

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, October 4, 2007**

Those in Attendance:

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

The East Brandywine Township Board of Supervisors meeting of Thursday, October 4, 2007 was called to order by Chairman Fischer at 7:35 A.M. at the East Brandywine Township Municipal Complex. There were five visitors present.

Public Comment for Non-Agenda Items

Chairman Fischer asked if there were comments on non-agenda items. There were none.

Gambone Brothers/Watters Tract

The Planning Commission recommended that the Board of Supervisors accept an extension to review the preliminary plan until December 8, 2007. Vice-Chairman Voltz made a motion to accept the above extension. Mr. Kirkner seconded the motion, with all voting Aye.

Resolution 11 of 2007 - Cumberland Ridge Development – Dedication of Phase 1 Public Facilities

Mr. Ted Moser and Joseph Ryan, Esq. attended the meeting to discuss dedication issues. Mr. Moser stated that he was generally in agreement with the Yerkes October 3, 2007 review letter, but wanted to discuss several issues.

Stormwater Detention Basins

According to Mr. Mayhew, on a recent site visit to Detention Basin No. 3 it was apparent that the southwestern portion of the berm was the lowest part of the berm and would discharge into Lot 29 before it would reach the outlet structure top or emergency spillway. The as-built elevation of 489.0 ft. at the southwest portion of the berm is lower than the outlet structure top elevation of 489.98 ft. and the stormwater report indicates that the 489.0 ft. elevation will be surpassed after a 10-year storm. Also, the emergency spillway was designed to flow over Margil Farm Drive to the plunge pool located next to the wetlands. It was also Mr. Mayhew's understanding that the four nearby road inlets lead back to Detention Basin No. 3 and would reduce the effectiveness of the basin. According to Mr. Mayhew, the detention basin is not acceptable in its present state, and should be modified. A suggestion would be to raise the entire berm so that it is higher than the outlet structure top, and place pipes under Margil Farm Drive and higher than the outlet structure top to convey flows to the plunge pool without conveying stormwater over the road.

Mr. Moser stated that the berm was built according to approved plans that were reviewed by Yerkes Associates. In addition, he stated that he and his engineer have personally witnessed the detention basin functioning properly. He went on to say that the basin isn't in the most desirable location. He would have preferred that the basin be constructed on the western side of Margil Farm Drive, but couldn't do it because of wetlands. Chairman Fischer pointed out that if the outlet structure is higher than the berm the basin will never work. He stated that if the Township accepted dedication of Phase 1 they would not waive any issues discussed in the October 3rd Yerkes review letter.

Mr. Carl Walker stated that last year a heavy rain came down from the Cumberland Ridge Development and washed out a bridge on the Russell Robinson's property. He stated that it was a huge stone wall and was two feet thick. The bridge was pushed off its foundation. He stated a lot of water must have come down to have done that sort of damage.

The homeowner of Lot #29 has expressed concern with a pipe the builder added from his residence to Basin #3. The pipe was installed to take storm water from the window well drains and remove it after the previously installed pipes did not work correctly. The homeowner has concerns about the outlet of the pipe in relation to the height of the water in the basin. The pipe daylighted about halfway up the basin wall. Mr. Mayhew stated that this pipe has been observed under water on many occasions. He asked that the applicant provide detail on how it was done. Mr. Mayhew also stated that the swale in front of this property is not functioning properly. Water ponds up the driveway near the road edge preventing the area from draining to storm inlet #45. Mr. Moser stated that the pipe has a check valve to allow water out when basin levels recede. Mr. Mayhew noted that although this may keep basin water from flowing into the residence basement, it also prevents drainage from the window wells. He recommends that this item be completed as soon as possible, preferably before a significant rainy period. In addition to installing the pipe and check valve, Mr. Moser stated that he has adjusted the swale on the property and has constructed an 8' x 8' pit filled with fabric and stone with an overflow pipe to the basin. The idea is that the water going into the window well will pipe into the pit. He stated that the pipe has functioned properly on numerous occasions. Mr. Moser stated that this issue is a private matter between him and the homeowner, rather than a dedication issue.

The Supervisors asked that Mr. Russell Yerkes schedule a meeting at the site with Mr. Moser, his engineer Adam Brower, Mr. Giannantonio and Mr. Mayhew to resolve the outstanding issues, most particularly the one dealing with the basin. Mr. Moser agreed to this.

Chairman Fischer then made a motion to adopt Resolution 11 of 2007, and again stated that the Township was not waiving the completion of any issues outlined in the October 3, 2007 Yerkes review letter. Mr. Kirkner seconded the motion, with all voting Aye.

Authorization of Supervisors for Solicitor to sign Stipulation – Kessler Validity Challenge

Mr. Piersol stated that Township Solicitor Stacey Fuller, Esq. has requested the Board's approval of her signing the Stipulation on behalf of the Township. The Zoning Hearing Board will briefly convene on this matter on October 23rd at 7:30 P.M. It was explained that Mrs. Jacqueline Kessler has filed a procedural challenge to the Convenience Store Standard amendments that

were adopted in 2002. The Supervisors plan to reenact the same ordinance on October 17th, essentially rendering the procedural challenge moot. Mr. Kirkner made a motion to approve Mrs. Fuller signing the Stipulation on behalf of the Township. Vice-Chairman Voltz seconded the motion, with all voting Aye.

Second Addendum of Round XVI Park Facilities Grant Addendum

Mr. Piersol met with Kim Merritt Monday to request an addendum to the Round XVI Park Facilities Grant application for additional work at the Community Park on Dilworth Road. There has been a delay in proceeding with the bids due to delay in getting certain matching funds from developers because they haven't received final plan approvals and also there have been delays in the planning process with the Township NPDES permit. The addendum extends the timeframe to December 2, 2008. Chairman Fischer asked if there were any questions. There were none. Mr. Kirkner made a motion to execute the above addendum. Vice-Chairman Voltz seconded the motion, with all voting Aye.

Resolution 10 of 2007 – Support for Chester County Public Service Training Facility

The Western Chester County Chamber of Commerce has requested all County municipalities endorse the concept of a County Public Safety Training Facility. This facility is proposed to be located on 70 acres the County purchased, primarily in East Fallowfield Township. This former industrial site was chosen due to its central location and reasonable access to all emergency service providers in the County. The County initially pledged \$5 million toward this project, with a promise to include another \$5 million to match proposed State and federal funding, which has been secured. Groundbreaking will hopefully occur in the spring of 2008. Chairman Fischer asked if there were any questions. There were none. Vice-Chairman Voltz made a motion to adopt Resolution 11 of 2007. Mr. Kirkner seconded the motion, with all voting Aye.

Guthriesville General Store – Update

Mr. Piersol reported that a tentative date for meeting with the Army Corps of Engineers and the Advisory Committee on Historic Preservation has been scheduled for October 18th. The Time and place for the meeting has not been determined.

Revisions to Volunteer Indemnification Form – Bondsville Mill Party

At the August 23rd Bondsville Mill Committee meeting, Mr. Inslee asked if our Volunteer Indemnification form could be reworked to make it less onerous, which could encourage more volunteers to participate. Mr. Piersol provided the revised version at last weeks's Mill Committee meeting. At that meeting Mr. Carl Walker stated that the revised version was no different from the previous version. Township Solicitor Stacey Fuller, Esq. stated that the language in this form specifically protects the Township in the event that, through the actions of one volunteer, another volunteer is injured. She did delete several paragraphs that, while reinforcing and clarify the release, were also redundant. The Township provides volunteers with a form of insurance coverage, but they must understand that the risk of working at the Mill is their own. Mrs. Fuller stated that suggested additional revision against third parties suing the Township must stay.

Mr. Walker stated that he cannot recommend volunteers sign the indemnification form as it is written. He stated that by signing the form volunteers are exposing themselves to third party liability. If they do something that injures another person they don't want to be sued.

Chairman Fischer pointed out that Mr. Walker didn't need to make a recommendation one way or the other regarding whether other volunteers would sign the form. The form just needs to be provided to them and they could make their own decision. Volunteers working at the Bondsville Mill are not employees of the Township and are therefore not provided with the same insurance coverage as employees. The volunteers are not supervised by Township personnel, so this creates a difficult situation. It is up to volunteers to decide whether they will sign the form; the Township or Mill Committee cannot make that recommendation.

Mr. Walker stated that he hoped that the Township would one day realize the value of their volunteers. The Supervisors took exception to that statement. Chairman Fischer stated that the Board does realize the value of the volunteers, but that doesn't mean that the Township can expose itself to a greater liability than is recommended by the Township Solicitor. He went on to say that the volunteers have done a fabulous job at the Bondsville Mill and the Supervisors appreciate the work done by all the volunteers.

Bondsville Mill Committee- Request to use additional funds for the Building "F" Roof

Mr. Walker is requesting that the Supervisors approve spending \$6,000 to \$7,000 to construct the roof deck and roofing for 40 linear feet of Building "F". This money would come from donations for the Bondsville Mill Park and a PECO grant for improvements. The Bondsville Mill Committee is recommending that the Supervisors allocate \$5,000 for this project. The building could possibly be used for storage or a pavilion.

The wood decking would be 2" x 8 yellow pine tongue and groove and the roof covering would be a standing seam steel metal roof. The materials would be similar to what was or could have been there originally. The remainder of the building, 40' x 80' or 3,200 sq. ft. has been dismantled because it was unsafe to extreme deteriorating. Some of the materials from the dismantled portion will be reused in the renovated building. To date, volunteers have spent between 800 and 900 man hours on the building.

The Supervisors were concerned that using all of the PECO grant money might inhibit the Township's ability to do additional work later on. Mr. Walker stated that additional donations and grant money might be available in the future. Chairman Fischer stated that since the Bondsville Mill Committee is only recommending the Supervisors authorize using \$5,000 for the project that is all the funds the Supervisors will consider today. If Mr. Walker needs more than \$5,000 to complete the project, he will need to go back to the Committee for their recommendation.

Chairman Fischer made a motion to authorize spending up to \$5,000 for the roof deck and roofing for Building "F". Vice-Chairman Voltz seconded the motion, with both voting Aye. Mr. Kirkner voted Nay, stating that he was not in favor of using any of the PECO grant funds for this portion of the project. Mr. Walker will submit a building permit for the approved work. The Board thanked Mr. Walker for his efforts at the Mill. The results have been dramatic and look great.

Pulte Homes – Update on William Moore House

Mr. John Curtin attended the Planning Commission meeting last night to update the Board on Pulte's proposal to incorporate building materials from the two recently demolished walls into the new Applecross Community Center. Mr. Curtin showed the Commission members the plans

and discussed other ideas for the facility. At the Planning Commission meeting Mr. Rawlings suggested that the applicant might consider wrapping the stone around the building and then using stucco so that the materials were the same on all sides of the building. It was also suggested that the applicant use any other materials from the original building, if that was possible. They asked that Mr. Curtin provide a rendering of the original proposal for the Community Center so they could see how it changed from what is now being proposed. He will be attending the November Planning Commission meeting. In the interim, Mr. Curtin will submit building plans to Yerkes to review and will start work on the foundation. Chairman Fischer asked if there were questions on this. There were none. Mr. Curtin will attend the November Board meeting after the Planning Commission makes its final recommendation.

Additional Public Comment

Chairman Fischer thanked the entire staff, especially Mike Dawson, for the hard work that went into last week's Open House. He stated that the Supervisors were very pleased that residents had the opportunity to tour the building. Vice-Chairman Voltz thanked the Open Space Committee and Bondsville Mill Committee for their displays. It was a great opportunity to generate interest from our residents and to show them the exciting work being done by some of our Committees.

Mr. George Holmes commented that there are several gardens that need to be weeded at the Community Park. Mr. VanLew stated that the small garden was to be taken care of by the Park and Rec Committee and the larger garden was to be tended by the Knights of Columbus. The Township will look into this.

Chairman Fischer asked if there were additional public comments. There were no further comments.

Adjournment

There being no further business, Vice-Chairman Voltz made a motion to adjourn the meeting. Mr. Kirkner seconded the motion, with all voting Aye. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer