

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, November 6, 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, November 6, 2008 was called to order by Chairman Voltz at 7:35 A.M. at the East Brandywine Township Municipal Complex. There were two visitors present.

Public Comment for Non-Agenda Items

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

Announcements

The Supervisors met in Executive Session with the Municipal Authority to discuss legal issues related to sewage treatment on Monday, November 3rd at 8:00 A.M.

The Board of Supervisors will meet in Executive Session at the conclusion of this meeting to discuss legal issues related to the Brandywine Regional Police dissolution.

Representative Curt Schroder is hosting a workshop on the rights of landowners impacted by the current natural gas pipeline proposals. The workshop will be held at the Township building on Saturday, November 15th from 9:00 A.M. to 11:00 A.M. Attorney Carolyn Elefant will conduct this workshop. Attendance is limited to the first 100 registrants.

Brown Property Appraisal

Mr. Piersol reported that he has received a proposal from Brian O'Donnell to appraise the Brown property on Dilworth Road in the amount of \$2,800.00. Chairman Voltz remarked that the cost seemed high for an appraisal. Mr. Piersol explained that this isn't a standard appraisal because most of the property will be placed in conservation easements. Mr. Piersol stated that he is investigating whether grant money can be used to purchase the property since at least a portion of the property may be used for purposes other than open space or recreation. Mr. O'Donnell previously provided appraisals for Phases 3 and 4 of the Community Park. Mr. Fischer made a motion to approve Mr. O'Donnell's proposal for an appraisal of the Brown property in an amount not to exceed \$2,800.00. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Meeting Room Audio Visual System Bid Advertisement

A legal advertisement will be placed in the Daily Local News on Friday, November 7th and Monday, November 10th. The bids are due Wednesday, November 26th at noon, and will be opened and read aloud at 12:15 P.M. Intermedia Group will review the bids and make a recommendation to the Board at the December 4th Work Session.

Guthriesville General Store – Architectural Artifacts Process Update

The Historical Commission is to review the draft document and photographs at their November 12th meeting. Historical Commission Consultant Jane Davidson will attend this meeting to advise them on the process. Mrs. Davidson indicated that she is working on other potential storage locations as Mr. Piersol indicated the Township could not dedicate a large area for storage of items. The Commission will issue a written report to the Supervisors, who will make a decision on the materials to be retained. Mr. Fischer stated that insurance and transportation of the materials needs to be considered in determining which items will be preserved.

Trethewey Property at 1220 Horseshoe Pike – Public Sewer Access

Mr. Piersol met with Jeff Miller from Evans Mill Environmental last week to discuss how the Trethewey property could be provided with public sewage collection. Mr. and Mrs. Trethewey would like to locate a café on the first floor of the dwelling, and two apartment units on the second floor. Mr. Trethewey has created an office in the stone garage on the property. The Village Commercial District zoning permits up to three separate uses, and our Zoning Officer has reviewed the concept plan for concurrence with those basic regulations. They are currently working through the other land use requirements such as parking and stormwater management before submitting a compliance plan under the Village Commercial District requirements. They are hopeful that they can have access to the sewage collection system, as an on-site system may not be feasible for the additional uses. The request at this point is to determine whether the Supervisors will entertain the idea of an easement across the property to provide access to the collection system. The Municipal Authority and engineer Joseph Boldaz will review the technical aspects of this request.

Mr. Fischer asked if the property could be connected via the sewer line located in Rt. 322. He also said that possibly the property owners to the west of the Trethewey property would be interested in connecting to the public sewer system. There may be additional costs if the properties along Rt. 322 connect to the sewer system that will be incurred by Mr. and Mrs. Trethewey and the other property owners. Mr. VanLew said that the existing elevations need to be checked to determine whether the Trethewey property can connect to the system through the Township property. Whether this can occur will need to be discussed with Mr. Boldaz. Mr. Fischer is concerned that the Township may set a precedent if the property connects through the Municipal Complex property. Mr. Piersol said that this connection would also be discussed at the next Municipal Authority meeting.

Mrs. Smedley will send a letter to Mr. and Mrs. Trethewey requesting they set up an escrow with the Township to pay for costs incurred relating to the possible sewer connection and other pre-land development costs.

Ordinance Task Force/Planning Commission Items

The Comprehensive Plan revision schedule has been slightly adjusted. The Public meeting has been moved back from Tuesday, December 9, 2008 until Tuesday, January 6, 2009. The target date for consideration by the Board of Supervisors remains April of 2009.

The Task Force worked on revisions proposed to Section 350-50 on Recreation Lands & Facilities to clarify the non-residential fee-in-lieu of open Space. The Planning Commission would like this draft to be sent back to the Ordinance Task Force for further review. They have concerns that the new language is overly complicated and may put the Township in a position of having to dispute the calculation.

The latest versions of the ATV Ordinance, and the revisions to Section 399-84 on Noise Standards from the Zoning Ordinance were provided for the Supervisors to review. The Ordinance Task Force has recommended moving both of these revisions forward. Solicitor Fuller revised the latest version of the ATV Ordinance, and made two suggestions to clarify the penalty provisions.

The Planning Commission raised concerns that the language "from dusk until dawn" isn't measurable. They suggested that the language be changed to "from sunset to sunrise". They would like to see the use of ATV's prohibited on Sundays and some legal holidays.

At last evenings Planning Commission meeting the following recommendations were made for the Board's consideration:

1. Change "dusk to dawn" to "sunset to sunrise".
2. Make sure the decibel levels in the Ordinance are acceptable to the Board of Supervisors
3. Prohibit the use of ATV on Sundays or major legal holidays.

The Supervisors have concerns about a prohibiting the use of ATV on Sunday and holidays. They would prefer to have the times limited to perhaps noon to 5:00 P.M. The Supervisors would also like to see the results of the decibel level tests prior to making a final decision.

There is another meeting scheduled for Tuesday, November 11th at 7:30 P.M. to discuss these issues. Chairman Voltz and Mr. Piersol will be meeting with Mr. Voltz and Mr. Bates to check decibel levels of ATV's within the next week.

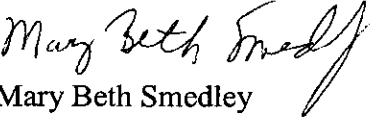
Comments from the Audience

Chairman Voltz asked if there were additional comments from the audience. There were no further comments.

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 8:09 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.