

Meeting Minutes of November 5, 2008
Board of Supervisors

Chairman Lindborg called the Board of Supervisors meeting of November 5, 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], and Thomas Eells [Director of Public Works].

Acceptance of Minutes from Previous Meetings

September 4, 2008, September 18, 2008, October 2, 2008 and October 16, 2008. The minutes were tabled.

At this time, Chairman Lindborg moved to address Dr. Eck, under information to act upon.

Public Comments (individuals requesting to be on agenda)

Jeff Grossman is in attendance to talk to the Board of Supervisors with regard to questions he has of the Township. Mr. Grossman noted he has been a resident for 22 years. Mr. Grossman requested clarification for several items. First, Mr. Grossman asked for a response about the Township putting up political signs as noted in the Daily Local News. Manager Rambo explained that an individual came in concerned about a political sign in a tree afraid of it falling onto vehicles as they drive past. The Manager requested that the public works director go to the location. Tom Eells explained when he responded he found that they were not thrown into the tree, they were fastened to the tree branches. However, when they were looking at it, a passerby assumed that they were putting the sign into the tree. Mr. Grossman suggested that the BoS respond to the rumor. Vice-Chairman Obernier suggested that the Manager write a letter to the Daily Local News.

Second, Mr. Grossman commented about the website and posting of minutes. Supervisor McCaffrey explained the process for the minutes, when they are approved and posted. Elizabeth Zanolwiak questioned why it took so long to approve the minutes and suggested that the BoS change their policy regarding the minutes. Discussion ensued. The BoS will do their best to get the minutes up to date for the next meeting.

Mr. Grossman noted the third question regarding the comment in the DLN and asked if the Township is on the verge of bankruptcy. Manager Rambo answered no, the Township is behind in revenues due to the economic conditions, behind in transfer taxes, behind in building permits, plumbing permits, etc, behind in the local services tax. The local services tax was changed this year, the \$52 used to be paid upfront from everyone that made over \$1,000. Now the \$52 is paid if you make over \$10,000 and is

filed quarterly. That fund alone is behind \$79,000 to date because of the law changes, based on what they received last year.

Supervisor McCaffrey noted that the Township does not collect building permit fees if it doesn't use and process a building permit. It is not an item that is sold to make money off of. The money that comes in from that pays for the secretary and the inspector to go out. When people stop building and permits are not issued, we have staff that is hired for a reasonable workload and there is no work. So you are paying salaries to people and there is no work and no income. There are short periods of time when things go up and down and you live with that. But when things go down and down, that causes a shortfall. People moving in and out of homes all impact what the Township does and what its income is.

Chairman Lindborg noted they do the budget a year in advance, no one could predict today's economy. What the BoS and Manager are trying to do is come up with ways to save money. Manager Rambo explained that the reserve funds have been utilized throughout the year to make up for the shortfalls. Another thing that has had an effect on the Township beginning 21 months ago, residents have gone to the county to have their homes reassessed. In 2008, the homes have been reassessed and lowered by \$10,000,000. This year to date, there has been another \$4,000,300 of lowered assessments. Next year alone, trying to budget for real estate taxes, the Township is already looking at a negative \$11,000 from this year. People that have already paid their taxes based on 2008, the Township could see a request for reimbursement based on the new assessment. There is a sundry of different things that are occurring. For years and years, this Township has received dollars for recycling. Now, instead of receiving \$40 to \$50 a ton, we have to pay \$25 per ton to take it. From Allied Waste, where the curbside recycling is taken, we usually receive \$47.50 a ton for single stream materials. Now, it is being reduced to zero.

Vice-Chairman Obernier noted there is one more component to the money issue. A meeting was requested from the pension plan actuary. There are two plans, the uniform and non-uniform plan. The uniform pension plan is a defined benefit plan, meaning that the benefits that the police get when they retire are laid out in the plan. The job of the actuary is to make sure that the plan is properly funded to provide those benefits for the officers when they retire. The non-uniform pension plan, based on the performance of investments they had, they couldn't quote the Township on an exact number. Once a year the Township receives a MMO (Minimum Municipal Obligation) from the state that delineates if the pension plan is over or under funded and how much the Township has to put into that. In 2009, the Township could expect an MMO of \$103,000. The following year will be higher at \$145,000. For the next two years, the Township is going to be expected by the state to contribute about a quarter of a million dollars to the uniform pension plan.

Supervisor McCaffrey explained that the uniform pension plan has defined benefits and someone has to fill in whatever the pension plan hasn't generated for itself. The community is going to be expected to put in whatever has failed at the stock market or other investments to bring the pension back to where the benefits are defined. Supervisor McCaffrey feels that pension has gone too far in the other direction, but it is the law. Manager Rambo explained that uniform pension plans are the biggest, non uniform are a defined contribution of 5%, if it fails, whatever is in there when you leave is what you get. The uniform pension plan is under Act 600, it has a lot of requirements that have to be met. It requires the most funding on a yearly basis, which is based on the last three years salary that an officer works before retirement.

Mr. Grossman noted about K-9 Rudy having cancer, underwent surgery and is going through chemotherapy and asked how much money the Township is willing to pay after seven years of service. Vice-Chairman Obernier noted that Rudy had emergency surgery a few weeks ago. They found a grape size cist on his spleen, the doctor removed his spleen and the biopsy proved to be cancer. Sharon Elliot

commented that Rudy's life expectancy would be three months without treatment and a 50% chance with treatment. Chairman Lindborg noted the question is willing and able; able is the issue. Having Rudy costs money, if there is a way to keep Rudy, Chairman Lindborg would like to do it. There are costs associated. The county picks up standard ordinary vet bills, like checkups. It is mandated with police dogs to have them do training twenty-four times a year. Another officer has to be supplied for Rudy's shift, if training happens when Gary is on duty. Mr. Grossman asked if there is a possibility for the public to help out with expenses. Supervisor McCaffrey answered to some degree and noted he has had family pets that had terminal diseases; there is a limit to what he can afford with his own family pets. Supervisor McCaffrey feels on the spot spending the taxpayer's money. Manager Rambo noted he is not aware of Corporal Williams spending any personal money; the Township just received the bill for the emergency surgery, which was a little over \$4,000. Manager Rambo requested that the Chief send it to the county to find out if they will assist with payment.

Mr. Grossman asked if the BoS had a problem with an individual starting a fund that has nothing to do with the Township, soliciting donations to help pay for Rudy's medical bills. Manager Rambo will look into state code and contact the solicitor and asked Mr. Grossman to come in and meet with him.

Lt. George Painter from the district attorney's office was in attendance to speak on behalf of Mr. Carol regarding his strong support for the K-9 programs in Chester County. The district attorney's office covers 100% of Rudy's trainer costs, food and routing vet visits. The district attorney's office has been doing this since 2006. This is one of several teams in the county that the district attorney funds. The K-9 unit is used for the DA's benefit at their request. The Chester County District Attorney's office for the Municipal Drug Task Force covers Corporal Williams's salary while he is working with them at no expense to the Township. The K-9 program is important and is part of law enforcement in the county. Although it does cost WBT some money to keep the K-9 unit on the street, it is not all unfunded. Lt. Painter noted several areas where funding may come from.

Chairman Lindborg stated the BoS does value the K-9 unit, the problem the Township has is money. These are dire times, no one could anticipate this happening six months ago. They are trying to balance the budget with the least amount of impact to the employees and the residents at the Township; it is not because they don't appreciate Rudy or don't value him. Mr. Grossman stated he got the idea that the K-9 department was finished with WBT. Vice-Chairman Obernier clarified that is incorrect. Supervisor McCaffrey explained that when you have people that may lose their job, and you have a dog that may lose its job. There is a value to each, but Supervisor McCaffrey has to give preference to somebody with a family. The Township is not in dire straits that it is going bankrupt, when the people in this community are impacted with all the things that are also impacting the Township right now, Supervisor McCaffrey can't raise taxes on people. You have to find the resources somewhere; you have to decrease services and manpower. You can't spend like you were making just as much money as you were before. Supervisor McCaffrey likes and supported Rudy all the way through the program and was thrilled at his accomplishments. When it comes to a choice between a dog remaining employed or a human being, a human being would have to take preference.

Mr. Grossman asked if there is any plan for any of the puppies to be trained to be brought into service. The BoS agreed that hasn't been discussed, they are currently working on the budget and haven't decided whether the K-9 unit stays or goes. As Lt. Painter and Mr. Grossman suggested, there may be additional funding to incorporate into the program.

Vice-Chairman Obernier noted the most direct and effective way to help with medical bills would be a giving program. On another note, a dog has to be about three years old before it is at a point where it can be qualified to do things. Both of the dogs that Gary has wouldn't be ready for a year or two, even if

they started training now. Vice-Chairman Obernier expressed astonishment that Rudy is currently on duty being he was operated on only a few weeks ago. Vice-Chairman Obernier is sensitive to Supervisor McCaffrey's point; people before animals, and is also sensitive to Gary being close to Rudy who wants to go to every effort with chemotherapy. Although the Township is a taxing authority, the full impact here is that the BoS could raise the taxes, just like the school board can raise the taxes. The BoS doesn't want to do that because there are a lot of older folks on a fixed income that live in the Township. The BoS is looking to revise what they are doing and live within their income. Ron has approached the police department with a number of suggestions. The public works department has been requested to submit the minimum of what they need to keep going. The BoS is in agreement that they don't want to have a tax increase. Further discussion ensued regarding priority spending.

Elizabeth Zanowiak asked the amount contributed to the pension plan. Manager Rambo answered three percent. Ms. Zanowiak asked if the police contribute into the pension plan. Manager Rambo noted according to Act 600, the Township can require up to five percent from the police, through contractual obligations the Township is able to get three percent from the police, taxpayers pay the rest. Manager Rambo noted at the current time there is no percent paid for the healthcare benefits based on contractual obligation. On a yearly basis the policy is reviewed and the Township bumps up the co-payment requirement, and refunds the increased copayment to the officers, to get the cost of the health insurance premium down. Ms. Zanowiak expressed she didn't want to hear about the Township needing money, when the employees are not contributing to their own health benefits. Supervisor McCaffrey explained the state law dictates the maximum amount that can be contributed is five percent. The Township is constrained by Pennsylvania's state regulations. Employees don't get any health benefits upon retiring.

Chairman Lindborg asked if there were any other comments. Ms. Zanowiak asked if the Township is doing anything about the wires that are hanging over Monacy Road, south of Baker. Tom Eells answered that he contacted PECO to investigate it and they are replacing the pole. Ms. Zanowiak suggested that the Township write a letter to the DLN regarding the political signs. Ms. Zanowiak also suggested that the BoS have a strategy to get the minutes transcribed appropriately and approved in a timely manner. Dialog ensued between Ms. Zanowiak and Supervisor McCaffrey.

Ms. Zanowiak noted she heard from a reliable source that Rudy is supposed to be put to sleep and asked if that was true. Manager Rambo and Chairman Lindborg stated they had not heard that before, and have never discussed such a thing. Manager Rambo noted when he met with the police association, it is Manager Rambo's responsibility to make the budget work, told Corp. Williams that he may consider recommending to the BoS that Rudy be retired, but the BoS would have the final say, nothing else was said.

Neal Campbell questioned the importance of the K-9 unit regarding the school district. Discussion followed. Ms. Elliot expressed that with all of the service that Rudy has given, that people won't have a problem making sure that he is taken care of. Tom Eells noted that there are two different issues, the Rudy health issue and the Rudy retirement issue. Discussion continued regarding Rudy. Manager Rambo will inquire about a Rudy Fund to help with his expenses.

Correspondence/Communications Information to act upon

The Township is in receipt of correspondence from Dr. Gordon Eck with regard to the Conditional Use Order for his property and is also in receipt of a waiver request from Dr. Gordon Eck with regard to the establishment of stormwater management controls within the conservation easement area. Supervisor McCaffrey noted he considers Dr. Eck's conservation easement the same as when a developer comes in and would like answers to the expansion that has happened there. If you use conserved areas for stormwater management, it has a purpose. Supervisor McCaffrey also noted that it is unfair to have a

conditional use having certain restrictions, then every six to eight months come in and amend it over and over again.

Chairman Lindborg explained that Dr. Eck is asking for a waiver so that he doesn't establish stormwater management. Supervisor McCaffrey was in agreement for the waiver as long the amount of property in the easement stays the same. Vice-Chairman Obernier noted that Supervisor McCaffrey made a good point, that it is not really a tent anymore. The original reason that they went down this path was to save the historic structure; that Dr. Eck have some type of business that would pay the taxes and preserve the existing homestead. With their successful business there is certainly enough money to do that. In light of that, Vice-Chairman Obernier is okay to let the structure be and remove the cabins off of there.

Manager Rambo stated Dr. Eck requested that a waiver be granted not to require stormwater management for the tent facility that he is going to construct. Supervisor McCaffrey noted that the Codes Officer is not in attendance but asked what his opinion is of the need for stormwater management. Dr. Eck noted that the tent is in an elevated area; the flow goes into the pond. Manager Rambo noted they are in receipt of a letter from Newell noting that they have been monitoring Germany Hollow Farms since 2002 and never observed any obvious adverse environmental impact as a result of the tent foundation. Newell would prefer that the area remain undisturbed since it is already restricted by terms in the conservation easement. A drawing depicts a stormwater basin between the tent site and the existing pond. Manager Rambo noted Newell's recommendation is that the grounds remain in the same fashion.

Chairman Lindborg asked what they are voting on tonight. Manager Rambo answered the waiver and the fact that Dale can issue the permit. Vice-Chairman Obernier asked if Dale and the Engineer are okay with this. Manager Rambo answered yes, Dale has brought this to you, he did not feel that the placement of the new structure was in the spirit of the conditional use order. Vice-Chairman Obernier rephrased his question, the making of this stormwater plan, does the engineer and code officer recommend that the plan be done or not. Manager Rambo answered no, they do not. There were no comments. Supervisor McCaffrey motioned to grant the waiver for stormwater, grant the permit, and remove the cabins from the plan. Supervisor McCaffrey noted there was confusion on the part of the code officer whether a tent was a structure or wasn't a structure. This is a peculiar case because of the large amount of ground around it you don't have to worry about water runoff into a neighboring property. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

The Township is in receipt of correspondence from PennDot with regard to participation in their Master Casting Agreement. This is regarding manholes located on state roads that are part of the municipal system. Manager Rambo is going to request that PennDot provide the Township with an agreement to look at.

The Township is in receipt of an email from Cheri Marranzini with regard to an interest to be on the Historic Commission. Manager Rambo will forward Ms. Marranzini's information to Dr. Vilcheck. Dr. Vilcheck will see if Ms. Marranzini would like to meet with the BoS.

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 the draft has been sent to John Good for review and gave a brief synopsis of what the UCC Board is. Vice-Chairman Obernier noted he read through it and would like to meet with the Manager and BoS to several issues that he disagrees with.

PennDot has forwarded the Township its estimated Liquid Fuels allocation for 2009. Manager Rambo noted that the dollar value is being decreased next year due to the rising costs of fuel.

Representative Curt Schroder has forwarded the Township an invitation to attend a workshop on the rights of residents and landowners impacted by natural gas pipelines on Saturday, November 15, 2008 at the East Brandywine Township building at 9:00 a.m. There were no comments.

The Suburban Realtor Alliance has forwarded the Township's Code Officer a letter with regard to the possible consideration of a certificate of U & O prior to the sale of property. Dale Barnett is in receipt of the information.

Marsha Erickson of the Coatesville Area Public Library has forwarded the Township additional information. The BoS is in receipt of this information in their books for review. Supervisor McCaffrey noted that before the Township sends them money, the BoS requested the number of WBT residents that utilize the library. The library came back with ten percent.

The Township has received an invitation to attend a seminar on PSATS new 457 plan and other pension plans. Manager Rambo will attend.

The Township is in receipt of grant information from Coatesville Rotary Club. Manager Rambo noted they could approach this on the aspect of Rudy through the police department; they may get some funding.

The Township is in receipt of correspondence from the Chester County Planning Commission with regard to the new Pennsylvania Community Transportation Initiative being offered by PennDot. Manager Rambo noted he has a meeting with PennDot and the Planning Commission to see what types of projects this can be used for. Manager Rambo gave a brief explanation of the program.

Old Business

Dale Barnett, Codes Officer, continues his discussions with John Good, Esquire regarding the establishment of a rental inspection requirement and the re-working of 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. Manager Rambo is awaiting the appraisal.

The Manager is in the process of finalizing a "draft" of the 2009 budgets for presentation to the Board of Supervisors. There were no comments.

The Township has submitted a grant to the County seeking assistance to pay for the recently acquired conservation easement on the Henderson Tract. Manager Rambo noted this was submitted on November 3, 2008. The Township should receive a response in the next month or two.

Old Business from the Floor

The DiLorenzo's of Mendenhall Drive asked about the progress with landscaping and finishing Valley View in order to have it dedicated, noting it has been four years. Manager Rambo noted he spoke with the builder for an update and will contact the landscaper. The Manager will follow-up with his progress.

Elizabeth Zanowiak asked for a copy of the 2009 budget draft. Manager Rambo noted he will present the draft budget to the BoS the middle in November and the final will be adopted the second meeting in December.

Ms. Zanowiak suggested that a column be included in the newsletter regarding expenses. Vice-Chairman Obernier suggested that it be put on the website. Manager Rambo will come up with a summary of expenses for the website.

Old Business from Board

There was no Old Business from the Board.

Ordinances and Resolutions

There were no Ordinances or Resolutions.

New Business

The Chief and Manager are finalizing the proposed changes to the Stopping, Standing and Parking Ordinance of the Township for review and consideration by the Board. There were no comments.

The Chief and Manager have finalized proposed Ordinance 2008-04, regulating the travel of oversized/overweight vehicles on Township roads and it has been provided to the Board and solicitor for review. There were no comments.

The Manager has a meeting schedule with Representative Schroder and Fran Hanney of PennDot on Monday, November 10, 2008 at 1: 30 p.m. with regard to the establishment of a Roundabout at the intersection of East Reeceville, Cedar Knoll and Manor Roads. Manager Rambo noted that he requested a meeting with Representative Schroder and PennDot, in an attempt for PennDot to design and pay for as much as possible at the intersection. The police department did a traffic study, which shows that it warrants four way stop or roundabout. With the hill approaching from the south, the four way stop could be a problem. A round about would leave traffic to continue to flow around at a slower rate. The grant that is just out may be able to go toward that. Dialog continued regarding several options and examples. Dr. Vilcheck expressed disapproval for a round about in that area and suggested the crest in the road should be taken out.

Chairman Lindborg stated that round abouts are engineered differently than they used to be. Chairman Lindborg stated they have asked PennDot several times about this crossroad and it doesn't seem like they get anywhere.

Supervisor McCaffrey explained that the Township has approached PennDot on all different levels; they will do the engineering plan if you write a blank check to them. Manager Rambo stated that even if it is a state road, if the traffic study shows that it warrants a signal, PennDot won't put the signal up. The Township would have to put the signal up, assume liability, insurance, and utility costs. Dialog continued.

New Business from the Floor.

Ms. Zanowiak asked the status of the Conti property. Manager Rambo explained that the Township has a grant that has been awarded by the County for \$225,000 to put toward the purchase. Another grant application has been submitted to DCNR for funding assistance for \$500,000. The City of Coatesville is asking \$1.2 million for the property. The Mills Group is offering them \$1.4 million; they are looking at securing the property from the City as well as buying the old house from the Conti's. The Mills Group

wants 300 plus units. Manager Rambo told them they couldn't put that many units on 66 acres. A second party has contacted Mrs. Conti interested in converting the house to turn it into a bed-and-breakfast. Ms. Zanowiak asked how the property could be developed being so much of it is wetlands. Manager Rambo explained they would have to leave the wetlands alone and develop the top part or the banks that don't exceed 15% in severe slopes.

Supervisor McCaffrey noted that some of the ordinances have been updated, Conti's original plan had far fewer homes, they had a stormwater management retention basin there that wouldn't be allowed anymore because now you need more area. Regarding sewer, the developer wants to approach the Municipal Authority to contact PAWC to procure sewer capacity for them. Chairman Lindborg stated they have to go through the Planning Commission, so there will be plenty of review and input from the engineer. Supervisor McCaffrey asked the status of the Conti plan. Manager Rambo noted it was never finished, they put it on hold. Supervisor McCaffrey noted if a developer did a plan years ago and since that time ordinances have changed and asked if they have to conform to the current ordinances if they reopen the hearing. Manager Rambo answered not with the way the continuance is granted through conditional use at the time they put it on perpetual hold. Vice-Chairman Obernier noted the BoS needs to put a time limit on it.

New Business from the Board

There was no New Business from the Board.

Public Comments (individuals not requesting to be on the agenda)

Dr. Vilcheck asked what is going to be done with barn that was supposed to be refurbished on the Conti property. Dr. Vilcheck also asked if money has been allocated to the Historical Commission and if he can submit a budget request. Dr. Vilcheck also expressed that there is a lack of communication between the Township noting that the Historic Commission sent correspondence in and hadn't received any response back. Dr. Vilcheck would like a copy of the Order from Haines and Kibblehouse.

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. The Township is in receipt of a letter of interest from one individual.

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

Interest rate for the week (3.12%). There were no comments.

Review and Payment of the bills.

The General Fund bills total \$11,498.46 and Solid Waste Bills total \$243.68. Vice-Chairman Obernier noted he reviewed the bills and found them in order and motioned payment. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Upcoming Meetings/Events

- Historic Commission, Monday, November 10, 2008 at 7:30 p.m.
- Parks and Recreation Board, Tuesday, November 11, 2008 at 7:00 p.m.
- Municipal Authority, Thursday, November 13, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, November 20, 2008 at 7:30 p.m.
- Open Space Review Board, Tuesday, November 25, 2008 at 7:00 p.m.

- Planning Commission, Tuesday, November 25, 2008 at 7:30 p.m.

Adjournment

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:45 pm. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Ronald A. Rambo, Jr.

Township Manager/Secretary/Treasurer