

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Thursday, October 2, 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, October 2, 2008 was called to order by Chairman Voltz at 7:30 A.M. at the East Brandywine Township Municipal Complex. There were seven visitors present.

Public Comment for Non-Agenda Items

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

Audio Visual System Bid Status from InterMedia Group

Mr. John Cuccinota from InterMedia Group provided a Request for Proposal (RFP) for providing and installing an audiovisual system in the Township meeting room. Mr. Cuccinota distributed the RFP for the Supervisors and Mr. Piersol to review. The Township is seeking proposals for audiovisual/ multimedia / technology systems that will provide a sound system for the Township meeting room, as well as a way to project correspondence, files and plans so they can be seen by various committees and the public.

In addition to creating the RFP, InterMedia Group will advertise the proposal, track notification of prospective bidders and assist in the selection process. Mr. Cuccinota asked if 60 days would be adequate for the Township to respond once the bids were opened. This equipment is budgeted for 2009 so that if the RFP was advertised around November 1, 2008, it would be reasonable to expect the Board of Supervisors to make a decision within 60 days of receipt of the bids. Mr. Piersol and Mr. Cuccinota will prepare the advertisement. This will give the Township an opportunity to see if there is funding to help off-set the cost of the equipment and installation.

Mr. Fischer mentioned that the qualification for bidders was quite stringent in that it requires bidders to have performed work on a similar scope for a minimum of seven years and that bidders must have a major facility within a 100-mile radius of the Township. Mr. Cuccinota replied that there are probably 15 qualified corporations within a 100-mile radius. He feels it is important to make sure bidders are capable to providing the service needed and that they can respond to questions or problems in a timely manner.

Bondsville Mill – Approval to Proceed with Draft “Zero-Bid” Document

Mr. Piersol reported that Yerkes Associates provided the Mill Committee with draft documents for demolition of Building “G” and possibly portion of Building “H”, including removal of the steel. It is hoped that the value of the steel will off-set the cost of demolition. The following alternative bids were discussed:

Alternate 1

Section “G” of the building is to have steel and debris removed and disposed of at the expense of the contractor. The concrete pad is to remain and penetrations are to be cut flush with the pad. Windows are to be removed and disposed. The partial removal of the walls will be another phase of the project.

Alternate 2

Section “H” of the building is to be demolished with the exception of the walls, which will be included in another phase. All debris is to be removed and disposed of at the expense of the contractor. The concrete pad is to remain and all penetrations are to be cut flush.

Alternate 3

Section “G” and “H” walls are to be cut to a height of 42” measured from the concrete pad. Walls are to be capped with non-shrink grout. All stone is to be stockpiled outside the building for future use. The structural integrity of some of the walls is questionable. The contractor will not be held responsible for damage because of structural issues.

Alternate 4

Remove and secure the roof structure in Building “H”. All material is to be stockpiled in the building, rather than removed.

Mr. Piersol stated that Mr. Russell Yerkes sought the opinion of several contractors about the feasibility of performing the work as a “zero-bid”. Initial discussions with contractors were not positive, but after refining the scope of work they thought there was a possibility it could be done. The Supervisors are reluctant to spend a lot of money to do this work without an overall plan for the entire project.

The project will probably not be advertised until at least November. There are concerns that there might be asbestos in the roof. Mr. VanLew contracted Liberty Environmental about providing an asbestos report and the results should be received in the next several weeks. The Board gave permission for the Bondsville Mill Committee to proceed with finalizing the bid documents for their final review and approval.

East Fisherville Road Bridge Update

Mr. Piersol and Mr. VanLew have met with representatives of Caln Township to discuss solutions to the East Fisherville Road Bridge closure. This closure has created a long single access road and has made it difficult for emergency vehicles and school buses to navigate. Although the bridge is located in Caln Township, most residents living on East Fisherville Road reside in East Brandywine Township.

As a short-term solution, Mr. Piersol and Mr. VanLew discussed creating a turn-around area near 3703 E. Fisherville Road, but East Brandywine and Caln Townships would need to obtain land or an easement from property owner, Michael Gambone. Mr. Gambone has said he is interested in assisting the Township. Creating the turnaround may necessitate certain improvements to Mr. Gambone's driveway and there would need to be a property survey and delineation of the floodplain. Mr. Piersol said that any improvements to the road would require the cooperation of both Townships for funding and engineering. One suggestion was to open the bridge to one-way traffic only. Mr. Piersol said that until an engineer's report is complete it isn't certain this is feasible. Mr. Piersol was asked who would pay for the engineering. He said that it would be a shared cost between the two Townships.

State Representative Curt Schroder has contacted both Townships regarding replacement of the East Fisherville Road Bridge, and also replacement of the Osborne Road Bridge. Mr. Piersol has been in contact with Representative Schroder and continues to provide him with updates.

Mr. Fischer asked if Caln Township added the East Fisherville Road bridge project to the 2009-12 TIP (Transportation Improvement Program), as had been requested earlier this summer. Mr. Piersol said that he wasn't certain. Mrs. Rebecca Corbin, Legislative Aide for Representative Schroder will investigate whether it was included on the TIP program. Mr. Fischer commented that in order to receive State reimbursement the project had to be added to the TIP program. If the East Fisherville Road bridge project wasn't added to the latest TIP it will likely delay its consideration for several years.

Wawa Project Soils Issue

On September 23, 2008 Mr. Giannantonio met with Stacey Fuller, Esq., Michael Gill, Esq. and Greg Newell, P.E. to discuss and view the soils report data forms that were done to determine what soils exist on the Wawa site at Route 322 and Bondsville Road

After reviewing the data provided, it is Mr. Giannantonio's opinion that the soils where the Wawa is to be built are classified as "Made Land". There are also Worsham Soils on the property, but they are not in areas where construction is proposed. Mr. Giannantonio stated that he can see no technical reason or reason because of Ordinance non-compliance that a building permit cannot be issued for the proposed structures and facilities on the Wawa Land Development Plan. Mr. Piersol will send copies of Mr. Giannantonio's September 29, 2008 letter outlining the above to all interested parties.

Guthriesville General Store – Update

Mr. Piersol reported that the Guthriesville General Store did not sell during the marketing period that was outlined in the Programmatic Agreement. Although there were several interested parties, it appears that the major stumbling block was the high cost for constructing the retaining wall.

Wawa's attorney, Michael Gill, Esq., has contacted Historical Commission Chairman, John Black to invite him to tour the building so that he can identify removable portions of the building or its interior that the Township would like to salvage. The terms of the Programmatic Agreement state that this tour should not occur until after the Army Corps of Engineers gives a notice to proceed. To date, that notice has not been received.

Mrs. Jane Davidson, the Township's Historical Consultant, suggested that the Township might request the Army Corps of Engineers and the Advisory Council on Historic Preservation consider supporting an amendment to the Programmatic Agreement and some sort of mediation regarding the retaining wall and the cost to prospective buyers. Mrs. Davidson stated that Karen Marshall the Chester County Historic Preservation Officer can provide draft language for the Board to review if they choose to request mediation.

Although they wouldn't commit to sending a letter at this time, the Board agreed that they would review language provided by Ms. Marshall. Chairman Voltz asked that there be specific timelines for mediation if the Board decides to send a letter. Vice-Chairman Kirkner asked if this would change dates outlined in the Programmatic Agreement. Mrs. Davidson said that certain dates could change. Mrs. Davidson will have Ms. Marshall forward the draft letter for their review.

ATV Ordinance – Noise Standards Draft

The committee appointed by the Board of Supervisors met on September 30th to review ATV and noise issues. At the Supervisor's direction, the group is working on two separate ordinances. The first is a noise ordinance that will amend Section 399-84 of the Zoning Ordinance. The second is a revision of the ATV Ordinance that will include, in part, limitations on the number of ATVs allowed to operate on a property at any given time, prohibit riding in environmentally sensitive areas, and requiring written permission to ride on a property if the person is not an immediate family member.

Mr. Piersol has spent a great deal of time reviewing noise and ATV ordinances used by other municipalities and has re-drafted Section 399-84 of the Zoning Ordinance to include time-frames and acceptable decibel limits at the property boundary of the receiving land use. He also made changes to the May 28th ATV ordinance draft to take out some of the language regarding time frames, since that has been inserted in the noise ordinance, although the Ordinance still prohibits riding ATVs after dusk. Mr. Piersol provided drafts of the ordinances for the Planning Commission to review. These ordinances still need to be refined.

Chairman Voltz stated that several homeowners have agreed to cooperate with the Township and will allow their ATVs to be used to determine baseline levels for noise. Acceptable noise levels will be measured at the receiving land owner's property line.

Mrs. Cathy Rawlings read a statement where she said that the use of ATVs compromises the quality of life of her family and her neighbors on a daily basis. She said that all terrain vehicles run constantly in the afternoon, evenings and weekends and that it is difficult to hold a conversation outside their home. She also stated that some of the vehicles operate as late as 10:00 P.M., when some resident are trying to sleep. She asked the Supervisors to consider some time limits for the use of ATVs, particularly on holidays and Sundays. She also asked if there could be at least one day a week where riding was prohibited. The Supervisors are hesitant to commit to prohibiting riding ATV on certain days since that prohibition may also apply to other uses. They don't want to create additional problems when the ordinances are enacted.

Mrs. Elizabeth Barr said that she moved to this area for the peace and quiet. She recounted a story when a piano tuner was at her home and wasn't able to tune the piano because of the noise from the ATVs. She also said that she can't have a conversation in her yard when the ATVs are operating because they are so loud. Mrs. Barr was asked if she had called the parents of any of the riders. She said that she hasn't done that yet. Mrs. Barr is concerned about enforcement of the ordinances and doesn't want to be in a position to calling the police department every day.

Mr. Fischer stated that he knows something has to be done. One suggestion was that letters could be sent to residents using ATVs letting them know that there have been complaints about their use and letting them know that the Township plans to take measures to enact a noise ordinance and to update the ATV Ordinance.

The Ordinance Task Force will be discussing these ordinances at their October 22nd meeting. The next meeting of the ATV Committee will be held November 11th.

Fall Road Inspection and Budget Workshop

The Fall Road Inspection and Budget Workshop will be held Sunday, October 12, 2008 at 7:30 A.M.

Pension Committee Meeting

The East Brandywine Township Non-Uniform Pension Committee meeting will be held Thursday, November 6, 2008 directly following the Board of Supervisor's 7:30 A.M. Work Session.

Notice

The East Brandywine Township Board of Supervisors met in Executive Session on September 17, 2008 with their Solicitor to discuss the dissolution of the Brandywine Regional Police Department.

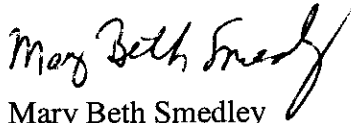
Comments from the Audience

Mr. Carl Walker asked about the earlier discussion regarding the Bondsville Mill "zero-bid" documents. Mr. Walker was brought up-to-date on the earlier discussion and was told that the draft documents will now go back to the Bondsville Mill Committee for changes and recommendations.

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 9:10 A.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer

The Board of Supervisors adjourned to Executive Session to discuss the dissolution of the Brandywine Regional Police Department.