

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, January 16, 2008**

Those in Attendance:

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

The East Brandywine Township Board of Supervisors meeting of Wednesday, January 16, 2008 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. There were 24 visitors.

Opening of Meeting

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

Letter to Barbara Lammey from Captain Markus Hannan, USN, in response to Operation Christmas Package

Chairman Voltz read a letter from Captain Hannan thanking Ms. Lammey and all those involved in Operation Christmas Package. In part of his letter Captain Hannan said "Love is expected from those you know and love. But, unfeigned appreciation from someone you don't know is a special gift indeed. From the men and women serving in Iraq, home is not just a place, it's a goal. Thank you for remembering us this Christmas. Please know your gratitude was warmly received and sincerely appreciated". Chairman Voltz, Vice-Chairman Kirkner and Mr. Fischer thanked all of the volunteers involved in this effort. Mrs. Smedley stated that many volunteers and numerous hours were involved in the success of this project. Special thanks go to Sandy Moser who coordinated the East Brandywine Township effort, Barbara Lammey and the entire Lammey family, Patty Castaldi, Norma and Bud Koth, and Katie, Melissa and Cathy Collins. Mrs. Smedley also noted that Katie and Melissa Collins completed their community service graduation project by helping make this such a successful event.

Oath of Office – Joel Gramling – Special Fire Police

Chairman Voltz administered the Oath of Office to Mr. Gramling. Mr. Gramling will volunteer as part of the East Brandywine Fire Company's Special Fire Police force. Mr. Gramling was congratulated by the Board of Supervisors who thanked him for his service to the community.

Public Comment for Non-Agenda Items

Chairman Voltz asked if there were comments on non-agenda items. Ms. Vickie Polite said she would like to discuss road improvements and speeding on Osborne Road, in addition to safety

issues. Chairman Voltz stated that all of these issues would be discussed later in the meeting during the Roadmaster's report and also when the safety concerns were discussed as an agenda item.

Chairman Voltz asked if there were other comments on non-agenda items. There were no further comments.

Minutes: Board of Supervisors – December 19, 2007

Chairman Voltz asked if there were any additions or corrections to the above minutes. There were none. Mr. Fischer made a motion to approve the December 19, 2007 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – January 7, 2008 Organization Meeting and Work Session

Chairman Voltz asked if there were any additions or corrections to the above minutes. There were none. Mr. Fischer made a motion to approve the January 7, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Minutes: Planning Commission Minutes – January 2, 2008

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

Treasurer's Report

Mrs. Smedley read the account balances as of January 18, 2008. After review of the Treasurer's Report/Financial Statement, Vice-Chairman Kirkner made a motion to approve the Treasurer's report and payment of the bills. Mr. Fischer seconded the motion, with all voting Aye.

Report: Township Manager's Report

The State Association of Township Supervisors recently awarded the Township newsletter the Milemarker first place in their 40th annual Citizen's Communications Contest. This contest recognizes municipalities that successfully communicate programs and activities to their residents. This is the third time in 10 years our newsletter has won an award in this statewide contest. Thanks go to Editor-in-Chief George Holmes and Graphic Artist Nina Pringle, and to Mary Beth Smedley for submitting this year's entry. A press release will be submitted to the Daily Local News notifying the public of this award.

Greg Cary of PECO Energy contacted Mr. Piersol earlier in the week to discuss significant upgrades proposed to their Newlinville transmission circuit, which serves a majority of East & West Brandywine Township. This circuit has experienced numerous reliability problems over the

past several years, more than PECO's reliability standards suggest, since that requires frequent maintenance. The reliability issues are exclusive of outages caused by storms and damage from vehicle accidents. This is part of PECO's on-going efforts to improve service reliability throughout the region, which includes significant efforts in the vegetation management area, which has been evident in the Township recently with the presence of numerous Asplundh tree trimming crews during the past three weeks.

Girl Scout Troop 4211 submitted a letter of interest in designing, constructing and placing birdhouses in the conservation area of the proposed Bondsville Mill Park as part of their Silver and Gold Award project. This request will be forwarded to our Mill Committee. This is further evidence that people are taking a real interest in assisting with the Mill project in its early stages. A letter has been sent to leaders Robin Campbell and Brian Tuel thanking them for the proposal, and suggesting that some of these birdhouses could be placed at our Municipal Complex to attract bluebirds and other native wild birds.

The Municipal Manager's Group met on January 10th to finalize discussion on forming a regional Uniform Construction Code Appeals Board. The Township's law firm, Gawthrop Greenwood, has submitted a proposal to act as the Appeal Board's Solicitor and administer the program. The group has requested the municipalities who participate in the group indicate their interest in participating in this effort. An initial \$500 fee will be charged to each participant to establish an escrow fund for the law firm's retainer and initial work establishing the framework of the Joint Appeals Board. A \$100 annual fee will be charged to each participating municipality to fund on-going administrative costs. Due to the relative infrequency of hearings, it is anticipated the fund would become self-sustaining quickly.

Mr. Piersol requested the Board approve a motion to participate in this joint venture. Chairman Voltz asked if there were any questions. There were no questions. Mr. Fischer made a motion to approve the Township's participation in the Joint Appeals Board. Mr. Kirkner seconded the motion, with all voting Aye.

A meeting has been scheduled with the Army Corps of Engineers, the Advisory Council on Historic Preservation, and various stakeholders to discuss the status of the Guthriesville General Store as it relates to the Wawa project. This meeting has been set for Tuesday, February 5th at 10 AM here at the Township Building.

Mr. Piersol has received a letter from Louis Colagreco, Esq. on the DiGiamberardino demolition permit for the Guthriesville General Store Building. This demolition permit has previously been extended to allow time for Wawa to work through the variety of land development issues with the Army Corps of Engineers. Mr. Colagreco has requested the Township approve a three-month extension to the current permit, extending the expiration date from February 15th to May 15th, 2008. Chairman Voltz asked if there were any questions. Mr. Kirkner asked Mr. Colagreco if he expected this to be the last extension request. Mr. Colagreco said he wasn't sure since it would depend on the outcome of discussions with the Army Corp of Engineers and the Advisory Council on Historic Preservation. Chairman Voltz asked if there was any further discussion. There was none. Chairman Voltz made a motion to approve extending the demolition permit until May 15, 2008. Vice-Chairman Kirkner seconded the motion, with both voting Aye. Mr. Fischer recused himself from voting.

Report: Building Inspector/Zoning Officer – Report for December 2007 and 2007 Yearly Report

Mr. Piersol read the Building Inspector/Zoning Officer's Report for December 2007. There were twenty building permits issued, fifteen use and occupancy permits issued, and one hundred and fifteen inspections conducted during the month. The total fees collected were \$24,139.00. For the year ending December 31, 2007 there were two hundred thirty two building permits issued, fifty-nine zoning permits issued, and nine hundred sixty three inspections completed. The total fees collected were \$203,928.54.

DARC

Chairman Voltz reported Bill Normoyle from West Pikeland Township was 2008 Chairman for the Downingtown Area Recreation Consortium. The Township contribution for 2008 remained the same as it was in 2007. Chairman Voltz stated he is looking forward to another successful year with DARC.

Report: Brandywine Regional Police Commission

Mr. Kirkner reviewed the Brandywine Regional Police Commission minutes for November of 2007.

Chief Kocsi reported that he submitted two grant applications to Pennsylvania's Department of Community and Economic Development. One grant was requested for the purchase of an evidence bar coding computer system. A second grant for \$10,752 was requested for the purchase of ballistic shields for the police vehicles. Both grants were awarded to the Department.

The next Brandywine Regional Police meeting will be held Thursday, January 24, 2008 at 8:00 A.M. at the East Brandywine Township Municipal Complex.

Report: Police Chief - Police Activity Report for December 2007

Police Activity Report – December 2007

Investigations	211
Traffic Citations	158
Traffic Warnings	41
Traffic Accidents	21
Criminal Arrests	3
Summary Arrests	4

Criminal Investigations – December 2007

Burglary/Criminal Trespass	3
All Assaults	1
Theft/Fraud	10

Disorderly Conduct/	
Harassment	4
Disturbances	3
Suspicious Activity/	
Persons	21
Domestics	5
Criminal Mischief	8
Juvenile Complaints	0
Missing Persons/	
Runaways	1
Driving Under the	
Influence	2
Fugitive Warrants	3
Drugs	2
Other	0

Report: Fire Company's Activity Report for December 2007 and Year End Summary

Mr. Piersol read the Activity Report for the month of December, 2007, as submitted by Fire Chief Robert Zynn, Jr. There were sixty-four total incidents. In East Brandywine Township there were eleven fire calls and eighteen QRS calls. In West Brandywine Township there were ten fire calls and sixteen QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, and Honeybrook Township. Mr. Piersol thanked Senator John Rafferty and State Representative Curt Schroder for helping to secure a grant in the amount of \$28,000 to help with security upgrades for the building. Another grant was received in the amount of \$21,790 from PEMA and the Office of the Fire Commissioner for the purchase of training materials and equipment and for loan reduction on Engine 49.

Subdivision Extensions

The Weaver Tract - The Planning Commission is recommending the Board accept an extension to review this subdivision application until February 29, 2008. Vice-Chairman Kirkner made a motion to accept this extension. Mr. Fischer seconded the motion, with all voting Aye.

The Dilworth Tract - The Planning Commission is recommending the Board accept an extension to review this land development application until May 1, 2008. Mr. Fischer made a motion to accept this extension. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Request for Services – The Robb Property on Hadfield Road

Mr. Carl Croft, a member of the Open Space Committee, discussed the Committee's recommendation that the Board authorize an appraisal of the Robb property on Hadfield Road. He also discussed the purpose, rights and restrictions of the proposed conservation easement. According to the tax parcel records, the Robb property is approximately 17.8 acres. Mr. Croft

stated that the majority of the property is in East Brandywine Township, with the rest being in West Brandywine Township.

Conservation Easement's Purposes:

1. Preserving and protecting the existing mature woodlands in their natural condition.
2. Preserving and protecting existing surface and groundwater resources, including hydric soils and riparian buffers, from alternation, pollution, or disturbance.
3. Preserving and preventing any loss, impairment, and interference of the scenic character of the property that can be enjoyed by the general public from Hadfield Road.
4. Strictly limiting further residential and non-residential construction on the property.

Conservation Easement Terms

1. One conservation easement would encompass the entire property and would be held by the Brandywine Conservancy as the primary holder and East Brandywine Township as the co-holder.
2. Subdivision of the property would be prohibited.
3. In addition to existing improvements, on the following additional improvements would be permitted:
 - a. One primary residence.
 - b. One secondary residence or one attached apartment.
 - i. The grantor may elect to convert the existing primary residence into a secondary residence, so long as (1) only one primary residence is ever located on the property and (2) the impervious coverage of the secondary residence does not exceed the imperious coverage of the existing primary residence.
 - c. Accessory structures.
 - d. Agricultural structures.
 - e. Recreational facilities.
 - f. Utilities.
4. Indoor riding arenas would be prohibited.
5. The entire easement area would be subject to an imperious coverage cap of 12,000 square feet.
6. The impervious coverage of the primary residence would be limited to 3,000 square feet. The secondary residence would be limited in impervious coverage to 2,200 square feet. The attached apartment would be limited to 50 percent of the gross floor area of the improvement of which it is a part, or 1,000 square feet of the gross floor area, whichever is less.
7. All residential improvements would be confined to the northeast field.
8. The cutting of live native trees within "protected woodland" would be prohibited, except with the prior approval of Brandywine Conservancy.
9. Standards environmental restrictions from the Brandywine Conservancy model conservation easement pertaining to agricultural use, signs, quarrying and excavation, water resources, and dumping would apply.

Trail Easement

1. One trail easement on tax parcel number 30-5-111.1 would be granted by the Robbs to East Brandywine Township. The easement would encompass land within 30 feet of the public right-of-way associated with Hadfield Road and allow for public access and the construction of one trail. Tax parcel 30-5-111.1 has approximately 442 feet of frontage on Hadfield Road.
2. The trail easement would be based substantially on the model trail easement developed by the Pennsylvania Association of Land Trusts.

In addition to the Robb property, the Open Space Committee has recently received an appraisal on the Thornbury property, also on Hadfield Road. If the Township were able to purchase conservation easements on both properties, this would encompass a total of forty acres on Hadfield Road.

Chairman Voltz asked if there were any questions. There were none. Mr. Fischer made a motion to approve the request for services and authorize the William Wood Co. to appraise the property. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Roadmaster's Report

2007 Road Improvement Project

Dan Malloy Paving, Inc. has completed the repairs and overlay for our 2007 Road Project. The project included Pancoast Lane, North Buck Road and Crawford Road. Pancoast Lane had base repair, leveling course and overlay. North Buck Road was widened to a total of 18 feet. Malloy installed an inlet in the area of Banyon Lane and tied it into the existing stormwater system along Banyon Lane. They leveled the roadway and then overlaid. Inlets and endwall were installed in the area of 150 Crawford Road. Base repair, leveling course were installed and the roadway was overlaid.

The total cost for all three road repairs is \$459,676.00. \$389,772.00 was paid from the State Liquid Fuels Fund and the remaining \$69,904.00 from the General Fund. The engineering total cost is \$9,539.65. The engineering costs include bid specifications, surveying, drainage design and inspections.

The original contract price from Malloy was \$474,772.00 with a savings of \$15,096.00. The savings resulted in a reduced payment from the General Fund.

State Liquid Fuels Form MS-999 has been completed and forwarded to PennDOT.

Mr. VanLew thanked Malloy Paving and Yerkes Associates for a job well done.

Cumberland Ridge Acceptance

The Township recently received recorded deeds of dedication for Cumberland Ridge Development. They will be forwarded to PennDOT to be added to the Township road list so we may begin receiving liquid fuels money. Due to the delay in receiving these documents we will not receive these funds for 2008.

The Deeds of Dedication included a portion of the PennDOT right-of-way. The Township normally does not accept PennDOT right-of-way for dedication. Mr VanLew contacted Mr. Terry Hersh, PennDOT's Municipal Services Specialist in reference to this issue. Mr. Hersh said even though this portion of the road is dedicated to the Township it would still be PennDOT's right-of-way. Since Cumberland Ridge is dedicated to the Township it is the Township's responsibility to maintain the signs and pavement markings within PennDOT's right-of-way.

December 2 Supervisors Road Inspection

During the Supervisors Road Inspection they looked at the recently completed roads and the proposed projects for 2008. The proposed projects for 2008 are overlay of Brandywine Chase Development, oil and chip Osborne Road and fill in the cul-de-sac on School Lane. The Supervisors, Mr. Piersol and Mr. VanLew also traveled Hadfield Road, which is planned to be widened in 2009.

Brandywine Chase Development is located off North Bailey Road and includes Ridgewood Circle, Laurelwood Drive and Woodcrest Drive. This development was completed in 1976. Inspection of all storm sewers is planned prior to overlay.

Osborne Road was scheduled for overlay this year, but due to Aqua Pennsylvania planning to extend the water line from the intersection of Tradition Lane into Caln Township we decided to oil and chip the roadway. This will help prevent further deterioration of the roadway which currently needs some base repair in the area of the open field at Locust Knoll Farm and various other locations.

The cul-de-sac on School Lane has a grass center which vehicles are constantly running through causing a mud condition on the road and making it nearly impossible for the residents to maintain this area. We are proposing to remove the grass center and replace with asphalt. This work will be completed using Township personnel.

Osborne Road Signage Recommendation

On January 9th Mr. Piersol and Mr. VanLew walked Osborne Road in the area of 1156 for proposed signage and other improvements. Although it has been budgeted for 2008 to seal chip the roadway they are also recommending the following.

1. Install an additional large arrow (48 x 24) adjacent to the PECO pole located on the island that separates 1156 and 1160 driveways. This would be visible from the crest of the hill near Wooded Acres Lane and Osborne Road intersection. Mr. VanLew anticipates the additional arrow would alert drivers to slow down through the curve. The existing large arrow would remain in its current location north of 1160 driveway.
2. Install a south bound chevron sign on the existing north bound chevron sign located in front of 1156 residence. This sign would alert drivers of the continuing curve.
3. Remove the forty to fifty foot evergreen tree located adjacent to the road in the area of the barn. This is located opposite of 1160 driveway. The trunk of this tree is right on the edge of the road and should be removed due to its close proximity to the roadway. This will improve the drivers' visibility through the curve.

Safety Issues on Osborne Road

Ms. Vickie Polite, who resides at 1156 Osborne Road, discussed safety concerns on Osborne Road. According to Ms. Polite her home has been hit by vehicles on three different occasions. In addition, there have been fifteen reportable accidents on Osborne Road since 2001. Although Ms. Polite thought additional signs would be helpful, she said that motorists just aren't heeding them. Ms. Polite also stated that she didn't think the evergreen tree that Mr. VanLew proposed to remove is causing a problem. Mr. Piersol stated that he witnessed motorists moving to the center of the road near the evergreen tree because he believes it was causing sight distance problems.

Chairman Voltz commented that most of the accidents were before 2002 or after 2004. Mr. VanLew said that the road department had tarred and chipped the road in 2002.

Ms. Polite stated that a lot of accidents go unreported. Chairman Voltz suggested that she report every accident. Ms. Polite stated that she is concerned for her safety because of the number accidents. She suggested that increased police enforcement might help.

Mr. Patrick Carey suggested that the Township consider increasing the bank angle at the curve. This, along with oil and chipping the road might improve conditions.

Mr. Ronald Barron from 1128 Osborne Road stated that the speed limit in Caln Township is 25 mph. He suggested that the speed limit might be lowered in East Brandywine Township and that rumble strips might be considered. The speed limit in East Brandywine Township was set by a speed study done several years ago. There is always the chance that another speed study would indicate that the speed limit should remain posted as it is, or even increase. The last speed study did cause the speed limit to be raised.

Mr. Walter Borland from 1204 Osborne Road stated that there is a large pothole near 1200 Osborne Road. He also said that there is a lot more traffic than there used to be. Mr. Borland stated that he has seen cars passing each other on the road. He suggested more police presence might help the speeding problem. Mr. VanLew will have the Road Department fix the pothole.

Chief Kocsi explained that radar can be used only by the State Police. Using radar, the State Police can cite motorists exceeding the speed limit by 5 mph. The State of Pennsylvania only allows municipal police departments to use certain electronic devices. By law, the Brandywine Regional Police department can only cite motorists who exceed the posted speed limit by 10 mph or more. Chief Kocsi said that there is a possibility that State Police might do a speed detail at the request of the Brandywine Regional Police Department. On what portion of the road a speed detail could be done isn't certain; there are several variables that need to be considered including adequate sight distance to set up the speed timing devices.

Mr. James Groff at 1221 Osborne Road stated he has seen motorists going as high as 70 mph passing his house. He stated that motorists don't seem to pay attention to the advisory signs.

Mr. Barron stated that removing the pine trees and edging out and paving the road may improve the situation.

Chairman Voltz suggested that the Township Engineer take a look at the road and make recommendations for the Township to consider, including additional advisory signs, changing the bank of the road, or installing rumble strips.

Mr. Bruce Anderson from 1157 Osborne Road also stated that a lot of traffic comes up from the bridge. He would like to see something in place so those motorists slow down.

The Supervisors agreed that the installation of rumble strips and signs would be the short-term solution. Mr. VanLew will contact the Township Engineer to evaluate the condition of the road and make long-term recommendations.

The Supervisors were asked when East Fishersville Road in Caln Township might be repaired. There is a meeting scheduled on January 22nd with East Brandywine Township, Caln Township, the Chester County Planning Commission, State Representative Curt Schroder and PennDOT officials to discuss this. It was suggested that East Fisherville Road and Osborne Road could each be one-way roads.

Chairman Voltz stated that the Township would try to have the short-term improvements and the Township Engineer's report done within 60 days.

Open Space Committee

Mr. Fischer made a motion to reappoint Barry Leitch to the Open Space Committee. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

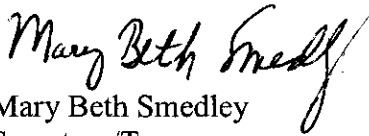
Additional Public Comment

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

Adjournment

There being no further business, Chairman Voltz made a motion to adjourn the meeting. Vice-Chairman Kirkner seconded the motion, with all voting Aye. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer