

**Meeting Minutes of December 18, 2008  
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors meeting of December 18, 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 Chairman Carl S. Lindborg, Vice-Chairman Josef G. Obernier, Sr., and Supervisor Thomas J. McCaffrey in attendance. Township Manager Ronald A. Rambo, Jr. was also in attendance.

Chairman Lindborg announced that there was a short executive meeting prior to tonight's BoS meeting to discuss personnel issues.

**Recognition of Individual**

Charles Moore, Eagle Scout achievement as a member of Troop 51. Chairman Lindborg presented Charles with a plaque and certificate and commended Charles on his achievement.

**Acceptance of Minutes from Previous Meetings**

November 5, 2008 and November 20, 2008. Supervisor McCaffrey motioned to approve the minutes. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

**Treasurer's Report**

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

Capital Reserve Fund	\$670,412.48	Operating Reserve Fund	\$190.19
Construction Sweep Fund	\$14,501.93	Police Pension Fund	\$1,129,321.07
Developer Escrow Fund	\$470,024.65	Solid Waste & Recycling Fund	\$12,673.15
General Fund	\$43,837.25	State Liquid Fuel Fund	\$156,366.53
Non-Uniform Pension Fund	\$228,428.54	K-9 Rudy Fund	\$7,678.26

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

*The Chester County SPCA has forwarded the Township the proposed 2009 Stray Boarding and Animal Protection Services Contract for consideration. The 2009 proposal increased \$300 over the current year. Supervisor McCaffrey motioned to accept the SPCA contract. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.*

*The Township is in receipt of the final documents pertaining to the Thornbury Conservation and Trail Easement being purchased for signing.* The documents were signed and a resolution was passed by East Brandywine. The Township's portion is \$66,730, which needs to be approved tonight. Upon the Manager's recommendation, Supervisor McCaffrey motioned to sign the Thornbury documents. Vice-Chairman Obernier seconded the motion. McCaffrey, Obernier, and Lindborg voted aye.

Lisa Abrams, a 12-year resident stated she never knew that there were public board meetings. Ms. Abrams asked for an explanation of the conservation easements. Manager Rambo and Vice-Chairman Obernier gave a brief explanation.

*The Township is in receipt of correspondence pertaining to sewer capacity with the Authority and Bentley Communities for signing.* Manager Rambo noted the Authority signed the agreement; it was forwarded to the Township. This is a result of the Authority being able to obtain sewer capacity at the PAWC plant. Bentley can proceed with this project as requested by the BoS to have their sewer go to the PAWC plant for treatment. This agreement gives the Authority \$1,000,000 in cash contributions toward the upcoming pipeline construction project and does away with the 256 unit apartment complex. The 16-acre parcel that was dedicated to the apartment complex will now come under the ownership of the Municipal Authority. The Municipal Authority can then sell it to the Township as open space. Bentley will pay tap in fees and participate in the upcoming project. Should Bentley not build the number of homes that he said he would, he is responsible for paying the Authority a proportionate amount of the debt service. The Municipal Authority recommended that the BoS sign the document. Upon Manager Rambo's recommendation, Vice-Chairman Obernier motioned to sign the document. Chairman Lindborg seconded the motion. Obernier, Lindborg and McCaffrey voted aye.

*Chairman Lindborg praised Supervisor McCaffrey for being the frontrunner in opposing the apartments.* Preserving this view shed will be a tremendous asset to the community forever. Vice-Chairman Obernier noted the one unique thing about this property is that there are no encumbrances on it and also credited Manager Rambo and the Township Engineer Jim MacCombie.

*The Township is in receipt of a ninety-day letter of extension from the Harlan Corporation for the Brandywine Manor Subdivision.* Vice-Chairman Obernier motioned to accept the ninety-day letter of extension. Supervisor McCaffrey seconded the motion. Obernier, McCaffrey, and Lindborg voted aye.

*The Township is in receipt of a waiver request from Andy Eberwein of EB Walsh & Associates with regard to stormwater pipe size on the Brandywine Manor Subdivision plan.* Manager Rambo noted that today, Mr. Eberwein requested that this request be tabled. Upon Manager Rambo's request, Supervisor McCaffrey motioned to table the request. Vice-Chairman Obernier seconded the motion. McCaffrey, Obernier, and Lindborg voted aye.

*The Board is to ratify and accept the proposal by Siana, Bellwoar & McAndrew, LLP to provide professional legal services pertaining to labor and employment matters.* Manager Rambo recommended the BoS ratify and accept the proposal. Supervisor McCaffrey motioned to add the legal firm Siana, Bellwoar & McAndrew to provide professional services pertaining to labor and employment. Vice-Chairman Obernier seconded the motion. McCaffrey, Obernier, and Lindborg voted aye.

Lisa Abrams stated she had heard there is a possibility of the Township going to State Troopers. Chairman Lindborg stated he hadn't heard that before. Supervisor McCaffrey explained that the BoS is trying very hard to keep the same level of services. Lisa Abrams expressed fear regarding a reduction in police services, asking what would happen to this community. Chairman Lindborg explained the bottom

line is that the Police would like to have two police officers on each shift 24 hours a day; today the Township cannot afford it. Most municipalities are having difficult times because revenues have decreased. Vice-Chairman Obernier suggested that Ms. Abrams come in to ask questions when she hears rumors to see if there is any validity to them.

Laurie Petri asked if non-uniform employees were getting increases or taking cuts. Manager Rambo stated that non-uniform personnel are taking 0% pay raise, a reduction of their pension from 7-1/2% to 5%. The 2-1/2% that is taken from non-uniform people is going to assist in supplementing the MMO for the police department.

Ted Waltz asked why the tax collector got a \$3,600 raise is not considered non-uniform. Manager Rambo answered the Tax Collector is an elected position and not considered a Township employee. The Tax Collector's receives as pay 5% of the taxes that he or she collects. Ted Waltz stated that people he talked with thought it was crazy that the Township is cutting back and doesn't have a rainy day fund. He thought that the Board should raise taxes by \$35 a year. Manager Rambo explained that it was not the intention of the Board to raise taxes. He did note that an operating reserve fund is permitted and can be 5% of the general fund.

A resident asked about growth in WBT. Manager Rambo noted there were only twelve new homes for the year, only two last month. In November, the Township received the lowest real estate transfer tax that he's seen in the last eighteen or so years. The resident asked about the Pulte development that is going on to the east of the Beachwood campground. Manager Rambo noted that development is occurring in East Brandywine Township.

Supervisor McCaffrey went on to explain the use of tax funds. He explained that the money has to be used in a projected way. It has to be used the year it comes in; you can't take extra money from one area and put it into another area.

Vice-Chairman Obernier explained that Beachwood campground is in WBT, Applecross is in EBT. The Board explained that east of the campground over to the Township line, would be included in what was approved this evening for sewage. By signing the document not only the Bentley proposals, but also the Pulte proposals would have the ability to start developing in the near future. However, it was noted that nobody is buying right now.

Supervisor McCaffrey explained that the Authority placed a clause in the signed agreement requiring the developer to cover the debt service that will come from it by putting the money in escrow should he not keep to his construction schedule.

A resident asked if it would be feasible to restructure and combine both WBT and EBT. Manager Rambo noted it would work as far as public works and police, but there are two different school districts. The BoS explained that the Township's do work together and participate in joint purchasing and other projects.

Further discussions took place with regard to taxes and estimated development. Barry Parsons of 15 Castle Lane stated that growth didn't happen as projected and as a result, school taxes may be going up again also. The projections that were done in 2002-2003 are no good because things changed. Vice-Chairman Obernier explained that a resident stated that school taxes are always going up, the school board is a taxing authority just like this BoS. What makes both boards different is that the BoS resists

having tax increases every year. The BoS expressed that they are overjoyed when people come to the BoS meetings; residents are welcome to ask questions.

**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 that additional information would be forthcoming.*

*Marsha Erickson of the Coatesville Area Public Library has forwarded the Township information. Chairman Lindborg noted there is no new information and that it is not to his satisfaction.*

*The Township is in receipt of a copy of Sue Bowar’s letter of resignation from the Municipal Authority. Manager Rambo noted that the Authority accepted Sue’s resignation. Bud Adams has an interest to be reappointed, however, the Manger has not received a letter from him yet.*

*The Township is in receipt of correspondence from PSATS with regard to Act 3 of 2008, Right-to-Know Packet. Manager Rambo noted this is on the agenda later in the meeting.*

*The Chester County Voter Services has forwarded the Township the required Act of Assembly for the Municipal Primary of 2009 for completion. Manager Rambo, as secretary, needs to complete the form as far as who will be seeking reelection.*

*The Chester County Health Department has provided the Township with input concerning the proposed 9-lot Brandywine Manor Subdivision. This information has been forwarded to the Township’s Planning Commission and engineer.*

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

**Police Report** presented by Manager Rambo. There were no comments.

Total Hours	1191	Miles Patrolled	8835
Total Complaints	532	Accidents	8
Warrants	0	Fatalities	1
Domestic	6	Criminal Arrests	9
Non-Traffic Arrests	8	Traffic Arrests	88

**Public Works Department Report:** Submitted by Thomas Eells and presented by Manager Rambo and also noted the work completed for the month. There were no comments.

Total man-hours	691.25	Miles traversed	3,326
Total Equipment hours	25	Total fuel gallons	1132.6

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

Building Permits issued	30	Permit base fees collected	3,662
Occupancy fees collected	\$100	U&O permits issued	3
U&O permits issued cursory	30	Contractor Licenses (CL) issued	8
CL Fees collected	\$600	Valley Mechanical Inspections	32

WBT Inspections completed	21	Failed Inspections (FI)	4
Failed Inspections Fees collected	\$50	Total fees collected	\$3,812

**Fire Marshall Report** submitted by Paul Gainor and presented by Manager Rambo. There were no comments.

Permit inspections done	20	Campfire/Recreational Permits	16
Specialty Bonfire Permits	1	Agricultural Permits	1
Permits not given	2	Special permits given	0
Special permits not given	0	Other type inspections done	3
Code violations/Complaints	2		

**East Brandywine Fire Company** Report presented by Scott Piersol.

**Fire**

Number of calls dispatched into WBT	9	Initial dispatch into WBT	9
Second dispatch into WBT		Number of calls scratched	-

**Medical Assist**

Number of calls dispatched into WBT	22	Initial dispatch into WBT	22
Second dispatch into WBT		Number of calls scratched	0

**Wagontown Fire Company** Report submitted by Todd Zeigler. Mr. Zeigler noted they put their new engine in service this month; the old engine was sold for \$13,000 to Panama.

**Fire**

Number of calls dispatched into WBT	7	Initial dispatch into WBT	5
Second dispatch into WBT	2	Number of calls scratched	-

**Medical Assist**

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

**Martin's Corner Fire Company** Report: submitted by Chief Dan Metzler and presented by Manager Rambo. There were no comments.

Number of calls dispatched into WBT	4	Initial dispatch into WBT	-
Second dispatch into WBT	-	Number of calls scratched	-

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

**Reports of Organizations, Boards and Commissions**

Barry Parsons gave the report of the Historical Commission. Mr. Parsons noted the Commission has questions regarding a few historical properties and asked the BoS to have the cemetery's designated person come to the next Historical meeting to present his restoration plans. Mr. Parsons also noted a property at Hideaway Farms that is not being secured that the developer signed off on during conditional use; it is supposed to be boarded up. Manager Rambo noted this information has been forwarded to Dale Barnett so that he can contact the developer. Manager Rambo will contact the cemetery to see if they can send a representative out to meet with the Historical Commission.

Barry Parsons asked that the BoS consider having the township engineer do a ventilation evaluation for the old schoolhouse building across the street. Manager Rambo will contact the Township's public works department to see if they can put the existing fan on a timer to allow for air movement. Barry Parsons noted in April, the Historical Commission presented a membership application to the BoS for approval to the Chester County Historical Commission so that they can get a discount. The application was approved, but noted they are not members yet. The Manager will look into this.

There was no one in attendance from the Parks and Recreation Board, Planning Commission, or the Open Space Review Board.

Supervisor McCaffrey gave the report of the Municipal Authority. Supervisor McCaffrey delineated details of the document that the Municipal Authority was requesting the BoS to sign regarding sewer capacity with the Authority and Bentley Communities. Manager Rambo stated the Authority is moving forward with the proposed bond that will allow the Friendship Village sewer system to interconnect with the Kimberwick sewer system. The Municipal Authority received nine bids, the projects low bid was 4.7 million and the high bid was 6.9 million. This is under the estimated budget, it is anticipated that the Authority will sell bonds on January 8<sup>th</sup> and make settlement on the bond proceeds by the end of January. Outside money is coming in from Bentley. Pulte is also showing interest to participate.

### **Old Business**

Dale Barnett, Codes Officer, is in the process of preparing an ordinance with regard to the establishment of a rental inspection requirement and the resale U & O. There were no comments.

The Manager is awaiting the appraisal on the Baldwin Family parcels 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 awaits input from the Open Space Review Board with regard to the Pat Chase appraisal provided to them. There were no comments.

The Manager is finalizing the amendments to the Stopping, Standing and Parking Ordinance for a January 2009 adoption consideration. There were no comments.

A special meeting will be held on Monday, December 29, 2008 at 7:30 p.m. to consider the enactment of the 2009 budgets. There were no comments.

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

Bob DiLorenzo of 16 Mendenhall Drive requested an update for completion of the Valley View development. Manager Rambo stated the developer is not going to plant anything until spring. The Soil Conservation District will not allow the developer to do anything to storm water basins because they can't get them stabilized before bad weather. Manager Rambo wrote a letter to the developer asking him to establish an escrow so that the Township can utilize his funds to plow the roads. Mr. DiLorenzo requested the Township put time restraints on the developer. Manager Rambo will write a letter. The

drop-dead date for paving is May 31, 2009. Vice-Chairman Obernier suggested that May 31<sup>st</sup> be the drop-dead date for the completion of everything. Mr. DiLorenzo questioned what happens if the developer goes bankrupt. Manager Rambo answered the Township would pursue the funds to complete the project utilizing his letter of credit with Wilmington Trust.

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

There was no Old Business from the Board.

### **Ordinances and Resolutions**

*Resolution #15-2008: establishment of the Thornbury Conservation and Trail Easement.* Vice-Chairman Obernier motioned to adopt Resolution #15-2008. Supervisor McCaffrey seconded the motion. Obernier, McCaffrey, and Lindborg voted aye.

### **New Business**

Approval of release request # 1 for the James P. Bryant common driveway construction escrow. The Manager requested that this be tabled, as he has not received approval from the engineer.

The winter edition of the newsletter is being finalized for printing and mailing. There were no comments.

Chairman Lindborg noted that Ronald A. Rambo, Jr., Township Manager/Secretary/Treasurer was to be appointed, as the Township's Open Records Officer with regard to Act 3, of 2008, Pennsylvania's revised Right-to-Know Law. The Chairman noted that the Township has to appoint an individual by January 1, 2009. The Manager advised the Board that he had prepared an Open Records Policy based on information received from PSATS and that it has been forwarded to John Good for review and input. It was noted that John Good suggested an additional paragraph be added to its context otherwise the policy is acceptable. The Manager advised the Board that the paragraph was added and that additional information must be posted on the Township's website.

Manager Rambo then asked Ms. Petri if she received the condensed audit report as requested. Ms. Petri answered yes, but wanted a different audit. It was noted that Ms. Petri received what was requested and that she should fill out another request and request a copy of the DCED Audit Report that is prepared and forwarded to the state.

Supervisor McCaffrey motioned for Township Manager Rambo be appointed our Record Officer. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

*Discuss and consider the adoption of the Township's Right-to-Know Policy with regard to Act 3 of 2008.* Vice-Chairman Obernier motioned to adopt the Township's Right-to-Know policy with regard to Act 3 of 2008. Supervisor McCaffrey seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

Barry Parons commented that he has been a resident for three decades and remembers when the state was patrolling this area. He hopes, knowing that the Township is in negotiations with the police union with regard to the upcoming budget, that the police union will act in good faith.

### **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)

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 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 (6.08%). Manager Rambo stated it went up today. Vice-Chairman Obernier stated it is still a deal.

**Review and Payment of the bills.**

Manager Rambo stated the general fund bills total \$13,150.63, solid waste bills total \$20,326.23, and liquid fuels bills total \$10,950.78. Supervisor McCaffrey asked about the invoice to repair the traffic signal. Supervisor McCaffrey reviewed the bills, found them in order, and motioned for payment. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

**Upcoming Meetings/Events**

- Chairman Lindborg noted the upcoming meeting and events. There were no comments.
- Open Space Review Board, Tuesday, December 23, 2008 at 7:00 p.m.
- Planning Commission, Tuesday, December 23, 2008 at 7:30 p.m.
- Board of Supervisors, Monday, December 29, 2008 at 7:30 p.m.
- Board of Supervisors re-organizational meeting, Monday, January 5, 2009 at 7:00 p.m. with the first meeting of the new year to immediately follow.
- Municipal Authority re-organizational meeting, Thursday, January 8, 2009 at 7:30 p.m. with the first meeting of the new year to immediately follow.
- Historic Commission, Monday, January 12, 2009 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, January 13, 2009 at 7:00 p.m.

Lori Petri asked about the Meeting Minutes from the BoS meetings, requesting audience review prior to approval. Discussion ensued. Ms. Petri previously made a request for positions, names and salaries for everyone that works at the Township. It was requested that Ms. Petri fill out a request for information form.

A resident asked for an update on Rudy. The BoS stated that Rudy is getting better and they appreciate the tremendous support from the community.

**Adjournment**

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:21p.m. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye in favor of adjournment.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer