

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, May 20, 2009**

Those in Attendance:

Hudson L. Voltz, Chairman
David A. Kirkner, Vice-Chairman
Jay G. Fischer, Member
Scott T. Piersol, Township Manager
Mark D. Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, May 20, 2009 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance were George Holmes, the Milemarker Editor, Officer James Ferraro, Officer Michael McBride, Historical Commission Chairman John Black, Historical Commission Member James Buczala, Historical Commission Consultant Jane Davidson, Township Employee Walter Dawson and eighteen other visitors.

Opening of Meeting

Boy Scouts Travis Ferraro and Stephen Koch 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 – April 15, 2009

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 April 15, 2009 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

**Minutes: Board of Supervisors – May 7, 2009
Planning Commission – May 6, 2009**

Approval of the minutes was deferred until the June Board meeting.

Treasurer's Report

Mrs. Smedley read the account balances as of May 20, 2009. Mr. Fischer made a motion to approve the Treasurer's Report and authorize payment of bills. Vice-Chairman Kirkner seconded the motion with the exception that he recused himself from voting on check #12279. Chairman Voltz seconded the motion for that check, with all voting Aye.

SCANNED

Report: Township Manager's Report

Mr. Piersol announced that the installation of our audio-visual system is substantially complete. Mr. Piersol and Mr. VanLew met with representatives of VistaCom May 18th for system training and to discuss potential punch list items. The audio system should help with the audience hearing the discussion from the front table. Project Manager John Cuccinota from Intermedia Group is reviewing the contract to determine if all aspects of the contract have in fact been completed as designed. Mr. Piersol believes a network connection and two computer input positions were missed during the installation, both minor issues at this point. Pending that final punch list review, the remaining balance will be paid to VistaCom, less retainage until the punch list items are completed. Mr. Piersol thanked the 23 contributors for their donations, which totaled \$7,560.00 to underwrite a portion of the system cost. He will be sending thank you letters to each sponsor in the near future.

Bondsville Mill projects updates:

1. The partial demolition project for Buildings G & H was completed last week with the capping of the stone walls which were pulled down during the controlled demolition. Mr. VanLew created a slide-show with photos before and after this project was completed for the audience to view the progress at the Mill site.
2. The Mill Committee has recommended Supervisors award Rettew & Associates the contract for creating a Master Development Plan for the Mill site. The Rettew proposal has been submitted to Cynthia Dunlap from the PA Department of Conservation and Natural Resources for her review and approval, which is required prior to the Supervisors' formal contract award. Mr. Piersol hopes to have this approval prior to the Supervisors' June 4th public meeting.
3. The Supervisors, Park and Rec Board, and Mill Committee members will meet with Maurie Kring on June 4th to discuss the idea of establishing a charitable trust for the Bondsville Mill project, or perhaps for the Township Parks in general. Mr. Kring was involved in a similar project at the Mill at Anselma in West Pikeland Township, which is open to the public, and is listed on the National Register of Historic Places. He has offered to assist the Township in considering the advantages of establishment of a trust for this purpose, since several companies, or charitable organizations such as the Pew Foundation, will contribute to a charitable trust, but will not contribute to a municipality, even though municipalities are considered by the IRS as a form of charitable organization.
4. Mr. Piersol thanked Mike Dawson for supervising the Boy Scouts as they helped clear brush on the Bondsville Mill site.

The Township received its initial review of the update for our Comprehensive Plan from the County's Vision Partnership Program earlier this week. The Ordinance Task Force will be discussing the information contained in the letter at its May 27th meeting, and decide what changes, if any, are needed to the draft Plan before final submission to the Chester County Planning Commission for its review, prior to adoption later this summer. A \$50,000 planning grant payment is pending once the amendment has been adopted by the Township.

The County Planning Commission recently announced three public meetings for their Comprehensive Plan update, Landscapes 2. Public meetings will be held on June 3rd at the East Nottingham Township Building, June 9th at the West Vincent Township Building, and June 10th at the Government Services Center in West Chester. All meetings start at 7:00 PM, and are expected to conclude by 8:30 PM. The County is anxious to unveil their plan and gather feedback.

Mr. Piersol has requested proposals for grant writing from the Natural Lands Trust and Brandywine Conservancy for the open space easement acquisition, and fee simple acquisition, of the remaining 19.421 acres of the Brown farm on Dilworth Road. The Browns have expressed a desire to sell the property, and the Township is working on a plan to acquire a portion of the property to establish a trail connection from Ferndale Lane to Phase II of the Community Park, and the purchase of the development rights to the remaining property.

Mr. Piersol executed Addendum #5 of the Mottershead agreement for the replacement of the culvert extension at 855 Horseshoe Pike earlier this week with the Natural Resource Conservation Service. This project encountered some additional issues which increased the final cost of the project, which NRCS and PA DEP agreed to absorb. The Township is the sponsor of this project, and bears no financial responsibility for the project.

Final drafts of the enabling ordinances and intergovernmental cooperation agreement have been circulated to each of the potential 17 municipalities interested in participating in the Western Chester County Regional UCC Appeals Board. Township Solicitor Stacey Fuller and Mr. Piersol have been working to finalize these documents so each municipality could enact the ordinance by July 31st. This regional group is designed to avoid the need for each municipality to establish a separate appeals board under the Uniform Construction Code, also known as the Statewide Building Code.

The Township received comments from the County Planning Commission on its amendments to the ATV Ordinance, and the Noise Standards section of its Zoning Ordinance, Section 399-84. The Supervisors authorized the advertisement of these amendments, which will be scheduled for consideration at the Supervisors' June 17, 2009 public meeting.

Mr. Piersol thanked Mr. VanLew for providing comments and suggestions to the Delaware Valley Regional Planning on the Rt. 322 corridor study. He said that the letter was well written and provided valuable information to the Planning Commission to use in their land use and transportation study.

Earlier this evening Mr. Piersol attended the Downingtown Area School District's Board meeting where they approved PlanCon C for a third middle school on the Weaver Tract. Mr. Piersol explained that PlanCon C is the Department of Education's requirement for partial reimbursement of some of the initial costs of a school building plan. The School District needs to obtain the Department's approval before they purchase the property. Funding for a portion of this project will come from the State, so the School District will need to follow their requirements.

Report: Building Inspector/Zoning Officer – Report for April 2009

Mr. Piersol read the Building Inspector/Zoning Officer's Report for April, 2009. In April there were twenty-one permits issued, twelve use and occupancy permits issued, and fifty-eight inspections conducted during the month. The total fees collected were \$6,935.60.

East Brandywine Township Police Chief's Report

The Police Department will be participating in the 2009 Kids Festival on June 6th. In an effort to help out the East Brandywine Fire Company with their fundraising efforts the Police Department purchased a sponsorship this year. The Police Department will have gift bags for the kids and fingerprint ID kits that the parents and children can do as a fun home project. In addition, the Police Department will be conducting a safety quiz with the kids and award those who pass with a Community Safety Certificate.

This past month, Officer Jim Ferraro and Officer Mike McBride were recognized by Mother's Against Drug Drivers, Southeast Pennsylvania Chapter for their DUI enforcement efforts in 2008. Both Officers received a Certificate of Achievement from MADD and a Congressional Recognition from Congressman Jim Gerlach.

Chief Kocsi received confirmation last week that Dan Orris has obtained MPOETC certification from the State. Dan was sworn in by Judge John Anthony. He begins field training this week as a part-time officer.

Chief Kocsi attended the Law Enforcement Summit hosted by District Attorney Joseph Carroll this past Tuesday. DA Carroll outlined the progress, changes and future of law enforcement in Chester County. New County-wide DA policies were reviewed, as well as the County Strategic Plan adopted by the County Commissioners.

Chief Kocsi announced that DA Carroll has given his approval to the Police Department's request of a \$42,600 grant for the purchase of ICOP video/audio camera systems for the police vehicles. Better know as MVR's (mobile video recorders), these systems will enhance officer safety and the Department's ability to accurately document events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court. MVR's are also valuable tools in reducing and defending misconduct claims against officers, and can be used as a training tool during the review and critique of new employees during the Field Training program. A number of departments in the area use the MVR systems and have had great success with them. Chief Kocsi hopes the project will be started and completed by year's end.

Police Activity Report – April 2009

Incidents Reported	135
Criminal Arrests	3
Summary Arrests	11
Accidents Investigated	14

Traffic Citations Issued	173
Warnings Issued	39
Vacation House Checks	21

Training Completed: Corporal Steve Leifholt attended the Philadelphia Regional Gang Investigations seminar.

Report: Fire Company's Activity Report for April 2009

Mr. Piersol read the Activity Report for the month of April 2009, as submitted by Fire Chief Michael Conlan. There were thirty-eight total incidents. In East Brandywine Township there were seven fire calls and ten QRS calls. In West Brandywine Township there were ten fire calls and nine QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township and West Caln Township.

Resolution 12 of 2009 – Approving Mary Beth Smedley to act as the Right to Know Officer for the East Brandywine Fire Company

Mr. Piersol recently attended a meeting on the Open Records Law, and its impact on our volunteer Emergency Service agencies. It has been determined by the Courts that a volunteer EMS agency is responsible under the law to provide information in accordance with those regulations. The East Brandywine Fire Company has asked the Township to consider its request for Mary Beth Smedley, the Township's Open Records Officer, to serve in that capacity on behalf of the Fire Company. The Fire Company membership approved two resolutions at their regular monthly meeting last Thursday evening to formalize this request.

The Supervisors have some reservations about Mrs. Smedley acting as the Fire Company's Open Records Officer since she doesn't actually have access to the records. Mr. Piersol explained that there isn't always someone available at the Fire Company to accept requests. Mrs. Smedley will accept applications and work with Mr. Piersol to provide the records. Since the records are kept off-site, this will afford the Fire Company additional time to process the requests.

Vice-Chairman Kirkner asked if someone could request information on arson investigations. Mr. Piersol said that they could, but most likely those requests would be handled by the Chester County Fire Marshall's office, who would normally conduct those types of investigations.

Mr. Fischer said that he was concerned that appointing Mrs. Smedley as the Open Records Officer for the Fire Company would unnecessarily involve the Township in Fire Company business. Mr. Piersol said that since there isn't anyone at the Fire Company during normal business hours it would be more convenient to have the requests directed to the Township.

Chairman Voltz asked if there were additional questions. There were no further questions. Mr. Fischer made a motion to adopt Resolution 12 of 2009. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Discussion regarding amending the Historic Resources Map and Historic Resources Inventory

Chairman Voltz informed the audience that originally the Board of Supervisors were going to consider adopting an Ordinance that would amend the historic resources map and the historic resources inventory, but since several questions and concerns were raised by property owners recently, the Board decided to table adopting the Ordinance until a later date. Chairman Voltz then asked if there were questions from the audience.

Mrs. Jane Davidson, the Township's historic consultant stated that the National Historic Preservation Act of 1966 identifies buildings 50 years and older as worthy of further investigation. In addition, the Municipalities Planning Code states that protection of historic resources is the responsibility of all municipalities. Mrs. Davidson explained that the Township is not creating a Historic Architecture Resource Board; the Township is simply identifying historically significant properties, providing protective measures against demolition by neglect and a procedure to demolish those buildings. The Township and Historical Commission also consulted with Robert Wise from Wise Preservation Planning to assist in identifying Class I and II historic structures.

Mrs. Davidson said that a designation as a Class I or II historic structure can actually be beneficial to property owners since there may be additional uses allowed by the Township for those structures. As an example, she sited the Lewis Richter House on Horseshoe Pike. Rather than being used as a home by the owner, it is an architect's office with an apartment above. The Board of Supervisors and Planning Commission supported variance requests to allow this and the Zoning Hearing Board granted the needed zoning relief.

Mr. John Black, Chairman of the East Brandywine Township Historical Commission remarked that if someone lives in a Class I or II historic building and someone wants to develop within 300 ft. of the property line they must take into account how the development might impact a historic resource.

Mrs. Dawn Budetto asked the Board to explain the difference between a Class I and Class II historic structure. Mrs. Davidson said that unlike Class II structures, Class I historic structures are eligible for inclusion in the National Register of Historic places as determined by the Pennsylvania Historic and Museum Commission. A portion of the Village of Guthriesville has a Determination of Eligibility to be included in the National Register, but has not been added to the Register since several of the property owners were opposed to the inclusion. There are no historic districts in East Brandywine Township.

David Dratch, Esq. attorney for Gambone Development Company asked for clarification about the provision for a 300 ft. buffer. He said that his client has a ten acre parcel and they are concerned about how this might affect further subdivision of the property.

The Board was asked if property owners have the ability to opt out of being included in the historic inventory. There is a procedure to petition to have a property removed, but ultimately it is the Board's decision whether or not to remove, or include, structures from the historic

inventory. Mrs. Davidson said that the Pennsylvania Historical and Museum Commission could still review a development application filed by the property owner, or their representative, even if the historic resource is removed from any list.

Mr. Dan Fallon from Hopewell Road said that although he is a preservationist by nature he thought the tone of the Ordinance was punitive. He went on to say that the Ordinance allowed people with no direct financial interest in the property to dictate what a homeowner can and can't do and that incentives are too vague. Mr. Fallon said that the Township provides incentives for property owners willing to give open space or easements on their properties, but there are no such incentives for owners of historic structures. Chairman Voltz said that if Mr. Fallon has specific comments about the ordinance he should provide them for the Board's consideration.

Mr. William Steimer from Crawford Road stated that he is licensed architect and also listed his other credentials. He said that he doesn't want his home included in the historic inventory. Mr. Steimer believes that his home was added in 1980, although he never received notice that it was being added. He also expressed doubt about the qualifications of those individuals who provided the list to the Board. Mr. Steimer thought that simply using the criteria for homes that are 50 years and older is absurd and that there were no tangible benefits to having a property listed in the inventory. Mr. Steimer then provided the Board with a petition to have his home removed from the inventory.

Mr. Rick Chennisi from Margil Farm Drive said that his home was included, but was actually built in 1993 although there is one wall that remains of the original farmhouse. He also said that he didn't receive written notice; his letter was sent to Moser Builders. He mentioned that the Township had previously issued a demolition permit to Moser Builders for the house. Mr. Black said that there may be some errors and he will look into this.

The Board was asked about the criteria used to include certain properties. It was also suggested that the letters sent to property owners should have included specifics as to what was unique or special for each of the properties to be included in the inventory. The notice posted on each of the properties stated that the property values could be affected by the historic designation. Residents may be concerned that it might have an adverse affect on their property value. Mrs. Davidson stated statistics from Chester County real estate appraisals since June of 1982 indicate that historic structures generally see a 10% to 15% increase in their value.

Patty and Al Sardella from Bondsville Road said that they didn't receive the letter, but saw the notice on their property. They attended the meeting because they wanted to learn more information about historic structures.

Jane Costanzo and Andrew Brown attended the meeting. They did not receive a letter, but wanted to know if their home was included in the historic inventory. Mr. Black said that their home is already designated a historic structure.

Mr. Joseph Filoromo, a resident on Horseshoe Pike stated that his family has lived here since 1940. He said that there is no place where urban sprawl is worse than in southeastern Pennsylvania. He said that not everyone is against preserving historic structures and he thought updating the inventory was a good idea.

Mr. Dratch requested a copy of the Wise Report. Mr. Black said that the report was very informal, but he would make sure Mr. Dratch receives a copy.

Mr. Fischer suggested that property owners who desire more information on the historic resource inventory should attend the Historical Commission meetings. The Commission meets the second Wednesday of every month at 7:30 P.M. in the Township Building. The meetings are open to the public. He also suggested that property owners notify the Township so that the Commission is aware of what items will be discussed during the meeting.

Since adoption of the Ordinance was tabled until a further date these notices will be sent again and it will be advertised prior to adoption.

Mr. Robert Steimer suggested that the Board lists those property owners who want to be included on the historic resources inventory and leave those off that don't want to be included. Chairman Voltz stated that the Board will review the list and then make a determination as to whether certain buildings should be added or left off.

Mrs. Chennisi asked about financial incentives that might be available to owners of Class I or Class II historic structures. Mrs. Davidson said that she would be happy to provide information about financial incentives after the meeting.

Additional Public Comment

Chairman Voltz asked if there were any additional public comments. Mr. George Holmes thanked the Supervisors for installing the audio-visual equipment.

Zoning Hearing Notice

The Calvaresi Zoning Hearing will be held June 2, 2009 at 7:30 P.M.

Notices

The Park and Recreation Board's Fore the Park Golf Outing will be held May 27, 2009 at 1:00 P.M. at the Honeybrook Golf Club

The East Brandywine Fire Company Kids Festival will be held Saturday, June 6, 2009 from 11:00 A.M. to 5:00 P.M.

The Memorial Garden at the East Brandywine Township Community Park on Dilworth Road will be dedicated Thursday, June 25, 2009 at 7:00 P.M. The rain date will be Friday, June 26, 2009 at 7:00 P.M.

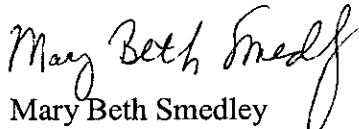
Community Day in the Park will be held Sunday, June 28, 2009 from 10:00 A.M. to 3:00 P.M. at the Community Park on Dilworth Road.

A public hearing will be held Thursday, June 4, 2009 at 8:30 A.M. to consider a demolition application submitted by Southdown Homes located on Lot #153 in the Hide-A-Way Farms subdivision.

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 8:55 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer