

**Meeting Minutes of October 16, 2008  
Board of Supervisors**

Chairman Lindborg called the Board of Supervisors meeting of October 16, 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 and Vice-Chairman Josef G. Obernier, Sr. in attendance. Supervisor Thomas J. McCaffrey arrived at 7:34 p.m. 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**

September 4, 2008, September 18, 2008 and October 2, 2008. The Meeting Minutes were tabled.

**Recognition of Township Volunteers**

The Board of Supervisors to recognize Paula Kondracki for her participation on the Township's Parks and Recreation Board. Chairman Lindborg thanked and applauded Paula for her involvement with the Parks and Recreation Board.

**Treasurer's Report** *(As of the end of September)*

Presented by Manager Rambo. There were no comments.

Capital Reserve Fund	\$715,559.53	Operating Reserve Fund	\$188.67
Construction Sweep Fund	\$2,930.81	Police Pension Fund	\$1,245,297.63
Developer Escrow Fund	\$471,073.25	Solid Waste & Recycling Fund	\$96,282.64
General Fund	\$99,641.46	State Liquid Fuel Fund	\$158,026.01
Non-Uniform Pension Fund	\$327,776.20		

At this time Chairman Lindborg noted that Supervisor McCaffrey arrived in the meeting.

**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 Dr. Gordon Eck with regard to the Conditional Use Order for his property. Dale Barnett noted the Conditional Use Order for Dr. Eck and the limitations of the types of buildings that can be put on his property. Dr. Eck currently has permits for tents on his property, used for weddings primarily summer, spring, and fall. Dr. Eck would like to put a different*

type of structure there along the lines of a tent, it is a membrane structure like a tent, however, it is considered a somewhat permanent structure because it has footers, structural framing, and can handle a snow load. Dale noted he didn't want to approve the building permit for this because of uncertainty that it is in the spirit of what the Conditional Use Order states and would like the Board's input.

Dr. Eck was in attendance and explained their tent is five years old and noted the life expectancy is five years. He has been looking at a replacement and at different options. The proposed option is designed to be taken down in three days. The intent is to leave it up because it is extra labor that wouldn't have to be done and would also allow for storage through the winter. A major point is that Dr. Eck has had an acoustics expert come out, who designed a system with a permanent top. Utilizing this system would shoot the music down rather than out and therefore allow volume control. Dr. Eck gave a description of the proposed structure.

Supervisor McCaffrey noted he wasn't against it, but the thought was when Dr. Eck first approached the Township that occasionally there would be an affair when a tent would be needed. When you say you are considering putting up a structure with a fifteen-year lifespan, it sounds like a permanent structure. Supervisor McCaffrey would like to confer with Dale prior to making any decisions.

Dr. Eck noted when he was given permission, he was initially going to preserve fifteen acres and has preserved forty-five acres and will preserve an additional sixteen acres. Supervisor McCaffrey noted that this is not an empty piece of farm ground; there will be cabins there. Dr. Eck didn't see that happening; it wouldn't be cost effective.

Vice-Chairman Obernier asked Dr. Eck if he took the tent down each year. Dr. Eck stated he took the covering down each year, not the frame. Vice-Chairman Obernier noted the two tents comprised 5,200 square ft; this new structure is going to be 6,000 sq. ft., a fifteen percent increase and asked if Dr. Eck was anticipating more people in the future. Vice-Chairman Obernier also asked if the 120 by 50 feet is the closest size available to the square footage that he has been using. Dr. Eck answered yes, noting that the steel support girders extend in three feet, so there is a lot of unusable space and also noted that he didn't anticipate additional people in the future.

Chairman Lindborg asked if the structures are visible from the road and wanted to reiterate that the size of the structure is not to enable more people. Dr. Eck noted the structures are not visible at all and noted he had no intent to request the allowance of more people. Supervisor McCaffrey noted that this went to 425 people from the original number, to 100 cars from the original number, and they went to midnight from 10 pm. They were also going to construct a chapel. Dr. Eck said they never did that.

Supervisor McCaffrey wants to look at the totality of what is there. Manager Rambo asked how Dr. Eck would address stormwater. Dr. Eck explained that the Lands Trust sent a letter to the Township noting that they have inspected the grounds and have seen not issues or problems. Because the design was put in the conservation easement, they are requesting that the Township waive that and they will continue to monitor the ground. Manager Rambo asked about recycling. Dr. Eck noted that the caterers take everything with them. Vice-Chairman Obernier didn't have a problem with the proposed structure but felt that the stormwater runoff should be addressed. Manager Rambo noted that stormwater falls under subdivision and suggested that Mr. Eck request a stormwater waiver from the BoS if he intends not to bring it to fruition. The next BoS is scheduled for November 6<sup>th</sup> the same date as the County Convention. The meeting will be rescheduled for November 5<sup>th</sup>.

*The Township is in receipt of correspondence from the County with regard to the upcoming Fall Convention scheduled for Thursday, November 6, 2008. Manager Rambo and Supervisor McCaffrey will attend. Chairman Lindborg and Vice-Chairman Obernier will let Ron know if they are going to attend.*

*The Township is in receipt of the appraisal for the purchase of a conservation easement on the Pat Chase property prepared by John DiRaumaldo. Manager Rambo noted that a copy of the appraisal has been forwarded to the Open Space Review Board and the individual that has been assisting Pat Chase. This will be discussed at the next BoS meeting.*

*The Township is in receipt of an invitation from Senator Rafferty to attend the Northern Chester County Municipal Luncheon at the Thorndale Inn on November 13, 2008 at noon. The BoS will let Ron know if they are going to attend.*

*The Township is in receipt of an invitation from Representative Schroder to attend a Public Officials Breakfast at the Brandywine YMCA on Wednesday, October 22 from 8 am until 9 am.*

*The Township is in receipt of a letter of extension from the CASD for North Brandywine. These plans have moved forward from the Planning Commission. The Planning Commission recommended final approval to the BoS. The Board has tabled it. North Brandywine is currently addressing the county conservation district's comments and need additional time. Manager Rambo recommended that the BoS accept the extension. Vice-Chairman Obernier noted the structure is being altered; Stan Stubbe needs to be sure that their lighting meets the Township's lighting ordinance. Supervisor McCaffrey motioned to accept the letter of extension. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.*

**Correspondence/Communications Information to note**

*The Township is in receipt of correspondence from Menke & Menke with regard to the Emerald Ash Borer that is having a detrimental affect on ash trees. Manager Rambo noted that the Township recommends green or white ash trees in its ordinance and needs to look at a different type of plant material for current and future plans.*

*The Township is in receipt of correspondence and emails from the Director of the Coatesville Library with regard to the Township's yearly contribution. The library requested the \$7,153 (\$1 per person) be increased to \$1.50 per person. In April, the Township requested information from the library regarding the number of township residents utilizing the library. They responded that they couldn't divulge that information. Joan Thompson of the Coatesville Ledger noted she spoke with the library that said they don't have a way to get that information. Vice-Chairman Obernier noted they also requested that the library give them a list of donors and the amounts donated within the surrounding area.*

Chairman Lindborg took exception to the letter, read the letter out loud, and also read the email that was sent to Manager Rambo. Chairman Lindborg would like to receive information that was requested or a letter stating that they can't provide that information. Vice-Chairman Obernier would like to see the contributions from surrounding municipalities, City of Coatesville, and the School District each year for the past five years before giving the library any money. Manager Rambo is awaiting the library's response. Chairman Lindborg and Supervisor McCaffrey agreed with Vice-Chairman Obernier. Supervisor McCaffrey would like to see the library supported but his responsibility is the people that live in WBT and where their dollars go. If WBT residents don't use that facility, then the donation should go to the facility they use.

*Bill Conrad of Signal Service has forwarded correspondence to the Township with regard to its Controller for the lights at the Culbertson Run Road/Horseshoe Pike/Little Washington Road intersection. Manager Rambo noted that the signal malfunctioned and went on permanent flash at 1:53 am this past weekend. The techs came out and temporarily repaired it. It is currently 18 years old and parts are no longer available. They are going to provide the Township with a quote to replace the controller. Manager Rambo will contact East Brandywine Township for a portion of the costs. Chairman Lindborg suggested Manager Rambo ask Krapfs busses as well.*

*The Township is in receipt of an invitation to attend an Eagle Ceremony on Sunday, November 16, 2008 for Charles Andrew Moore of Troop 51 at the Forks of Brandywine Presbyterian Church. Manager Rambo will order a plaque and invite Charles Moore to a BoS meeting.*

*The Township has received an invitation to participate on the Route 322 Study Advisory Committee being established by the DVRPC. They are establishing a task force advisory committee to review the corridor. Manager Rambo noted he would be participating in this group for the next 12 months.*

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

**Police Report** presented by Chief Werner. Vice-Chairman Obernier asked Walt where they were year to date for the gasoline expenses. Chief Werner will have the information available for the next meeting. Tom Eells explained that the gas prices haven't gone down, the Township is under contract until July 2009. Discussion ensued regarding the contracted gas price. Vice-Chairman Obernier suggested that they install a recharging unit for the police cars. The total cost would be \$2,500 at \$500 a car to upgrade and asked how much money would be saved on gas for the car going nowhere. Chief Werner and Manager Rambo will calculate the savings to present at the next BoS meeting.

Total Hours	1466.40	Miles Patrolled	9092
Total Complaints	602	Accidents	11
Warrants	0	Fatalities	0
Domestic	7	Criminal Arrests	17
Non-Traffic Arrests	24	Traffic Arrests	130

**Public Works Department Report:** presented by Tom Eells. Tom noted the work completed for the month. There were no comments.

Total man-hours	850.4	Miles traversed	2,307
Total Equipment hours	141	Total fuel gallons	485.8

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

Building Permits issued	19	Permit base fees collected	\$5,490.40
Occupancy fees collected	\$300	U&O permits issued	3
U&O permits issued cursory	13	Contractor Licenses (CL) issued	14
CL Fees collected	\$1,050	Valley Mechanical Inspections	27
WBT Inspections completed	26	Failed Inspections (FI)	3
Failed Inspections Fees collected	\$100	Total fees collected	\$6,940.40

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

Permit inspections done	28	Campfire/Recreational Permits	22
Specialty Bonfire Permits	2	Agricultural Permits	0
Permits not given	0	Special permits given	0
Special permits not given	0	Other type inspections done	3
Code violations/Complaints	3		

**Wagontown Fire Company Report** submitted by Jeff Benach (Chief). There were no comments.  
**Fire**

Number of calls dispatched into WBT	5	Initial dispatch into WBT	4
Second dispatch into WBT	1	Number of calls scratched	-

**Medical Assist**

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

**East Brandywine Fire Company Report** submitted by Robert Zynn and presented by Manager Rambo.  
**Fire**

Number of calls dispatched into WBT	6	Initial dispatch into WBT	6
Second dispatch into WBT		Number of calls scratched	-

**Medical Assist**

Number of calls dispatched into WBT	20	Initial dispatch into WBT	19
Second dispatch into WBT		Number of calls scratched	1

**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	2	Initial dispatch into WBT	-
Second dispatch into WBT	-	Number of calls scratched	-

**Reports of Organizations, Boards and Commissions**

No representatives were in attendance from the following: Historical Commission, Parks and Recreation Board, Planning Commission, or Open Space Review Board.

**Municipal Authority:** Manager Rambo noted that the Public Works Department has almost finished the sewer upgrades. A letter has gone out advising the residents of Monacy Manor that they have the ability to connect, once the lateral locations are staked, the residents will be able to start connections.

**Adjournment from Township Meeting 8:38 pm**

**Opening of Public Hearing 8:38 pm**

Discussions on Ordinance 2008-03, participation in the Pennsylvania Municipal Health Insurance Cooperative. Manager Rambo noted Benecon, which will be underwritten by United Healthcare, offers this cooperative. Representatives of both Benecon and United Healthcare have presented their proposed plan to the BoS and staff. Manager Rambo recommended to the BoS that they consider utilizing Benecon. Dale Barnett has given the BoS a list of doctors that he uses that were not in the program. Dale

noted that during the presentation it seemed like doctors not participating would not be a problem. It seems as though Chester County has a lot more doctors than Berks County. Dale has contacted Benecon about his doctors and has not heard back from them. Manager Rambo noted for Personal Choice, you would go to an out of network doctor and the difference has to be paid. Chairman Lindborg noted there is no guarantee with any program that certain doctors are going to be participants; we will see what Benecon comes back with. Manager Rambo noted that United Healthcare is bigger than Blue Cross because they are across the United States.

Vice-Chairman Obernier noted he went to the presentation and 100% of what the coverage's are with our current plan is what this new group is doing. Vice-Chairman Obernier asked Chairman Lindborg what happens with the current plan if your doctor is not participating. Chairman Lindborg explained that you pay the difference. Supervisor McCaffrey asked what the savings would be to switch to something that will obviously disrupt things; everyone has already become acclimated to what we have. Manager Rambo explained that is dependant upon usage. Currently the Township pays a set amount to Personal Choice each month. With the cooperative program, if people don't meet the cutoff point that Benecon has established, the Township would get funds back at the end of the year, or put it towards the next year's bill. The average savings that was presented to the Township for refunds back to municipalities ranged from \$25,000 to \$100,00 based on usage. They acknowledged that out of a seven-year period, five of the seven years the Township would be getting money back and the other two years the individuals would be over the amount. Further discussion ensued. Chairman Lindborg moved to adjourn the hearing and re-open the Township meeting.

#### **Adjournment from the Public Hearing 8:49**

#### **Re-Opening of Township Meeting 8:49 pm.**

#### **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-working of the resale U & O. Dale noted he is compiling information, primarily for a rental ordinance and has not had any further discussion with John Good.

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 has not yet heard from the appraiser.

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

Final discussions on Ordinance 2008-03 with regard to participation in the Pennsylvania Municipal Health Insurance Cooperative. Vice-Chairman Obernier asked if dental and vision would remain with our current insurance carrier. Manager Rambo answered that dental will continue with our current provider but vision will continue to be Davis, only through United Healthcare. The benefits would be identical.

The Township is completing its grant submission to the County seeking assistance to pay for the recently acquired conservation easement on the Henderson Tract. Manager Rambo noted the Township is submitting an application to the County for assistance in the amount of \$500,000.

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

There was no Old Business from the Floor.

## **Old Business from the Board**

Vice-Chairman Obernier asked about the fan project. Tom Eells noted he anticipated that it would be done in the winter.

## **Ordinances and Resolutions**

Ordinance 2008-03; participation in the Pennsylvania Municipal Health Insurance Cooperative. Vice-Chairman Obernier motioned to adopt Ordinance 2008-03 to participate in the Pennsylvania Municipal Health Insurance Cooperative. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Resolution #12-2008; submission of grant application to Chester County. Vice-Chairman Obernier motioned to submit Resolution #12-2008 grant application to Chester County. Supervisor McCaffrey seconded the motion. Board Members Obernier, McCaffrey, and Lindborg voted aye.

Resolution #13-2008; establishment of Police Pension Plan member contribution for 2009. Manager Rambo noted this is a Resolution establishing the contributions by the police members at 3% as per their contract. Vice-Chairman Obernier noted that the MMO that was so painful this year is going to go up to over \$100,000 next year and over \$140,000 the year after. This is partly because of the benefits of the plan. The Township is required by Act 600 to supply basic benefits; what the officers have are more. The request for that and the poor performance of the fund, the Township is down. Manager Rambo noted that the actuary anticipated is the Township should be at 2.1 million by the end of 2008. As of the end of the last pension meeting, we are at 1.1 million. This is approaching one quarter of the Township's budget for the year.

Supervisor McCaffrey asked when the benefits were determined and set. Manager Rambo noted the last contract the Township didn't give any benefits, they fought against them, but the judge gave them 3% contribution. The Police were asking for 1% and the Township was asking for 5%, so it was settled for 3%. The Police continue to ask for additional benefits during contracts. The last time additional benefits were granted was two contracts ago.

Supervisor McCaffrey noted at some point, you have people that are all feeling the down turn of the economy, there may be cuts...and doesn't know if he could be in a position to raise taxes so that people that have already gotten what he thinks is over the edge so that benefits can be maintained. What are the options dismiss people from their departments? Manager Rambo answered yes; the option would be department cuts.

Manager Rambo stated that they can't change how the plan is right now, it can't be changed and it can't be modified how it is established. The Township is required under Act 600 specific requirements. Through contract negotiations, the Township can try to get the requirements back down to the minimum with Act 600.

Supervisor McCaffrey noted that the pinch is coming and they could share some of the burden amongst themselves rather than have one individual taken out and sacrificed. Vice-Chairman Obernier understood what Supervisor McCaffrey was saying, for the BoS to turn to the police department and other departments and ask if they are willing to accept a little less, then they won't have a layoff and would like to ask the question. Supervisor McCaffrey noted that Manager Rambo said that wouldn't matter, he is absolutely not going to raise taxes so that people can maintain the benefit level for their retirement, while people in the community are losing their retirement benefits totally. That means that there will be layoffs or some sort of compromise. Manager Rambo stated you would have to open the contract and try to negotiate. What they negotiate for will take a long time to have any benefit on the

plan. The plan has been in existence since they have had an association in 1980. Supervisor McCaffrey noted that the level of benefits weren't there, he remembers them being increased every now and then by people who are in the department. Vice-Chairman Obernier noted that the benefit increases have been happening since the year 2000. That is when there was a dramatic change and increase. Supervisor McCaffrey stated during this tight period, people have to be allowed to participate in the decision as to what is going to take place. Vice-Chairman Obernier concurred, noting they are going to have some very sobering things coming in the next two or three weeks. It is something that people that live here need to be fully involved and have it explained, these are our choices, and let them tell the BoS what they want the BoS to do. Further discussion ensued. Supervisor McCaffrey motioned to approve Resolution #13-2008. Vice-Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg voted aye.

### **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. Manager Rambo noted this is being postponed until the budget is complete.

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

Consider changing the date of the Board of Supervisors meeting of Thursday, November 6, 2008 so that individuals may attend the County Fall Convention. This was discussed earlier in the meeting.

### **New Business**

There was no New Business.

### **New Business from the Floor**

Bob and his wife Rina Dilorenzo, 16 Mendenhall Drive were in attendance regarding the dedication and completion of their development and not having any response from their Homeowners Association. The Manager has been advised that the developer had discussions with Chester County Site Construction to pave and Scott Sandone to do the landscaping. Scott called the Township to see if there were funds in escrow for the landscaping. Manager Rambo will contact Bob Fleming to find out where they stand and get back to the Dilorenzo's.

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

There was no New Business 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 (4.15%).

**Review and Payment of the bills.**

Manager Rambo noted the General Fund bills totaling \$93,681.75, Solid Waste bills totaling \$24,469.81 and State bills totaling \$5,356.83. Supervisor McCaffrey motioned to pay the bills. 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, Thursday, October 23, 2008 at 7:00 p.m.
- Planning Commission, Thursday, October 23, 2008 at 7:30 p.m.
- Township Halloween Parade, Saturday, October 25, 2008 at 2:00 p.m.
- Castaldi Conditional Use Hearing, Tuesday, October 28, 2008 at 7:30 p.m.
- Board of Supervisors, Thursday, November 6, 2008 at 7:30 p.m.
- 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.

**Adjournment**

There being no further business before the Board, Vice-Chairman Obernier motioned to adjourn the meeting at 9:16 p.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