

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, June 18, 2008**

Those in Attendance:

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

Absent:

David A. Kirkner, Vice-Chairman

The East Brandywine Township Board of Supervisors meeting of Wednesday, June 18, 2008 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. There were seventeen visitors present.

Opening of Meeting

Chairman Voltz opened the meeting with the Pledge of Allegiance.

East Fisherville Road bridge issues

State Representative Curt Schroder and several residents from East Fisherville Road attended the meeting to discuss their concerns about the bridge closure in Caln Township. Representative Schroder stated that the bridge has been closed approximately 10 months. He said during this time he requested Caln Township either repair or rebuild the bridge as soon as possible. He went on to say that he hasn't been able to receive any definitive answer from Caln Township. Currently, they have other capital projects outstanding and there are concerned about the overall cost of the project. Residents believe that since only one or two residents living on East Fisherville Road as Caln Township residents, replacement of the bridge is not a high priority. East Fisherville residents attended the May 29th Caln Township meeting again to press their case for a quick resolution of the problem. Representative Schroder said that the meeting went well, but he believes moving this process along will require assistance from East Brandywine Township. Although East Brandywine Township has no legal duty to provide assistance, financial or otherwise, residents of East Fisherville Road hope that the Township will help with the bridge repair or replacement.

Residents discussed several concerns with having the bridge closed indefinitely:

1. It is an inconvenience to residents.
2. School buses will only stop at the intersection of Osborne Road and East Fisherville Road, so elementary-aged school children must now be escorted to the bus stop.
3. Residents are concerned about public safety. Should the road become blocked there are no other means of ingress or egress. They are concerned that emergency personnel may not have access to their homes when they are needed.

Estimated costs for replacement of the bridge, including costs for a right-of-way in East Brandywine Township are approximately \$610,000.00. Mr. Fischer asked about retroactive reimbursement through TIP (Transportation Improvement Program). After the project is completed, the Townships could enter into a retro-reimbursement program with PennDOT and be reimbursed for 80% of the costs. PennDOT has indicated that State Liquid Fuels funds may increase by approximately 10% through the Act 44 program.

Requesting this project to be part of the TIP program was initially discussed in February with representatives from East Brandywine Township, Caln Township, PennDOT and the Chester County Planning Commission. Information about upcoming TIP applications is usually sent to municipalities in July. Completed applications must be forward to the County in August, and decisions are usually made in October. Representative Schroder will follow-up on this with Randy Waltmyer at the Chester County Planning Commission.

The Supervisors asked Representative Schroder about discussions for completing the Osborne Road Bridge project first. Representative Schroder acknowledged that Caln Township officials feel that repair or replacement of Osborne Road is a priority over the proposed East Fishersville bridge project. Representative Schroder is concerned that if something happens to the Osborne Road Bridge before the East Fishersville Road Bridge is reopened it could have very serious consequences for residents living in that area of the Township. Representative Schroder was asked if Caln Township is actively making plans to replace the Osborne Road Bridge. Representative Schroder does not know if it is moving forward.

After review of the information, Chairman Voltz made a motion for East Brandywine Township to send a letter requesting that Caln Township add the East Fisherville Road bridge project to the 2009-12 TIP when Chester County circulates these requests later this year. The Board of Supervisors also request that a joint meeting be scheduled as soon as practical to discuss this project and the associated funding aspects. Mr. Fischer seconded the motion, with both voting Aye. The Supervisors are concerned about having the bridge closed indefinitely primarily because of safety concerns for East Brandywine Township residents.

Chairman Voltz asked if there were questions from the audience. Mr. Don Sweeney stated that he is an 18 year resident of East Fisherville Road. He stated there are no fire hydrants along East Fisherville Rd. and is concerned about fire safety. He also stated that he is concerned about young children walking along the road and the overall condition of the road since he has a child who is just learning to drive. Mr. Sweeney also stated that the road closure could impact elderly or handicapped residents.

Mrs. Joanne Reynolds stated that her husband recently had a heart attack and she reached the hospital before the ambulance did because the East Fisherville Road Bridge was closed and the ambulance driver wouldn't go down Osborne Road. She said that she is afraid someone is going to die.

Ms. Carol Stoup stated that she has a middle school aged child who has asthma and isn't able to walk up the road. She stated that the School District won't provide a bus to go down East Fisherville Road. She went on to say that it is dangerous for small children to go up and down

the road; there is a lot of speeding on the road and she hasn't noticed any police presence lately. She stated that the bridge closure has caused safety issues on many levels.

The Supervisors thanked Representative Schroder and the residents for their time. Mr. Piersol will send the letter to Caln Township as soon as possible and provide copies to the residents.

Public Comment for Non-Agenda Items

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

Valocchi Zoning Hearing

The Zoning Hearing Board will meet on Tuesday, June 24, 2008 at 7:30 P.M. to hear the application of Ben and Rochelle Valocchi. The applicants are requesting a variance to increase the amount of impervious surface coverage in connection with a proposed addition to their home. The subject property is located at 3 Clover Lane in the R-1 Residential Zoning District. Mr. Todd Kentzel, architect for the project, attended the meeting to discuss the application.

Mr. Kentzel explained that the Valocchi property is 1.5 acres and is a non-conforming lot in the R-1 Zoning District. The existing impervious cover on the property is 11.2% and they are requesting to increase this to 14.3% to construct a family room, office, and to expand their driveway.

In order to build the proposed addition the applicant will need to move their septic system. Mr. Valocchi expects the perc test to be completed shortly. At the Planning Commission meeting Mr. Kentzel suggested that the stormwater basin might be located where the existing septic drainage field is located if this is allowed by the Chester County Health Department. He has since discovered that there isn't enough room in that area to do this. Mr. Kentzel stated that Mr. and Mrs. Valocchi have contacted their neighbors about the proposed addition and there are no objections to the proposal.

It was noted that wells on the adjacent properties aren't shown. Mr. Kentzel was asked to provide a plan showing the adjacent well in order to make sure that the proposed septic system is at least 100 feet away from any existing wells.

After review of the application Chairman Voltz recommended the Zoning Hearing Board approve this request with the following conditions. Chairman Voltz only made a recommendation since Vice-Chairman Kirkner was absent from the meeting and Mr. Fischer recused himself from voting:

1. The applicant shows that the new septic location will meet the required 100 ft. isolation distance from the well on the property and all adjacent properties
2. The applicant agrees to sign a Memorandum of Zoning Hearing Board Decision that will restrict the property from increasing the impervious cover beyond 14.3%. This Memorandum will be recorded at the Chester County Recorder of Deeds.

3. A stormwater management plan, approved by the Township Engineer, is provided prior to the issuance of a building permit.

Volpone Zoning Hearing

The Zoning Hearing Board will meet on Tuesday, June 24, 2008 at 7:30 P.M. to hear the application of Stephen and Deborah Volpone. The applicants are requesting variance from the minimum yard requirements and maximum impervious surface requirements in connection with constructing a screened-in porch on an existing deck. The subject property is located at 11 Blakely Road. Mr. and Mrs. Volpone attended the meeting to discuss the application.

Mr. Volpone explained that although the existing deck meets the required 15 ft. setback from the property line, once the screened in porch is constructed the setback must be 20 ft. from the property line. The existing deck is between 16 ½ feet and 17 feet from the property line. In addition the current impervious coverage is at 14.335%. Although this will not change with the addition, Mrs. Smedley stated that Mr. Oeste suggested that they request this relief since they will be constructing a building and this may affect water flow from their property. At the Planning Commission meeting Mrs. Volpone stated that they may want to enlarge their existing driveway sometime in the future and this would also increase the impervious cover. The Planning Commission suggested the applicant amend their application to include the future driveway expansion.

The Planning Commission suggested that Mr. and Mrs. Volpone provide a more comprehensive sketch plan showing all features on the property, which they provided for the Supervisors to review.

After review of the application Chairman Voltz made a motion to support the application with the following conditions:

1. The applicant provides a sketch plan showing all features on the property.
2. The applicant agrees to sign a Memorandum of Zoning Hearing Board Decision that will restrict the property from increasing the impervious cover beyond 15.48%. This Memorandum will be recorded at the Chester County Recorder of Deeds.
3. A stormwater management plan, approved by the Township Engineer, is provided prior to the issuance of a building permit, if it is determined it is needed.

Mr. Fischer seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – May 21, 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 21, 2008 minutes as presented. Chairman Voltz seconded the motion, with both voting Aye.

Minutes: Board of Supervisors – June 5, 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 June 5, 2008 minutes as presented. Chairman Voltz seconded the motion, with both voting Aye.

Minutes: Planning Commission Minutes – June 4, 2008

Approval of the Planning Commission minutes has been deferred until the July Board of Supervisor's meeting.

Treasurer's Report

Mrs. Smedley read the account balances as of June 18, 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. Chairman Voltz seconded the motion, with both voting Aye.

Report: Township Manager's Report

East Brandywine Township has been chosen as the Municipality of the Year by the Chester County Historical Preservation Network. This award recognizes members of the Historical Commission, the Board of Supervisors and Township Staff for efforts in historic preservation. A dinner and awards ceremony will occur at the Springton Manor Farm on Wednesday, June 25th, beginning at 5 PM.

The construction project in Phase III of our Community Park is nearing completion. The walking trail and driveway paving was completed last week, and final work on blending the paved surfaces with the adjacent ground is being completed now. Two small basins in the front parking area were designed for groundwater recharge, but were found to be holding water, which was a safety concern for the Township. The County Conservation District approved our plan to eliminate those two basins, as the other stormwater controls on the site were sufficient to handle the additional stormwater. Now that the parking areas are usable, we have learned that people are already using the baseball fields despite the new grass growth, so we will have to post the fields as off-limits to allow the grass time to grow.

The Park & Rec Board's Family Day in the Community Park is this Sunday, June 22nd from 10 AM until 3 PM. The Cruisin' Classics Car Club will again have their car show as a highlight of the event. Hopewell Troop 8 will have their food service, along with one other food vendor. Spirit United Soccer Club is donating a moon bounce for the day. Dick Reale is coordinating a community yard sale at the Park as he previously suggested to the Board. Hopefully the weather will cooperate and we will have a great turnout Sunday.

Mr. Piersol reported that the Thornburys and Robbs, owners of adjacent properties along Hadfield Road, have agreed to the offers presented by the Open Space Committee to acquire conservation easements on their respective properties. Kevin Anderson of Brandywine Conservancy and Carl Croft of our Open Space Committee have worked together with both parties to move these projects forward, and are to be commended for their efforts. The Thornbury project also involves West Brandywine Township, as a majority of the property is located in West Brandywine. Both property owners have been quite motivated, which helped

speed this process along. The Committee continues to work with several property owners on other open space projects.

The Township has advertised for bids for the 2008 Road Projects. Repaving of the streets in the Brandywine Chase development, and tar and chip of Osborne Road is proposed with this project. A pre-bid meeting occurred Friday, June 13th, and bids will be received until 12:00 noon this Friday, June 20th. Bids will be opened and read aloud this Friday. The bid award will occur, subject to the Township Engineer's review, at the Board of Supervisors' public meeting on Thursday, July 3rd, at 7:30 AM.

The Federal Energy Regulatory Commission (FERC) and the Army Corps of Engineers have been hosting public meetings to discuss the environmental impact statements provided on the two proposed natural gas pipeline projects, both which traverse through the Township. There is a great deal of opposition to both projects by affected property owners and other interested parties, who protest that neither project is currently necessary to serve the energy needs of the northeastern part of the country, as the existing pipelines are currently underutilized. FERC will be making further decisions based on input from all parties later this year.

Letters were mailed to all affected property owners in the Guthriesville Village area announcing a public meeting to discuss the work completed on the Master Plan for the Village. This informal, informational meeting is scheduled for Tuesday, July 1st at 7 P.M. here at the Township Meeting Room. Each of the property owners will be receiving a copy of the draft plan by mail to review prior to the meeting date.

We have been receiving several phone calls from residents recently about our waste hauler no longer accepting yard wastes with our curbside trash collection. Yard waste is not supposed to be collected at curbside, as the County wants to divert these materials from the waste stream. There is a specific area at the Landfill for these types of compostable materials. The Township staff has been advising the callers of options to properly handle yard wastes such as composting or the curbside leaf and limb service provided by the Township. The Township is hoping to purchase property to establish a composting facility to properly handle the yard wastes. These efforts all divert these materials from our landfills, and will ultimately save many tax dollars. The Township pays \$58 per ton of refuse directed to the landfill. Conservative estimates show that the Township would pay an additional \$30,000 in landfill tipping fees for the materials we are annually diverting from the waste stream.

Report: Building Inspector/Zoning Officer – Report for May 2008

Mr. Piersol read the Building Inspector/Zoning Officer's Report for May 2008. There were thirty-nine building permits issued, seven use and occupancy permits issued, and one hundred and thirty-six inspections conducted during the month. The total fees collected were \$34,724.50.

Park and Recreation Report

Chairman Voltz reported that our athletic fields are attracting teams from other areas and field time, particularly at the Community Park is at a premium. East Brandywine Township has recently constructed two new fields, but they can't be used until the grass grows in. Mr. Piersol and Mrs. Smedley will meet with representatives of the Park and Recreation Committee and EBYA to discuss this within the next several weeks.

Report: Brandywine Regional Police Commission

The next meeting will be held Wednesday, June 25, 2008 at 8:00 A.M at the East Brandywine Township.

Chief Kocsi reported that Officer Philip Mollichella will be resigning from the Police Department in the next several weeks and Officer Michael McBride has had his military leave extended through July. Officer Gina Ciminera should finish her orientation soon. The loss of part-time help is causing a manpower shortage. Chief Kocsi will speak to the Brandywine Regional Police Commission about the need to advertise for additional part-time help at the next meeting.

Report: Police Chief - Police Activity Report for May 2008

Police Activity Report – May 2008

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| Investigations | 163 |
| Traffic Citations | 147 |
| Traffic Warnings | 32 |
| Traffic Accidents | 12 |
| Criminal Arrests | 13 |
| Summary Arrests | 8 |

Criminal Investigations – May 2008

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|-----------------------------------|----|
| Burglary/Criminal Trespass | 1 |
| All Assaults | 1 |
| Theft/Fraud | 6 |
| Disorderly Conduct/ Harassment | 3 |
| Disturbances | 3 |
| Suspicious Activity/ Persons | 10 |
| Domestics | 2 |
| Criminal Mischief | 2 |
| Juvenile Complaints | 0 |
| Missing Persons/ Runaways | 0 |
| Driving Under the | |

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| Influence | 4 |
| Fugitive Warrants | 2 |
| Drugs | 0 |
| Other | 0 |

Report: Fire Company's Activity Report for May 2008

Mr. Piersol read the Activity Report for the month of May, 2008, as submitted by Fire Chief Robert Zynn, Jr. There were sixty-three total incidents. In East Brandywine Township there were five fire calls and fourteen QRS calls. In West Brandywine Township there were thirteen fire calls and twenty QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Downingtown Borough, Oxford Borough, Lower Oxford Township and the City of Coatesville.

Mr. Piersol reported that the Kid's Festival was another successful event, despite the hot weather. He thanked all those who worked so hard to make this another great day.

Subdivision Extension

AWI/Croppers - 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. Chairman Voltz seconded the motion, with all voting Aye.

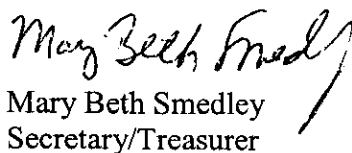
Additional Public Comment

Chairman Voltz asked if there were additional public comments. Mr. Robert Lynch asked when the Township would be installing a sound system. He stated that it is very difficult to hear what the Supervisors are saying. Mr. Piersol stated that he hoped to have bids for a sound system by late summer, and award those bids in the fall.

Adjournment

There being no further business, Mr. Fischer made a motion to adjourn the meeting. Chairman Voltz seconded the motion, with both voting Aye. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer