

**Meeting Minutes of September 4, 2008**  
**Board of Supervisors**

Chairman Lindborg called the Board of Supervisors meeting of September 4, 2008 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 Carl S. Lindborg, Supervisor Josef G. Obernier, Sr., and Supervisor Thomas J. McCaffrey in attendance. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr. [Twp. Mgr./Sec./Treas.], Walter Werner [Chief of Police], Dale Barnett [Codes/Zoning Officer], and Thomas Eells [Director of Public Works].

**Acceptance of Minutes from Previous Meetings**

The August 21, 2008 Minutes were presented. Vice-Chairman Obernier noted he was okay with the August 21, 2008 Minutes and motioned approval. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

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

No one requested to be on the agenda.

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

The Township is in receipt of correspondence from T. J. Anderson with regard to the 2009 Minimum Municipal Obligation (MMO) requirements for the Uniform and Non-Uniform Pension Plans. Manager Rambo noted the MMO for the Uniform is \$134,823 and the non-uniform MMO, based on the most recent non-uniform manual that was adopted this year, would be \$47,704.

Supervisor McCaffrey inquired why they were so high. Manager Rambo explained the Uniform MMO has gone up, trying to recoup from 2001 and 2002. It is a combination of member's contributions and also funding adjustment, which is zero now. The original financial requirement was \$151,565 with contributions proposed at \$16,742. The requirement is down to \$134,823 and payroll is up to \$558,086 for the police.

Vice-Chairman Obernier noted when the person from Krempa & Associates came in and wanted to change the investment, Vice-Chairman Obernier asked him had the fund reached its performance from the deficits that the BoS had been talking about in 2001-2002. Everyone was upfront that the fund had performed poorly those few years, but Vice-Chairman Obernier distinctly remembers him saying that the difference had been made up in the fund and was taking in more money than expected even before the change. Vice-Chairman Obernier questioned the non-uniform pension funds and whether the funds are suddenly not performing correctly. Manager Rambo noted that based on the adoption of the new non-uniform policy manual that there was a percentage increase from 5% to 7-½ % for the Township contribution. Manager Rambo noted that this had been done to bring the plan more in line with other

non-uniform plans. The BoS approved the non-uniform manual at the beginning of 2008 when it reviewed and made various changes to the policy manual. Supervisor McCaffrey asked how they could bring the amount of the contribution down. Manager Rambo noted in order to bring the MMO down, the plan would have to do a lot better than anticipated. Supervisor McCaffrey suggested the performance goal be lowered. Manager Rambo stated he could look into it. Vice-Chairman Obernier expressed that Supervisor McCaffrey made a good point and asked that the performance goal for the fund was based upon the actuarial review of the benefits and from that review they say that you need X amount of money and that is how the performance percentage is set. Manager Rambo answered that is correct. Supervisor McCaffrey noted that these people make their living showing big returns, so they want to make it look good. Manager Rambo noted according to Act 205, the Manager is required to present the MMO requirement for acceptance before the end of September. They will have to wait until next year to look into lowering the performance goal as Supervisor McCaffrey suggested.

Supervisor McCaffrey felt that there is too much being spent for non-uniform people, we are approaching \$600,000 in salaries. Manager Rambo noted there are 11 full-time non-uniform personnel: 4 public works personnel, one non-uniform police personnel and six non-uniform personnel to perform the various duties in day to day operations. It was also noted that there are seven full-time uniform personnel that generate \$558,086.00. Chairman Lindborg suggested that in the future the BoS have the opportunity to review this ahead of time. Manager Rambo stated of the amount paid, the Township would get approximately \$100,000.00 back from the state. Supervisor McCaffrey made a motion for the Manager to sign this year's MMO amount based on the fact that there is nothing that the BoS can do right now. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye. Manager Rambo will have T.J. Anderson meet with the BoS to explain everything.

The Township is in receipt of the Chester County Association of Township Officials Fall Convention information slated for Thursday, November 6, 2008. The BoS will let Manager Rambo know if they can attend by October 27<sup>th</sup>.

The BoS to sign the PA Council of the Arts grant application for 2009. Manager Rambo noted that the Township is submitting a grant application in the amount of \$5,000.00. The Parks and Recreation Board would like to submit this to get the funds to put up a nice sign in front of the building that would let residents know about activities. Vice-Chairman Obernier motioned to sign the PA Council of Arts grant application for 2009. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

#### **Correspondence/Communications** *Information to Note*

Stan Stubbe has provided the Township a letter with regard to the YMCA project and its outdoor lighting. Manager Rambo noted that Stubbe has performed an inspection based on the requests for when they come in and ask for a release of their remaining monies for completing their project. Stubbe is recommending a shielding of six fixtures, that they install a programmable timer, and to mitigate the offsite glare-consequences of the building-mounted wall-packs; especially the four proposed to remain on all night. It is suggested they be suitably shielded or replaced with full-cutoff fixtures. Manager Rambo would like the ability to approach the YMCA and talk to them about getting these issues addressed. Vice-Chairman Obernier didn't think that the Township would have the authority to do anything with the wall-packs. Manager Rambo thought that as good neighbors, the YMCA might agree to do something with the wall-packs. The YMCA has agreed based on the plans that the lights need to be out, according to our ordinance; currently they do not because of their timing system. Vice-Chairman Obernier pointed out that the YMCA's original approval was based on a mistake by the lighting consultant. Vice-Chairman Obernier's understanding is that the Township cannot require the YMCA to change their rounded glass fixtures because those lights are not full cut off fixtures. Vice-Chairman

Obernier would be okay for the YMCA to shield all the lights or put in a flat panel glass and turn it into a full cut off fixture, which is the intent of the ordinance. Vice-Chairman Obernier agreed for the Manager to approach the YMCA. Chairman Lindborg and Supervisor McCaffrey also agreed.

The Township is in receipt of a Violation Notice from DEP with regard to its recently submitted MS4 Reports. Manager Rambo noted DEP sent the Township a 12-page letter regarding the number of outfalls, water flow tests, lack of stormwater information on the website, etc. Manager Rambo and Jim MacCombie will be meeting with them for clarification and will keep the BoS abreast of the situation.

Representative Curt Schroder has provided the Township with a copy of the correspondence he received from the Director of Legislative Affairs with regard to the Township's DEP Multi-Municipal Act 902 Recycling Grant Application. DEP has received the Township's application for the tub grinder and it will be reviewed for completeness.

Jeff McClintock, P.E. of Caln Township has forwarded the Township a letter with regard to the Reeceville Road Traffic Signals. Manager Rambo wrote a letter dated August 11, 2008 in hopes to get a time frame for project completion. Manager Rambo read the September 2, 2008 letter out loud which denotes the same information as the previous letter that Caln wrote. The Manager will contact PennDot for the information.

### **Old Business**

Dale Barnett, Codes Officer, continues his discussions with John Good, Esquire with regard to the establishment of a rental inspection requirement and the re-establishment of the re-sale U & O. Dale has acquired information from several other townships, has contacted the solicitor, and is in the process of putting something together for the Board's. Both Chairman Lindborg and Supervisor McCaffrey were concerned that a U & O would make the Township liable. Vice-Chairman Obernier suggested that Dale keep the re-sale and rental inspection requirements separate from each other.

The Manager is awaiting the appraisals on the Baldwin Family parcels and the Pat Chase property with regard to the Township's purchase of development rights and/or the pursuing of conservation easements on their farms. There were no comments.

The Manager continues his meetings with Benecon with regard to the establishment of the Southeastern PA Municipal Health Insurance Cooperative Plan. The Manager is awaiting a quote from them and will have them come in and explain what the benefits would be to the Township.

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

There was no Old Business from the Floor.

### **Old Business from Board**

Vice-Chairman Obernier has two questions for the YMCA. Could the YMCA move their stop sign next to the white line, instead of two car lengths back from the road. Has the YMCA done anything to remedy the situation that has created a trough and wore the dirt away because their drainpipe is draining directly into the detention basin?

### **Ordinances and Resolutions**

Resolution #11-2008: Non-Uniform Pension Plan. Manager Rambo noted this resolution has to be passed to concur with the MMO's. It goes from 5% to 7 ½% percent of the salary. Supervisor McCaffrey motioned to approve Resolution #11-2008. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

## **New Business**

Discussions and issuance of the Opinion & Order for the Haines & Kibblehouse Conditional Use Application. Manager Rambo noted the Opinion & Order has gone back and forth between the BoS and himself via email. Issues of the BoS have been addressed. Manager Rambo then read this out loud. Supervisor McCaffrey noted it just occurred to him, that it doesn't state in the Opinion & Order that if the work on the farmhouse were not done, then it would revert back to being just a residential property with residential zoning. Chairman Lindborg noted it is their property and if they don't fix up the farmhouse, then the property reverts back and is worth whatever it was before improvements. Vice-Chairman Obernier questioned if Haines Kibblehouse doesn't do their part, does the Township lose their ability to have the conservation easement. Manager Rambo read out loud from the Opinion & Order, under III Conditions number 10, that the applicant shall record a Conservation easement which shall prohibit any development other than recreational uses such as trails, benches, and a pavilion, and a public water line and a public sanitary sewer line...provided the applicant shall be granted a waiver, by signing this, the Township is granting that waiver to allow the impervious surface that is more than the zoning allows on the one parcel, they have to record the conservation easement. If this property reverts back to R2 the conservation easement will still remain. The recording of the conservation easement needs to take place to give the variance for impervious surface.

Scott Drumbore, P.E. of Haines & Kibblehouse noted they would start working on the language of that easement and get the paperwork together for recording. Manager Rambo noted upon submission of Haines & Kibblehouse land development plan they will have prepared and recorded the conservation easement so that it can be attached to the plan. Scott Drumbore noted he is able to speak on behalf of the owner, stated that recording the conservation easement would take place by December 31, 2008. This will be noted on the Opinion & Order and signed by Mr. Drumbore. Vice-Chairman Obernier motioned to issue the Opinion & Order based upon the preparation and approval by legal council, reviewed and approved by the BoS, and accepted by Haines & Kibblehouse. It will be added to the Opinion & Order that the recording of the conservation easement will take place prior to December 31, 2008 on the parcel noted. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

The fall edition of the newsletter is being prepared for printing and distribution by mid September. There were no comments.

Recommendations of the Township Planning Commission. Manager Rambo noted there were two recommendations. All Planning Commission members voted aye to recommend that the BoS grant final plan approval for the Gordon & Nancy Eck 2 lot subdivision plan on Germany Hollow Road subject to the following, comments identified in MacCombie's letter dated July 24, 2008; a note being added to the plan regarding a blanket easement to allow farm equipment to cross the gravel driveway; a note being added to the plan to indicate the waiver granted by the BoS, and also subject to all extra agency reviews and approvals including the Health Department and Conservation District if applicable.

Manager Rambo noted that one issue that the Health Department has is that Mr. Eck is currently using holding tanks for his operation, and before granting approval for this, they may have him put in a standard sewer system. Holding tanks are only for a temporary basis. Supervisor McCaffrey noted when there are so many conditions that need to be met, why grant approval. Manager Rambo explained this stops the time clock. If approval is not granted the Township has to watch to make sure that the time clock doesn't expire. Chairman Lindborg felt that a lot of these issues are administrative and these are all acceptable conditions by the Township Planning Commission. Vice-Chairman Obernier stated he didn't have a problem with this plan, but was concerned if they are given approval, then if some new

and different issue is discovered, because he have already given approval, the BoS doesn't have any opportunity to rectify it. Supervisor McCaffrey was also concerned for instance, if the Health Department may ask them to do a whole new system and they can't find a good location for it, would they put it in a place that would be an argument for the Township, and if it is already approved, then we may have already cut our throats. Manager Rambo suggested that the BoS recommend that the plan be tabled and the applicant can continue to address outside agencies until the outside agencies are accepting what the applicant is proposing. At the same time, the Township will have to watch their time clock to make sure that we receive an extension from them, and then move to accept their extension. Chairman Lindborg asked the Manager what he would recommend. Manager Rambo recommended that the BoS motion for conditioned approved, this would stop the time clock and the applicant still has to address the issues. If the BoS tables this item, the Township has to make sure its on board with the time clock to request extensions so that the plan doesn't get deemed approval. Supervisor McCaffrey agreed for approval as long as it is contingent on fulfilling the requirements as pointed out by the engineer that the Planning Commission noted to the satisfaction of the BoS. Chairman Lindborg motioned to grant conditioned approval based on the recommendations of the Planning Commission and all outside agencies reviews and approvals. Supervisor McCaffrey seconded the motion. Board Members Lindborg, McCaffrey, and Obernier voted aye.

Manager Rambo noted the second recommendation of the Planning Commission Catania Final Minor Subdivision Plan for a simple lot line change. The Planning Commission recommended the BoS approve the simple lot line change and request that all property corners between lot 14 and 15 be set and the lines marked so there is no question between the neighbors, and that all comments in MacCombie's letter dated August 27, 2008 be addressed before the transfer of property. Manager Rambo noted he received a call from Dave Biloon from MacCombie's office and noted that Catania's engineer dropped off plans; they had addressed all the comments that were noted in his letter. Mr. Biloon noted the only thing that hasn't been done yet, is that the plans have to be signed and sealed by all of the property owners. Supervisor McCaffrey motioned to grant approval contingent upon the plans being signed and notarized by the appropriate owners and the Township must be in receipt of the Chester County review letter. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Chief has provided the Board and Manager proposed changes to the Stopping, Standing and Parking Ordinance of the Township for review and consideration. Manager Rambo explained that this proposed Ordinance would bring the parking fines to match with what is in the state vehicle code. Supervisor McCaffrey suggested that they pass an ordinance stating that the fines will be established by resolution, that way it won't have to be advertised every time. Vice-Chairman Obernier suggested that a synopsis be put in the paper and the whole ordinance be put on the website to save on the cost of advertising. Supervisor McCaffrey didn't think that the website would qualify. Manager Rambo will put a synopsis in the newspaper and send the entire copy to the Law Library and the Daily Local News as required by law.

The Chief has provided the Board and Manager a proposed ordinance regulating the travel of oversized/overweight vehicles on Township roads for review and input. Manager Rambo noted this is similar to what PennDot does now for oversize vehicles.

### **New Business**

There was no New Business and no New Business from the Floor.

### **New Business from the Board**

Vice-Chairman Obernier suggested that they put ceiling fans in the meeting room. Discussion ensued and it was noted that the public works department would be addressing this issue in the near future.

Manager Rambo noted that John Conti brought up the fact that the springhouse on the Alls Souls Cemetery property is totally down. Dale called the Archdiocese and spoke with Bob Whomsley, Director of the Archdiocese cemetery division. Dale and Manager Rambo met with Bob Whomsley, Brother Richard, and Esq. Chris Cummings today. After their meeting the Archdiocese sent a letter, which Manager Rambo then read out loud. The Archdiocese has agreed to take \$75,000 of their remaining escrow of \$145,000 that the Township currently holds that was established to oversee their project. They have a proposal to rebuild the springhouse for \$32,000. Vice-Chairman Obernier motioned for Manager Rambo to transfer \$75,000 of the escrow to a special account for the rebuilding of the Archdiocese cemetery springhouse and release the rest of the escrow funds as long as the engineer and manager say that it is okay to release the funds. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

**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 continue in their efforts of reviewing and updating the Township's Act 537 Plan. There were no comments.

The Township is in receipt of correspondence from E. B. Walsh & Associates and the Township Engineer with regard to the cul-de-sac waiver request for the Brandywine Manor Project (Gordon Eck Property). Manager Rambo noted that they haven't officially withdrawn it, but from his understanding, they are changing the plans so that the cul-de-sac doesn't have to be longer than required.

The Township continues to seek volunteers to serve on the Historic Commission and Parks and Recreation Board. There were no comments.

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

Interest rate for the week (2.19%). There were no comments.

### **Review and Payment of the bills.**

Manager Rambo noted the Solid Waste Bills totaling \$7,531.78, Liquid Fuels Fund bills totaling \$341.50, and General Fund bills totaling \$73,027.70 of that amount, the Blue Cross check is for \$64,056.12 for a double payment; last month's payment was lost in the mail. Supervisor McCaffrey motioned for payment. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

### **Upcoming Meetings/Events**

- Historic Commission, Monday, September 8, 2008 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, September 9, 2008 at 7:00 p.m.
- Municipal Authority, Thursday, September 11, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, September 18, 2008 at 7:30 p.m.
- Open Space Review Board, Thursday, September 25, 2008 at 7:00 p.m.
- Planning Commission, Thursday, September 25, 2008 at 7:30 p.m.

### **Adjournment**

There being no further business before the Board, Supervisor McCaffrey motioned to adjourn the

meeting at 8:55 pm. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

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