

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, December 1, 2005
7:30 AM

Those in Attendance:

Jay G. Fischer, Vice-Chairman
Hudson L. Voltz, Member
Scott T. Piersol, Township Manager
Matthew T. VanLew, Roadmaster

The Board of Supervisors met in Work Session on Thursday, December 3, 2005. Vice-Chairman Fischer opened the Meeting at 7:55 A.M, with two visitors present.

Public Comment for Non-Agenda Items

George Holmes indicated he recently read an article in the Pennsylvania Township News about other municipalities installing photovoltaic solar panels at their municipal buildings to save money on utility costs. Vice-Chairman Fischer indicated this would require a change order since the structural plans were already completed, which might cause increased cost and outweigh the savings in utility costs for the building.

Bond issue

Mr. Piersol discussed the settlement for the 2005 Bond Issue. Chairman Kirkner and Secretary/Treasurer Smedley have already signed and sealed the closing documents in anticipation of the bond settlement next Tuesday, December 6th. Township representatives will not need to attend, since the settlement occurs by telephone. All documents for the Township have been completed, and the terms pre-arranged, so we would only sit and wait for the final approval to occur, and the telephone call to come to Mr. O'Neill's office. Net proceeds from the bond will be \$3,786,548.00.

Another investment account will need to be opened at Boenning and Scattergood to separately track these bond proceeds. Vice-Chairman Fischer made a motion to open the necessary account, with Mr. Voltz's second. Both voted aye.

Draft technical specifications for Traffic Control Signalization & Resolution

Matt Kozsuch of McMahon Associates, Inc. provided a draft of the Traffic Signal Specifications and a draft resolution for our review. Bill Conrad from Signal Service was also provided a copy of this draft for his review from a technical standpoint. Mr. Piersol indicated the document appears to be very comprehensive. Mr. Piersol stated a copy of the draft will also be provided to Township Traffic Engineer Andreas Heinrich for his review and comment. Vice-Chairman Fischer made a motion to move ahead with these review, with Mr. Voltz's second. Both voted aye.

Rock Raymond Road flashing light – Caln Township

Mr. Piersol reported on the DCED grant submitted by Caln Township Manager Greg Prowant through Representative Curt Schroder's office November 30th. This grant will help underwrite the cost of installation of a flashing yellow warning light on Rock Raymond Road, prior to the curves and downhill approach headed into Caln Township near the Downingtown Area School District complex.

Rock Raymond Road flashing light – Caln Township (continued)

Bill Conrad of Signal Service provided an approximate installation cost of \$12,300 for the equipment, without the benefit of specifications for this project. The grant submission anticipates the equal sharing of the costs between the two municipalities, which is somewhat different than the arrangement originally suggested when Mr. Piersol first discussed this matter with the Board on April 7th. Vice-Chairman Fischer and Mr. Voltz agreed to continue participation in this project, since this safety improvement would benefit our residents.

Proposed Intergovernmental Cooperation Agreement

An agreement has been proposed by West Brandywine Township, primarily for the purpose of entering into a legal agreement with counsel to negotiate a franchise agreement with Verizon. Mr. Piersol did advise West Brandywine Township Ronald Rambo, Jr. that East Brandywine Township decided to use our Township Solicitor for the Verizon negotiations. Mr. Rambo suggested we consider enacting this ordinance for future intergovernmental cooperative purposes. Vice-Chairman Fischer agreed with the concept of a blanket intergovernmental cooperation agreement, but suggested the reference to the Verizon agreement be removed from our version. This will be reviewed with the Township Solicitor prior to advertisement. With that revision, Vice-Chairman Fischer made a motion to advertise the intergovernmental cooperation agreement, with Mr. Voltz's second. Both voted aye.

Draft Verizon Franchise Agreement

Mr. Piersol reviewed the status of this agreement. Solicitor Stacey Fuller has had on-going negotiations with Verizon's attorney on this agreement over the past six weeks since our initial meeting with Verizon representatives October 19th. There have also been discussions regarding wireless Internet access for emergency services, and research to determine whether this needed to be included in the agreement. It was determined this is a separate issue, and not part of this franchise agreement.

Internet access for the municipal building and fire department was also discussed. Comcast provides one free Internet I/P address for the Township, which was as a result of an F.C.C. ruling due to poor system service by Comcast. Verizon will not provide a free connection to the municipality or fire department. The FIOS arm of Verizon is a separate division and regulated differently than Comcast. Verizon is concerned with possible anti-trust violations providing a free service other smaller competitors may not be able to provide, but agreed to investigate if they would be able to discount business DSL service for the municipality or fire department. Mr. Piersol is currently waiting for additional information on this issue.

Mr. Piersol was contacted November 30th by Stan Shuck of Verizon, to discuss Verizon's concern that Comcast may attempt to derail enacting the enabling ordinance which authorizes granting a cable franchise to Verizon. Mr. Piersol indicated that the Board agreed with the premise the Verizon cable franchise would bring competition to the marketplace. The F.C.C. regulations do not permit the local municipality to deny such a franchise, and the Second Class Township Code requires the municipality to license and regulate cable television companies by ordinance.

Draft Verizon Franchise Agreement (continued)

Vice-Chairman Fischer was concerned the franchise agreement did not include language about public access channels (P.E.G.). He stated Verizon may be taking the position these public channels are required by the federal regulations, but he would like to make certain we will have the ability in the future, even if we do not use such access ourselves. Mr. Piersol explained that we currently do not have such access through Comcast, but Verizon will interconnect with the Comcast system to provide access to those public information channels on their cable system. This is required by the Telecommunications Act of 1996.

After some additional discussion, Mr. Voltz made a motion to advertise the ordinance authorizing the cable franchise agreement with Verizon, with Vice-Chairman Fischer's second. All voted aye.

Comprehensive Plan update – Resident Survey

Mr. Piersol reported that the Ordinance Task Force suggested the date for the public meeting be delayed until a date in February to announce the survey results. The public meeting is required by the terms of the County Vision Partnership Program grant. The revised date is a result of the delay in getting the survey published, since it was originally thought the survey would be mailed in October. Mike DiLeo is also working on having the survey available on the Township website.

Tax Collector's Report

The Supervisors reviewed the spreadsheet of delinquent real estate and fire hydrant taxes, and the delinquent refuse and recycling fees provided. Some progress in delinquency collections has occurred since last month, with collections totaling \$16,203.97. The total of delinquent taxes and fees is \$70,261.43, of which \$28,951.50 are refuse and recycling fees for the period 2000 through 2004.

After some further discussion, Mr. Voltz recommended a minimum of \$500.00 in delinquent refuse and recycling fees be the baseline for filing municipal liens, due to the potential out-of-pocket costs to the Township to file these municipal liens. Due to the number of delinquent accounts, Mr. Piersol will check with our Solicitor's office to confirm their fee schedule to file these municipal liens on our behalf.

Vice-Chairman Fischer indicated that title companies are liable for payment of delinquent taxes and fees should they not request a tax certification from the municipality. This information will be provided to the tax collector to review previous tax certification request records for such omissions.

Revised K. Hovnanian Homes settlement agreement – Weaver tract

A revised draft settlement agreement was received from attorney Michael Macaninch of K. Hovnanian Homes November 30th by e-mail and distributed to members of the Township's settlement team for review. Municipal Authority Solicitor John Spangler recommended this agreement also be circulated to the Authority members for their review, to confirm their agreement with the sewer-related issues. The draft settlement agreement will be an agenda item at the Authority's December 13th public meeting.

After some discussion on a future meeting, Vice-Chairman Fischer stated we would contact Mr. Macaninch once everyone had an opportunity to review the agreement.

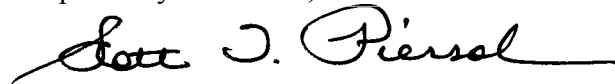
Open Space Committee – McCausland tract

Mr. Voltz and Mr. Piersol mailed a letter to the Plank family recently about the Township's interest in discussing preservation of the McCausland family farm. Mr. Piersol contacted Mrs. Norma Plank recently to discuss another matter earlier this week, and asked if they had received the letter. Mrs. Plank indicated they had received and read the letter. Mrs. Plank went on to state both she and son Bill had been contacted by members of the Open Space Committee. The tenor of her conversation indicated they did not wish to discuss this matter at the present time. Mrs. Plank did, however, agree to allow representatives of the Brandywine Conservancy to conduct a walk of the property. The Board decided that Mr. Piersol should be the Township contact point on this open space issue. Vice-Chairman Fischer indicated he would inform the Open Space Committee of this decision by e-mail.

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 9:35 A.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott T. Piersol". The signature is written in a cursive style with a long horizontal line extending to the right.

Scott T. Piersol, Township Manager