

WEST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Incorporated 1995

199 Lafayette Road, West Brandywine, PA 19320-1230

Josef G. Obernier, Sr.- Chairman

J. Richard Weaver, Jr.- Treasurer

Sandra G. Martin – Asst. Secretary/Treasurer

William R. McAdoo- Vice Chairman

Joseph S. Boldaz- Secretary

Special Meeting Agenda for July 31, 2015

Call to Order

The meeting was called to order at 9:01 a.m.

Pledge of Allegiance

Roll Call of Board Members

Joseph S. Boldaz (JSB), William R. McAdoo (WRM), Josef G. Obernier, Sr. (JGO), and J. Richard Weaver (JRW) were in attendance. Sandra G. Martin (SGM) joined the meeting at 9:11 a.m.

Others Present

Administrator Anita Ferez was present.

WRM requested a moment of the Board's time and thereafter read a letter announcing his resignation from the West Brandywine Township Municipal Authority effective immediately. WRM thereafter left the meeting.

Public Notification

An announcement was made that Notice of this Special Meeting was advertised in the Daily Local News on Thursday, July 30, 2015.

Old Business

1. WBTMA and WBT v Pulte Homes of PA, LP – pending litigation. Trial held on July 27, 2015 through July 29, 2015. JGO gave a brief overview of the trial stating that the MA was successful for the full amount as demanded in the Complaint and Attorney Sigmund Fleck also requested interest on that demanded amount for the last three years. Pulte has 10 days from the date of the award (7/29/15) within which to make a protest. We will need confirmation that if Pulte does not move forward with the development, capacity will revert back to the MA.
2. PAWC repayment of outstanding balance plus current usage, July 27, 2015 conference call. Administrator appealed to PAWC with regard to holding off on payment to them in an effort to make the upcoming bond payment which will require utilization of all available funds. PAWC, doesn't want to continue sitting on a \$326k receivable, wants paid. Previous engineer suggested we pay the bond; PAWC cannot shut us off, can only add extra fees, but if the bond payment is not paid on time, the entire bond becomes immediately due and owing.

New Business

1. Financial Update

JSB discussed budget with bookkeeper, requesting various reports to assist the Board members in gaining a better understanding of where we stand financially. Board members discussed various document provided but need to carefully review and then discuss.

John Cassels suggested the MA consider a Citizens Finance Advisory Committee such as the Township has. All Board members were in agreement. Township Manager recommended the MA Board make a motion to create such a committee and then seek possible members from the existing Township CFA. Discussion ensued regarding potential members of such a committee. Township Solicitor recommended that instead of by-laws for said committee, the MA provide scope and duty by way of a resolution. Further discussion on committee between MA board members and public in attendance.

JGO made a Motion to organize a Citizens Finance Advisory Committee that consists of 3-5 people with one non-voting member, JSB to start, and include Administrator. MA Solicitor should prepare a resolution to effectuate the committee. JSB seconded the motion. Ed Pristernik asked whether non-voting members would stagger and rotate. Township Solicitor recommended staggered term lengths for volunteers in the resolution so that no two members' term would be ending at the same time. All members present were in favor.

JSB made a Motion for CEC to provide a proposal to undertake a user and tap in fee analysis. JGO requested CEC to switch away from a per gallon user fee to a flat fee for residents. John Cassels inquired whether CEC costs were contained in the budget. SGM said this is for a task specific analysis. SGM seconded the motion as modified, all members present were in favor.

Ed Pristernik inquired whether the MA will be able to make the bond payment. A lengthy discussion was had between Board members and those public in attendance, including a request to the Township for a short term loan. Township Manager requested that the MA write a letter to the Township BOS requesting a loan so they can act on it at their meeting on Thursday, July 6, 2015. Further discussion between Board members, Administrator and public regarding shortfall.

SGM made a Motion that Administrator draft a letter advising Township of MA current situation and further advise of our intent to explore opportunities with bulk users but with the possibility of those opportunities not coming through, we would request a short term from whatever source the Township finds suitable and with that a market rate interest, perhaps adding that if and when the Pulte litigation settlement is paid out the unpaid balance of the loan be paid in full with those funds. JSB seconded the Motion. All members present were in favor.

2. Capacity from PAWC for flow of sewage

Administrator is trying to get a handle on what capacity we currently have, what is used and what is available. Records are unclear after initial capacity was granted. JGO suggests we need to review agreements between MA and each bulk user. Administrator believes former Manager and former engineer kept track of allocation. JGO suggested Administrator seek capacity allocation information from former engineer's office. JSB recommended reviewing the latest Chapter 94 report and requesting CEC to seek information from the former engineer.

Administrator to contact Sigmund Fleck to inquire whether Pulte's capacity is released and we are able to reallocate.

New Business from the Floor

Ed Pristernik – Are the bond payments the same every time. Bond payments are made twice a year, February and August, and fluctuate. A request was made to make the bond payment schedule public knowledge.

New Business from the Board

JGO made a Motion that the MA not accept WRM's resignation, give him time to calm down and, at the next monthly meeting if he has not rescinded his resignation, we accept it at that meeting. JSB seconded the Motion. Ed Pristernik felt the MA couldn't deny WRM his right to resign. Motion not passed but Board will wait until the next regular meeting to further discuss and accept if it hasn't been rescinded by that time.

JSB – discussion of payment to Board members per meeting. He feels it should be a true volunteer position, with no payment. SGM would have no opposition to suspending payment until it is viable. JRW is just following whatever has been in place since the beginning of the MA, not totally opposed to relinquishing payment. JGO would be ok to delay payment although doesn't think the amount of money is significant to the amount of debt. The BOS sets the payment, not the MA board. JGO is not willing to turn around and give up the payment, however he is ok with others doing so. JSB made a Motion that the MA Board members not be paid for any meeting attendance. SGM modified the Motion with the caveat that with the current financial situation meeting payments be suspended until such time as it can be reconsidered. JSB stands by his original Motion. Ed Pristernik agrees that board members should be paid for their attendance and time. JSB modifies the Motion that Administrator discuss with the Township what ordinance or regulation directs the MA to be paid and table discussion until September. SGM seconded the modified Motion. All members present were in favor.

JSB – discussion about Solicitor. The MA is taking undue risk at every meeting when talking about legal issues, and speculating on what consequences or direction we may get while we don't have an attorney present. JSB made a Motion that we solicit for a new Solicitor for the MA, utilizing a short list and including John Good. SGM seconded the Motion. Karen Sload commented that a new solicitor might bring new blood and new ideas. All members present were in favor. Administrator to develop an RFP for a solicitor.

Payment of Bills

The only payment that needs to be made is to for the MA liability insurance in the amount of \$3,382.00, to be mailed August 4, 2015 or August 5, 2015.

Dates of Upcoming Meetings

The Board of Supervisors meeting is August 6, 2015. The Municipal Authority will be holding a meeting on Monday, August 10, 2015 at 7:00 p.m. A Motion was made by JSB that he will be able to attend by telephone on a conference on Monday, August 10, 2015, if needed, to participate and fulfill a quorum and cast his vote that way; seconded by SGM. All members present were in favor.

Adjournment

JSB made a Motion to adjourn the meeting; JGO seconded the Motion. All members present were in favor. The meeting adjourned at 11:11 a.m.

Respectfully submitted,
Anita Ferez, Administrator