

Meeting Minutes of November 2, 2006
Board of Supervisors

Vice-Chairman McCaffrey called the Board of Supervisors Meeting of November 2, 2006 to order at 7:32 p.m. and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors (BoS) by the Township Manager noted Vice-Chairman Thomas J. McCaffrey Jr. and Supervisor Carl S. Lindborg in attendance. Chairman Josef G. Obernier, Sr. arrived at the BoS meeting at 7:38 p.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager; Walter Werner, Chief of Police; Dale Barnett, Building/Codes Officer, and Thomas Eells, Director of Public Works.

Correspondence/Communications *Information to act upon*

The BoS is in receipt of the final version of the Decision and Order and layout exhibit for the proposed Pulte 55+ Community. Manager Rambo noted the final version would be available for signing within the next two BoS meetings.

The Township is in receipt of a “draft” proposal from the City of Coatesville for the furnishing of Animal Control Services. Manager Rambo recommended that after having reviewed the proposal that the Township look into other alternatives before making any decisions.

The Township is in receipt of a letter of extension, until February 1, 2007, from Swinehart Realty Associates, LP with regard to the rendering of a decision on their final subdivision plan. They are currently in the process of addressing all the comments from the Engineer’s latest review letter. Vice-Chairman McCaffrey felt that the plan should be resubmitted being they are changing lot lines. Manager Rambo stated they are putting the lot lines back to the way it was, so that it is in substantial compliance with the order and moving a road so that it doesn’t affect the wetlands. Supervisor Lindborg motioned to accept the letter of extension from Swinehart Realty Associates. At this time Chairman Obernier stated he just entered the meeting. There was dialog between Vice-Chairman McCaffrey, Ross Unruh, and Manager Rambo regarding the application process and resubmission of plans. Vice-Chairman McCaffrey expressed that he was not in favor of this plan; this particular development maximized the number of dwelling units that you could put there and shortchanged the open space that was initially going to be a sewer system.

Supervisor Lindborg stated he appreciated Tom’s point, but at this point in time the preliminary plans have already been approved, it is his motion to accept the extension. Chairman Obernier asked Manager Rambo what has changed between the preliminary plan that the Board approved and the latest plan. Manager Rambo answered Bentley has relocated a lot towards Swinehart Road as a result of finding out where additional wetlands were. Jim MacCombie questioned that lot because it didn’t comply with the Order; putting a lot where the Township said not to put one. Since that time Bentley has done away with

that lot; now they are within substantial conformance with the plan. Manager Rambo recommended that the BoS accept the extension to give Jim the opportunity to review the plan to make sure that they have addressed all of his comments and that it is in substantial compliance with the Order. Chairman Obernier suggested that the BoS ask John Good his opinion on the plan as well as give the extension of time; at that point they will have received John Good's opinion back. Supervisor Lindborg didn't feel there would be a benefit in rejecting the extension of time. Vice-Chairman McCaffrey expressed that they took advantage of loopholes in the ordinance and feel no reason to facilitate any kind of activity because of it. He would like to ask the solicitor for their prerogative, not what Bentley wants. If plans do not come to the end of their time at a meeting where there is a question that needs to be addressed, since the solicitor is not in attendance during the BoS meetings because of the cost, he would like the ability to meet with the solicitor prior to the BoS meetings to discuss the issue. Supervisor Lindborg motioned to accept the letter of extension from Swinehart Realty Associates contingent upon having John Good review the extent of the proposed changes after receiving Jim MacCombie's review letter. Chairman Obernier seconded the motion. Board Members Lindborg and Obernier voted aye. Vice-Chairman McCaffrey voted nay.

Public Comments *Those individuals requesting to be on the agenda*

The CASD ACT 1 Commission is in attendance to give a presentation. Dr. John Zaleski noted Ron Miller (Caln), Cathy Bryan (WBT) and John Zaleski (WBT) are in attendance and stated the purpose of their meeting is to provide information regarding ACT 1 that was passed by the state legislature this summer. As a result of that legislation, each school district is to form a commission to evaluate impact of the ACT 1 law on each school district independently. Dr. Zaleski then summarized that ACT 1 proposes to mitigate property taxes by using an increase in EIT (earned income tax) and PIT (personal income tax), later to be supplemented with lottery funds. Dr. Zaleski then gave a slide presentation along with a hand out. A referendum of questions e.g., EIT, PIT, etc., will be on May's ballot. This is a strong incentive for people in the school district to vote. If this is accepted the new tax rate will take effect the first of the fiscal year. All documentation associated with the ACT 1 is available publicly. Dr. Zaleski noted that it is posted in an Excel spreadsheet on the district's website under the ACT 1 webpage, so that residents will be able to use that calculator. Dr. Zaleski then explained that the property tax deduction is calculated on the basis of the current homestead exclusion, the current homestead property tax revenue divided by the number of past applications. So the value is the same for every homesteader, regardless of whether your home is worth \$60,000 or \$120,000 the amount of reduction in property taxes would be the same value and applied equally.

Chairman Obernier asked if WBT is the only one on the list that has enacted an Open Space Tax. Cathy Bryan answered yes. Supervisor McCaffrey stated they have had a 425% increase in school district taxes. Dr. Zaleski noted there was a 2.25 mills reduction in the past two years. Supervisor McCaffrey stated that Dr. Zaleski is doing a fine job. A CTA member noted the Coatesville Taxpayer Alliance website also has a tax calculator with the formula's so that people can find out exactly what they will pay.

Cheryl Zaleski stated that according to the ACT 1 law, the school district is not allowed to spend any public money to educate for the purpose of persuasion in any shape or form. The CTA needs to educate the community of their district on what the ramifications of a yes vote would be. They are committed to doing that. It is important for the people to understand that this is a vote that the community makes and it affects the community. You cannot vote selfishly based on your own demographics. If we have a yes vote, we are going to have the City of Coatesville with 3 ½ % income tax rate, no one will ever want to move there and it will continue to decline, it will not revitalize and the rest of us will continue to have to carry them on our backs.

Dr. Zaleski noted that the impact of the tax increase of the tax ... is not just an increase on the amount of money and potentially driving people out of the system. The default rate (people that are not able to pay) is likely to increase as well. 1-½ years ago the district was able to realize 7 million dollars in defaulted property taxes. Chairman Obernier stated that the school district never took anybody to court for that money. Dr. Zaleski stated there are some folks that he sympathizes with, senior citizens, etc. Supervisor McCaffrey stated he has had people come to him saying that they can't buy a home in WBT. The real estate tax is so high because of the school district that it is actually part of the mortgage payback calculation being used by somebody buying a house.

Dr. Zaleski noted there is another aspect that needs to be accommodated into this calculation. It is the fact that certain members of the TIF partners are approaching the district in an attempt to transfer from the old TIF to a new... that has an impact as well. There are many elements that will be affecting the outcome of this. Increasing the taxes in this area at this time, in his opinion, is not right way to go. Frankly, Dr. Zaleski believes that the state legislatures have done a disservice to the state in passing this into law. They are transferring this simply from property to earned income tax, which is not published on any commercial or message board.

Cheryl Zaleski explained under ACT 1 there are ten exemptions that will impact what they would have. Something that you need to understand about ACT 1 is that each year if the EIT goes into affect, and each year people's income increases, that EIT collection is going to increase. The first year collection is only used for distribution, when the extra money is coming in from increased salary, the school district gets to have that money. They get to put it into their general fund and spend it anyway they want without a referendum. You will have no vote, because you are not allowed to vote on EIT money, you only get a vote on property tax money.

Mark Hartnett stated he would like to see discussion continue at another BoS meeting. Dr. Zaleski stated real estate taxes are not going away, they will continue to be raised, this amount that the senior citizens think they are saving in the beginning, is going to disappear. Supervisor Lindborg asked Dr. Zaleski for his recommendation as a school board member. Dr. Zaleski stated his recommendation is to vote no. Supervisor Lindborg felt that people are going to vote no because they are not going to have enough understanding of it even with education.

At this time in the meeting, Chairman Obernier moved to address "Animal Control Services." Chairman Obernier stated that part of what the BoS is looking for, is to have a record when people call in to complain. The SPCA refused to comment on it; in no case will they report to the Township when there is a problem. Supervisor Lindborg asked if the SPCA would do an investigation whether the Township contracts them or not. Chief Werner stated they are contracted by the state to do investigations. The contract with the Township covers picking up stray animals. Supervisor Lindborg stated by the Township not having a contract with them, the only thing they are not doing, is picking up stray animals. Supervisor Lindborg felt there is no real benefit to having a contract with the SPCA because if there are abuse cases, they are going to come anyway. The only things that the Township is missing are the pick up and transfer of stray animals. Supervisor Lindborg was concerned that it would cost more using someone else's services.

Chairman Obernier suggested that this service fall under the Police Department. Gary Williams has knowledge in handling and care. In the past the Township has paid \$5,100 base and on top of that they charge extra to pick up an animal to transport back to West Chester. Chairman Obernier suggested that they offer Corporal Williams that base amount of \$5,100, they could get the same type of service using someone from their police department and what they will save are the extra fees that the SPCA charges the Township. People in the Township seemed to be stressed about not having this service. Supervisor

Lindborg stated he would need time to think about what Chairman Obernier proposed, there may be issues with having Corporal Williams do it exclusively. Supervisor Lindborg felt that he is a policeman not animal patrol. Chairman Obernier stated that the year before last, the BoS made their concerns known to the SPCA and they said they were going to write it in the contract, but there was no change. The bottom line is that the other police officers have awareness if there is actually a problem in a home or apartment in the Township that information would get to the police officers and would provide a higher level of safety for them. Chairman Obernier stated he contacted Corporal Williams who stated that he is interested in discussing the actual duties. Supervisor Lindborg felt that there may be problems with the police contracts, etc. Vice-Chairman McCaffrey stated he looked at it and thought there may be some sort of certification requirements, etc. Vice-Chairman McCaffrey suggested a trailer to transport the animal in. He would like to add up the cost and liability for each provider and the one that gives the community similar services with less expense and liability is the one that he would choose. Chairman Obernier stated he didn't have any expectation of any of the other police officers doing this or having any animals in their vehicles. Chief Werner stated they legally couldn't transport other animals in patrol cars. The consensus of the BoS was for the Manager to do a cost analysis. Manager Rambo will look into the requirements, do a cost analysis and discuss the issue with Chief Werner. Vice-Chairman McCaffrey suggested they look further, maybe there is someone else out there willing to provide the service.

Jesse Edwards asked if the SPCA charges for someone to drop off an animal. Manager Rambo answered \$35; it would cost \$20 for the SPCA to come out to pick a stray animal up. The last year they had a contract; the Township paid approximately \$1,200 - \$1,500 in additional charges.

Gary Mulvania, Chairman of the Parks and Recreation Board, has submitted a letter of resignation from the Board effective January 1, 2007. Chairman Obernier would like a "clock plaque" made up for Gary. Chief Werner will have a silver platter made up for Sergeant Coldren's 25th Anniversary. Supervisor Lindborg motioned to accept Gary Mulvania's letter of resignation and that the Manager have a plaque of appreciation made up. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

The BoS is in receipt of a request from the County Assessment Office to check into the Fire Appropriations Tax as a result of notices received from the Township Tax Collector. The property is Open Space, part of the park. The County gives the Township a break on Township properties as well. Supervisor Lindborg motioned to relieve the County from the Fire Appropriations Tax. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Correspondence/Communications *Information to Note*

John Snook has provided the Township with proposed zoning modifications to the Open Space Design Option for the Board's review. Vice-Chairman McCaffrey would like the document sent to the Township Engineer for his review and report. Manager Rambo noted the document was already sent to the Engineer.

Stan Stubbe has forwarded the Township proposed language to update and modify the Township's existing lighting ordinance requirements. The BoS is considering the update, but is not ready to do so at this time.

The County Assessment Office has sent correspondence with regard to the availability to obtain the 2007 Tax Duplicate on CD in .pdf format or hard copy. The Tax Collector would like to have the information in hard copy; the Manager would like to receive the CD.

John E. Good, Esquire has forwarded the Township correspondence with regard to the Swinehart Realty, LP Reimbursement Agreement. Manager Rambo noted that John Good found the agreement satisfactory. The Manager will talk with Ross Unruh and Scott Emerson to move forward with the reimbursement agreement.

A picture of the new Township Building is on the front cover of the Township News, along with other WBT pictures inside the magazine. The BoS would like to have this framed.

Representative Curt Schroder has forwarded the Township a copy of his letter of support to DEP for the Township's Recycling Grant Application regarding leaf compost equipment. Chairman Obernier noted that several people have put leaves in plastic bags. Discussion ensued.

CCATO has sent the Township correspondence with regard to the upcoming slate of Officers and 2007 Association Budget. There were no comments.

ATC Associates, Inc. has forwarded the Township correspondence with regard to a proposed telecommunications monopole at the Howe's Greenhouse and Farm Market. Dale will be looking into this regarding zoning. A copy of the correspondence has also been forwarded to the Historic Commission.

Old Business

The Township Manager continues to finalize the Ordinance to enable the Technical Specifications for Traffic Control Signalization prepared by McMahan Associates, Inc. to be adopted. Chairman Obernier noted the BoS will finalize this when they are done with the budget.

The Township Engineer and Manager have gotten together with the BoS and are in the process of preparing updated ACT 537 Plan information for presentation to the Board. As a result of their meeting they are going to do verbiage and maps for presentation.

Final discussion on the raising of building permit and contractor license fees. Manager Rambo noted that Dale Barnett and himself have done a comparison of other municipalities, have reviewed and taken the BoS comments into consideration and have Resolution #12-06 and #13-06 for the Board's consideration. Vice-Chairman McCaffrey expressed concern that you would need a permit to install dishwashers, etc and if a person owns their own home and wants to screw it up, that should be their prerogative, if you have two houses that are connected, there would be a need for inspection because it would affect another family. Dale agreed in some instances but at some point someone may want to purchase that person's home. Supervisor Lindborg felt that it should be "buyer beware," he has no problem with it pertaining to new construction. Manager Rambo stated that this pertains to new building permits.

Final discussion on establishing a resolution to permit Supervisors to be compensated as per ACT 101 of 2006. Manager Rambo recommends that the Board consider this.

The Township Manager and Police Chief are in the process of meeting with the Township's insurance representatives with regard to Fire Arms Safety and Handling Workshops. Manager Rambo and Chief Werner will be meeting with them next week.

Old Business from the Floor

There was no Old Business from the Floor.

Old Business from the Board

There was no Old Business from the Board.

Ordinances and Resolutions

Manager Rambo recommended adoption of Resolutions #11-06, #12-06, and #13-06.

Resolution #11-06; compensation of the BoS. John Good has reviewed this resolution and found it in order. Vice-Chairman McCaffrey motioned to approve Resolution #11-06. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

Resolution #12-06; establishment of contractor licensing fee. Supervisor Lindborg motioned to adopt Resolution #12-06. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Resolution #13-06; establishment of building permit fees. Manager Rambo recommended that the BoS adopt this resolution, stated they have addressed the Board's thoughts with regard to agriculture, and not added any new requirements or fees. It is the same structure that the Township has had for years; it just increases the costs to make sure they have funds to address the Codes and Buildings Inspection Department. Vice-Chairman McCaffrey asked the definition of "renovation" is. If renovation means somebody doing work in their own home Vice-Chairman McCaffrey would not agree to it, but if it means a new addition to your house or actual structural members of the building are impacted by the renovation fee, then he would agree to adopt it. Manager Rambo stated that it what it is for. Supervisor Lindborg motioned to adopt Resolution #13-06 based on the understanding of the above noted description. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

New Business

The Township to discuss RFP's received for the Auditing services of the 2006 Financial Statements. Manager Rambo noted of the eight that were sent out, the Township received four back. The Manager is in the process of reviewing them and has corresponded with each of them. The RFP's range between \$8,000 and \$9,675 for Township and about \$2,000 for Tax Collector.

The BoS to discuss the proposed 2007 budgets of the Township. Manager Rambo would like the Boards input and comment to officially present the budget at the November 16, 2006 BoS meeting. Manager Rambo noted one reason he wanted to get the resolution passed regarding compensation to the Board is just in case a Board member should seek compensation based on attendance, special meetings, court hearings, etc, he needs to determine a wage. Should it be requested the Manager would like to have something in the budget just in case a request is made. Chairman Obernier noted that in years past, looking at revenues versus expenses, the Board has always tried to set the expenses at 2 ½ to 5% less than the revenues; the spread is narrower now and asked if Manager Rambo could increase that percentage. Manager Rambo stated when they received the loan for the building, the first five years they begin to pay, beginning in 2006 through 2010, it was predicted that it would be like this; it was in the twenty-five year projection that they are going to come closer together, as time goes on that margin would increase again.

Recommendations of the Township Planning Commission. The Planning Commission recommendations were the acceptance of Swinehart extension and contact Schnatz & Rhorer with regard to an extension.

New Business from the Floor

There was no New Business from the Floor.

New Business from the Board & Public Comments

There was no New Business from the Board or Public Comments.

Open Issues Before the Township

Ordinance amendments with regard to the IBC (International Building Code). Dale Barnett is currently working on this.

The Manager is awaiting input on the proposed Access Management Ordinance from Supervisors Lindborg and McCaffrey. Manager Rambo has not had a chance to meet with Supervisor's Lindborg and McCaffrey.

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

General Obligation Note (Adjustable Rate Loan based on Harrisburg Bond for the Facility/Park Construction) Interest rate for the week is 3.91 %. There were no comments.

Review and Payment of the bills.

Review and Payment of the General Fund (\$36,455.64) and the State Fund (\$1,985.97 + \$441.00). The BoS has reviewed the invoices and purchase orders and found them satisfactory. Vice-Chairman McCaffrey motioned to pay the bills. Supervisor Lindborg seconded the motion. Board Members McCaffrey, Lindborg and Obernier voted aye.

Upcoming Meetings/Events

- Open Space Review Board meeting, Thursday, November 9, 2006 at 7:00 p.m.
- Municipal Authority meeting, Thursday, November 9, 2006 at 7:30 p.m.
- Historic Commission meeting, Monday, November 13, 2006 at 7:30 p.m.
- Parks and Recreation Board meeting, Tuesday, November 14, 2006 at 7:30 p.m.
- Board of Supervisors meeting, Thursday, November 16, 2006 at 7:30 p.m.
- Dedication of Plaques for trees, benches and picnic tables, Saturday, November 18, 2006 at 10:30 a.m.
- Planning Commission meeting, Tuesday, November 21, 2006 at 7:30 p.m.

Adjournment

There being no further business before the Board, Supervisor Lindborg motioned to adjourn the meeting at 9:57 p.m. Vice-Chairman McCaffrey seconded the motion. Board Members Lindborg, McCaffrey and Obernier voted aye.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer