

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Thursday, August 7, 2008

Those in Attendance:

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

Absent:

Hudson L. Voltz, Esq.

The East Brandywine Township Board of Supervisors meeting of Thursday, August 7, 2008 was called to order by Vice-Chairman Kirkner at 7:40 A.M. at the East Brandywine Township Municipal Complex. There were 18 visitors present.

DeCarli Hearing

The Board immediately adjourned the regular meeting to hold a hearing for Robert and Kathleen DeCarli's application to amend the Hedgerow/Culbertson Run Planned Residential Development with regard to their rear yard setback in order to construct a sunroom.

After testimony provided by the applicant, the Board of Supervisors unanimously approved the DeCarli application. Solicitor Fuller will compose the decision document.

The regular meeting reconvened at 7:55 A.M.

Public Comment for Non-Agenda Items

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

Pulte Homes – Extension

Pulte Homes is requesting that the Board of Supervisors accept an extension to review Phases II through IV until September 5, 2008. Mr. Fischer made a motion to accept this extension. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Board of Supervisors July 3, 2008

Vice-Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Mr. Fischer made a motion to approve the July 3, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Planning Commission Minutes – July 2, 2008

Vice-Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Mr. Fischer made a motion to approve the July 2, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Pension Committee Minutes – July 3, 2008

Vice-Chairman Kirkner asked if there were any additions or corrections to the Pension Committee Minutes. There were no corrections. Mr. Fischer made a motion to approve the minutes. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Treasurer's Report

Mrs. Smedley read the account balances as of July 16, 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 seconded the motion, with both voting Aye.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for June 2008. There were nineteen building permits issued, twenty use and occupancy permits issued, and one hundred and forty-eight inspections conducted during the month. The total fees collected were \$13,809.40.

Report: Brandywine Regional Police Commission

Vice-Chairman Kirkner reviewed the Brandywine Regional Police Commission Minutes for April 23rd, April 28th, May 28th and June 25th. He stated that the Brandywine Regional Police Commission is dissolving at Wallace Township's request. At this point there isn't a date certain for dissolution, but it will occur no later than March 25, 2009. Vice-Chairman Kirkner also stated that there has been increased overtime due to the lack of manpower to cover all the shifts.

The next Brandywine Regional Police Commission meeting will be held Wednesday, August 27th at 8:00 A.M. at the East Brandywine Township Municipal Complex.

Report: Police Chief - Police Activity Report for June 2008

Police Activity Report – June 2008

Investigations	199
Traffic Citations	124
Traffic Warnings	18
Traffic Accidents	13
Criminal Arrests	0
Summary Arrests	8

Criminal Investigations – June 2008

Burglary/Criminal Trespass	5
All Assaults	0
Theft/Fraud	8
Disorderly Conduct/ Harassment	7
Disturbances	8
Suspicious Activity/ Persons	33
Domestics	2
Criminal Mischief	4
Juvenile Complaints	1
Missing Persons/ Runaways	0
Driving Under the Influence	1
Fugitive Warrants	0
Drugs	0
Other	0

Chief Kocsi reported that the Police Commission is currently interviewing candidates for part-time officers. Once the pre-employment testing is complete one applicant will be offered a position. Other applicants may be considered for additional positions in the future.

Report: Fire Company's Activity Report for June 2008

Mr. Piersol read the Activity Report for the month of June 2008, as submitted by Fire Chief Robert Zynn, Jr. There were sixty-five total incidents. In East Brandywine Township, there were fifteen fire calls and fourteen QRS calls. In West Brandywine Township, there were twelve fire calls and eighteen QRS calls. The Fire Company provided assistance in Wallace Township, Uwchlan Township, and Valley Township.

Mr. Piersol reported that the July Chicken Barbeque was another successful event. The Fall Chicken Barbeque will be held September 20th.

Robb Open Space Acquisition

Mr. Piersol stated the Mr. and Mrs. Robb signed the easement agreement document on July 8th, agreeing to East Brandywine Township's purchase of a conservation easement on their property located on Hadfield Road. Mr. Piersol asked that Vice-Chairman Kirkner execute the document, stating that East Brandywine Township approves of and agrees to pay the costs outlined in the proposal. Mr. Fisher made a motion to approve the proposal. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Robert Bruce Homes – Request to Use HDPE Pipe in the Brandywine Development – Consider Waiver of §350-52 of the Subdivision and Land Development Ordinance

This is a similar request to the waiver approved for Gambone Brother's HeatherWynd West Development. Mr. Adam Brower, from E.B. Walsh and Associates, attended on behalf of the applicant. Mr. Piersol stated that if the request is granted, the same criteria will be followed, which was previously approved by Yerkes Associates. Mr. Fisher stated that he thought the Township was planning to change the Ordinance to allow the use of HDPE Pipe. Mr. Piersol stated that the Ordinance Task Force had discussed this, but the Ordinance isn't changed yet. Vice-Chairman Kirkner asked if there were any questions. There were no questions. Mr. Fischer made a motion grant a waiver from Section §350-52 of the Subdivision and Land Development Ordinance with the condition that the inlet grates be stenciled with language prohibiting waste being dumped into the waterways, as is required by the new NPDES MS4 regulations. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Discussion of Adopting a Resolution to Create the East Brandywine Township Police Department

Solicitor Stacey Fuller, Esq. advised the Board that this Resolution could be done anytime prior to creating the Police Department. Since there is not a final date for dissolution, the Board will consider enacting this Resolution at a later date.

Resolution 10 of 2008 – Acknowledging the 2008 Paving Project bid is subject to the Pennsylvania Asphalt Index

Mr. VanLew stated that PennDOT suggested the Township enact this Resolution acknowledging that the Township is aware of the existence of the Asphalt Index, which could increase the final cost of the 2008 paving project. Last month Mr. VanLew reported that he anticipated the Asphalt Index would increase the project cost \$5,000 to \$7,000. The latest estimate provided is that there will be a \$27,000 to \$30,000 increase. These additional funds will be paid from the State Liquid Fuels Fund. PennDOT is aware of the increase as it affects their projects we well. There is a concern that municipalities will not have the funding to keep up with repairs needed for roads and equipment. Vice-Chairman Kirkner asked if there were any questions. There were none. Mr. Fischer made a motion to adopt Resolution 10 of 2008. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Roadmaster Report

Caln Meetinghouse and Zynn Road Intersection

Mr. Piersol and Mr. VanLew requested Andy Heinrich, Township Traffic Engineer, review the signage at the Caln Meetinghouse/Zynn Road intersection after a resident on Red Maple Drive noticed, or has been involved in near-miss incidents. This intersection currently allows Zynn Road, as a through street, and Caln Meetinghouse Road, as the stop controlled street, with the exception of right turns heading west on Caln Meetinghouse Road do not have to stop.

Mr. Heinrich stated "the criteria for installation of Multi-Way STOP Signs at the intersection are not satisfied" although, he continues to say, "due to the limited sight distances for traffic on the side street approach of Zynn Road, installation of multi-way STOP signs may, however, be considered as a strategy to improve traffic safety at the intersection".

Mr. Heinrich also recommends the installation of Stop Ahead (W3-1) signs approaching the three proposed stop signs. The warrant for a Stop Ahead sign is when physical conditions prevent the driver from having a continuous view of the stop sign. With speed limit on both roads being 35 MPH, the stop sign must be visible for 275 feet. Mr. VanLew field measured all three approaches and found the stop ahead signs are not warranted for this intersection. Further, Mr. Heinrich states a stop bar and STOP legend should be painted on the roadway. It is the Township policy not to paint stop bars on Township roads with the exception of being part of a required subdivision plan or as required by a PennDOT road permit.

Mr. VanLew recommends the installation of an R1-1 STOP sign on Zynn Road, remove the "Except Right Turn" sign on westbound Caln Meetinghouse Road, and install R1-4 All Way sign under all three stop signs. Mr. VanLew also proposed the installation of temporary W14-8 "New Traffic Patterns" signs 275 feet prior to all three approaches for a period of two months.

Vice-Chairman Kirkner asked Chief Kocsi's opinion about the proposed changes. He stated that he supports the change. Chief Kocsi asked if the signs warning of the new stop signs would have flashing red lights. Mr. VanLew stated they would have flashing green lights. He thought the green lights would get a motorist's attention better than the red light. Mr. VanLew may borrow these signs from another municipality. He will also install these signs in other locations, if they are warranted.

Mrs. Adeline Gaul, who resides at 551 Zynn Road, stated that she is concerned that she will not be able to exit her driveway with this change. She thinks that once school resumes buses may cause a backup on Zynn Road. It is Mrs. Gaul's opinion that the biggest problem is that motorists don't stop for the Caln Meetinghouse Road stop sign. She suggested that the Township might consider installing speed bumps on Caln Meetinghouse Road. Mr. VanLew stated that speed bumps could not be installed that close to a stop sign. Mrs. Gaul also asked if there could be more police presence in that area. She is particularly concerned that it isn't safe for pedestrians to walk along Caln Meetinghouse Road. Chief Kocsi said he would look into this. He asked if police officers could use her driveway. Mrs. Gaul gave her permission. Chief Kocsi stated that the speed trailer could be placed along Zynn Road with a message stating that there is a new stop sign ahead.

Mr. Fischer said that it struck him that Mrs. Gaul didn't say a stop sign would necessarily be bad on Zynn Road. He suggested that the stop sign be installed and if it created a traffic backup problem, the Supervisors would revisit this issue.

Amend Ordinance 80-1

Mr. VanLew suggested that the Board of Supervisors advertise an amendment to Ordinance 80-1, providing for the establishment of speed limits and stop intersections. This amendment will include the stop sign at Zynn Road and will establish speed limits for several newly dedicated Township Roads. Mr. Fischer made a motion to install stop signs at Caln Meetinghouse Road and Zynn Road and advertise an amendment to Ordinance 80-1. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Rock Raymond Road Flashing Light Update

Heinrich and Klein have completed the engineering work and application necessary to submit to PennDOT. The Township will submit this application to PennDOT once it is received from Mr. Heinrich, which is expected after he returns from vacation. East Brandywine Township and Caln Township will share costs for the installation. Mr. Piersol stated that Caln Township has received a \$10,000 grant to help offset the costs. The Township will need to execute an Intergovernmental Cooperation Agreement with Caln Township prior to commencement of work.

Osborne Road and East Fisherville Road Bridge Projects

Mr. Piersol reported that a meeting will be scheduled in late August to discuss these projects with Caln Township officials.

Brandywine Conservancy – Homeowner’s Association (HOA) Open Space Management Plan Oversight Proposal

Mr. Piersol contacted Sheila Fleming from Brandywine Conservancy to discuss their recent letter pertaining to open space maintenance practices conducted by Homeowner’s Associations. He asked her for a proposal to define the costs of what Brandywine Conservancy would propose for providing this service to the Township. Mr. Piersol had previously been contacted by the Hopewell Homeowner’s Association about open space maintenance issues. New development such as Hide-A-Way Farms, Applecross, Four Seasons at East Brandywine, and Hillendale, all have significant open space areas. The Hedgerow / Culberson Run development, which has existed for many years, also has significant open space areas.

Mr. Piersol stated that the cost to the Township would be approximately \$1,000. Mr. Piersol would provide Brandywine Conservancy with information regarding each Board so that they could explain the services they offer and determine whether the Homeowner’s Associations were interested in their proposal. The Conservancy’s role would be to ensure that open space management plans were properly implemented.

The Supervisors questioned whether the Township would have the ability for force Homeowner’s Associations to do this. Mr. VanLew stated the parallel to this would be the Township’s responsibility to inspect basins and make sure they are working properly. Prior to making a decision on the proposal, the Board asked Mr. Piersol to review HOA documents from the developments in question.

Increase Mileage Reimbursement Rate from 50.5 to 58.5 cents per mile

Vice-Chairman Kirkner stated that the IRS had increased the mileage rate effective July 1st. Vice-Chairman Kirkner then made a motion to increase the mileage rate to 58.5 cents per mile effective July 1, 2008. Mr. Fischer seconded the motion, with both voting Aye.

Appoint David A. Kirkner as representative, and Scott T. Piersol as alternate, to the Joint U.C.C. Executive Board

Mr. Piersol and Ms. Fuller will attend a meeting next week to discuss the creation of a Joint U.C.C. Appeals Board. Presently there are fifteen municipalities who have expressed an interest. Mr. Fischer made motion to appoint David A. Kirkner as a representative, and Scott T. Piersol as alternate, to the Joint Uniform Construction Code Executive Board. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Motion to Request Extension of the Guthriesville Master Plan Visions Partnership Contract

Jeannine Speirs, from the Chester County Planning Commission, notified Mr. Piersol that the Comprehensive Plan/Master Plan Contract will expire September 30, 2008. Mr. Piersol asked that the Board request this extension. The length of time will likely be for six months. Mr. Fischer made a motion to request this extension. Vice-Chairman Kirkner seconded the motion with both voting Aye.

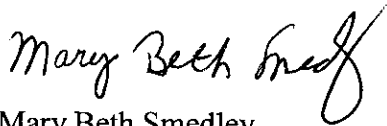
Additional Public Comment

Vice-Chairman Kirkner asked if there were additional public comments. Mr. John Carrigan asked if Mr. Capetola has been contacted about removing vegetation along Osborne Road. Mr. VanLew stated he hadn't contacted him yet, but would do so shortly.

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 9:05 A.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer

The Board of Supervisors adjourned to Executive Session to discuss legal issues with their Solicitor, Stacey Fuller, Esq.