

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, December 17, 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 Wednesday, December 17, 2008 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance were Lt. Ronald Marshman and Officer Anthony Howe from the Brandywine Regional Police Department and two other visitors.

Opening of Meeting

Chairman Voltz opened the meeting with the Pledge of Allegiance.

Public Comment for Non-Agenda Items

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

Minutes: Board of Supervisors – November 19, 2008

Chairman Voltz asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Kirkner made a motion to approve the November 19, 2008 minutes as presented. Mr. Fischer seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – December 4, 2008

Chairman Voltz asked if there were any additions or corrections to the above minutes. There were none. Mr. Fischer made a motion to approve the December 4, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Minutes: Planning Commission Minutes – December 3, 2008

Approval of the December Planning Commission meeting minutes has been deferred until the January 5, 2009 meeting.

Treasurer's Report

Mrs. Smedley read the account balances as of December 17, 2008. Mr. Fischer made a motion to approve the Treasurer's report and payment of the bills. Vice-Chairman seconded the motion, with all voting Aye with the exception that Chairman Voltz abstained from voting on check #11821.

Report: Township Manager's Report

Mr. Piersol reported that there are several recent developments in our Open Space Program:

- The Whittaker family has agreed to terms of the open space acquisitions for White Acres Farm on Creek Road. Jack Stefferud of Natural Lands Trust and I will be meeting the Whittaker family members at 8 AM on Friday morning, December 19th to sign the Agreements of Sale.
- The Thornbury conservation and trail easement acquisition on Hadfield Road, in partnership with West Brandywine Township, is scheduled to settle on Monday, December 29th. The cost to the Township's Open Space Fund for the acquisition will be \$45,215.82. The Board will consider a resolution later this evening to authorize the execution of the closing documents.
- Documents are being prepared by Brandywine Conservancy for the Robb conservation and trail easement acquisition, also on Hadfield Road. Once the initial documents are executed by the Robbs and the Township, a date for settlement will be scheduled, which is anticipated in February.
- The appraisal for the final 19.4 acres of the Brown farm, adjacent to the Community Park, was received Tuesday, and is being reviewed.

Bondsville Mill Park Developments:

- DCNR has approved our grant application for a Master Development Plan for the Park. The grant amount is \$30,700, with a projected plan cost of \$63,100. RFPs have been requested from Rettew & Associates of Chester Springs, Applied Ecological Services of Conshohocken, and KMS Design Group, LLC of Phoenixville. Proposals are due to the Township by Friday, January 9, 2009. The Mill Committee will review the proposals at the January 22, 2009 meeting and make a recommendation for award to the Board of Supervisors. The Township received a letter today from DCNR about the process of requesting RFPs and the DCNR review process, which will need to be reviewed to make certain we comply with those requirements.
- A selective demolition bid for the Mill complex has been advertised. A pre-bid meeting is scheduled with interested contractors for Thursday, December 18th at 10:00 A.M. here at the Township Building. Mr. VanLew and Mr. Yerkes will answer contractor's questions about the project. Bids will be opened and read aloud on January 7, 2009. After review, a recommendation to the Board of Supervisors will be made for consideration at their January 21, 2009 public meeting. The Township hopes to receive bids where the value of the steel salvage will offset the cost of the selective building demolition, with little or no cost to the Township. With the cost of steel dropping significantly in the past several months, a zero cost to the Township may not be possible at the present time.

Work on our Comprehensive Plan continues. At the Ordinance Task Force meeting on December 9th, it was agreed there was not sufficient time to complete the draft reviews prior to the proposed

January 6th date for the public meeting on the Plan, to include discussion of the final draft of the Guthriesville Master Plan. It was decided to use the January 6, 2009 date for the Task Force's next regular meeting, and decide on a meeting date in February during that meeting.

Wawa notified the Township it intends to terminate its agreement with owner Claudio DiGiamberardino for purchase of the property including the former Guthriesville General Store Building and the Brandywine General Rental Building. We have contacted Mr. DiGiamberardino's legal counsel to ask if he would be interested in discussing the sale of the property to a party interested in adaptive reuse of the building. The owner's counsel has indicated she will request an additional time extension for the demolition permits for these properties, hopefully to allow time for those discussions to occur.

The Western Chester County Joint U.C.C. Appeals Board met December 8th to discuss outstanding issues, such as By-Laws for the organization. Based on the initial costs incurred thus far, it appears that the initial membership fee will be \$750.00, due to the costs incurred thus far for start-up and document review. It is anticipated the annual fee will remain \$100.00, however. Mr. Piersol has been contacted by one other municipality with a possible interest in participating. If additional municipalities chose to participate, the costs can be spread among the group, reducing everyone's cost to participate. This will be discuss further at the January 5, 2009 Board meeting.

Township officials met with Caln Township earlier this month to continue our discussions on the East Fisherville Road Bridge. Casio Engineering has provided a letter that indicates the bridge can withstand additional static load from concrete median barriers, which would be used to narrow the bridge to a single lane, still with a weight restriction. We expect to allow passenger vehicles, and possibly school buses, to cross the bridge in the near future. Additional signage will be required to notify motorists of the restrictions. We hope to be able to re-open the bridge on some restricted basis by the end of December, or in January of 2009. Mr. Piersol also provided this update to Representative Schroder.

Earlier this month, the Board approved a bid for an audio / visual system to Vistacom, Inc. of Allentown, PA. Vistacom installed a similar system in the Uwchlan Township meeting room. Work is proposed to begin in the spring of 2009, to allow time to solicit financial support from a variety of sources who present development plans to the Township Boards, as well as our legislators and other potential users. We are developing a list of potential sponsors to solicit their support, with the assistance of our consultant, John Cuccinota of InterMedia Group.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for November, 2008. There were thirteen building permits issued, ten use and occupancy permits issued, and forty-two inspections conducted during the month. The total fees collected were \$8,755.50.

Brandywine Regional Police Commission

Vice-Chairman Kirkner reported that the next Commission meeting will be held December 30, 2008 at 8:00 A.M. He expected the Commission to meet on a monthly basis for the first three months of 2009, and probably quarterly thereafter.

Report: Police Chief - Police Activity Report for November 2008

Police Activity Report – November 2008

Investigations	166
Traffic Citations	114
Traffic Warnings	21
Traffic Accidents	19
Criminal Arrests	3
Summary Arrests	4

East Brandywine Township Police Department – Contracts for Chief of Police Mark Kocsi and Lieutenant Ronald Marshman

The Board reviewed the employment contracts for Chief Kocsi and Lieutenant Marshman, effective January 1, 2009. Chairman Voltz asked if there were any questions. There were no questions. Mr. Fischer made a motion to approve the above contracts. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Report: Fire Company's Activity Report for November 2008

Mr. Piersol read the Activity Report for the month of November, 2008, as submitted by Fire Chief Robert Zynn, Jr. There were seventy-seven total incidents. In East Brandywine Township there were ten fire calls and twenty-five QRS calls. In West Brandywine Township there were nine fire calls and twenty-two QRS calls. The Fire Company provided assistance in West Goshen Township, Valley Township, the City of Coatesville, Honeybrook Township, East Bradford Township, Malvern Borough and West Chester Borough. Estimated fire damage was \$26,000 from a vehicle fire on Blakely Road. Mr. Piersol cautioned everyone about fire dangers during the holidays, especially the use of candles, and wished everyone a safe and happy holiday.

Subdivision – Hillendale

The Planning Commission is recommending the Board of Supervisors accept an extension to review this subdivision application until March 31, 2009. Mrs. Smedley stated that the applicant will be asked to attend the March Planning Commission meeting to provide a progress report. Vice-Chairman Kirkner made a motion to accept this extension. Mr. Fischer seconded the motion, with all voting Aye.

Subdivision – AWI/Croppers

The Planning Commission is recommending the Board of Supervisors accept an extension to review this land development application until March 30, 2009. Mr. Piersol stated that there is developer interested in the commercial portion of the Watters Tract who has indicated their willingness to work with AWI/Croppers on their expansion plan. The attorney for Croppers will attend the March 2009 Planning Commission meeting to provide an update. Mr. Fischer made a motion to accept this extension. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Resolution 13 of 2008 – Temporary Transfer of funds to the General Fund from the Open Space Fund

Chairman Voltz explained that this Resolution allows for the temporary transfer of funds that, if used, will need to be reimbursed to the Open Space Referendum Fund, with lost interest, no later than June of 2009. Mr. George Holmes asked how much money would be transferred. Chairman Voltz stated that there were no plans to transfer funds right now; this Resolution simply authorizes the transfer, if needed. Chairman Voltz asked if there were further questions. There were none. Vice-Chairman Kirkner made a motion to adopt Resolution 13 of 2008. Mr. Fischer seconded the motion, with all voting aye.

Resolution 14 of 2008 – A Resolution of East Brandywine Township and the East Brandywine Township Police Department to Appoint Open Records/Right to Know Officers

This Resolution appoints Mary Beth Smedley as the Open Records Officer for East Brandywine Township and Sgt. Gene Babetski as the Open Records Officer for the East Brandywine Township Police Department. Chairman Voltz asked if there were any questions. There were no questions. Mr. Fischer made a motion to adopt Resolution 14 of 2008. Mr. Kirkner seconded the motion, with all voting Aye.

Resolution 15 of 2009 – A Resolution to Comply with the Open Records Law, Act 100 of 2002 and Act 3 of 2008, the Right to Know Law

Resolution 15 of 2009 updates the Township's Open Records Policy and brings the Township into compliance with the Right to Know Law that goes into effect on January 1, 2009. Chairman Voltz asked if there were questions or comments. There were none. Chairman Voltz made a motion to adopt Resolution 15 of 2009. Mr. Fischer seconded the motion, with all voting Aye.

Resolution 16 of 2009 – Actuarial Findings for the Uniformed Pension Plan for the Year 2009

The actuarial findings of Conrad M. Siegel, Incorporated determined that the East Brandywine Township Police Uniformed Pension fund will have an anticipated shortfall in 2009. Therefore, it will be necessary for the uniform employees to contribute 5% of their salaries towards the Uniform Pension Fund effective January 2009. Chairman Voltz asked if there were any questions. There were no questions. Vice-Chairman Kirkner made a motion to adopt Resolution 16 of 2009. Mr. Fischer seconded the motion, with all voting Aye.

Resolution 17 of 2009 – East Brandywine Township Police Department Orders and Policy Manual

By adopting this Resolution, the Board of Supervisors approves the East Brandywine Township Police Department policy manual. Chairman Voltz asked if there were any questions. There were no questions. Chairman Voltz made a motion to adopt Resolution 17 of 2009. Mr. Fischer seconded the motion, with all voting Aye.

Resolution 18 of 2009 – Acquisition of Property of Eliel S. and Pricilla Thornbury

This Resolution permits East Brandywine Township to take action to acquire conservation and trail easements on 21.427 acres of land owned by Mr. and Mrs. Thornbury. Chairman Voltz asked if there were any questions. There were no questions. Mr. Fischer made a motion to adopt Resolution 18 of 2009. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Old Business - 2009 Preliminary Budget

General Fund - Revenues

Mr. Piersol stated that the Township will continue to take a cautious position on revenues in 2009 due to the economic projection, and forecast small increase. The Board has approved a \$10.00 increase in the trash and recycling fee to cover anticipated cost increases in 2009. The fee for 2009 will be \$215.00. This fee remains comparable to most municipalities in our area. The Township millage rate is proposed to remain at 2.5 mills.

Development activity has slowed significantly over the past six month period. Activity is not expected to increase significantly until the spring or possibly the summer. Building permit fees will flatten due to the downturn in development construction expected next year.

Revenues from all sources, including inter-fund transfers, are projected at \$4,585,968.00, including an anticipated year-end General Fund cash balance of \$25,000.00.

Expenses

Public safety costs will increase by \$150,546.00 in 2009. Chief Kocsi has been working on revisions to his budget which reduced the police department expenses from the preliminary projections. Engineering fees for land development project reviews will continue as significant expenses in 2009, although decreased from 2008 expenses. The expense for building inspections are expected to also be reduced.

Bids for an audio-visual system for our meeting room have been received and approved. The final cost for this project is budgeted at \$63,000.00, including project oversight. The Township is working with the project consultant to solicit contributions from various sources to underwrite a portion of the project from developers, engineers, and other groups who would benefit from this equipment being available to the community.

Replacement of the roof on McCausland Hall is projected for 2009, with an anticipated cost of \$12,000.

The third project is the master plan for the Bondsville Mill Park project. The anticipated cost of this project is \$63,100.00; a DCNR grant will underwrite up to \$30,700.00 of this project. Proposals are currently being solicited for this project.

To reduce expenses in 2009, one or both anticipated road projects may be deferred until 2010. We will review the scope of work to determine if one of the projects can be bid for 2009. A new full-time hire for the Public Works Department will also be deferred until a later date. Modifying our health insurance program reduced projected cost increases from 26% to 12% over 2008 costs.

Total expenses are projected to be \$4,514,652.00. A capital reserve allocation is anticipated in the amount of \$71,307.00.

State Fund - Revenues

There were no changes from the preliminary presentation of the State Fund. A slight decrease in the State Liquid Fuels allocation is anticipated for 2009. Income is projected to be \$155,228.00. The year-end State Fund balance is anticipated to be approximately \$35,000.00.

Expenses

As indicated in the General Fund Report, two road projects may be deferred for 2009. The Roadmaster plans to replace a 1988 pickup truck with a heavy-duty truck chassis provided with utility body. This vehicle will be placed in service for the Roadmaster's on-call use, as well as carrying tools for the various public works projects throughout the Township. Total State Fund expenses, including a capital reserve allocation of \$44,053.00, are anticipated to be \$189,928.00.

Chairman Voltz asked if there were any questions. Mr. Martin Weaver asked how much money the Township collects from Police Fines. Mr. Piersol stated that the Township expects to receive approximately \$70,000 in 2009. Mr. Weaver then asked when the Township expects to receive those funds. Mr. Piersol stated that the Township receives them once they are collected by the County or by District Court, and there is no specific time-frame.

Chairman Voltz asked if there were any other questions. There were no additional questions. Mr. Fischer made a motion to approve the 2009 budget, last updated December 17, 2008 which reflects no increase in the millage rate and a \$10 yearly increase in the refuse/recycling fee. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Other Business – Dissolution of the Brandywine Regional Police Commission

The attorney for the Brandywine Regional Police Association has requested a meeting with East Brandywine Township to discuss issues related to the dissolution. Mr. Fischer will represent East Brandywine Township. Vice-Chairman Kirkner indicated that he would represent the Brandywine Regional Police Commission in those discussions.

Additional Public Comment

Chairman Voltz asked if there were any additional public comments. There were no comments.

Notices

The East Brandywine Township Board of Supervisors and the Wallace Township Board of Supervisors met in Executive Session with their respective Solicitors to discuss the dissolution of the Brandywine Regional Police Commission.

East Brandywine Township Board of Supervisors

December 17, 2008

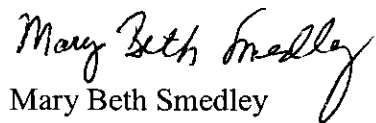
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The East Brandywine Township Board of Supervisors met in Executive Session on December 4, 2008 to discuss the dissolution of the Brandywine Regional Police Department and will meet directly following this meeting to discuss ongoing issues related to the dissolution.

Adjournment

There being no further business, Chairman Voltz made a motion to adjourn the meeting. Mr. Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer