

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, June 5, 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 Thursday, June 5, 2008 was called to order by Chairman Voltz at 7:30 A.M. at the East Brandywine Township Municipal Complex. There were two visitors present.

Public Comment for Non-Agenda Items

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

Resolution 07 of 2008 – East Brandywine Township’s participation with West Bradford, Caln and West Brandywine Townships in a joint application for purchase of a horizontal grinder.

Mr. Piersol stated that West Brandywine Township is the lead agency for this grant application. The projected cost of this equipment, along with other associated costs proposed to be covered by the grant, is over \$186,000.00. This tub grinder can be towed; its use will be shared by the four municipalities involved at locations within each municipality. The unit will process leaves, brush and other yard waste, along with non-treated construction debris, and creates a mulch product for use in our parks. The finished mulch product will be made available to our residents. Mr. Piersol stated that the application is due at the end of the month and the grant will take 8 months to a year to process. He also stated that PADEP is encouraging the use of these grinders. If the grant isn’t awarded the townships aren’t committed to purchasing the grinder. This grinder will provide a more uniform, usable material than the Township can make with the chipper we now have. Each municipality would have use of the chipper for a quarter of the year. Chairman Voltz asked if there were any questions. There were none. Mr. Fischer made a motion to adopt Resolution 07 of 2008. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Brown Property Acquisition with Open Space Funds

Mr. Piersol provided the Supervisors with account balances from the Open Space fund and the Open Space Referendum funds. He suggested that a portion of these funds could be used to purchase a 7.4 acre parcel from the Brown family, which included the existing driveway. He also stated that the Browns would like to subdivide two acres at the rear of the property for their use that would have access off of Wildbrier Drive.

The 7.4 acre lot would be used for a composting area and a link from the Community Park to Ferndale Lane. Mr. Piersol stated that residents in the Hopewell subdivision would like to see

this linkage created to the park. The Supervisors are willing to consider this, but would like the Hopewell Homeowners' Association to work with the Township on a trail connection from Phase II of the subdivision to the McCausland Tract.

Mr. Piersol provided a copy of a Memo of Understanding for the Supervisors to review. Although it would need to be revised, it could be used as a template for this acquisition. It was also noted that the property would need to be reappraised.

Mr. Fischer and Mr. Piersol will discuss this issue at the next at the next Open Space Committee meeting.

Bondsville Mill Park – Authorization for Yerkes Associates to create a document to seek bids for selective demolition of certain buildings on the site

Mr. Piersol explained that Yerkes Associates previously created a bid document for the Coatesville City Redevelopment Authority to solicit bids for the demolition of buildings on the G.O. Carlson site. The proposal is to use this document as a basis to solicit bids where the value of the steel salvaged from the site would offset the cost of the selective demolition of parts of Buildings F, G, & H, called a "zero" bid.

The general plan is to saw cut the walls of certain buildings to an approximate 3-foot height to make the structure safe for public entry and use. This concept is as discussed previously at the Mill Committee meetings. Yerkes Associates has agreed to donate their time to construct the bid documents. Mr. Yerkes has agreed to contact H.A. Jurick, Inc., a firm he has previously engaged for other similar projects, to request their opinion on the salvage value versus the work proposed. If the plan isn't feasible Mr. Piersol will inform the Bondsville Mill Committee.

The bid will be staged with alternates to allow the Township to select which building sections to include in the award based on the salvage value of the steel.

Mr. Piersol requested the Board's permission to proceed, since this work was not proposed in this year's budget. If the bids received propose a cost to the Township, they can be rejected. It needs to be determined who will be responsible for capping and stabilizing the walls after they are saw cut.

Chairman Voltz made a motion to authorize Yerkes to prepare the documents to seek bids for demolition of certain buildings on the Bondsville Mill site and recognized the donation of Yerkes Associates in preparing these documents. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

2008 Road Project

Mr. VanLew began working with Russell Yerkes last December after the 2007 road project concluded on bid documents for the 2008 paving projects for the proposed overlay of the streets in the Brandywine Chase development including Ridgewood Circle, Laurelwood Drive and Woodcrest Drive, and the oil and chip treatment for Osborne Road. Mr. VanLew stated that that proposed Osborne Road improvements were a temporary solution, but that it should last 4 to 5 years. The budgeted amount for these projects is \$159,000, although Mr. VanLew stated that costs have increased between 20% and 25% over what they were last year. If the bids are too expensive East Brandywine Township has the option of reducing the scope of work.

Chairman Voltz asked if the other proposed safety improvements on Osborne Road were

complete. Mr. VanLew stated that the directional arrows and advance warning signs have been installed. There is a tree that still needs to be removed by the Road Department. Chairman Voltz wondered if there might be other improvements that can be done to the curve to make it safer. Mr. John Carrigan suggested that vegetation be removed in the vicinity of the curve to help with visibility. Mr. VanLew will contact the property owner about this.

ATV Ordinance Revisions

Mr. Piersol stated that this latest draft incorporates comments and revisions through the May 28th Ordinance Task Force meeting. Pending the Board's approval, the next step would be to circulate this draft to the group that met on Thursday, April 10th for review, and schedule a meeting with those individuals. By a five to one vote, the Planning Commission has recommended that the draft Ordinance be forwarded to the Board for their consideration.

At last evening's Planning Commission meeting Mr. Thomas raised concerns that the times of operation outlined in the Ordinance were too restrictive and he suggested that the Ordinance be based on noise, rather than time based.

Mr. Fischer stated that he also had concerns that the Ordinance may not be enforceable and thinks that it may be too restrictive. Chairman Voltz and Vice-Chairman Kirkner agreed that there were some concerns about the Ordinance, as proposed. The majority of resident complaints are related to noise and this would need to be measured by a decibel meter. The Supervisors discussed how to write an Ordinance that provided reasonable hours for operation of ATV's, while taking into consideration those residents who are bothered by their operation. They suggested allowing some evening hours for riding ATVs, along with some limited hours of operation for Sundays and Holidays. Also, the Supervisors would like to limit how many consecutive or cumulative hours where an ATV can be operated on any given day.

Vice-Chairman Kirkner stated that he is concerned that the Ordinance is written so that it can be legally enforced. He does not want to put the Police Department in a no-win situation.

Mr. Carrigan stated that there are many different types of machinery that make excessive noise such as chain saws and lawn mowers. It was noted that usually, these machines aren't used every day for many hours at a time.

The Supervisors wondered if ultimately there should be a noise ordinance with operation of ATV's as a subsection of that Ordinance.

Chief Kocsi offered to obtain a decibel meter to try and determine the decibels for operating ATV's. It was suggested that he could measure the noise level at Mr. Carrigan's home and possibly one or two other properties where ATV's are operated. Also, it was mentioned that some operators removed mufflers from the ATV's. Possibly the final Ordinance could require that the ATV's be equipped with a muffler.

Mr. George Holmes stated that some of the thought the rights of the majority of residents should outweigh the rights of the few residents who ride ATV's. He also stated there is someone near his home who has a very loud ATV and has been seen riding it in the street.

Chief Kocsi stated that certification is needed to operate a decibel meter and enforce the Ordinance. Currently, the only nearby municipality with a decibel meter is Downingtown Borough.

Chairman Voltz asked Mrs. Smedley to schedule a meeting with the ATV Committee to discuss these issues within the next several weeks.

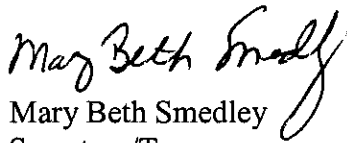
Additional Public Comment

Chairman Voltz asked if there were any additional comments. There were none.

Adjournment

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

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer