

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION  
Thursday, July 2, 2009**

**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, July 2, 2009 was called to order by Chairman Voltz at 7:35 A.M. at the East Brandywine Township Municipal Complex. Also in attendance was George Holmes, the Milemarker Editor.

**Public Comment for Non-Agenda Items**

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

**Introduction of Officer Jason Myers**

Chief Kocsi introduced Jason Myers to the Board of Supervisors. Officer Myers has a Bachelors degree in criminal justice. He is currently employed as a Sergeant with the Delaware County Prison where he runs the Maximum-Security area. Officer Myers has also been employed with the Malvern Borough Police since January of 2009. He and his wife currently reside in East Brandywine Township. The Board and Mr. Piersol welcomed Jason to the Police Department.

**Submission of Comprehensive Plan to the County Planning Commission for their Act 247 review, and to the Downingtown Area School District, Caln, West Brandywine, Wallace, Upper Uwchlan, Uwchlan and East Caln Township for their review and comment.**

Mr. Piersol reported the Ordinance Task Force has been working on the Comprehensive Plan for quite a while and it is essentially complete. In May of this year the Task Force and Planning Commission recommended that the Board submit it to the County for their Act 247 review. After the County Planning Commission's 45-day review period the Board can proceed with holding a public hearing and adoption. Mr. Piersol will forward copies of the completed document to the Downingtown Area School District, West Brandywine Township, Caln Township, East Caln Township, Uwchlan Township and Upper Uwchlan Township for their review and comments. A copy of the document will be available at the Township office for inspection by the public during the 45-day review period. The draft document was already reviewed because it is part of the scope of work that is being completed under the Vision Partnership Program. Mr. Fischer said that most of the comments received were stylistic rather than substantive. Chairman Voltz made a motion to submit the Comprehensive Plan to the County Planning Commission for their Act 247 review, as well as all adjoining municipalities and the Downingtown Area School District. Mr. Fischer seconded the motion, with all voting Aye.

## **Roadmaster Report**

### Lyndell Bridge

Mr. VanLew reported that it is almost been a year since discussions started with Richard Strayves of PennDOT's bridge unit about the ownership of Lyndell Bridge. The bridge is a pre-stressed box beam concrete structure built in 1971. Mr. VanLew provided photographs of the bridge and surrounding area for the Supervisors to review.

According to a letter dated June 25, 2009 written by Mr. Henry Berman of PennDOT, the bridge was abandoned to East Brandywine and Upper Uwchlan Townships in November of 1971. The plan provided by Mr. Berman indicates East Brandywine Township owns from Station 0+00, or Creek Road, to the Township line, which is in the center of the bridge and Upper Uwchlan Township owns from the center of the bridge to Station 30+00. The letter stated that the bridge was inspected on February 19, 2009 and will be placed in the Local Bridge Inspection Contract, to be inspected every two years. Mr. VanLew will request a copy of that inspection report.

Upper Uwchlan Township provided a copy of their Supervisors meeting from December 14<sup>th</sup> and 29<sup>th</sup> of 1971 noting they had received a letter from the Secretary of Transportation in regard to taking over LR 15018 and they chose not to respond. East Brandywine Township minutes from December 20, 1971 indicate receipt of the same letter. No further discussion was found in the minutes of subsequent meetings.

After review of the information provided by Mr. VanLew, the Supervisors instructed him to contact Township Solicitor Stacey Fuller, Esq. to obtain an opinion on PennDOT's abandonment of the road and how the Township should proceed with this matter. If it is determined that the bridge is jointly owned by East Brandywine Township and Upper Uwchlan Township then costs associated with maintenance will need to be jointly shared by the respective municipalities. Chairman Voltz said that if the Townships were to do maintenance on the bridge prior to resolution of this issue it should be done without prejudice.

Mr. Holmes questioned whether the Federal government might be of assistance with bridge maintenance since the Lyndell Post Office property borders the bridge. Mr. Piersol said that since the Post Office rents the space, rather than owning it, Federal government intervention isn't likely.

### Lightning Damage to Municipal Complex

On June 9<sup>th</sup> at approximately 6:40 A.M. the Township building was hit by two lightning strikes. Although it isn't certain where lightning entered the building there was substantial damage to numerous pieces of equipment.

During construction of the building numerous lightning protection measures were installed such as lightning rods, a copper ground loop surrounding the building, surge protectors and a UPS system designed to protect the computers.

The following is a list of the damaged equipment, to date:

1. The computer that controls the HVAC system.
2. The computer that controls the security system.
3. Three transfer switch controls for the backup generator power.
4. Numerous boards in the phone system.
5. Numerous boards in the security access system.
6. The phone dialer in the elevator.
7. One DVR for the video system.
8. The KVM switch in the server room.
9. One printer.

#### Horseshoe Pike Traffic

Due to the closure of the bridge on East Reeceville Road, west of Bollinger Road, traffic has increased substantially on Horseshoe Pike. This is evident during both the evening and morning rush hours. Mr. VanLew sent a letter to PennDOT requesting a temporary extension of time for Horseshoe Pike at the Bondsville/Hopewell Road intersection and the same for the Culbertson Run Road intersection. Mr. Lutz of the PennDOT Traffic Unit agreed to extend the morning green on Horseshoe Pike at Hopewell Road for approximately twenty seconds. Tom Eells of West Brandywine Township agreed to extend the Culbertson Run light for an additional ten seconds.

Mr. VanLew reported that these minor changes to the traffic signals at these two locations have improved the delay time considerably. He thanked PennDOT and Mr. Paul Lutz for their cooperation.

#### PennDOT Utilities Meeting

Mr. Piersol and Mr. VanLew attended a meeting at the West Goshen Municipal Building for a discussion of utility companies providing emergency work on PennDOT roads. According to PennDOT, utility companies are required to provide traffic control while working on any road, whether State or Township. PennDOT recommends that traffic control for emergency work on their roads not be provided by municipal road crews, local police and fire police. They also recommended that if municipal forces must be used, the utility should be invoiced accordingly.

Township officials attending the meeting prefer providing assistance in closing roads or clearing a hazard rather than allowing residents to be subject to a dangerous situation. Oftentimes, there can be long delays between the need for traffic control and when PennDOT employees or the utility company employees arrive at the scene to provide this service. PennDOT decided to schedule a future meeting with utilities companies to discuss traffic control and their responsibilities. Mr. VanLew said that the primary utility companies in question are PECO, Verizon, Comcast and Aqua Pennsylvania.

Chairman Voltz suggested that this issue be discussed with Congressman Gerlach since PennDOT receives Federal funding. He also said that the Township, Police and Fire Departments may incur liability if they assist in PennDOT or utility company road closures. He asked that Mr. VanLew explore this on behalf of the Township.

#### Hopewell Road/Creek Road Intersection

Although approved in March of this year, the all-way stop signs have not been installed by PennDOT. They have been contacted about requesting a schedule for installation.

#### **Brandywine Conservancy Proposal for Grant Writing for the Brown Property**

Mr. Piersol received a proposal from the Brandywine Conservancy to prepare a grant application and conservation easement for a portion of the Brown Property on Dilworth Road. Brandywine Conservancy has worked with the Township on numerous projects including an earlier acquisition of an easement on a portion of the Brown farm in 1990, which is now part of the Township's Community Park. Mr. Piersol hopes to fund the conservation easements and a portion of the property for a trail to Ferndale Lane through grants, DCNR and the Open Space Referendum account.

Mr. Fischer questioned whether the Township wants to have the grant application prepared at this point because there isn't an agreement with the Brown family. Mr. Piersol said that he hopes to speak to Mr. and Mrs. Brown this weekend. Also, the deadline to submit the grant is July 17th, which doesn't leave a lot of time to finalize an agreement with the Browns. Vice-Chairman Kirkner asked from which account the fund would come to pay for the proposal. Mr. Piersol said the funds used would be from the Open Space Referendum account.

Chairman Voltz made a motion to approve the Brandywine Conservancy proposal for grant writing for the Brown property in the amount of \$6,840.00 with the condition that the application is completed and submitted before the July 17<sup>th</sup> deadline. Mr. Kirkner seconded the motion, with all voting Aye.

#### **Resolution 15 of 2009 – Chester County Grant**

This Resolution allows East Brandywine Township to file a grant application for Chester County Municipal Grant assistance and authorized Mr. Piersol to execute and file the appropriate forms with the Chester County Department of Open Space Preservation. Mr. Piersol has requested a waiver from the Open Space Preservation Departments rules that grant funds may not be used retroactively for projects started before the award of the grant. Chairman Voltz made a motion to adopt Resolution 15 of 2009. Mr. Kirkner seconded the motion, with all voting Aye.

#### **Request for 2009 Grant Assistance – Adult Care of Chester County**

Adult Day Care of Chester County, Inc. has requested a grant of \$2,000 from East Brandywine Township in order to offer day care services to local adults. Mr. Piersol asked Mrs. Smedley to contact the group to determine the number of Township residents who use their services.

Patricia Stull, President and CEO of the organization said that one Township resident is currently registered with the program and she estimates that they have had 19 residents participate in their program over the past 10 years. After review of the information provided the Board asked Mr. Piersol to send a letter denying their request for 2009 and suggesting that if the organization is interested in being considered for a grant in 2010 they should request that in the fall.

#### **Establishment of a 501(c)(3) Charitable Trust for East Brandywine Township**

Mr. Kirkner explained that establishing this Charitable Trust will allow the Township access to grants and funding for improvements of our parks, trails and the Bondsville Mill. The first step in the process is to complete the forms for incorporation. Chairman Voltz and Vice-Chairman Kirkner will complete the appropriate paperwork on behalf of the Township. Vice-Chairman Kirkner said that the costs to complete application to submit to the IRS will be approximately \$875.00. The trust will be a separate entity from East Brandywine Township and will be named the East Brandywine Foundation. Once the Foundation is created it will be headed by a Board of Directors and will have its own separate bank account.

#### **Announcements**

The East Brandywine Township Non-Uniform Pension Commission will meet immediately following the August 6, 2009 Work Session.

The Board of Supervisors will meet immediately after the conclusion of this meeting to discuss matters related to the dissolution of the Brandywine Regional Police Commission.

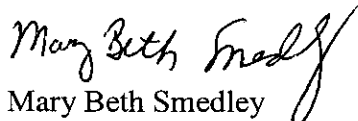
#### **Comments from the Audience**

Chairman Voltz asked if there were questions or comments from the audience. There were none.

#### **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 A.M.

Respectfully submitted,



Mary Beth Smedley  
Secretary/Treasurer