

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, August 20, 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
Mary Beth Smedley, Secretary/Treasurer

Absent:

Hudson L. Voltz, Chairman

The East Brandywine Township Board of Supervisors meeting of Wednesday, August 20, 2008 was called to order by Vice-Chairman Kirkner at 7:30 P.M. at the East Brandywine Township Municipal Complex. There were eight visitors present.

Opening of Meeting

Vice-Chairman Kirkner opened the meeting with the Pledge of Allegiance.

Public Comment for Non-Agenda Items

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

Minutes: Board of Supervisors – August 7, 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 August 7, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Planning Commission Minutes – August 6, 2008

Vice-Chairman Kirkner asked if there were any additions or corrections to the minutes. There were none. Mr. Fischer made a motion to approve the August 6, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Treasurer's Report

Mrs. Smedley read the account balances as of August, 2008. Vice-Chairman Kirkner asked for clarification of a check being sent to The Protection Bureau. Mrs. Smedley stated that she thought it was for yearly maintenance, but would confirm that and get back to him. 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 Township, with the assistance of Thomas McIntyre and Gary Smith from the Chester County Economic Development Council, held a very successful meeting on July 31st to discuss the development opportunities in the Village of Guthriesville. The original purpose of the group that formed was to help market the availability of the Guthriesville General Store Building as part of the Programmatic Agreement with Wawa and the Army Corps of Engineers. Mr. Piersol suggested that the conceptual master development plan for the expanded Village area would also be an attraction. We had nearly 50 realtors, engineers, developers and other interested parties attend the meeting. Mr. Piersol has since received several inquiries about both projects, so we are pleased with the results of the meeting.

Mr. Piersol also attended a meeting hosted by the Economic Development Council with representatives of Uni-Dev LLC of Bethesda, Maryland, to discuss the possibility of locating an element of workforce housing in the residential element of the Guthriesville Village plans. The Economic Development Council, along with the Chester County Housing Partnership and the County Commissioners, have been working with Uni-Dev LLC on an agreement to partner in such a project in the County. We are hoping to be given consideration as a possible host for such a potential project in our community.

Township staff continues to work on the design of the flashing warning light in cooperation with Caln Township. Township Traffic Engineer Andy Heinrich completed the design and submitted it last week for our review. We had one concern about the signage shown on the plan. Once we resolve that issue, the plan documents should be ready to submit to PennDOT, who have indicated a 7-14 day turnaround time for approval.

We will be meeting with representatives from Caln Township August 21st to discuss replacing the bridges on East Fisherville Road and Osborne Road. Caln Township closed the East Fisherville Road Bridge last August due to damage to the bridge abutment which made the bridge unsafe. This created a single access situation for the residents living along the roadway; the majority of these residents live in East Brandywine Township. Mr. Piersol was directed to a potential source of financing for these projects through the Delaware Valley Regional Finance Authority by Michael Wolf, who assisted with the financing on our Municipal Building. We will also engage the County Planning Commission and PennDOT in moving these projects onto the Transportation Improvement Plan of the Delaware Valley Regional Planning Commission, so the two municipalities can apply for reimbursement through PennDOT's "Retro-Reimbursement" program for bridge projects. The municipalities would engineer and construct the projects, then apply to PennDOT for reimbursement after the projects are complete. This will still take time to complete, but this meeting will open discussions with Caln Township, where both bridges are located.

Mr. Piersol, Mr. VanLew and Mrs. King attended a tour of the Allied Waste Recycling Facility recently. The Chester County Solid Waste Authority is promoting the process of "single stream" recycling, whereby all the recyclables are commingled into one large container for collection. The Allied Waste facility has made a significant equipment investment to handle single stream recyclables at their facility. We will look more closely at this process with our new waste collection contract, which is due to be bid in 2009.

Mr. Piersol has been discussing collection of yard waste materials with our waste hauler. We have received a few complaints from residents whose trash was not collected due to the presence of yard waste, which is not to be disposed of in the normal trash collection. It has been suggested by some residents that the Township should simply increase our collection fee. Mr. Piersol is trying to determine how we can provide this additional service and have those who want the service cover the additional cost of this service.

As part of our preparation for the dissolution of the Brandywine Regional Police Department, Chief Kocsi and Mr. Piersol met with the Township's insurance broker to begin preliminary discussions on the transition from the Police Commission's insurance program to the inclusion of the Police needs within the Township's insurance program. The uncertainty of the final date for the formal dissolution creates some issues with this situation, which will need to be addressed, since the Police Commission will be due a refund of a capital reserve contribution made upon entering their current insurance program.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for July 2008. There were twenty-three building permits issued, thirteen use and occupancy permits issued, and one hundred and eighteen inspections conducted during the month. The total fees collected were \$16,815.90.

Report: Police Chief - Police Activity Report for July 2008

Police Activity Report – July 2008

Investigations	165
Traffic Citations	149
Traffic Warnings	22
Traffic Accidents	7
Criminal Arrests	0
Summary Arrests	8

Criminal Investigations – July 2008

Burglary/Criminal Trespass	4
All Assaults	1
Theft/Fraud	6
Disorderly Conduct/ Harassment	3
Disturbances	7
Suspicious Activity/ Persons	31
Domestics	2
Criminal Mischief	4
Juvenile Complaints	0

Missing Persons/ Runaways	0
Driving Under the Influence	4
Fugitive Warrants	0
Drugs	0
Other	0

Brandywine Regional Police has hired Gerald Cavanaugh as a part-time Police Officer. Officer Cavanaugh has completed all of his hiring requirements and was sworn in by District Justice Jim Charley on August 13, 2008. Officer Cavanaugh has a Bachelor's degree in Criminal Justice from West Chester State University and has prior police experience with the East Whiteland and Radnor Police Departments. He has begun field training with Corporal Mark Twaddell.

Report: Fire Company's Activity Report for July 2008

Mr. Piersol read the Activity Report for the month of July, 2008, as submitted by Fire Chief Robert Zynn, Jr. There were thirty-nine total incidents. In East Brandywine Township there were five fire calls and six QRS calls. In West Brandywine Township there were two fire calls and eighteen QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Downingtown Borough, Valley Township and West Nantmeal Township. The Fall Chicken Barbeque will be held Saturday, September 20, 2008 from 4 to 7 P.M. Tickets cost \$10.00.

Subdivision –Applecross Phases 2 through 4 – Recommendation for Waiver Request and Final Plan Approval

The applicant is proposing to build a combination of single family homes, carriage homes, and townhouses for a total of 655 units on both the north and south side of East Reeceville Road. The plan also shows an 18-hole Jack Nicholas-designed golf course with a clubhouse. The property encompasses approximately 621.74 acres of land, comprised of 307.58 acres north of East Reeceville Road and 314.16 acres south of East Reeceville Road. The southern portion of the proposed development is a 310 acre tract located in the R-2 Zoning District and proposes single family homes on individual lots and approximately half of the golf course. The portion of the property north of East Reeceville Road was granted preliminary plan approval in March of 2004.

The "North Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-3 Residential Zoning District in conjunction with the Settlement Agreement dated April 1, 2004. The "South Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-2 Residential Zoning District.

The project is proposed to be constructed in four phases. The applicant received final plan approval, with conditions, for Phase 1 of the development on November 2, 2006. Plans for Phases II through IV were submitted in March of 2008. Mr. John Curtin and Mr. Jeremy Madaras attended the meeting to the Planning Commission's recommendations.

Waiver Request

The Planning Commission unanimously recommended that the Board of Supervisors grant a waiver from Section 350-52.F.(4) of the Subdivision and Land Use Ordinance that states the maximum extent of flood waters should not cover more than one-half of the through travel lane during the 100-year storm, with the condition that not more than 10% of the travel lanes only achieve 8-feet down the center of a road during a 100-year storm. Mr. Curtin and Mr. Madaras agreed to those conditions. Mr. Fischer made a motion to grant a waiver from Section 350-52.F.(4) of the Subdivision and Land Development Ordinance with the conditions outlined above. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Recommendation of Final Plan Approval

The Planning Commission unanimously recommended that Board of Supervisors grants final plan approval for Phases 2 through 4 of the Applecross subdivision with the following conditions:

1. The applicant meet all conditions outlined in the August 1, 2008 Yerkes review letter.
2. The trail plan as proposed in the Second Addendum to the Settlement Agreement is acceptable to the Board of Supervisors and Township Engineer.
3. Maintenance easements are provided on open space areas H-16 and H-22.
4. Noise and odors from the pump station are mitigated to the satisfaction of the Township and the Municipal Authority.
5. The applicant agrees to all other representations made in the August 6, 2008 Planning Commission Minutes.

Mr. Fischer asked if the applicant agreed to the above conditions. Mr. Curtin said that the conditions were acceptable.

With regard to acceptable noise levels, Mr. Curtin stated that Theresa Lemley, Esq. looked at acceptable decibel levels in nearby Townships including Wallace, Uwchlan, Upper Uwchlan, East Fallowfield and Charlestown. The ordinances Ms. Lemley reviewed indicated that acceptable levels were between 55 and 57 decibels measured at the property line. Until the pump station is constructed the applicant can't gauge either the decibel level or whether there will be odor problems.

Mr. Piersol has reviewed the trail plan that will be an exhibit to the Second Amendment to the Settlement Agreement and found it to be satisfactory. Mr. Piersol and Mr. VanLew checked the location of the trail along Bollinger Road to a point where it may connect with the K. Hovnanian Development and agreed it is properly located.

Mr. Curtin is looking into the easement issue for open space areas H-16 and H-22. There will be easements so that the areas can be maintained, but residents will probably want the areas to look like a manicured lawn

Vice-Chairman Kirkner asked if there were any questions from the audience. There were no questions.

Mr. Fischer made a motion to grant final plan approval for the Pulte Subdivision Phases 2 through 4 with the following conditions:

1. The applicant meet all conditions outlined in the August 1, 2008 Yerkes review letter.
2. The trail plan as proposed in the Second Addendum to the Settlement Agreement is acceptable to the Board of Supervisors and Township Engineer.
3. Maintenance easements are provided on open space areas H-16 and H-22.
4. Noise and odors from the pump station are mitigated to the satisfaction of the Township and the Municipal Authority.
5. The applicant agrees to all other representations made in the August 6, 2008 Planning Commission Minutes.

Mr. Piersol asked whether Mr. Curtin and Mr. Madaras plan to attend the meeting with PennDOT to discuss construction of the new East Reeceville Road Bridge. Mr. Curtin said they will be attending the meeting. The applicant still needs to obtain an approved PennDOT permit for work being done along Rt. 322 and Bollinger Road and an amended NPDES permit for Phases 2 through 4. Mr. Curtin expects that approval for those permits to take between 60 and 120 days.

Additional Public Comment

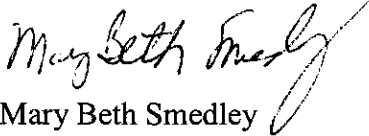
Vice-Chairman Kirkner asked if there were additional public comments. Mr. George Holmes asked if there were any new developments with regard to the dissolution of the Brandywine Regional Police Department. Vice-Chairman Kirkner said that Wallace Township has adopted an Ordinance that allows them to create their own police department. East Brandywine Township plans to adopt a resolution creating a Police Department prior to the actual dissolution date. Presently, there is no certain date for dissolution, but it will be no later than March 25, 2009.

Mr. Jim Mesiti, President of the Hedgerow/Culbertson Run Homeowners' Association and Katrina Thack, Treasurer of the Association provided the Supervisors with a copy of a letter previously sent to the Township regarding water run-off problems along Rt. 322, and the state of disrepair of portions of Hawthorne Drive. Mr. VanLew stated that the Road Department has completed some road patching along Hawthorne Drive and has scheduled more road repairs for the fall. Mr. Piersol said that Rt. 322 was a State Road and they should be responsible for repairs. According to Mr. Mesiti the water run-off problems along Rt. 322 are from a grate installed by Mr. McCausland. Trees along the road exacerbate the problem. The Supervisors asked Mr. Piersol and Mr. VanLew to investigate these issues and provide recommendations prior to the next Supervisors meeting.

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,

A handwritten signature in cursive script that reads "Mary Beth Smedley". The signature is written in black ink and is positioned above the printed name.

Mary Beth Smedley
Secretary/Treasurer