

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS**  
**REGULAR SESSION**  
**Wednesday, May 21, 2008**

**Those in Attendance:**

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

**Absent:**

The East Brandywine Township Board of Supervisors meeting of Wednesday, May 21, 2008 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance with Corporal Glenn Mooney, Corporal Mark Twaddell, Officer Joseph Glasgow, Officer Sean Gregory, Officer Alan Haldeman and Officer Gina Ciminera. There were 14 visitors present.

**Opening of Meeting**

Chairman Voltz opened the meeting with the Pledge of Allegiance.

**Unit Commendations awarded to Officer Sean Gregory, Corporal Glenn Mooney and Officer James Ferraro. Citizens Recognition Award given to Joseph McIntosh**

Chief Kocsi stated that on Friday, March 28, 2008 East Brandywine Township resident Joseph McIntosh contacted Brandywine Regional Police to report a burglary in progress at his neighbor's home on Clearview Drive. Mr. McIntosh relayed information to the police dispatcher while Officer Sean Gregory, Officer James Ferraro and Corporal Glenn Mooney responded to the scene. As the suspects attempted to exit Clearview Drive onto Route 322, Officer Gregory intercepted their vehicle from leaving. Officer Gregory, with the assistance of Officer Ferraro and Corporal Mooney, took all four suspects into custody.

The ensuing investigation revealed that in addition to the burglary in East Brandywine Township earlier in the day, the suspects committed a burglary in Caln Township. The two adult and two juvenile suspects were all from the State of Delaware and were all on probation. As a result of this arrest the four suspects are being investigated by other departments including Westtown/East Goshen Regional Police and the Pennsylvania State Police for burglaries in their jurisdictions. All of the property taken in the East Brandywine Township and Caln Township burglaries was recovered.

Officer Sean Gregory, Officer James Ferraro, Corporal Glenn Mooney and Township resident Joseph McIntosh were commended for their quick actions and response to this incident. The teamwork and professionalism shown by all resulted in the arrest of four career criminals and the safe recovery of all property belonging to the victims.

Chief Kocsi reported that the two juveniles have pled guilty and the two adults are still in Chester County Farms Prison.

Chief Kocsi and the Board of Supervisors congratulated the officers and Mr. McIntosh on a job well done. Chief also introduced Gina Ciminera to the Board. She is joining the Brandywine Regional Police Department as a part-time officer. Corporal Twaddell is overseeing her field training.

### **Public Comment for Non-Agenda Items**

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

### **Minutes: Board of Supervisors – April 16, 2008**

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 April 16, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

### **Minutes: Board of Supervisors – May 1, 2008**

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 May 1, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

### **Minutes: Board of Supervisors – May 14, 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.

### **Minutes: Planning Commission Minutes – May 7, 2008**

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 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

### **Treasurer's Report**

Mrs. Smedley read the account balances as of May 21, 2008. After review of the Treasurer's Report/Financial Statement, Mr. Fischer made a motion to approve the Treasurer's report and payment of the bills. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

### **Report: Township Manager's Report**

The Federal Energy Regulatory Commission and the U.S. Army Corps of Engineers has scheduled a public hearing for Wednesday evening, June 11<sup>th</sup>, beginning at 7:00 P.M. at the East

Brandywine Fire Company. One primary purpose of this public hearing is to announce the availability of the draft environmental impact statement on the proposed installation of a liquefied natural gas terminal at Sparrows Point in Baltimore County, Maryland, and the construction of an 88-mile pipeline north to an existing terminal in Eagle, PA. The pipeline passes through portions of East Brandywine Township in the Tunbridge development, crosses the White Acres Farm property, then crosses under the Brandywine Creek at Dowlin Forge Road, and into Uwchlan Township. The Corps of Engineers is soliciting comments from the public, state, federal and local officials, and other interested parties, so the regulatory agencies can consider the information presented as it relates to the proposed project. Mr. Piersol will attend the meeting on behalf of the Township.

Community Park Phase III construction project has been moving along quickly. The weather has cooperated, and the contractors are ahead of schedule for completion. We anticipate paving of the driveway will occur in the next two weeks, and work will be completed by the end of June. The fields will not be ready for play by active recreation programs until spring of 2010.

PECO Energy provided a forum for municipal officials which Roadmaster VanLew and Mr. Piersol attended last Thursday morning. The forum was to provide information on how the PECO system works, equipment improvements and vegetation management efforts they have undertaken recently to improve system reliability, and to gather feedback on how PECO can better communicate with municipal officials. Of particular interest was their work on a system to notify municipalities by text messages and e-mails of outages in specific areas to assist in emergency management planning. This system is expected to be operational by June 30<sup>th</sup> of this year. The need for additional communication with the field personnel was also discussed, and PECO did provide the municipalities with direct access to PECO's dispatch to allow for improved communications. Mr. Piersol hopes to publish information in a future newsletter on how our residents can assist with directing PECO to outages that their system may not be able to determine remotely.

Norann King and Mr. Piersol attended an information session this morning on changes to the State's recycling regulations under Act 101. Act 140 reauthorized the \$2 per ton fee charged on trash entering landfills, which creates funding for recycling grants. The Township submits a recycling performance grant every year, which helps offset some of the costs of providing our recycling programs, which reduces the waste being disposed of in the Lanchester Landfill. Act 140 requires certain criteria be met before PA DEP will pay these grant funds. The only issue East Brandywine Township may have is whether our Solid Waste and Recycling Ordinances comply with some of the requirements. Our Ordinances were sent to PA DEP this afternoon for their review. There are changes that will need to be made to assure compliance with DEP regulations.

The Historical Commission has submitted a draft of a notification letter and list of 36 properties they propose to add to the Township's Historical Resource Inventory as Class II Historic Resources. This update is part of the update to Article XII of our Zoning Ordinance on Historic Resource Protection Standards, and will be included in the Comprehensive Plan update currently underway. Since this process includes an update to the Zoning Map, Mr. Piersol requested the Board authorize the submission of this information, along with the revised Zoning Map, to the County Planning Commission for their Act 247 review. Chairman Voltz asked if there were any

questions. There were no questions. Mr. Fischer made a motion to submit the revised Historical Resource Inventory and the review Zoning Map to the Chester County Planning Commission for their Act 247 review. Mr. Kirkner seconded the motion, with all voting Aye. Mr. Piersol said that the Township will need to schedule a public meeting to provide affected residents with additional information and provide them with an opportunity to ask questions.

The Township is continuing discussions on the White Acres Farm acquisitions. The Whittaker family has provided a revised draft Agreement to the Township. This Agreement will be reviewed within the next several weeks.

We have also been working with the Robbs on Hadfield Road, and have agreed to reimburse them for the property appraisal they submitted recently. Kevin Anderson from Brandywine Conservancy has provided a draft agreement for the Thornburys, and for East and West Brandywine Townships to execute. Mr. Fischer indicated the Open Space Committee's plan was to have both the Robb and Thornbury properties done at the same time. Mr. Piersol requested the Board's consideration of approving this agreement. Mr. Kirkner made a motion to approve the draft agreement for the conservation easements on the Thornbury property. Mr. Fischer seconded the motion, with all voting Aye. Mr. Fischer thanked the Open Space Committee and particularly Carl Croft who did an outstanding job of working with the Thornbury family throughout this process.

**Report: Building Inspector/Zoning Officer – Report for April 2008**

Mr. Piersol read the Building Inspector/Zoning Officer's Report for April 2008. There were twenty-three building permits issued, nine use and occupancy permits issued, and one hundred and sixteen inspections conducted during the month. The total fees collected were \$20,696.30.

**Park and Recreation Report**

Chairman Voltz reported that today's Fore the Golf outing was another successful event for the Township. He said that 85 golfers participated and the outing was enjoyed by all. The Day in the Park is scheduled for Sunday, June 22, 2008 from 10:00 A.M. to 3:00 P.M.

**Report: Brandywine Regional Police Commission**

Vice-Chairman Kirkner reviewed the Brandywine Regional Police Commission minutes for March of 2008.

Vice-Chairman Kirkner reported that the Brandywine Regional Police Commission verbally approved a new four year contract with the Association. They also verbally approved Lt. Marshman's contract.

The next meeting will be held Wednesday, May 28, 2008 at 8:00 A.M at the Wallace Township building.

Mr. Holmes asked Vice-Chairman Kirkner if he could comment on the dissolution of the Brandywine Regional Police Department. Vice-Chairman Kirkner stated that he couldn't provide any specific information at this time, but anticipates that the Department could dissolve by the end of the year.

