

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, November 3, 2005
7:30 AM

Those in Attendance:

David A. Kirkner, Chairman
Jay G. Fischer, Vice-Chairman
Hudson L. Voltz, Member
Scott T. Piersol, Township Manager
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The Board of Supervisors met in Work Session on Thursday, November 3, 2005.

Opening of Meeting

Chairman Kirkner opened the Meeting at 7:30 A.M.

Public Comment for Non-Agenda Items

Chairman Kirkner asked if there were any comments on non-agenda items. Mr. George Holmes, speaking on behalf of Kate Okie, Chairman of the Open Space Committee asked permission to use Brandywine Conservancy as a consultant to the Open Space Committee. The Committee would like the Conservancy to help them define objectives for different properties prior to meeting with specific property owners, rather than trying to design a plan later. Consultation fees would be approximately \$75.00 per hour. Vice-Chairman Fischer made a motion to authorize the Open Space Committee to use Brandywine Conservancy as a consultant. Chairman Kirkner seconded the motion, with both voting Aye.

Extension for Pulte Homes' Applecross AKA Overlook Road Farm project

The Planning Commission is recommending the Board of Supervisors accept an extension to review the plan until December 22, 2005. Vice-Chairman Fischer made a motion to accept the above extension. Chairman Kirkner seconded the motion, with both voting Aye.

CMR Development Corporation

The Planning Commission is recommending the Board of Supervisors accept an extension to review the subdivision plan until December 31, 2005. Vice-Chairman Fischer made a motion to accept an extension of time to review this subdivision application until December 31, 2005. Chairman Kirkner seconded the motion, with both voting Aye.

Mr. Voltz entered the meeting at 8:05 A.M.

Ordinance 05 of 2005 – Authorizing and Directing the Incurrence of Nonelectoral Debt of the Township of East Brandywine through a Series of General Obligation Bonds

Mr. Ed Murray of Boenning and Scattergood, and Thomas O'Neill of Lamb, McErlane discussed the 2005 bond issue and enabling ordinance. Michael Wolf from Boenning and Scattergood

advised Mr. Piersol that all the bonds were sold as of November 2nd. East Brandywine Township received a bond rating of A3, which is very good for our first rating, especially for a municipality of our population and situation. The bond rating reduced the costs of the bond insurance by \$12,000 over what Mr. Wolf initially budgeted in his preliminary proposal. The final bond amount is \$3,915,000, with the same debt service as presented at the October 4th meeting and an average coupon over 25 years of 4.33%, versus 4.29% previously quoted. The recommended millage rate increase to cover this debt is .42 mills. DNB First will act as the paying agent.

Mr. Murray stated that the A3 rating from Moody's reflects the Township's satisfactory reserve levels, growing tax base and manageable debt burden. He went on to discuss the total debt service. He stated that timing-wise the Township did very well with the Bond purchase proposals. He went on to explain the terms, conditions, and requirements of the Bond. The Township will be required to disclose certain information to the Bond Holders on an annual basis that will include a yearly financial statement and annual audit.

Mr. O'Neill discussed and explained the sections in the Ordinance. Those Sections include:

- Section 1. Incurrence of Debt; Amount and Purpose of Bonds; Realistic Cost Estimates; Other Capital Projects;
- Section 2. Realistic Estimated Useful Life of the Project;
- Section 3. Debt Statement and Borrowing Base Certificate Filing;
- Section 4. Covenant to Pay Bonds;
- Section 5. Description of Bonds; Maturity Schedule; Redemption of Bonds, Notices of Redemption;
- Section 6. Paying Agent, Sinking Fund Depository and Registrar; Payment of Principal and Interest without Deduction for Taxes;
- Section 7. Registration, Transfer and Exchange of Bonds;
- Section 8. Execution of Bonds;
- Section 9. Forms of Bonds; CUSIP Numbers;
- Section 10. Temporary Bonds;
- Section 11. Manner of Sale; Aware of Bonds;
- Section 12. Sinking Funds; Appropriate of Annual Amounts for Payment of Debt Service;
- Section 13. Debt Proceedings;
- Section 14. Tax Covenant and Representations;
- Section 15. Preliminary Official Statement; Official Statement;
- Section 16. Continuing Disclosure;
- Section 17. Incidental Action;
- Section 18. Payment of Issuance Costs;
- Section 19. Inconsistent Ordinances;
- Section 20. Effective Date

Chairman Kirkner asked if there were comments from the audience. There were none. Chairman Kirkner thanked Mr. Piersol for the work done on the Bond, particularly for his thoroughness in providing information to Moody's Investors Service that helped in reducing the cost of the bond insurance. Mr. Piersol stated that he had a great deal of assistance from Mr. Wolf in preparing the necessary information.

Vice-Chairman Fischer made a motion to adopt Ordinance 05 of 2005. Mr. Voltz seconded the motion with all voting Aye.

2005 Fall Milemarker Newsletter

Mr. Voltz thanked Mr. Piersol and Mr. Holmes for the new layout of the Milemarker.

Building Committee Report

In an October 26th memo, Mr. VanLew brought the Supervisors and Building Committee up-to-date on the project. Since then there has been additional rock encountered during excavation for storm sewer. Mr. VanLew indicated these areas are on a plan for the Supervisors to review.

Mr. VanLew contacted Eugene Long from Stackhouse Bensinger for his recommendations. Mr. Long said there is a possibility of changing the pitch on the storm sewer pipe which will cause a problem with the inlet design and will cause additional costs. We may recommend leaving all elevations as is and have rock removed. There is a meeting today to discuss the method of removal and other options. The Supervisors will be provided with estimated costs to complete the installation of storm sewer.

Wu Associates will be digging and pouring footings for the Maintenance Garage on Friday. They plan to dig and pour footings next week for the Municipal Building.

Buck Road Bridge

The bridge curb and asphalt is complete. The sidewalk will be complete next week with a planned opening between November 11th and 15th. It is surprising how many residents and non-residents use the bridge from the phone calls and emails inquiring the opening date. A letter will be sent to the school district advising them of the opening.

Red Maple Drive

The Township road crew is in the process of repairing inlets on Red Maple Drive. The brick that was used to raise inlets to proper elevation has failed due to improper installation. This is causing the asphalt around the inlets to cave-in. We are removing the concrete tops, replacing the brick and will cut and remove the damaged asphalt, install and compact stone and replace asphalt. This work should be complete next week.

Leaf Collection

This week we started collecting leaves throughout the Township. Residents are reminded to place all leaves along side of the road on lawn area within six feet (6') of road edge. Placing leaves on the lawn allows the leaves to dry and the vacuum can pick them up easier. Leaves must not be placed on the roadway, as this can cause a traffic hazard and will not be picked up by the Road Crew. Do not block storm drain inlets and drainage areas. Our leaf vacuum cannot pick up sticks and branches so please do not mix them with your leaf piles.

The next collection weeks are November 14th and December 5th. We no longer dedicate days for each development or street. Mr. VanLew asked that leaves be left a curbside for collection.

Since there were additional costs with excavating rock at the Municipal site, Mr. VanLew and Mr. Russell Yerkes have discussed some cost saving measures. Mr. Yerkes suggested plans to construct the lower parking lot might be delayed or suspended indefinitely. This will be discussed at a later date.

Fire Company 50-Year Anniversary Presentation

Mr. Piersol has commissioned Dave Mendenhall to create a plaque commemorating the Fire Company's 50th anniversary. The plaque will be an 18" square of black granite, with gold lettering. The inscription will be:

The East Brandywine Township Board of Supervisors commend the past and present members of the East Brandywine Fire Company for their 50 years of dedicated service to our community.

1955-2005

Presented this 16th day of November, 2005

Mr. Piersol will invite the Fire Company members to attend the Supervisor's meeting. He will also contact the Daily Local News and Downingtown Ledger to ask that they cover this presentation.

Plaque for County Commissioners recognizing grant awards

Mr. Piersol and Mr. Gladden, Director of Chester County's Open Space Preservation Program discussed presenting a certificate of appreciation to the County Commissioners in recognition of the many park construction and open space grants awarded to East Brandywine Township over the past several years. Including the 2005 grant round, East Brandywine Township has received several sizeable grants towards park construction and open space from the County Commissioners. Mr. Piersol will request a date when we can make this presentation to the Commissioners.

Draft Letter to the Pennsylvania Historical and Museum Commission

At the request of Wawa's attorney, the Supervisors have agreed to send a letter regarding the proposed Wawa convenience store and the Mama Lena's building. The letter will outline the conditions the applicant has agreed to, and will discuss possible demolition of the Mama Lena's building. The Army Corps of Engineers is the agency that will be reviewing the wetlands and stream channel permits. Wawa's attorney would like the letter sent to the Pennsylvania Historical and Museum Commission. The Supervisors will send the letter addressed to both agencies so they have the information needed to review the application.

The letter will state that during the preliminary land development review process, Wawa and its consultants made it clear they planned to raze all buildings on this site, including the Mama Lena's building, to construct their convenience store with gasoline service facilities. The applicant has verbally agreed to catalog the building, provide the Township with any pertinent information, and perform a dig in and around the structure upon demolition to confirm or locate any historical artifacts.

The Township provided preliminary plan approval conditioned upon satisfactory resolution of various issues. Due to the historical nature of the Mama Lena's building, the applicant must also adhere to the procedures outlined in Article XI Historical Resource Protection Standards, Section 1105 (Demolition of Historic Resources), and any relevant state or federal regulations which apply to the possible demolition of the building.

Tax Collector's Report

Mrs. Piersol reported that letters have been sent out on the on the unpaid real estate taxes, fire hydrant taxes, refuse fees and recycling fees. Also included in the letter were delinquent refuse and recycling fees from 2000 to 2004. A spreadsheet listing information on all of the unpaid taxes and fees was provided for the Supervisors to review.

All unpaid taxes will be filed with the Chester County Tax Claim Bureau on December 15, 2004. Penalties and filing fees will be added to the delinquent amount, and a lien will be filed against the property. Unpaid refuse and recycling fees will have a municipal lien filed with the Chester County Prothonotary's Office, which will include attorney and filing fees of no less than \$181.00 per claim.

Additional Public Comment

Chairman Kirkner asked if there were additional comments from the audience. There were none.

Adjournment

There being no further business, Mr. Voltz moved to adjourn the meeting. Vice-Chairman Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 9:10 A.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township