

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
Rick Tisa, Asst. Secretary/Treasurer

Joseph S. Boldaz, Vice Chairman
Sandra G. Martin, Secretary

Meeting Minutes for December 10, 2015

Call to Order

The meeting was called to order by Chairman Obernier at 7:30 pm.

Pledge of Allegiance

Roll Call of Board Members

Present at the meeting were Joseph Boldaz (JSB), Sandra G. Martin (SGM), Josef G. Obernier, Sr. (JGO), Rick Tisa (RT) and J. Richard Weaver, Jr. (JRW)

Others Present

Engineer Bill Malin from Carroll Engineering Corporation, Operator John Troutman from Miller Environmental Inc. and Administrator Anita Ferenz were present

Public Notification - None

Action on Minutes of Previous Meeting(s)

A Motion to accept the minutes of the November 12, 2015 regular meeting was made by JGO and seconded by RT. All members present were in favor.

Public Presentation - None

Public Comments (individuals requesting to be on agenda) - None

Correspondence/Communications (information to note and/or act upon)

Information to Note:

1. Receipt of Taxation of Bill of Costs After Prothonotary Hearing in WBTMA v. Pulte matter. *Noted*
2. Correspondence dated November 25, 2015 to Freedom Village at Brandywine requesting purchase of additional capacity to cover the highest monthly flow for existing facility. *Noted; Administrator has had contact with the billing company; Board inquiries on meter location, who reads it, who owns it, any wells on property. Administrator to research further and schedule meeting in January 2016.*
3. Receipt of Opinion and Order in the WBTMA v Pulte matter from Judge Cody with regard to Plaintiffs' Motion to Mold the Verdict; explanation of next steps attached. *Noted*

Information to Act Upon:

1. Receipt of correspondence dated November 20, 2015 from Carroll Engineering Corporation with enclosed 2016 Rate Schedule and 2016 Standard Consulting Contracting Terms and Conditions for Municipal and Municipal Authority Services. *Noted; indication that Carroll Engineering Corporation will be reappointed during reorganizational meeting of January 14, 2016.*
2. Receipt of correspondence dated December 1, 2015 from Kimmel, Lorah & Associates, LLP encompassing engagement of audit services for the calendar year 2015. *Noted; indication that Kimmel, Lorah & Associates, LLP will be reappointed during reorganizational meeting of January 14, 2016.*

Reports

1. Secretary - None
2. Treasurer – As of November 30, 2015, the Friendship Village account balance was \$63,439.09 and the Kimberwick account balance was \$66,265.46.
3. Administrator – (1) Requested payment from Longview (Bentley) for 2015 has not yet been received; (2) In reviewing the Authority's by-laws and Articles of Incorporation, the Township's Ordinance creating the Authority and the Municipality Authorities Act, it was discovered that board member were not appointed/reappointed according to proper guidelines. A chart showing how the terms should be and how they have actually been according to BOS minutes was provided to Board members.
4. Engineer – See various items under Old and New Business.
5. Operator – November report: run times were good overall, flows down a bit but otherwise consistent; (1) Culbertson Run – a timer was purchased and installed on the Bioxide pump and flow has been consistent; (2) Ashberry – several high temperature alarms; air release valve repaired in pump 2; checked valve cleaned and rotating assembly replaced in pump 1, check valve arm faulty and is on order. Mr. Keegan commented that the odor level at 4:00pm on 12/10/2015 was high at Culbertson Run.

Old Business

1. Keegan grading issues – exoneration of existing sewer bill (\$3,185.55) plus a payment of \$2,000 by the MA in exchange for finalization of this matter is on the table. Keegans were going to talk and get back to MA with decision. *Mr. Keegan said he and his wife want this matter to be over and will accept the offer (exoneration of \$3,185.55 existing sewer bill plus a payment of \$2,000). Discussion ensued with regard to terms contained in the agreement and the need to amend the agreement to insure the matter is finalized once and for all. Mr. Keegan will discuss again with his wife and provide answer.*
2. Unused capacity issue and capacity from PAWC – Administrator and Engineer continue to work on this; spreadsheet of allocated and unallocated capacity being prepared. *Engineer provided a Summary of Capacity Allocations and Usage based on various agreements and actual usage by existing residents and bulk users. Discussion of various projects, existing and potential in the future, including Indian Run.*
3. 1403 Horseshoe Pike development – in conditional use hearing phase; will await outcome prior to replying to request for will serve letter. Need Professional Services Agreement. *Noted; can either make an educated estimate for usage based on three uses, one not yet determined, or purchase capacity now for the two known uses and when the third is determined, the applicant should revisit to purchase additional capacity for that third use.*

4. Brandywine Meadows – requesting will serve letter. *Noted; Engineer to provide draft letter regarding capacity and need to either purchase or reserve.*
5. Funding Agreement between Township and MA – JSB to follow up with Supervisor Morris. *Noted*
6. Shared Services Agreement between West Brandywine Township and the West Brandywine Township Municipal Authority – Administrator requested estimated costs of items performed and is scheduling a meeting with Township in order to finalize agreement. *Noted; received appraisal quote for truck as performed by Hoskins Ford on behalf of the Township.*
7. RFQ for Solicitor (2016) – interviews held December 8, 2015 with two law firms. *Discussion of interviews and recommendation by committee. A Motion to consider Gawthrop Greenwood as Authority Solicitor for 2016 with Sigmund Fleck from Buckley Brion remaining as Authority litigator was made by SGM and seconded by JSB. JSB to negotiate with Gawthrop a best possible rate. All members present were in favor.*
8. PMAA 2016 Authority Membership Dues Schedule – payment last year was \$596.51; invoice will be sent with amount due based on revenue. *Noted*
9. OmniSite upgrade to three radio units (Culbertson, Beaver Creek & Reeceville) – payment for 2015 was \$1,536 (\$384 each for 4 stations); Administrator, Engineer and Operator to research options. *Noted*
10. Concord Financial engagement letter – acceptance was deferred from November to December meeting; questions raised about \$3,500 charge for a Preliminary Official Statement and reimbursement of out-of-pocket expenses. RFPs to go out after 2016 rates and budget are adopted in December. REVISED ENGAGEMENT LETTER RECEIVED WITH THESE TWO ITEMS REMOVED. *A Motion to accept Concord Public Financial Advisors, Inc. proposal for refinancing of the 2009 bonds was made by RT and seconded by JSB. All members present were in favor. A question was asked about the two planning meetings that were attended by Daryl Peck and whether we would be receiving a bill. Indication that Concord Public Financial Advisors, Inc. will be appointed as Authority Financial Advisors during the reorganizational meeting of January 14, 2016.*
11. Rate evaluation and 2016 budget – engineer to provide final versions. *Noted; discussion regarding how budget was generated and rates were calculated in order to handle all expenses.*

New Business

1. Resolutions:

- a. 01-2015 Establishment of 2016 Budget
- b. 02-2015 Establishment of 2016 Rate Schedule

A Motion to adopt both Resolution 01-2015 (Establishment of the 2016 Budget) and 02-2015 (Establishment of the 2016 Rate Schedule) was made by RT and seconded by SGM. All members present were in favor.

New Business from the Floor

1. Frank Keegan – would like to reiterate his yearly request that when snow is being plowed at the Culbertson Run Pump Station, it be pushed to the side and not block the end of the driveway which leads straight back to his propane tank.
2. Frank Keegan – received a Delinquent Solid Waste Notice for the property address of the Culbertson Run Pump Station. He spoke with the Township and the Authority in early 2015 when the initial bills came out, requesting that the parcel be marked exempt since the pump station generates no trash. Due to the 911 renumbering, the pump station has an actual street address. A discussion ensued with suggestions that the Authority put a “135” on the pump

station building and Mr. Keegan again alert the Township that the parcel should be marked exempt as it related to solid waste. Administrator will also alert the Township.

New Business from the Board

Public Comments (individuals not requesting to be on agenda) - None

Payment of Bills

1. Friendship Village Sewer District- \$15,923.26, and Ratified Payments of \$23,302.05 on 11/24/2015. Payroll of \$3,106.06 made 12/10/2015 for the month of October.
2. Kimberwick Sewer District- none

A Motion to pay the Friendship Village bills and ratify those made on November 24, 2015 was made by JSB and seconded by JRW. All members present were in favor.

Dates of Upcoming Meetings

The dates of the upcoming Board of Supervisors (December 17, 2015 and January 4, 2016) and the next Municipal Authority (January 14, 2016) meetings were announced.

SGM to attend BOS meeting on December 17, 2015 to provide MA report.

Adjournment

A Motion to adjourn the meeting was made by JSB and seconded by JRW. All members present were in favor. Meeting adjourned at 9:29 pm.

Respectfully submitted,
Anita Ferenz, Administrator