

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR SESSION  
Wednesday, December 19, 2007**

**Those in Attendance:**

Jay G. Fischer, Chairman  
Hudson L. Voltz, Vice-Chairman  
David A. Kirkner, Member  
Scott T. Piersol, Township Manager  
Mark Kocsi, Chief of Police  
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, December 19, 2007 was called to order by Chairman Fischer at 7:30 P.M. at the East Brandywine Township Municipal Complex. There were five visitors present.

**Opening of Meeting**

Chairman Fischer opened the meeting with a Salute to the Flag.

**Public Comment for Non-Agenda Items**

Chairman Fischer asked if there were comments on non-agenda items. There were no comments.

**Minutes: Board of Supervisors – November 27, 2007**

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Voltz made a motion to approve the November 27, 2007 minutes as presented. Mr. Kirkner seconded the motion, with all voting Aye.

**Minutes: Board of Supervisors – December 6, 2007**

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Chairman Fischer made a motion to approve the December 6, 2007 minutes as presented. Mr. Kirkner seconded the motion, with all voting Aye.

**Minutes: Planning Commission Minutes – December 5, 2007**

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Mr. Kirkner made a motion to approve the minutes as presented. Vice-Chairman Voltz seconded the motion, with all voting Aye.

**Treasurer's Report**

Mrs. Smedley read the account balances as of December 19, 2007. After review of the Treasurer's Report/Financial Statement, Vice-Chairman Voltz made a motion to approve the report and authorize payment of the bills except check #10933, a medical reimbursement check.

Mr. Kirkner seconded the motion and made a motion to approve check #10933. Chairman Fischer seconded the motions; all Supervisors voted aye with the exception of Vice-Chairman Voltz who abstained from voting on check #10933.

**Report:                    Township Manager's Report**

Earlier this week, we received the proceeds of a \$25,000 grant from Senator John Rafferty's office to be used for the Bondsville Mill project. The funds will be used for removal of debris and securing the site due to the instability of the buildings. Thanks also go to Mike Dawson for arranging Boy Scout Eagle projects for the site. The overgrowth around the buildings has been cut back significantly, which allows people to see into the site. We have received many comments about this progress. Our volunteers continue to work on stabilizing portions of Building F, and removal of debris on the site. The Supervisors did authorize funds in the 2008 Budget for work on a master plan for the Bondsville Mill project, which will begin with a grant application submission to the PA Department of Conservation and Natural Resources.

We received a check in the amount of \$35,578.00 for our 2005 PA DEP recycling performance grant. These funds were delayed due to PA DEP's audit requirements, since we claim a lower amount of non-recyclable material in our recycled paper, which we can verify through our contractor. These funds, along with the marketed paper products we collect at curbside and at our drop-off, offset part of the costs of providing the curbside collection of trash and recyclables. This continues to prove that recycling works in our community.

Verizon cable TV became available to most of our residents served by the Downingtown telephone exchange effective Friday afternoon, December 14<sup>th</sup>. Residents served by the Glen Moore office will not have this service available until the first or second quarter of 2008.

The Township will be revising our Building Permit Resolution to include certain permits which are not part of the current resolution. The permit fee costs are not proposed to change. One change we are proposing is to include a basic plan review fee payable at the time the permit is submitted for new construction and alterations, which will be used against the total permit cost upon approval. These changes will be proposed to the Supervisors at their January 16<sup>th</sup> meeting, to become effective February 1<sup>st</sup>.

As discussed earlier this fall, the Ordinance Task Force has reviewed the existing convenience store standards, and has made recommendations for revisions to the ordinance language. Some of the revision highlights include making convenience store a conditional use in the Commercial Service/Limited Industrial District, removing this specific use from the Village Commercial Districts, requiring a net lot area of not less than 2 acres, and reducing the maximum floor area to 6,000 ft<sup>2</sup>.



**Report:                    Brandywine Regional Police Commission**

Mr. Kirkner reviewed the Brandywine Regional Police Commission minutes for October of 2008.

Mr. Philip Mollichella was given a conditional offer of employment as a part-time police officer.

The next meeting of the Brandywine Regional Police Commission will be held Thursday, December 27, 2007 at 8:00 A.M. at the Wallace Township building.

**Report:                    Police Chief - Police Activity Report for November 2007**

Police Activity Report – November 2007

Investigations	180
Traffic Citations	180
Traffic Warnings	30
Traffic Accidents	20
Criminal Arrests	8
Summary Arrests	3

Criminal Investigations – November 2007

Burglary/Criminal Trespass	6
All Assaults	1
Theft/Fraud	13
Disorderly Conduct/ Harassment	6
Disturbances	2
Suspicious Activity/ Persons	23
Domestics	5
Criminal Mischief	8
Juvenile Complaints	0
Missing Persons/ Runaways	1
Driving Under the Influence	3
Fugitive Warrants	1
Drugs	1
Other	2

**Report: Fire Company's Activity Report for November 2007**

Mr. Piersol read the Activity Report for the month of November, 2007, as submitted by Fire Chief Robert Zynn, Jr. There were fifty-nine total incidents. In East Brandywine Township there were fourteen fire calls and sixteen QRS calls. In West Brandywine Township there were seven fire calls and fourteen QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Coatesville, West Vincent Township and West Chester Borough. Estimated fire damage for the month was \$500.00. Mr. Piersol said that Christmas trees would be on sale at the Fire Company through this weekend. So far, the tree sales have been very successful.

**Subdivision Extensions**

The Weaver Tract - The Planning Commission is recommending the Board accept an extension to review this subdivision application until January 31, 2007. Vice-Chairman Voltz made a motion to accept this extension. Mr. Kirkner seconded the motion, with all voting Aye.

Brandywine Village Associates - The Planning Commission is recommending the Board accept an extension to review this land development application until March 31, 2007. Vice-Chairman Voltz made a motion to accept this extension. Mr. Kirkner seconded the motion, with all voting Aye.

Hillendale - The Planning Commission is recommending the Board accept an extension to review this subdivision application until February 29, 2007. Mr. Kirkner made a motion to accept this extension. Vice-Chairman Voltz seconded the motion, with all voting Aye.

**Guthriesville Plaza**

The owner and applicant is Guthriesville Plaza Associates. The plan proposes a subdivision of parcel 30-5-70.4 into two separate lots in the Village Commercial Zoning District and is situated between Horseshoe Pike and Hopewell Road with frontage on both roads. Present access to the site is from Horseshoe Pike. The site contains a strip commercial center on Lot #2 and no new improvements are proposed by this plan.

At their December 5, 2007 meeting, the Planning Commission recommended the Board of Supervisors grant final plan approval for this subdivision with the following conditions:

1. Payment of \$2,000 fee-in-lieu of open space.
2. Satisfaction of all outstanding items in the Yerkes November 30, 2007 review letter.
3. A note should be added to the plans that the traffic impact fee will be addressed when a building permit is submitted for the property.

Mr. Piersol stated that he will provide information to the applicant so the location of the public sewer, to be accessed on Hopewell Road, can be shown and identified.

A Highway Occupancy Permit will be provided when a land development plan is submitted. Mr. Piersol said that the Township can't require the permit be provided at this time.

Chairman Fischer asked if there were any questions. There were no questions. Chairman Fischer made a motion to grant final plan approval for this subdivision with the conditions outlined above and in the December 5, 2007 Planning Commission minutes. Mr. Kirkner seconded the motion, with all voting Aye.

### **Hopewell United Methodist Church**

The owner and applicant is the Hopewell United Methodist Church. The plan proposes two additional parking lots with accompanying stormwater management facilities. The tract is located within the R-1 Residential District and is located on Hopewell Road just west of Crawford Road. Ms. Melissa Kelly from Rettew & Associate and Mr. David Cloetingh, a member of the Church, attended to discuss the preliminary plan.

At their December 5, 2007 meeting, the Planning Commission recommended that the Board of Supervisors grant preliminary plan approval for this land development application with the following conditions:

1. Satisfaction of all conditions outlined in the October 23, 2007 Zoning Hearing Board Decision.
2. All surrounding property owners' issues are resolved to the satisfaction of the Township and Al Giannantonio, P.E. prior to commencement of work.
3. An adjustable orifice be installed on the basin outlet structure by the end of January, 2008
4. Satisfaction of all outstanding items in the Yerkes November 19, 2007 review letter.

Mr. Barry Gastrock suggested that all surrounding property owners' issues should also be resolved to the satisfaction of neighboring property owners and that a neighbor representative be appointed, in addition to the Township and Mr. Giannantonio. Chairman Fischer stated that the issues are to be resolved to the satisfaction of the Township because the Township is a neutral party. He also said that the Township needs to distinguish between public obligations and private rights; the Township can't regulate private rights.

Chairman Fischer questioned the recommendation that the adjustable orifice be installed on the basin outlet structure by the end of January, 2008. He suggested this should be done prior to final plan approval since the applicant may not be able to meet the January 2008 deadline.

Chairman Fischer asked if there were additional questions. There were no questions. Chairman Fischer then made a motion to grant preliminary plan approval for this land development application with the following conditions:

1. Satisfaction of all conditions outlined in the October 23, 2007 Zoning Hearing Board Decision.
2. All surrounding property owners' issues are resolved to the satisfaction of the Township and Al Giannantonio, P.E. prior to commencement of work.
3. The applicant must demonstrate that an adjustable orifice has been installed and is properly operating on the basin outlet structure prior to final plan approval.

4. Satisfaction of all outstanding items in the Yerkes November 19, 2007 review letter.

Vice-Chairman Voltz seconded the motion, with all voting Aye.

Ms. Kelly stated that the applicant is requesting a waiver of Section 350-44B of the Subdivision ordinance which allows for a reduction in curb reveal (from 8" to 6") within the west parking lot and for no curb within the east parking lot. In his September 28, 2007 review letter, Mr. Al Giannantonio had no objection to this request, although the Planning Commission did not make a recommendation to grant the waiver at that time. It was suggested that the applicant put the request in writing so that it could be considered during the final plan approval process.

The Board adjourned to a public hearing to consider adoption of Ordinance 11 of 2007 at 8:05 P.M.

**Ordinance 11 of 2007 – An Ordinance of East Brandywine Township, Chester County, Pennsylvania, Amending Chapter 399, Zoning, Article XII, Historic Resource Protection Standards, Regarding Classifications, and Chapter 350, Subdivision and Land Development, Regarding Definitions, of the Land Use Code of the Township of East Brandywine.**

Chairman Fischer opened the hearing.

Mr. Piersol provided the following exhibits for the Board's review:

- B-1 Copy of the Board of Supervisors' minutes dated November 1, 2007 in which the Board authorized the Board to submit the Ordinance to the Chester County Planning Commission for the Act 247 review.
- B-2 Copy of the letter dated November 13, 2007 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.
- B-3 Copy of the Act 247 Notice
- B-4 Letter dated December 11, 2007 from the Chester County Planning Commission to Scott T. Piersol, Township Manager
- B-5 Copy of the letter dated December 3, 2007 by Stacey L. Fuller, Esq., to the Chester County Law Library enclosing the attested copy of the proposed Ordinance and Public Notice
- B-6 Copy of the letter dated December 3, 2007 by Christel Barton to the Daily Local News enclosing the Public Notice and the full text of the proposed Ordinance and requested publication.
- B-7 Notice and Proof of Publication from the Daily Local News.

The proposed Ordinance has been available for public review since December 3, 2007 when it was sent to the Chester County Law Library, Daily Local News and Township Building.

