

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS**  
**REGULAR SESSION**  
**Thursday, September 4, 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, September 4, 2008 was called to order by Chairman Voltz at 7:30 A.M. at the East Brandywine Township Municipal Complex. There was one visitor present.

**Public Comment for Non-Agenda Items**

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

**Ordinance Task Force**

An addendum to the Vision Partnership Program Grant Agreement has been awarded, extending the contract timeline six months to March 31, 2009 for work on the Township's Comprehensive Plan Update and the Village Master Plan. This time has been added to accommodate the completion of pending work, county reviews, and plan adoption. Mr. Piersol stated that the County would only grant additional extensions with the approval of the County Commissioners. He expects that work will be completed before the deadline, with adoption of the Comprehensive Plan and Guthriesville Master Plan scheduled for April of 2009. Chairman Voltz asked if there were any questions. There were none. Mr. Fischer made a motion to execute Addendum #3 of the Vision Partnership Program Grant Agreement. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

**PennDOT Forum – September 25, 2008**

Mr. Piersol and Mr. VanLew will attend a PennDOT forum hosted by the Transportation Management Association of Chester County. The meeting will be held on September 25<sup>th</sup>. Mr. Piersol invited the Board members to attend, and to provide their suggestions for discussions. Mr. Piersol plans to talk about several bridge issues in the Township, or that impact our Township residents. Mr. Fischer suggested that they discuss the Rt. 322 corridor and the proposed loop road and East Reeceville Road extension. Although improvements to those roads might not be on PennDOT's five or ten year plans, it is important that they start considering adding them to their long-term road projects.

### **AV System Update**

InterMedia Group should have a final draft of the specifications for review prior to the September 17<sup>th</sup> Board of Supervisors meeting.

### **Verma Properties**

Mr. Piersol had met with Mr. Lalit Verma on several occasions regarding the dilapidated state of buildings he and his wife own at 1189, 1191 and 1193 Horseshoe Pike. Despite numerous attempts to have Mr. and Mrs. Verma correct outstanding issues that were outlined in correspondence of May 5, 2008 and again on August 1, 2008 they have not complied. Since these violations have not been satisfactorily addressed, the Township has begun issuing daily citations. These citations will continue until the applicant complies with the outstanding issues regarding the deteriorated state of the buildings.

### **All Terrain Vehicle Meeting Update**

Mrs. Smedley will schedule a meeting to discuss revising this Ordinance for sometime in September. At last evenings' Planning Commission meeting the Committee asked that this item be placed on the October Planning Commission Agenda where they plan to consider recommending that the Board of Supervisors adopt the ATV Ordinance drafted on May 28, 2008.

Mr. Piersol is gathering information on noise ordinances that are used in different municipalities and is also looking at ordinances dealing with harmful impacts to environmentally-sensitive areas in the hope of reaching some middle ground.

The Supervisors suggested that we might consider pulling the noise provisions from the ATV Ordinance and have two separate ordinances, one dealing with noise and the other dealing with All Terrain Vehicles. Noise would likely be measured at the receiving owner's property line and would address a variety of nuisance noises, including ATVs. The noise ordinance will need to include an acceptable time sequence. Mr. Piersol remarked that the Township Zoning Ordinance already has provisions dealing with the use of non-residential machinery. The ATV Ordinance may include provisions for hours of operation and the impact on environmental areas.

Mr. Piersol stated that he expects other issues negatively impacting a property owner's quality of life will need to be discussed in the not too distant future, including the use of outdoor wood burning hydronic stoves. He will speak Township Solicitor, Stacey Fuller, Esq., about these issues.

Chief Kocsi stated that he liked the idea of separating the Ordinances since the Police Department receives phones calls for a myriad of noise complaints, not just for ATVs.

## **Roadmaster Report**

Hedgerow Homeowners Association Road Complaint - At the August 20<sup>th</sup> Board of Supervisors meeting, three residents from the Hedgerow Development came before the Board to raise concerns about the condition of Hawthorne Drive and the erosion in the swales. They presented the Board with a letter dated April 8, 2008 stating their concerns with potholes, erosion and stormwater draining from Horseshoe Pike.

Mr. VanLew stated that immediately after receiving the April complaint the Road Department filled a pothole located in the area of Hastings Court and wrote a letter dated April 18<sup>th</sup> explaining the repairs planned for the roadway and swales for this year.

Hawthorne Drive was last overlaid in 1988 and will be scheduled for overlay within the next five years. Mr. VanLew classified the current condition of Hawthorne Drive as good, but showing degradation in some areas.

On August 26<sup>th</sup> Mr. VanLew walked the entire length of Hawthorne Drive and noted the following needed repairs. There is one area approximately 8' x 12' where the asphalt surface is raveling due to water infiltration and another area approximately 2' x 30' along the edge of the road which has degraded. These two areas will be saw cut, existing base repaired and new asphalt installed. This repair should take about one day.

Other work includes repair to the swale between Canterbury and Essex Courts and minor eroded areas along the roadway that need to be filled and seeded. The erosion is likely due to a number of factors. The Sycamore trees that line the roadway do not allow adequate sunlight to keep a good stand of grass. Other problems are water draining from the private roads onto Hawthorne and also residents parking their vehicles along the roadway. Tire tracks on the grass cause the grass to die and with no foliage to hold the soil, it tends to wash out during periods of rain.

The last project planned for this year for Hawthorne Drive is the replacement of a forty inch corrugated metal storm pipe between Gloucester and Canterbury Courts. The bottom portion of the pipe has deteriorated due to the constant flow of water. Mr. VanLew intends to replace the pipe with either concrete or high density polyethylene pipe depending on the Township Engineer's recommendations. He expects to leave the existing end-and head walls in-place. This work should take about one week to complete and will require the closure of Hawthorne Drive between the two courts.

2008 Paving Project - Charlestown Paving completed our 2008 paving project on Monday August 18<sup>th</sup> with the tar and chipping of Osborne Road.

The total cost of the paving project is \$213,382.29 which is \$38,772.09 over the contract price. Over \$25,000.00 of the additional cost is attributed to the asphalt index sharp rise and another \$14,000.00 is additional two inch base repair. Although the cost of gasoline has dropped in the past few months the cost of asphalt continues to rise. To date, we have not received the final invoice from Yerkes, but it is anticipated the total engineering costs to be \$5,000.00, bringing the overall construction cost to \$218,000.00. This is \$60,000.00 above the amount budgeted for this year. The additional costs are to be paid from the State Liquid Fuels Fund.

Caln and East Brandywine Township Meeting Reference Osborne and East Fisherville Road Bridges - The East Fisherville Road Bridge, which is located in Caln Township, has been closed since August of 2007 due to the unstable bridge structure, damage to the railing and degradation of the approach roadway. In addition a culvert, which carries overflow of the Beaver Creek during periods of high water, is in disrepair. Before its closure the bridge was rated at three tons. Approximately twenty residents live on East Fisherville Road in East Brandywine Township and two in Caln Township. Motorists traveling the road are currently forced to turn around in the last resident's driveway.

Osborne Road is a through street carrying motorists from Horseshoe Pike in East Brandywine Township to Bondsville Road (SR-340) in Caln Township. The traffic count estimates nearly 1400 cars per day and the bridge is rated 8 tons, which is less than most emergency vehicle weights. Osborne Road is used for business trips into Caln Township or a short-cut to the Route 30 bypass.

Representatives from Caln and East Brandywine Townships met on August 21<sup>st</sup> to discuss both the Osborne Road and East Fisherville Road Bridges. Meeting attendees from Caln were Commissioners Jim Kruse and Jill Hammond and Township Manager Greg Prowant. From East Brandywine were Supervisor Vice-Chairman David Kirkner, Township Manager Scott Piersol and Mr. VanLew.

They discussed different scenarios and felt it would be in the best interest of both Townships to recommend the replacement of the Osborne Road Bridge and place a turn-around in the area of the existing East Fisherville Road Bridge. Caln Township currently does not have funding to replace the Osborne Road Bridge and could not fund the replacement of both bridges. The turn around area was proposed as a short-term fix. This would require an easement or purchase of property and would allow a safe place for school buses, trash trucks and Township snow removal equipment to turn around.

After the meeting Mr. VanLew and Mr. Piersol went to East Fisherville Road Bridge site to discuss a possible location for a turn around or a cul-de-sac. A cul-de-sac would require an eighty foot paved area and one hundred feet of right-of-way. This alternative doesn't seem viable so they decided to pursue the turn around option.

The representatives from both Townships are planning to meet again within the next two weeks for further discussion of the issues. When completed, a recommendation will be presented to the Caln Township Commissioners and East Brandywine Township Supervisors.

Representative Schroder has agreed to work with the County Commissioners and PennDOT to help make sure these improvements are a priority and also with obtaining funding for the projects. Mr. Piersol stated he has had discussions with Michael Wolfe from Boenning and Scattergood regarding how to fund these projects.

Mr. VanLew stated that he spoke to a representative of ConSpan who stated that if the Osborne Road Bridge was rebuilt in place the road would be closed for approximately one month, but that certain PADEP regulations which would be required if the existing bridge were removed and then replaced in another location might be avoided.

Amendment to Ordinance 80-1 – Mr. VanLew continues to work with Stacey Fuller, Township Solicitor and Pulte's Engineer on the Amendment to Ordinance 80-1. The amendment is slightly complicated due to the recent discovery that some roads were approved as a resolution in 1966 and others as an ordinance in 1969. We may have to add these roads to the current Ordinance 80-1 to simplify things going forward. When the amendment is completed it will be advertised and recommended to the Supervisors for passage. The changes to the Zynn Road and Caln Meetinghouse Road intersection approved during last month's Supervisors' meeting cannot be completed until the passage of the amendment.

#### **Additional Public Comment**

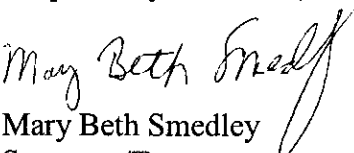
Vice-Chairman Kirkner asked if there were additional public comments. Mrs. Adeline Gaul stated that she noticed the extra patrols in the vicinity of Caln Meetinghouse and Zynn Road. Chief Kocsi said that the Police Department is keeping a file on the roads and officers have been sitting in Mrs. Gaul's driveway periodically.

Mr. Piersol and Mr. VanLew have both noticed that motorists entering Rock Raymond Road from Margil Farm Drive have been ignoring the stop sign and are ignoring the right-turn only signs. Chief Kocsi will add extra patrols to that area and will also send a letter to the Homeowners' Association.

#### **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 8:30 A.M.

Respectfully submitted,

  
Mary Beth Smedley  
Secretary/Treasurer

**The Board of Supervisors adjourned to Executive Session to discuss legal issues.**