

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION  
Thursday, December 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, December 4, 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 Results and Recommendation**

Mr. John Cuccinota from InterMedia Group attended the meeting to discuss the bid results and make a recommendation to the Board of Supervisors. Mr. Cuccinota stated that three bids were received although one bid was returned because it was missing too much information. Of the two remaining bids Mr. Cuccinota is recommending that the Board awards the bid to Vistacom, Inc. in the amount of \$59,230.58. He went on to say that he has worked with both Vistacom and the other bidder, Total Video Products, Inc. in the past and feels confident that they will do a good job. At the Township's request, the start date will be extended 120 days in order to ensure that there are adequate funds and also provide InterMedia Group an opportunity to reach out to other organizations that might help provide funding for the project. Mr. Cuccinota stated that the bids came within the expected parameters although additional conduit will be needed and will slightly increase the cost. Access for the conduit will be from the large closet off the meeting room. The conduit will be installed under the meeting room floor using a directional bore so the carpet can remain intact. The equipment will be housed under a table Mr. VanLew will build, and in the server room. Chairman Voltz asked if there were any questions. There were no questions. Mr. Fischer made a motion to approve the Vistacom bid in the amount of \$59,230.58. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

**Resolution 12 of 2008 – Thornbury Property Conservation Easements**

This Resolution authorizes the purchase of conservation easements on the Thornbury property on Hadfield Road. Mr. Fischer commended the Open Space Committee on their hard work with this project. The easements will be purchased by East Brandywine and West Brandywine Township and allow for a trail interconnection in the southwestern portion of the Township. Chairman Voltz asked if there were any questions or comments. There were none. Mr. Fischer then made a motion to adopt Resolution 12 of 2008 and sign the Agreement of Sale. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Mr. Piersol reported that Open Space Committee member Carl Croft will follow-up on the status of the Robb property, the property that adjoins the Thornbury property, with Kevin Anderson of Brandywine Conservancy.

### **Guthriesville General Store – Architectural Artifacts Process Update**

The Historic Commission, under the guidance of Historic Consultants Jane Davidson and Bob Wise, provided recommendations for artifacts to salvage and store. There are numerous artifacts to be stored in various locations including the Township Building, Township Garage and a site at the Bondsville Mill. There is a concrete pad at the Mill where many of the artifacts can be stored under tarps, which has been approved by the Bondsville Mill Committee.

Mr. Piersol stated that yesterday the Township received a letter from Michael Gill, Esq., attorney for Wawa, Inc. stating that Wawa intends to formally terminate its equitable interest in the DiGiamberardino property, although this termination hasn't occurred yet. If that is the case, it will likely change the scope of the artifacts that will be preserved and will mean that Wawa will not provide an interpretative display of the Village, as required by the Programmatic Agreement. As outlined in the January 23, 2006 letter from Mr. DiGiamberardino's attorney, a condition of the demolition permit is that Mr. DiGiamberardino will be required to historically catalogue the property and remove and preserve certain artifacts.

It is the opinion of Mr. John Black and Mrs. Linda Morrison, members of the Township's Historical Committee, that if Mr. DiGiamberardino demolishes the General Store, he may also have to contend with soil issues. Mrs. Morrison stated there may also be issues related to the riparian buffer, steep slopes and recent zoning regulations for the Village Commercial District. Mr. Jim Buczala suggested that the Township attempt to have the list of artifacts maintained to the greatest extent possible. He said that the Township may choose to create an interpretative display sometime in the future. Mrs. Morrison asked when the demolition permit expires. Mr. Piersol believes it expires February 15, 2009, but will have Mrs. Smedley verify this. Mrs. Morrison said that she hopes that the Board won't extend the permit again.

There are still various unknowns with regard to the property including when Wawa will formally terminate their agreement with Mr. DiGiamberardino and who retains ownership of the final plan. It was noted that East Brandywine Township is not a party to the Programmatic Agreement signed by Wawa, the Army Corps of Engineers and PHMC.

### **East Fisherville Road Bridge Update**

Mr. VanLew reported that Robert Luebbers from Cassio Engineering, Inc. met with the Caln Township Engineer to discuss the proposed placement of a concrete median barrier across the East Fisherville Road Bridge and the possibility of opening the bridge to one lane or one way traffic (westbound) at Bondsville Road. Mr. Luebbers determined that concrete median barriers can be installed along the south side of East Fisherville Road. Mr. VanLew stated that the costs of the barriers plus installation would be approximately \$8,440 and the cost would be shared by East Brandywine Township and Caln Township. He went on to say that Liquid Fuels funds can

be used subject to executing an Intermunicipal Agreement between the two municipalities and properly bidding the project.

The bridge is currently posted with a 3 ton weight limit. Per Mr. Luebber's November 25, 2008 letter, the load ratings for the bridge indicate an Inventory Rating of 10 tons and an Operating Rating of 17 tons. Mr. Piersol was asked if a fire truck could cross the bridge. He said that most of the fire trucks could probably cross the bridge, but it would be unlikely that the apparatus from East Brandywine Fire Company will need to do so since they would probably enter East Fisherville Road from Osborne Road, not Bondsville Road. Signage will be installed that limits direction and use for vehicular traffic. At one point there were discussions about a height barrier on the bridge. Mr. Piersol stated he would prefer not to have a height barrier installed.

Mr. VanLew stated that ideally there would still be a turnaround at the bottom of East Fisherville Road to be used by emergency vehicles and school buses. Work completed on the bridge or funds for purchase of easements will need to be shared by both Townships. Additional meetings will be scheduled to continue discussions on how the work will be accomplished.

#### **Western Chester County Joint UCC Appeals Board**

Mr. Piersol provided a draft ordinance allowing for an intergovernmental cooperation agreement between Atglen Borough, Caln Township, East Brandywine Township, South Coatesville Borough, Valley Township, West Bradford Township, West Brandywine Township, West Caln Township, West Fallowfield Township and West Grove Borough to form and participate in a multi-municipal regional board of appeals to hear matters under the Uniform Construction Code. Each Township has been asked to provide letters of interest from residents who are willing to serve on this Board and each municipality has been asked to provide \$500 for start-up costs. The program will be administered by the Gawthrop Greenwood law firm and municipalities that are challenged will be responsible to pay for their own hearing costs. Chairman Voltz asked if there were any questions. Vice-Chairman Kirkner made a motion to advertise this ordinance for consideration on January 5, 2009. Chairman Voltz seconded the motion, with all voting Aye.

#### **Bondsville Mill Master Plan**

East Brandywine Township has received a grant in the amount of \$30,700 from the DCNR Community Conservation Partnerships Program for creation of a master site plan for the Bondsville Mill property. East Brandywine Township is required to provide matching funds. Mr. Piersol and Mr. VanLew have created an RFP that will be sent to interested parties including Rettew Associates and Applied Ecological Services. The Supervisors discussed the likely start date for the project. Bondsville Mill Chairman Gerry Kirkpatrick remarked that the project didn't have to start immediately, but suggested a start date of April 1<sup>st</sup> would be reasonable.

### **All Terrain Vehicle Ordinance/Noise Standards**

Chairman Voltz, Mr. Piersol, Mr. Rawlings, Mrs. Marshman, Mr. Bates and Mr. Pongia met twice in the vicinity of Delaney Drive to measure the decibel levels of ATV's in use at a variety of distances. Although Chairman Voltz was only able to attend one meeting he was satisfied with the methodology used. From that meeting, and in reviewing Ordinances adopted by other municipalities, Mr. Piersol revised the decibel limits in the draft Land Use Code Noise Standards in an attempt to allow for reasonable sound limits that will not cause undue annoyance to surrounding property owners. He provided a grid that explained the decibel levels at the measured distances. Mr. Bill King provided Mr. Piersol with acceptable decibel levels recommended by several motorcycle organizations.

At last evening's meeting, the Planning Commission unanimously made the following recommendations to the Board of Supervisors:

1. The ATV Ordinance and the Noise Standards should be passed concurrently.
2. Operation of ATV's should be prohibited on Sundays.
3. Operation of ATV's should be prohibited on certain holidays such as Easter, Memorial Day, the 4<sup>th</sup> of July and Labor Day.
4. If the ordinances aren't passed concurrently, the nighttime hours outlined in the noise standards should be lowered.

One resident noted that ATV's have been riding in the Applecross Development. Chief Kocsi will send information to all Brandywine Regional Police Officers that ATVs aren't allowed to operate on private property without permission. Mrs. Elizabeth Barr stated that some of the ATVs were being ridden along Delaney Drive. Chief Kocsi stated that only licensed motor vehicles can operate on the street, even if they aren't dedicated.

Mr. Black stated that there were two frequency response curves designed as "a" or "c". He recommended the response curve be specified in the noise standards. It appears that the "a" curve was used for purposes of the tests conducted by the ATV group.

Chairman Voltz asked Mrs. Smedley to schedule another meeting of the ATV group to review the revised noise standards and ATV ordinance. It is hoped that after that meeting the Ordinances can be advertised for adoption.

### **Wawa Letter**

As previously discussed, Wawa intends to formally terminate its equitable interests in the DiGiamberardino property. Mr. Black stated that if the General Store remains there is still a possibility of having a Historic District in Guthriesville. Mr. Black volunteered to draft a letter to send to Mr. DiGiamberardino that will outline the reasons to retain the building. Mrs. Morrison said that a lot of new ordinances have been passed since the Wawa plan was submitted. She hoped that the Township would enforce those ordinances.

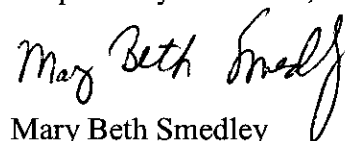
**Comments from the Audience**

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 all voting Aye. The meeting was adjourned at 8:45 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.**