Mr. Piersol explained that ordinance delineated two classifications of historic resources and also makes a change to Historic Resources within the Subdivision and Land Development Ordinance so that it is consistent, as recommended by the Chester County Planning Commission.

Chairman Fischer asked if there were any questions or comments. There were none. The Board then closed the public comments period and closed the hearing

The Board reopened the regular meeting at 8:10 P.M.

Vice-Chairman Fischer made a motion adopt Ordinance 11 of 2007. Mr. Kirkner seconded the motion with all voting Aye.

The Board of Supervisors adjourned to a public hearing to consider adoption of Ordinance 12 of 2007 at 8:12 P.M.

**Ordinance 12 of 2007 – An Ordinance of East Brandywine Township, Chester County, Pennsylvania, Amending Chapter 399, Zoning, of the Land Use Code of the Township of East Brandywine Regarding the Zoning Compliance Plan, and Common Open Space Conservation easements.**

Chairman Fischer opened the hearing.

Mr. Piersol provided the following exhibits for the Board's review:

- B-1 Copy of the Board of Supervisors minutes dated November 1, 2007 in which the Board authorized the Board to submit the Ordinance to the Chester County Planning Commission for the Act 247 review.
- B-2 Copy of the letter dated November 13, 2007 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.
- B-3 Copy of the Act 247 Notice
- B-4 Letter dated December 11, 2007 from the Chester County Planning Commission to Scott T. Piersol, Township Manager
- B-5 Copy of the letter dated December 3, 2007 by Stacey L. Fuller, Esq., to the Chester County Law Library enclosing the attested copy of the proposed Ordinance and Public Notice

B-6 Copy of the letter dated December 3, 2007 by Christel Barton to the Daily Local News enclosing the Public Notice and the full text of the proposed Ordinance and requested publication.

B-7 Notice and Proof of Publication from the Daily Local News.

The proposed Ordinance has been available for public review since December 3, 2007 when it was sent to the Chester County Law Library, Daily Local News and Township Building.

Mr. Piersol stated that although the title indicates that there is an amendment to the Common Open Space Conservation Easement, that amendment will be considered at a later date.

In order to determine compliance with the terms of this article, and to maximize compatibility of any new or changed land use with the existing village character in Guthriesville and Lyndell, any proposal for a use authorized by right, special exception, or conditional use within the VC District, with the exception of single-family detached and two-family dwellings, shall require submission of a Zoning Compliance Plan.

Chairman Fischer asked if there were any comments or questions. There were no questions. The Board then closed the public comments period and closed the hearing.

The Board reopened the regular meeting at 8:16 P.M.

Vice-Chairman Voltz made a motion to adopt Ordinance 12 of 2007. Chairman Fischer seconded the motion with all voting Aye.

## **2008 Preliminary Budget**

### **General Fund**

#### **Revenues**

Revenues in 2008 are projected to continue their increase over 2007 revenues. 2007 saw an increase in real estate millage due to the increase in the millage rate, plus collection of delinquent taxes and fees. The 2008 Township millage rate is proposed to remain at 2.5 mills.

Building permit fees will continue to rise due to the projected construction expected next year, with additional phases of Pulte's Applecross development and golf course construction, and the anticipated start of construction in the Four Seasons age-restricted community. The Pulte project in particular seems to buck the trend of the downturn in the market place. This new construction should create another increase in earned income taxes. We anticipate a significant increase will occur again in late spring of 2008, once the Berkheimer returns are filed, and with interim real estate tax filings which occur several months after these new properties settle, and the County assessment figures are finalized.

Bids for construction of Phase III of the Community Park will be let early in 2008, with construction anticipated in the spring of 2008. Two grants from the Chester County Heritage Park program will fund a significant portion of this project, along with developer fees already collected or to be paid in 2008. \$300,000.00 in fee-in-lieu of open space funds received from

Pulte Homes will be used toward this construction project. We also anticipate another significant open space & recreation fee contribution from developer K. Hovnanian Homes when their plan is approved in 2008. This recreation contribution, along with a \$50,000 County Vision Partnership Planning Grant for our Comprehensive Plan and Guthriesville Master Plan, were not included in the preliminary budget summary.

Revenues from all sources, including inter-fund transfers, are projected at \$5,692,475.00.

#### Expenses

Public safety costs will increase by \$195,061.00 in 2007, most of the increase in the police protection area. A portion of this increase is the sharing of the building expense with the police department through a lease agreement begun in the spring of 2007. Legal and engineering fees for land development projects will continue as a significant expense in 2008, and for the foreseeable future. All engineering expenses for land development reviews, and certain portions of legal costs for those reviews, are reimbursable from the developers.

Earlier this fall, we received a notice that our health care costs would significantly increase in 2008, which continues to be a trend over the past several years. Our benefits consultant has provided information on other health care plans to review, which provide comparable coverage for our personnel, at a significant annual cost savings of nearly \$50,000.00 for those currently covered by the plan, plus one additional hire for the public works department.

Total expenses are projected to be \$5,777,475.00, which includes an allocation of \$168,580.00 to the capital reserve fund.

#### State Fund

***There have been no revisions to the State Fund Budget projection since the Preliminary budget presentation.***

#### Revenues

A 9.76% increase in the State Liquid Fuels allocation is anticipated for 2008, which is the most significant funding increase from the State in several years. Some of this increase is due to the addition of new Township road mileage, and we recently added additional road mileage with PennDOT. Income is projected to be \$157,040.00. The year-end State Fund balance is anticipated to be approximately \$60,000.00.

#### Expenses

Several road improvement projects planned for 2008, with the costs shared with the General Fund. The streets in Brandywine Chase Village are proposed for a macadam resurfacing, the cul-de-sac in School Lane will be completed, and East Buck Road is proposed to have oil & chip resurfacing done next year. Total projected road project costs are \$159,500.00, with 50% allocated to the State Fund. The Roadmaster also plans to replace a 1988 pickup truck, which would not pass inspection without significant expense, with a heavy-duty truck chassis provided with utility body. This vehicle will be placed in service for the Roadmaster's on-call use, as well as carrying tools for the various public works projects throughout the Township. Total expenses, including the capital reserve allocation, are anticipated to be \$217,040.00.

Chairman Fischer asked if there were any comments or questions. Mr. George Holmes asked whether there would be a tax increase for 2008. Mr. Piersol said that there would be no tax increase.

Mr. Carl Walker asked about the item for vehicle fuel since the Township has budgeted \$45,000. Mr. Piersol explained that this was a pass-thru item and that the Township is reimbursed for large portion of this by the Brandywine Regional Police Department and the State Fund account.

Mr. Walker asked for clarification on money that is budgeted for the Bondsville Mill. Mr. Piersol stated that \$14,000 was budgeted, as was discussed at the Bondsville Mill Committee meeting. This money is, in part, to go to payment for dumpsters and fencing. Mr. Walker then asked if Mr. Donald Leong had requested additional money. Mr. Piersol stated that \$14,000 was what was recommended by the Bondsville Mill Committee.

Mr. Walker asked about the transfer of \$19,485 from the Open Space fund to the General Fund. Mr. Piersol stated that this is to pay a portion of the Bond payment.

Chairman Fischer asked if there were other comments. There were none.

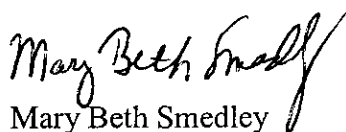
#### **Additional Public Comment**

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

#### **Adjournment**

There being no further business, Chairman Fischer made a motion to adjourn the meeting. Mr. Kirkner seconded the motion, with all voting Aye. The meeting was adjourned at 8:35 P.M.

Respectfully submitted,



Mary Beth Smedley  
Secretary/Treasurer