on "Who's Minding the Open Space." Manager Rambo will contact the Brandywine Conservancy with the list of attendees if any of the Supervisors are interested.

The Township has received numerous emails and phone calls thanking the Board for hosting the special meeting with the School Board members. Vice-Chairman Lindborg felt that the meeting was very successful. The point came out loud and clear that unanimously, everyone is against the tax increase. Our School Board representatives choose not to listen to the residents and vote with the other members of the board to pass the increase on. The residents of CASD received a very condescending letter from Paul Johnson and the superintendent that stated they had to do this because of mandates by the state and that is only \$600. Vice-Chairman Lindborg noted that most of the homes in WBT and a lot of others within the district are going to pay a lot of that on top of that amount. Also, the letter arrived before the meeting denoting that the tax increase had already gone through. Supervisor Obernier noted that the letters went out with no barcode with a tremendous postage discount and would like to know how they received the discount.

Dick Whitehead of Lauren Lane asked what the residents could do. Vice-Chairman Lindborg suggested they look ahead and see if they could keep this from happening again in the future. He would like to invite the Daily Local News and the School Board members to come out and meet with the residents. The Daily Local has really missed the point; they feel the revitalization of Coatesville is the most important point that will alleviate all the problems. The problem with the TIFF program is that the taxes may not come through for twenty years. If children will be living in some of these buildings, then we are going to be paying for their education.

Supervisor Obernier felt that the TIFF program only benefits the developer by increasing the properties value. If it is twenty years that they will be excused from paying any increase in the tax, then is hard to understand how that will help the school district or us. The school district doesn't go after people that don't pay their taxes; they don't do the fundamentally basic things. He concurred with Vice-Chairman Lindborg and would like to have a few more meetings with the school board representatives, the school board president and also a separate meeting with the state

representatives. At this time the only solution that is viable in the long term is to have a law that requires a vote of the general population on any tax increase that is over 2 ½ percent. Though the school board says they represent the kids, it seems they are only representing the school administration because the things that were cut were all kid related.

At this time in the meeting Chairman McCaffrey arrived after having been at the Coatesville School Board meeting. Chairman McCaffrey having left before the CASB voted, stated that the School Board is reconsidering the budget tonight and going over alternatives. There were groups from WBT that thanked him for the WBT special meetings that were held. He explained how sad it was that the Township meeting was the residents' only feeling of participation that they had in this whole process.

Dick Whitehead noted that he met with Senator Rafferty who assured him that the referendum would pass. The referendum will not help now but will in the future, the School Board will not be able to raise taxes more than 3 percent. Chairman McCaffrey explained that for next year's taxes the law would have to be enacted this year. They have done nothing for tax reform for the last ten years, the legislature backs away time after time.

Dick Whitehead asked for direction on how to secede from CASD. Manager Rambo stated he spoke with a law firm that represents a school district within the county. He faxed over a provision in the school code that permits ten percent of the resident tax payers to file a petition with the Court of Common Pleas to seek the removal of the entire board if it fails to organize, or refuses to perform as such toward duties, after a hearing the court may remove the entire board or certain board members. However, it has been found unconstitutional by the state constitution to do this. With regards to becoming an independent school district and go to another. The person that oversees Twin Valley is an individual (Mr. Lorento's former wife) that the CASD currently pays for her benefits. Currently Twin Valley is twenty five percent lower than CASD and Downingtown is currently twenty percent lower. Manager Rambo then explained the process of becoming an independent district and the estimated legal fees for representation would be between \$50,000 and \$75,000. This is a complicated process for which there is little history to provide guidance. In addition, they anticipate there will be controversial contestants; the prognosis is that the secession is unlikely because the main motivation appears to be a decrease in tax obligation. However, the Pennsylvania Department of Education must evaluate the educational impact consequence of the split on the descending school district. Also, the receiving district has to agree to accept a proportional amount of debt being WBT. There is case law that has occurred in 1987 and are currently two or three cases that started in 2001 and are still going on. It is a lengthy and costly process. Manager Rambo noted that the Newsletter is coming out with an article with regards to this. First, you would need to hire a law firm to create the proper petitions and then you would have to get individuals together to take the petitions around to get fifty-one percent of the taxable property owners to sign the petitions. They would then need to be reviewed to see that all the signatures are actually tax paying property owners.

Chairman McCaffrey suggested getting a breakdown for the cost of just creating the petition as well as filing other petitions of alternatives that may have an impact. Manager Rambo will contact one of the firms that would create a petition. Chairman McCaffrey noted that there are other grounds that you could bring up; there are people who have children that have been assaulted in

the schools and those that have had other kinds of problems within the school district. There are complaints of no textbooks and substandard facilities for certain aspects of their education. People have been turned away from courses they felt their children should be allowed to have. You may find many other reasons that the citizens may be dissatisfied with the school other than just taxes. Manager Rambo will find out if there is a specific type of petition for each thing.

Vice-Chairman Lindborg expressed that he is adamantly opposed to the Township leading the effort, if the residents are interested in doing this then they should be the driving force and the BoS could get some information together for them. Supervisor Obernier agreed with Vice-Chairman Lindborg but felt that it would be appropriate for the Township to pay for the proper language of the petition, depending on the cost. Chairman McCaffrey noted that the people have requested information from the Board and feels that it would be appropriate that the Board gather and make available the requested information. Supervisor Obernier stated the School Board has a twenty-five year record of an increase every year. Manager Rambo will request a price for the correct wording of a petition.

Craig Poff of Bentley Communities feels the problem with the Coatesville School Districts taxes is not only from mismanagement of the money but a lack of commercial tax base. He felt the township is unreceptive of active built communities. The Board noted Freedom Village and another housing development by Pulte Homes.

Jesse Edwards commented on what his daughter pays in Franklin County where she lives. Supervisor Obernier stated that if things keep going the way they are going, the Township Manager will be asking the BoS to raise WBT taxes. With the negative press that the school district is getting, there are a number of people that are selling their homes because they can't afford it, and the next guy that comes along is not going to pay that much money for the house so its value will be decreased.

Pat Edwards was concerned that there are lots of elderly people that do not want to leave WBT but have no choice because they can't afford to stay.

Reports of Departments

Chairman McCaffrey then moved onto the Reports of Departments for the month of May 2004. Walt Werner was present from the Police Department to give the police report. There were no comments. Manager Rambo presented the Road Department's report. There were no comments. Manager Rambo gave the report from the Buildings/Codes Department and noted the new house permit was the first one for this year. Manager Rambo then gave the report of the Martins Corner Fire Department. There was no report from East Brandywine Fire Department, Wagontown Fire Department, or the Fire Marshall. There were no comments.

Reports of Organizations, Boards and Commissions

Chairman McCaffrey moved onto Reports of Organizations, Boards, and Commissions for the month of May. Steve Jakatt gave the report of the Planning Commission. There were no comments made. There was no one present from the Historic Commission. Manager Rambo noted that the Park and Recreation Board is currently putting together the second annual Community Day scheduled for Saturday, September 25, 2004 in conjunction with the Bike Derby.

Manager Rambo gave the report of the Municipal Authority. Chairman McCaffrey asked why boating or not boating on the lagoon would result in a job loss. Supervisor Obernier noted that the Municipal Authority Manager at the request of the Municipal Board sent a letter regarding information that was not provided by an individual on his report. Manager Rambo then explained the situation that warranted a letter. The letter suggested that the individual appear before the Municipal Authority Board. Supervisor Obernier noted that the Municipal Authority Board at the last meeting authorized the Municipal Authority Manager to find a replacement company. If this person doesn't come to the meeting, the Municipal Authority may appoint someone else that night. The Board has repeatedly requested that the holding pond be measured for solids.

Old Business

Manager Rambo noted they need two volunteers for the Building Appeals Board and three volunteers for the Historic Commission.

The Township is compiling a list of used equipment and vehicles that will be sold by sealed bid on Thursday, July 1, 2004. Manager Rambo noted the Public Works and Road Department are putting together a complete list of equipment, tires, the motor home, computers, and printers.

Bids for road materials to be utilized this summer will be received and opened on Thursday, July 1, 2004. There were no comments made.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board.

Chairman McCaffrey had a question regarding Act 512 in unconsolidated laws that are outside of the regular school code for unexpected school debt that has to be submitted to the voters. The Manger will inquire about Act 512 and where it is associated to look it up.

Chairman McCaffrey suggested that a list of alternatives be compiled as they come up to deal with the current school district problem as they collect all the laws and regulations.

New Business

The Township is finalizing changes to the section of the zoning ordinance dealing with major home occupations for review by the various planning agencies. Manager Rambo will gather and advertise this.

The Board of Supervisors of West Brandywine and Honey Brook Township's have begun dialog to study the possibility of creating a regional police force and are inviting other surrounding

municipalities to participate. Manager Rambo noted that a meeting took place at the Township last Friday. He has forwarded the requested letters to West Nantmeal and West Caln. The Honey Brook Township Manager would like to meet early in the morning. Chief Walt Werner is gathering information with regards to contractual agreements for services and also for regionalization. Vice-Chairman Lindborg would also like to receive crime statistics, along with other activities from Honey Brook Township. Walt Werner will compile the list of information that was given to him from Honey Brook.

Supervisor Obernier questioned the services that Honey Brook Township was looking for at the meeting that was held. Vice-Chairman Lindborg explained that was just a preliminary meeting that those things still need to be looked into and discussed.

Jesse Edwards asked about the talks between the Townships. Manager Rambo stated that currently there are two municipalities talking, Honey Brook Township and West Brandywine Township. West Nantmeal has no police department and West Caln has a part-time police department. WBT is the only full-time police department.

The Township Manager is preparing bid specifications and related documents for the collection of the Township's Solid Waste and Recyclables for a period of three to five years. Manager Rambo noted that the contract is up at the end of the year and is currently gathering information to bid out in August. The Manager noted that there is currently a lawsuit going on that was brought forth by an Authority that is opposing the tax that was put on by the state of tipping solid waste. In the Authorities Act, it states that they are not responsible for the payment of taxes so it has been taken to court. Should it be found favorable on behalf of the Authority, then it will be the Manager's recommendation that WBTMA do the billing and collecting of the fee so that they can save money for the residents by not paying the fee.

Chairman McCaffrey noted Growing Greener and the five-dollar tipping fee. When you look at the statistics nearly half the trash that is tipped into the landfill is out of state. That five-dollar fee stops sounding bad when you realize what you will collect from out of state.

Dick Whitehead explained they have no way of getting rid of yard waste and asked if this could be included in the next contract. Manager Rambo stated they don't like yard waste taking up space at the landfill. The Manager and Public Works Department have been discussing a way to address this would be to set up a time that the residents could bring in their yard waste to be chipped up by the Public Works Department. This has to be done in a controlled environment. Suggestions were made by the Supervisors to have a camera at the site and also to find out what the cost would be to have a hauler pick up the yard waste to take it to an authorized site where it can be recycled.

The Parks and Recreation Board is looking for volunteers to assist with the Township's Community Day slated for Saturday, September 25, 2004. This is posted on the Website as well as in the Newsletter.

The summer edition of the newsletter will be mailed out within the next few weeks.

New Business from the Floor

Pat Edwards expressed that the map that was sent to the residents of WBT was well done.

New Business from the Board

Chairman McCaffrey noted that at the CASB meeting he spoke but was careful not to inject himself as a spokesperson for the community.

Jesse Edwards noted that someone took the “Jolly Joe Sign.”

Open Issues

The first Open Issue was the Cable Franchise list review. Manager Rambo stated the Township has received a letter with the breakdown.

Facility/Park Update

The current interest rate is 1.42%.

Review and Payment of the bills

Chairman McCaffrey noted bills for the General Fund, Solid Waste Fund, and the State Fund totaling \$46,369.30. Vice-Chairman Lindborg motioned to pay the bills and Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of their payment.

Upcoming Meetings/Events

- Parks and Recreation Board meeting, Tuesday, June 22, 2004 at 7:30 p.m.
- Planning Commission meeting, Thursday, June 24, 2004 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, July 1, 2004 at 7:30 p.m.
- Municipal Authority meeting, Thursday, July 8, 2004 at 7:30 p.m.
- Historic Commission meeting, Monday, July 12, 2004 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 13, 2004 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, July 27, 2004 at 7:30 p.m.

Supervisor Obernier stated he would like a letter from the Cable Franchise explaining how the categories are combined. Manager Rambo will request an explanation from Comcast.

Adjournment

With no other business to discuss, Vice-Chairman Lindborg motioned to adjourn the meeting at 9:16 p.m. Supervisor Obernier seconded the motion. Board Members Lindborg, Obernier, and McCaffrey voted aye in favor of adjournment.

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