

**East Brandywine Township Board of Supervisors  
Organization Meeting  
Monday, January 5, 2009  
7:30 P.M.**

**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 Board of Supervisors met for the purpose of reorganizing (and other matters it wished to discuss) on Monday, January 5, 2009 with all Supervisors present. Also in attendance were Township Manager Scott T. Piersol, Chief of Police Mark Kocsi, Matthew T. VanLew, Roadmaster and Township Secretary/Treasurer Mary Beth Smedley, Rebecca Corbin, Brandywine Regional Police Member-at-Large, John Black, Chairman of the East Brandywine Township Historical Commission, James Buczala, East Brandywine Township Historical Commission, and three visitors

Chairman Voltz called the Meeting to order at 7:35 P.M. with a Salute to the Flag.

**Reorganization**

Mr. Fischer made a motion to nominate Mr. Voltz as Temporary Chairman of this meeting. This was seconded by Mr. Kirkner, with all voting Aye.

Mr. Fischer made a motion to re-appoint Scott T. Piersol as Township Manager for 2009. Mr. Kirkner seconded this motion, with all voting Aye.

Mr. Fischer made a motion to re-appoint Scott T. Piersol as the Township's Emergency Management Coordinator. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to appoint Mark Kocsi as Chief of Police for the East Brandywine Township Police Department for 2009. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Fischer made a motion to re-appoint Scott T. Piersol as Fire Marshal for East Brandywine Township. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Mary Beth Smedley as Secretary/Treasurer for 2009. Mr. Fischer seconded this, with all voting Aye.

Mr. Fischer made a motion to re-appoint Matthew T. VanLew as Roadmaster for 2009. This was seconded by Mr. Kirkner, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Yerkes Associates as Building Inspector/Zoning Officer. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Fischer made a motion to re-appoint Yerkes Associates as the Township Engineer for 2009. Mr. Kirkner seconded this, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Chester Valley Engineers, Incorporated, to act as the Township's Special Engineering Firm for 2009. The motion was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to re-appoint Stacey Fuller, Esquire, of Gawthrop, Greenwood, as Township Solicitor for 2009, and Thomas Oeste, Esquire of Parke, Barnes, Spangler, Oeste and Wood, as Planning Commission/Zoning Hearing Board Solicitor and Municipal Authority Solicitor for 2009. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Rebecca Corbin as a member of the Township's Zoning Hearing Board, James Rosato as an alternate to the Zoning Hearing Board, and to re-appoint Anthony Damiano as Chairman of the Zoning Hearing Board, Kevin Conners as Vice-Chairman of the Zoning Hearing Board and Rebecca Corbin as Secretary to the Zoning Hearing Board. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Kirkner made a motion to appoint Hudson Voltz, David Kirkner, Jay Fischer, Bruce Rawlings, Stephen Cushman, Deborah Marshman, Michael Corbin, Sandra Moser, Charles Giordano, Scott Piersol, John Black, James Worrell, Ray Crossan, Carl Croft, and Michael Wagoner as members of the Ordinance Task Force. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Fischer made a motion to re-appoint Stephen Cushman and Deborah Marshman to the Planning Commission, and to re-appoint Bruce Rawlings as Chairman and appoint Deborah Marshman as Vice-Chairman to the Planning Commission. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Fischer made a motion to re-appoint James Tobin to a five-year term on the Historical Commission and to re-appoint John Black as Chairman of the Historic Commission. This was seconded by Mr. Kirkner, with all voting Aye.

Mr. Kirkner made a motion to reappoint Jane Davidson and Robert Wise as consultants to the Township Historical Commission for 2009.

Mr. Fischer made a motion to re-appoint James N. Worrell, Jr. as Chairman, Sandra Lammey as Vice-Chairman and Edward Cooney as Secretary to the Park and Recreation Board, re-appoint Sandra Lammey as a member of the Park and Recreation Board. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Hudson Voltz, Samuel R. Matthews, and L. William Kay to the Agricultural Security Area Advisory Committee. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to re-appoint William Steimer to the East Brandywine Township Code Appeals Board. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Joseph Anthony to a five-year term on the East Brandywine Municipal Authority and to re-appoint Michael Corbin as Chairman, Gerald Kirkpatrick as Vice-Chairman, Joseph Anthony as Secretary and David Summers as Treasurer of the Municipal Authority. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to re-appoint Kate Okie, Robert Long, Carolyn Long, Louise Walker, Carl Croft, and Alan Yefko, appoint Michael Melesky and Jack Sales to the Open Space Committee and appoint Robert Long as Chairman and Louise Walker as Secretary of the Open Space Committee. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Voltz made a motion to appoint Jay G. Fischer as a representative to the Open Space Committee. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to appoint Karen Elrod, Shelly Francies, Kristopher Givens, Jill Givler, Mitchell Goldfarb, Evelyn Samuels, and Sally Riddle to the East Brandywine Township Youth Aid Panel for 2009. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to appoint Sgt. Gene Babetski as the Police Liaison to the Youth Aid Panel for 2009. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Kirkner made a motion to re-appoint David Sweet and Brandywine Conservancy as the Township's Zoning and Comprehensive Plan Revision Consultants. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to appoint Gerald Kirkpatrick, David Summers, Bruce Rawlings, Stephen Cushman, Sandra Moser, Donald Leong, Danielle Leong, Carolyn Long, Steffenie Kirkpatrick, Matthew VanLew, Walter Dawson, Carl Walker, Dale Erickson, Deke Inslee, Jake Sales and Rick Chennisi as members of the Bondsville Mill Committee. Mr. Voltz seconded the motion, with all voting Aye.

Mr. Fischer made a motion to appoint Mr. Voltz as the Supervisors' representative to the Bondsville Mill Committee. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to re-appoint John Neff, Eileen Amatrudo, Allan Cunningham, Tim Cunningham, Terry Jameson, Faye Conner, Jim Jameson, John Sciandra, Ruth Ann Sciandra, Joel Gramling and Mike Whiteman as active members of the Township's Special Fire Police. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Kirkner made a motion to appoint Mr. Voltz as a representative to the Downingtown Area Recreation Consortium. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to appoint Holmes and Simmons, P.C. as appointed Township Auditor for 2009. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to set the Treasurer's Bond at \$800,000 subject to approval by the Board of Auditors. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner named DNB First and National Penn Bank as depositories for all Township Funds. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to appoint Berkheimer Associates as the collector of the Earned Income Tax for 2009. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to appoint Berkheimer Associates as the collector of the Open Space Tax and to continue the tax at .125% for 2009. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to set the refuse and removal fees at \$215.00 for 2009. The refuse fee portion will be \$152.00 and the recycling portion will be \$63.00. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to adopt Resolution 01 of 2009 "Resolution Fixing Millage Tax for 2009" a resolution for fixing Millage Tax at Two and One Half (2.5) Mills for 2009. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Fischer made a motion to continue the one percent (1%) Transfer Tax for 2009. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Fischer made a motion to appoint the Board of Supervisors as the Local Tax Appeals Board (Act 50). This was seconded by Mr. Kirkner, with all voting Aye.

Mr. Kirkner made a motion to adopt Resolution 02 of 2009 "Final 2009 Budgets for the General and State Liquid Fuels Funds". Mr. Fischer seconded the motion, with all voting Aye.

Mr. Fischer made a motion to adopt Resolution 03 of 2009 "Designation of Emergency Service Providers". Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to adopt Resolution 04 of 2009 "Actuarial Findings for the Non-Uniformed Pension Plan for the Year 2009". Mr. Fischer seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to certify the Board of Supervisors, Scott T. Piersol and Matthew T. VanLew as delegates to the State Association's Annual Convention. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to appoint a Scott T. Piersol as Voting Delegate and Matthew T. VanLew as Alternate Delegate to the State Association's Annual Convention. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to re-appoint Mary E. Hinebaugh as East Brandywine Township's representative to the Downingtown Library. This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to re-appoint Deborah Marshman to the Vacancy Board to the Vacancy Board for 2009. Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to adopt Resolution 05 of 2009 – "Providing Police Assistance to Other Municipalities at Downingtown Area School District Events". Mr. Fischer seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to adopt Resolution 06 of 2009 – "The Police Tenure Act". This was seconded by Mr. Fischer, with all voting Aye.

Mr. Fischer made a motion to adopt Resolution 07 of 2009 – "East Brandywine Township to become a Member Police Department in the Western Chester County Emergency Response Team or WCCERT". Mr. Kirkner seconded the motion, with all voting Aye.

Mr. Kirkner made a motion to adopt Resolution 08 of 2009 – “Short Term Disability Policy for Full-Time Uniformed Employees of the East Brandywine Township Police Department. Mr Fischer seconded the motion, with all voting Aye.

Mr. Fischer nominated Hudson L. Voltz for Chairman of the Board of Supervisors for 2009. This was seconded by Mr. Kirkner, with all voting Aye.

Mr. Voltz nominated David A. Kirkner for Vice-Chairman of the Board of Supervisors for 2009. Mr. Fischer seconded the motion, with all voting Aye.

Mr. Voltz made a motion to appoint a David A. Kirkner as Police Commissioner to the Brandywine Regional Police and Supervisor Liaison to the East Brandywine Township Police Department for 2009. Mr. Fischer seconded the motion, with all voting Aye.

**REQUEST TO EXTEND DEMOLITION PERMITS FOR THE  
GUTHRIESVILLE GENERAL STORE AND THE BRANDYWINE GENERAL  
RENTAL BUILDING**

Louis Colagreco, Jr., Esq. attended the meeting on behalf of his client Claudio DiGiamberardino. Mr. Colagreco stated that the permits are scheduled to expire on February 5, 2009 and February 15, 2009, respectively. He went on to say that his client is waiting for the Township to provide him with a list of architectural features to be removed from the building, which is a condition of the General Store Permit. Although Mr. DiGiamberardino is amenable to attending the demolition permits, he is prepared to begin demolition of the buildings if the extensions aren't approved.

Mr. Voltz asked Historical Commission Chairman John Black if he had any questions or comments. Mr. Black stated that Historical Commission members would like to speak to Mr. DiGiamberardino about alternatives to demolition of the buildings. He went on to say that it is the opinion of some Historical Commission members that there may be obstacles to rebuilding on the site if the buildings were demolished because of soils types, changes in zoning and the soon to be adopted Guthriesville Master Plan. Mr. Black hoped that Mr. DiGiamberardino would be open to these discussions. Mr. Colagreco said that his client may be interested and that discussions aren't out of the question. Mr. Piersol recently forwarded the name of an interested party to Alyson Zarro in Mr. Colagreco's office.

Mr. Voltz asked if there were other comments. Mr. William Inslee, owner of the property next to the Guthriesville General Store, stated that with the condition that discussions take place with Mr. DiGiamberardino, he believes it would be desirable to approve extensions for both of the demolition permits.

Mr. Voltz asked if there were other questions. There were none. Mr. Fischer made a motion to extend the building permits for the Guthriesville General Store and the Brandywine General Rental Store until August 15, 2009. Mr. Voltz seconded the motion, with all voting Aye.

#### **NOTICE**

The East Brandywine Township Board of Supervisors met in Executive Session on December 17<sup>th</sup> and December 30<sup>th</sup> to discuss the dissolution of the Brandywine Regional Police Commission.

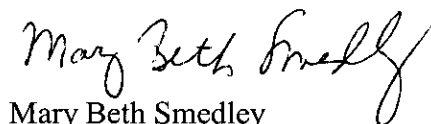
#### **COMMENTS FROM THE AUDIENCE**

Mr. Voltz asked if there were comments from the audience. There were none.

#### **Adjournment**

There being no further business Mr. Fischer made a motion to adjourn at 8:00 P.M. Mr. Kirkner seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley  
Secretary/Treasurer  
East Brandywine Township