**Report: Police Chief - Police Activity Report for April 2008**

Police Activity Report – April 2008

Investigations	170
Traffic Citations	161
Traffic Warnings	31
Traffic Accidents	9
Criminal Arrests	7
Summary Arrests	4

Criminal Investigations – April 2008

Burglary/Criminal Trespass	1
All Assaults	0
Theft/Fraud	11
Disorderly Conduct/ Harassment	6
Disturbances	6
Suspicious Activity/ Persons	16
Domestics	3
Criminal Mischief	2
Juvenile Complaints	0
Missing Persons/ Runaways	2
Driving Under the Influence	1
Fugitive Warrants	3
Drugs	0
Other	0

**Report: Fire Company's Activity Report for April 2008**

Mr. Piersol read the Activity Report for the month of April, 2008, as submitted by Fire Chief Robert Zynn, Jr. There were fifty-nine total incidents. In East Brandywine Township there were nine fire calls and seventeen QRS calls. In West Brandywine Township there were fourteen fire calls and eleven QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Downingtown Borough and East Whiteland Township.

The second annual Kid's Festival will take place on June 7<sup>th</sup> from 11:00 A.M. to 5:00 P.M. at the East Brandywine Township Community Park on Dilworth Road. Mr. Piersol stated that the Fire Company hopes for another successful turnout.

### **K. Hovnanian**

#### Sewer Reservation Agreement

Mr. Jim Flanagan, Area Vice-President stated that K. Hovnanian is committed to signing the Sewer Reservation Agreement and will provide a \$1.5 million letter of credit, the terms which are outlined in the Agreement. This will obligate K. Hovnanian to pay for their proportionate share of the treatment plant. In light of the current building climate they plan to delay obtaining final approvals until the end of 2009. During this time the applicant plans to review the plan and may make some changes to the model mixes and will incorporate some of the recommendation made by the Township professionals. .

K. Hovnanian has withdrawn the final plan that is currently being reviewed. Mr. Flanagan stated that K. Hovnanian remains committed to building the community. The preliminary plan approval extends for five years from the date it was given.

Municipal Authority Solicitor Thomas Oeste, Esq. has reviewed the Letter of Credit and has forwarded his comments to K. Hovnanian Counsel Michael Macaninch, Esq.

Vice-Chairman Kirkner made a motion to approve signing the Sewer Connection and Reservation Agreement pending final review of the Letter of Credit by Mr. Oeste. Mr. Fischer seconded the motion, with all voting Aye.

#### Withdrawal of Final Plan

Michael Macaninch, Counsel for K. Hovnanian provided a letter dated May 8, 2008 withdrawing their application for final plan approval. K. Hovnanian plans to revise the plan and resubmit in the next few months. Vice-Chairman Kirkner made a motion to accept the withdrawal of the final plan as outlined in the May 8, 2008 letter. Mr. Fischer seconded the motion, with all voting Aye.

### **Subdivision Extensions**

Hillendale – The Planning Commission is recommending the Board accept an extension to review this subdivision application until September 30, 2008. Mr. Fischer made a motion to accept this extension. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Applecross Phases II – IV – The Planning Commission is recommending the Board accept an extension to review this subdivision application until August 3, 2008. Vice-Chairman Kirkner made a motion to accept this extension. Mr. Fischer seconded the motion, with all voting Aye.

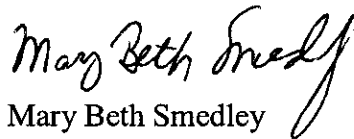
**Additional Public Comment**

Chairman Voltz asked if there were additional public comments. Officer Alan Haldeman, President of the Brandywine Regional Police Association asked if the Board of Supervisors could provide any information about the dissolution of the Brandywine Regional Police Department. He stated that the officers are concerned and wanted to know if it is the intent of East Brandywine Township and Wallace Township to honor the police contract. Mr. Haldeman was told that the Board was concerned as well, but don't have a lot of information to provide at this time. East Brandywine Township is committed to providing full-time police coverage for our residents, but hasn't made any decisions yet. There are no additional meetings scheduled with Wallace Township at this time.

**Adjournment**

There being no further business, Mr. Fischer made a motion to adjourn the meeting. Vice-Chairman Kirkner seconded the motion, with both voting Aye. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,



Mary Beth Smedley  
Secretary/Treasurer