

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, March 6, 2008**

Those in Attendance:

Hudson L. Voltz, Chairman
David A. Kirkner, Vice-Chairman
Jay G. Fischer, 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, March 6, 2008 was called to order by Vice-Chairman Kirkner at 7:35 A.M. at the East Brandywine Township Municipal Complex. There were four visitors present.

Public Comment for Non-Agenda Items

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

Notice

An additional Ordinance Task Force meeting will be held Thursday, March 13, 2008 at 7:30 P.M. at the Township Municipal Complex. Mr. Piersol stated that regular business will be conducted at the March 13th meeting and that Jim Hartman from Urban Planners will discuss the Guthriesville Master Plan and the wetlands issue at the March 26th meeting. Mr. Piersol asked that the Board attend the March 26th meeting, if possible.

Community Park Phase II Bid Announcement

Mr. Piersol reported that the bids for the three components of the Community Park came in significantly higher than this year's budget will permit for completion of the project as specified. Mr. Piersol and Mr. VanLew did some initial review of the apparent low bid for the site work from B & J Excavating and offered the following for the Board's consideration:

In the 2008 budget, \$300,000 was allocated from Pulte's fee-in-lieu contributions; \$150,000 was included from K Hovnanian, which will not likely be received in time for this project. \$250,000 was allocated in the budget from Township funds, which includes \$150,000 from the Open Space fund, Park and Recreation allocation. The two County grants account for \$440,000, bringing the total funds available for this project to \$990,000.

The B & J Excavating bid was \$1,169,000; Fry Electric is the low electrical component bidder at \$54,475, and McComsey Building was low bid for the pavilion at \$110,628. The total of these three bids is \$1,334,013.

Mr. Piersol and Mr. VanLew recommend the following:

- Delay formal award of the bids until the March 19, 2008 Board of Supervisors meeting to allow time to work with the apparent low bids, particularly B & J Excavating.
- Decline the Pavilion contract (Component 3), which reduces the contract cost by \$110,628.
- Remove the following line items from the contract aware for Component 1:
 - Dugouts - \$44,205
 - Parking lot - \$130,000 (approximate figure from \$277,470 line item for the parking lot and driveway areas by not using macadam finish). Yerkes would need to determine the area of the paved surfaces and make a value determination to accurately determine this figure.
 - Concrete stairs for the Comfort Station - \$46,010.

Deleting the pavilion and the above items provides a savings of 330,843; the total project would therefore be estimated to cost \$1,003,170, which leaves a difference of \$13,170. The fourth component of the Comfort Station would need to be delayed until a later date. This is an item which can be purchased through the State contract process, although there would be other work necessary to complete this component, namely the concrete stairs.

Mr. Piersol also sent a letter to Kim Merritt at the County Parks Department, asking if it is possible to disburse some of the funds during the project, rather than ask for final reimbursement.

Mr. Fischer asked Mr. Piersol to investigate whether removing any of the items would impact the County grant. Mr. Piersol will check on this. Mr. Fischer also asked whether another material, such as wood, could be substituted for the concrete stairs. Mr. VanLew stated that could be investigated, but he believes wood might cause a slipping hazard and it wouldn't be as durable to concrete. He also said that the ramp would be concrete and must be ADA compliant.

Vice-Chairman Kirkner asked that Mr. Piersol lay out the finances on paper so that the Supervisors can be assured there will be sufficient funds for the modified scope of work.

Mr. Piersol clarified that the entranceway and handicapped parking stalls would have a macadam finish.

After review of the information, Mr. Fischer made a motion to delay considering award of the bids to allow Mr. Piersol time to make modifications as outlined in his memo of March 6, 2008. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Roadmaster Report

2008 Road Improvement Projects

Last month Mr. VanLew met with Russell Yerkes to discuss this year's road projects. Mr. Yerkes will be preparing a preliminary scope of work for review. We anticipate getting the bids out early this year while the contractors are lining up work for the year.

The bid contract will include overlay of the Brandywine Chase Development, and seal coating (oil and chip) Osborne Road.

Projects planned for Township road crew this year are infill of the School Lane cul-de-sac and replacing the culvert on Hawthorne Drive between Canterbury and Gloucester Courts.

Osborne Road Improvement Update

Mr. VanLew and Mr. Yerkes walked the area of 1156 Osborne Road to determine road elevation and discuss other improvements to the roadway.

1. They discussed the installation of an additional large arrow (48 x 24) adjacent to the PECO pole located on the island that separates 1156 and 1160 driveways. Mr. Yerkes stated that arrows warn drivers of an impending sharp curve. The large arrow on what is known as "Dead Mans" curve on Creek Road has reduced the number of accidents on that portion of the road.
2. Removal of an evergreen tree located adjacent to the road in the area of the barn at 1153 Osborne Road. The tree appears to cause drivers entering the curve to move toward the center of the roadway. Mr. VanLew will be obtaining a price from contractors to remove this tree and also one located on Buck Road in the area of the new bridge.
3. Mr. Yerkes recommended repairing the west edge of the road which has eroded from stormwater running along the road. It also appears vehicles have been driving into this area causing additional degradation of the edge of the road. This repair will be completed as soon as weather permits.
4. Mr. VanLew provided a report from Russell Yerkes dated February 20, 2008 which shows the super elevation of the curve. The average percentage of elevation for the downhill lane is 8.7% (or 1 inch per foot) and for 100 feet in front of 1156 Osborne is averaged at 10% (or 1 ¼ inch per foot). Mr. Yerkes recommends not increasing the elevation of the roadway.
5. Mr. VanLew has investigated various methods of installing rumble strips on roadways. PennDOT has installed thermoplastic rumble strips on Rock Raymond Road in the area of the Caln Township line. He recently spoke to Terry Hersh, PennDOT's Municipal Representative for more information on the purchase and installation of the rumble strips.

PennDOT Publication 383 Pennsylvania's Traffic Calming Handbook explains the requirements a municipality must take to use liquid fuels funds for traffic calming. A preliminary study includes identifying the project area, neighborhood surveys, public meetings, and collecting data prior to and after installation. It is recommended the municipality establish a Local Traffic Advisory Committee (LTAC) made up of a Township Engineer, Township Planner, Township Government Representative, a Representative from Emergency Services, one or more local citizens, and a representative from Public Works.

The LTAC Committee would target problem areas and make recommendation to the Supervisors. The Committee would take the process from conception through the follow up study after installation.

Mr. VanLew provided a section of the Traffic Calming Handbook that explains Transverse Markings otherwise known as rumble strips. PennDOT recommends installation of five double thick thermoplastic 2 feet on centers 6 inches wide. Depending on conditions three to five sets of strips are recommended. Because of the noise they generate the residents near the markings may not approve of the installation.

Mr. VanLew recommends the Township follow the PennDOT recommendations in Publication 383 Pennsylvania's Traffic Calming Handbook prior to the installation of Transverse Markings on Osborne and we also explore the forming of a Local Traffic Advisory Committee.

Mr. Fischer asked if Mr. VanLew had any idea of the cost for installing the rumble strips. Mr. VanLew said that he hasn't gathered that information yet. Mr. Fischer suggested that the Township might consider using General Fund money rather than State Fund money if they aren't too expensive, rather than go through the procedure outlined in Publication 383.

Chairman Voltz joined the meeting at 7:55 P.M.

Vice-Chairman Kirkner suggested that the Traffic Impact Committee might be reactivated. Mr. VanLew wasn't a member of the original Committee, but with his addition this could be considered. Mr. VanLew also stated that prior to using traffic calming devices, PennDOT recommended additional police enforcement. Vice-Chairman Kirkner suggested additional police enforcement if it was determined it was needed.

Prior to installing the rumble strips, the Board asked Mr. VanLew to obtain costs and remove the tree on Osborne Road They agreed that these other measures should be done before conducting the survey outlined in PennDOT Publication 383.

Pulte Homes – Discussion of Revised Settlement Agreement and Trails

Mr. John Curtin attended the meeting to discuss proposed trail locations. The Supervisors want to provide additional opportunities for pedestrians to access a variety of locations in and around Guthriesville and provide opportunities for future trail interconnections. Mr. Curtin provided a plan for the Supervisors to review.

The Supervisors would like a trail interconnection in Open Space Parcel H-16 located along Hadfield Road. This will allow the Township to expand a trail connection currently being proposed across the adjacent Robb & Thornbury properties, and connect with the emergency access in West Brandywine Township. A trail could also be established through this emergency accessway to the Del Webb property. Pulte agreed to provide an easement on Parcel H-16. However, a connection to the Del Webb portion of the project is not likely as they have eliminated the emergency access to Hadfield Road due to the steep grade, and they are no longer crossing the creek in Phase 4 of the Del Webb project.

The Supervisors asked that the applicant provide a trail connection between Lots 605 and 606 on Hockley Drive to the open space easement referenced above. Pulte cannot agree to provide an

easement between these two units as they are both already sold. There are also no sidewalks in this section of the Classic Homes so residents would be led onto the street which is not ideal.

The Board would like a general easement across Open Space Parcels H-20 & H-21 near Lochs Farm Lane, for potential future pedestrian connections to the proposed expansion of the Village of Guthriesville, and possible connection to the McCausland tract. Pulte agreed to provide an easement over Parcel H-22 for future trail connections. Pulte also agreed to provide an easement over the very northern portion of Parcel H- 21, near Basin K for a trail connection. Pulte did not want to encumber all three open space parcels in this enclave of Estate Homes without knowing exactly where the trail would be located.

The Supervisors suggested a trail easement connecting the walking trail along East Reeceville Road, along the pond, Parcels S-1 and G-3 to a point behind the Community Center. The Supervisors would prefer this location rather than along Bollinger Road, if feasible; Mr. Curtin said that Pulte cannot agree to a trail between Parcel S-1 and Lagoon 1 because one would physically not fit. They also cannot run a trail this close to the in-play area of a golf hole and behind units that are already sold.

Pulte did agree to continue the trail, which currently ends at Bollinger and E. Reeceville, north along Bollinger Rd. on Pulte's property to a point just north of the Giardini home where it would cross Bollinger Rd. and be picked up in the open space of the K. Hovnanian project, continue up Bollinger Rd on their side and connect to the existing trail on their approved plan. Although this is not totally ideal, it would eliminate the need for an easement and difficult cuts along the Giardini parcel, and would also not interfere with the sold homes on Bolero Drive, golf hole 9, the Grove complex and the cart path, all of which are currently under construction.

A trail easement should be provided along Zynn Road from Hockley Drive north to the proposed trail connection point at East Reeceville Road. After some research, Mr Curtin said that Zynn Rd. does, in fact, have sidewalk connecting to the T of the trail at E. Reeceville near the PennDOT bridge. This is reflected on the approved plans. The Zynn Road sidewalk moves south along Zynn to the entrance of the golf clubhouse parking lot, where it then crosses Zynn and picks up the sidewalk in front of the 5 Estate homes along Zynn Rd. The sidewalk then ends at the entrance to the Estate home farthest south on Zynn.

Pulte agreed to continue the sidewalk south along Zynn Road on the eastern side, in front of proposed Pump Station A and end it at the tract boundary line. At this point, crossing into the Classic Homes again does not make sense because there is no sidewalk and residents would be led to nowhere.

The Supervisors recommended staying away from using sidewalks to the greatest extent possible/practical.

Mr. Curtin asked that any permits required be in the name of East Brandywine Township, although Pulte would be willing to submit the permits on behalf of the Township. He will contact PADEP to see how this can be done. Pulte also agreed to construct all trails where possible and to provide easements in the other areas.

Mr. VanLew suggested that Pulte move the crosswalk on Applecross Blvd. back to where the center island is located. He believes this will be a safer situation for pedestrians. Mr. Curtin stated that they are redesigning the crosswalk.

Mr. Piersol stated that Township Solicitor Stacey Fuller, Esq. is currently reviewing the revised Settlement Agreement and should provide comments shortly.

ATV Ordinance

Mr. Piersol stated that the Planning Commission discussed resident concerns about the ATV Ordinance at last evenings' meeting. The Planning Commission generally felt that some of the major points should remain in the Ordinance, especially as they related to environmentally sensitive areas. Overall, the Planning Commission thought the Ordinance wasn't strict enough. At least two of the Planning Commission members will be part of the committee reviewing the Ordinance. Officer Mark Twaddell will also be invited to attend the meeting. Officer Twaddell has also asked whether the Ordinance should apply to snowmobiles.

Brian Nagle, Esq., attorney for some of the concerned residents, provided a list of talking points to discuss at the meeting. The residents concerns include mandatory written permission to be on private or public property, prohibition to ride within 25 feet of any public or private property line, on environmentally sensitive areas, the hours of operation, the number of ATV's allowed on a property and the fines, penalties and confiscation provisions.

Mr. Richard Reale asked whether the operation of ATV's should be regulated under the Township's ordinance that deals with construction equipment. Mr. Fischer stated that he thought operation of construction equipment was different than operation of ATVs and generally construction equipment is only used for a temporary length of time.

Mr. Piersol will coordinate scheduling a meeting with Township officials and concerned residents within the next several weeks.

Chairman Voltz adjourned the regular meeting at 8:50 P.M. and opened the Public Hearing on the following Ordinance:

Ordinance 03 of 2008 – An Ordinance of East Brandywine Township, Amending Chapter 399, Zoning of the Land Use code of the Township of East Brandywine, Article II, Definitions; Article VII, R-2 Residential District; Article VIII, VC Village Commercial District; Article IX, MU Mixed Use Commercial District; Article XIV, Supplemental regulations regarding Convenience Stores

Mr. Piersol provided the following exhibits for the Board to review:

- B-1 Copy of the Board of Supervisors minutes dated December 6, 2007 in which the Board authorized the Ordinance to be advertised.
- B-2 Copy of the letter dated December 27, 2007 by Stacey Fuller, Esq. to the Chester County Planning Commission and the Act 247 form.
- B-3 Copy of the letter dated February 19, 2008 to the Daily Local News enclosing the Public Notice and requested publication.

B-4 Copy of the Chester County Planning Commission's comments on the proposed Ordinance.

B-5 Notice and Proof of Publication from the Daily Local News.

The proposed Ordinance has been available for public review since February 19, 2008 when it was sent to the Daily Local News.

Chairman Voltz asked if there were any comments or questions. There were no questions. Chairman Voltz closed the public hearing at 8:55 P.M.

The regular meeting re-convened at 8:56 P.M.

Mr. Fischer made a motion to adopt Ordinance 03 of 2008. Mr. Kirkner seconded the motion, with all voting Aye. Chairman Voltz thanked the Ordinance Task Force for their work in moving this Ordinance forward so quickly.

Additional Public Comment

Chairman Voltz asked if there were additional public comments. Mr. Holmes asked if the Township was still looking into a sound system for the meeting room. He said that it is very difficult to hear. Mr. Piersol has been in contact with a firm about installing an audio and video system and should have information later this week. The Supervisors would like to resolve this as soon as possible.

Mr. Arnold Kring asked if there was an update on the firm that was interested in erecting a cell tower on Rock Raymond Road. Mrs. Smedley said that she periodically keeps in contact with Caln Township to see if there is any new information. As of last month, Caln Township has not been approached again by the cell tower company.

Mr. Kring also asked if there was any new information on the E. Fishersville Road Bridge closing. Township officials have met with Representative Schroder and representatives from PennDOT and the Chester County Planning Commission to discuss this. Although the bridge is in Caln Township, the municipalities would like to work cooperatively to replace the East Fishersville Road Bridge and on improvements to the Osborne Road Bridge, also in Caln Township. After the meeting, the group thought that possibly the Osborne Road Bridge should be replaced first since that bridge will be relocated and the existing bridge can still be used. Mr. Kring stated that he was very disappointed that the East Fisherville Road Bridge has remained closed for so long. Since Mr. Kring is a former Caln Township Commissioner, he said that he would help in any way he can to expedite the process. The Supervisors and Mr. Kring agreed that the closing of either bridge has a great deal of impact on both municipalities. Mr. Fischer pointed out that there is likely an economic impact for stores in Thorndale since many of their patrons use the affected roads.

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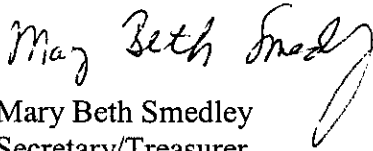
Both Townships have discussed funding with PennDOT officials. There may be funds available through Act 44 that could reimburse the municipalities as much as 80% of the cost of the project. There may also be a slight increase in State Liquid Fuel funds that could be used for payments of a Bond Issue. Mr. Fischer stated that PennDOT may offer an expedited approval if the municipalities pay up front the project.

There were no further comments.

Adjournment

There being no further business, Chairman Voltz made a motion to adjourn the meeting. Mr. Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 9:05 P.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer