

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, October 6, 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, October 6, 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. There were none.

Extension for Pulte Homes' Applecross AKA Overlook Road Farm project

Mr. Piersol stated that on September 9th a meeting was held with representatives of Pulte Homes to discuss ongoing reviews for the plan. Since the project is so large, it was decided to break down review letters into phases, with Yerkes focusing their initial reviews on Phases I and II. The Municipalities Planning Code allows for approval of land development projects in phases.

The golf course is included in Phase I, although construction of the golf course will be done in two phases since the Chester County Conservation District will not permit the amount of earth moving needed to be done in one phase. In addition, there are 126 homes in Phase I. These homes are located in the center of the property. Phase II homes are located along the perimeter of the Phase I homes and in the southwestern section of the property

Mrs. Smedley reported that the Planning Commission is recommending the Board of Supervisors accept an extension to review the plan until November 4, 2005. Vice-Chairman Fischer made a motion to accept the above extension. Chairman Kirkner seconded the motion, with all voting Aye.

Forge Hill Extension

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 all voting Aye.

Brandywine Heights Subdivision

The Planning Commission is recommending the Board of Supervisors accept the letter withdrawing the Brandywine Heights Subdivision. Vice-Chairman Fischer made a motion to accept withdrawal of the plan. Chairman Kirkner seconded the motion, with both voting Aye.

Natural Lands Trust – Review of Land Use Code under Growing Greener

Mr. Piersol reported that the Open Space Committee is recommending that the Board of Supervisors approve Natural Lands Trust completing an assessment of Township ordinances to determine how well the ordinances conserve land as development occurs. The assessment entails a thorough review of the local Comprehensive Plan, Open Space Plan, subdivision and zoning codes by Natural Lands Trust staff. The Township receives a written report, outlining specific changes to the various sections of the ordinances that would be necessary to incorporate Growing Greener development standards. The assessment includes a public presentation of the report, usually at a meeting with the Board of Supervisors and Planning Commissions. The assessments generally cost \$1,500, and with a maximum Growing Greener subsidy of \$1,000, the Township's share is only \$500, plus travel expenses. This assessment does not commit the Township to changing the ordinances. Vice-Chairman Fischer made a motion to have Natural Lands Trust assess the Township Ordinances. Chairman Kirkner seconded the motion, with all voting Aye.

Mrs. Kate Okie, Chairman of the Open Space Committee thanked the Supervisors. She said that this is a good first step in helping the Township conserve land.

Draft Letter to the Pennsylvania Historical and Museum Commission

At the request of Wawa's attorney, the Supervisors have agreed to send a letter to the Pennsylvania Historical and Museum Commission 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 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.

Mr. Voltz entered the meeting at 8:00 A.M.

Verizon Contract

Mr. Piersol met with several other municipalities at West Brandywine Township to discuss the pending franchise agreements Verizon will be requesting the municipalities enter into with them. They met with Gerry Lederer of the law firm Miller & Van Eaton of Washington, D.C. This firm has had considerable experience dealing with Verizon contracts for municipalities throughout the country. Mr. Lederer provided information on issues to consider when Verizon presents their draft agreement. Mr. Piersol has a meeting scheduled with Verizon for October 18th with their local solicitor and account representative Lincoln Janus to discuss the agreement. The group attending at meeting at West Brandywine Township were impressed by Mr. Lederer's information and decided to contact other municipalities to ask them to join in a joint effort to have Miller and Van Easton represent the group in these negotiations. A firm proposal was not provided, but a figure of \$10,000 was discussed as a likely target to get the necessary groundwork done. Mr. Piersol is recommending the Board consider joining with several municipalities at this joint effort. Seven municipalities are interested. Mr. Piersol provided Mr. Rambo with a sample intergovernmental agreement that would be needed if the municipalities agree to move forward. Vice-Chairman Fischer made a motion to authorize Mr. Piersol to pursue a multiple municipality partnership to negotiate a franchise agreement with Verizon to provide cable service to East Brandywine Township. Chairman Kirkner seconded the motion, with all voting Aye.

Municipal Building Bond Issue

Michael Wolf from Boenning and Scattergood, Inc. discussed several options to add funds to the Municipal bond issue to complete the Township building project. Mr. Piersol requested options for a bond of \$3.6 million, which represents the minimum to carry the building project construction to its completion with no changes, up to \$3.9 million. Mr. Wolf has scheduled the debt service for the \$3.9 million to wrap around the conclusion of the Series 2003 bond, to keep the annual debt service relatively level. The bid cost is \$6.18 million; \$2.9 million remains from the 2003 Series, which leaves a shortfall of \$3.28 million. Mr. Piersol factors in 2% for contingencies; \$90,000 for the security, \$30,000 for telecommunication, \$190,000 for the furniture, \$52,000 for soils testing by Schuylkill Valley Engineering, \$5,000 for site engineering from Stackhouse Bensinger, and \$30,000 for the architect to oversee the project. Mr. Piersol has also included \$200,000 for one of the Township grant matches for the Phase III Community Park Construction, should the second grant be approved by the County. This totals \$3.877 million.

Mr. Wolf presented three options for adding between \$3.6 million and \$3.9 million to the bond issue. After review of the three proposals it was his recommendation, and that of Mr. Piersol that the Board borrow an additional \$3.9 million to complete the Township building project. This would require the Township to increase the real estate tax millage rate from 1.5 mills to approximately 1.91 mills. There would only be a very small decrease in the millage rate if the Township were to borrow \$3.7 million or \$2.6 million. Mr. Wolf was asked about the possibility of interest rates increasing if the Board waited to make a decision until 2006. Mr. Wolf stated it was very likely interest rates would increase and this could mean significant additional funds

the Township would pay into the bond issue. The cost of this millage increase for the average homeowner in East Brandywine Township would be approximately \$82 a year. Vice-Chairman Fischer made a motion to authorize adding \$3.9 million to the bond issue. Mr. Voltz seconded the motion, with all voting Aye.

Furniture Meeting for Municipal Building

Mr. Piersol will schedule a meeting for October 18th at 4:00 P.M. at the East Brandywine Fire Company banquet hall to discuss finalizing the furniture for the new municipal building.

Update on West Brandywine Township Fire Company Funding

West Brandywine Township has agreed to draw monies from the capital reserve created by a contribution from the Freedom Village conditional use hearing several years ago, to increase the funding requested by the East Brandywine Fire Company. \$36,048 will be paid to the fire Company, which represents a total contribution of \$42,673 for 2005. The Fire Company will also realize an increase of over \$8,000 in Fireman's relief Funds, due to the re-allocation agreed to by West Brandywine.

West Brandywine Township is proposing a .22 mill fire service tax, which will replace their hydrant tax, but charge each resident across-the-board for emergency services. The income from this tax is designed to cover the hydrant fees, workman's compensation payment to the East Brandywine and West Caln Townships, fuel costs and the contribution to the three fire companies servicing the Township.

Their fall newsletter will contain an article about the need to increase contributions for volunteer emergency service organizations serving their community. It will also discuss the proposed fire services support tax, and solicit public input. Mr. Rambo has agreed to have the 2006 contribution from the Fire Company's proposed contract of \$44,607 in their preliminary budget.

The West Brandywine Supervisors want more input over how their monies are spent by East Brandywine Fire Company. The Fire Company has offered them one membership, and will make a similar offer to East Brandywine and Upper Uwchlan Townships.

The West Brandywine Township Supervisors suggested formation of an Emergency Service Review Board, to evaluate what level of emergency services is needed for the future in West Brandywine Township. The newsletter will solicit residents with an interest in participating in their review board to submit a resume to the Township Manager. The idea of sharing a code official or codes office, which would include oversight of township emergency services, was discussed. The State has made money available in the past to discuss consolidations, mergers or sharing of services with fire companies, and municipalities.

Roadmaster's Report

Mr. VanLew said the Buck Road Bridge project is progressing and he expects the road to reopen within the next two weeks.

Tax Collector's Report

Mrs. Piersol provided the following information on taxes and fees. Late notices will be sent out next week.

2005 – Real Estate Taxes

Due - Adjusted bills	\$5,990.14
Due – Interim bills	\$7,266.00
Due – Original bills	\$32,319.90 (penalty)

2005 – Fire Hydrant Taxes

Due – Adjusted bills	\$47.59
Due – Interim bills	\$190.98
Due – Original bills	\$901.94 (penalty)

2005 – Refuse Fees

Due – Interim bills	\$645.84
Due – Original bills	\$18,722.93 (penalty)

2005 – Recycling Fees

Due – Interim bills	\$300.01
Due – Original Bills	\$7,975.02 (penalty)

2004 – Real Estate Bills

Due – Interim bills	\$1,487.93
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Delinquent Refuse and Recycling Fees

2004	\$7,619.88
2003	\$6,253.47
2002	\$3,550.00
2001	\$2,775.00
2000	\$1,625.00

Mrs. Piersol plans to send a second reminder bill to residents owing past Refuse and Recycling Fees. If those fees are not collected in a timely manner, information will be sent to the Township Solicitor to place municipal liens on the affected properties.

Additional Public Comment

Mr. Holmes would like to do an article on the “State of the Township” for the January newsletter. The article will describe what is currently happening in the Township and what plans are being made for the future.

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 9:20 A.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township